



BUSINESS PAPER

ORDINARY MEETING

Thursday 16 August 2018

6.00pm

Council Chambers, 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

8 August 2018

Councillors

Dear Members

Ordinary Meeting of Council

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 16 August 2018** in the **Council Chambers, Crookwell** commencing at **6.00pm**.

Your presence is requested.

Yours faithfully



Gary Woodman
Acting 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.

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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 Office 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 19 July 2018.....	12
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UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 JULY 2018

PRESENT: Mayor B McCormack OAM (Chairperson), Clr P Culhane, Clr R Opie, Clr J Stafford, Clr J Wheelwright, Clr R Cummins, Clr J Searl, Mr G Woodman (Acting General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning) and Ms S Pearman (Administration Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for the absence of Clr D O'Brien and Clr P Kensit.

190/18 **RESOLVED** by Clr Searl and Clr Wheelwright that the apologies be received and the leave of absence granted.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr Richard Opie – Declared a Pecuniary Interest in Item 11.5 – Streetscape Advisory Committee as he is a part owner of a property in the main street and will make the declaration, leave the Chamber and not return until the matter is resolved.

Clr Richard Opie – Declared a Pecuniary Interest in Item 18.5 – Effect of Deferment of Traffic Study as he is a part owner of a property in the main street and will make the declaration, leave the Chamber and not return until the matter is resolved.

Clr Richard Opie – Declared a Non-Pecuniary Interest in Item 19.1 – Health Care Centre Crookwell as the Health Care Centre lessees are work colleagues and will make the declaration, leave the Chamber and not return until the matter is resolved.

Clr Brian McCormack – Declared a Non - Pecuniary Interest in Item 18.2 – Local Road Classification due to being a partner in a trucking transport

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business and will make a declaration, stay in the Chamber, participate in the debate, and vote.

SECTION 4: CONFIRMATION OF MINUTES

191/18 **RESOLVED** by Clr Searl and Clr Wheelwright

That the minutes of the Ordinary Council Meeting held on 21 June 2018 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

192/18 **RESOLVED** by Mayor McCormack and Clr Searl

That Council receive and note the activities attended by the Mayor for June/July 2018.

- CARRIED

HEAVY VEHICLE STATION

A motion was moved by Clr Opie and Clr Stafford that the Director of Works present a report to Council in relation to the outcome of the meeting with RMS HVIS on the scope, cost and timing and impact on access roads to the Council works depot and the status of HVIS generally in the shire.

On being put to the meeting the motion was carried.

193/18 **RESOLVED** by Clr Opie and Clr Stafford that the Director of Works & Operations present a report to Council in relation to the outcome of the meeting with RMS HVIS on the scope, cost and timing and impact on access roads to the Council works depot and the status of HVIS generally in the shire.

- CARRIED

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SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Mr Peter Simpson – Crookwell Heritage Railway.

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF JULY 2018

194/18 **RESOLVED** by Clr Searl and Clr Wheelwright

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

1. Department Planning & Environment – Snowy 2.0 Transmission Line Project.

195/18 **RESOLVED** by Clr Cummins and Clr Wheelwright that Council writes to the Department of Planning and Environment and invites the Department to Council to give a briefing on the project and provide further details about the Critical State Significant Infrastructure assessment process.

- CARRIED

2. NSW Public Libraries Association – Media Release – Public Libraries Appalled by NSW Government Funding Cuts.

196/18 **RESOLVED** by Clr Searl and Clr Wheelwright that Council support the NSW public library association in seeking that the NSW government reverse their funding decision with appropriate correspondence to be provided to the local member, relevant State Government Minister and Premier on the issue.

- CARRIED

3. Audit Office of NSW – Audit Arrangements for 2018/2019 & beyond.
4. Bigga Progress Association – Waste Transfer Station – Mobile Phone Coverage – Bigga Hall.

197/18 **RESOLVED** by Clr Culhane and Clr Wheelwright that Council makes a submission to the Minister in support of the Bigga Community to have their black spot considered under Round Four of the Mobile Black Spot Program.

- CARRIED

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5. Frank Startari – Mobile Black Spot Program – MR 256 Taralga – Oberon Road.

198/18

RESOLVED by Cllr Cummins and Cllr Stafford that Council makes a submission to the Minister in support of the Curraweela Community to have their black spot considered under Round Four of the Mobile Black Spot Program.

- CARRIED

6. Jo Marshall – Rap Up – Why it is great to be alive – Youth Council.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

SECTION 9: INFORMATION ONLY

ITEM 9 INFORMATION ONLY

199/18 **RESOLVED** by Cllr Searl and Cllr Cummins

1. That Items 9.1, 9.4, 9.5, 9.6, 9.7, 9.8 and 9.9 be received and noted.

- CARRIED

The Mayor asked Councillors to identify any items of business listed that they wish to speak on – Cllr Cummins indicated that he wished to speak on items 9.2, 9.3 and 9.12, Cllr Opie indicated that he wished to speak on items 9.3 and 9.11 and Cllr Culhane indicated that he wished to speak on item 9.10.

ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTH OF JUNE 2018

A motion was moved by Cllr Opie and Cllr Cummins

1. That the Acting General Manager provide a report to Council detailing any class 2-9 buildings that have been issued with a Development Approval and have not been issued with an Occupation Certificate and are being illegally used and what resources are required to take appropriate action.

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On being put to the meting the motion was lost.

Moved by Clr Opie and Clr Cummins that a division is called

Councillors who voted for:- Clrs R Cummins, R Opie and J Stafford

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

ITEM 9.3

SWIMMING POOL REPORT FOR 2017/2018

A motion was moved by Clr Cummins and Clr Opie

1. That Council receive and note the report as information.
2. That the Acting General Manager present a report to Council on the feasibility of Council applying for a grant under the Office of Responsible Gambling Community Infrastructure Grants Scheme for improvements including the possibility of providing a Hydrotherapy Pool in Crookwell.

On being put to the meeting the motion was lost.

Moved by Clr Cummins and Clr Opie that a division be called

Councillors who voted for:- Clrs R Cummins, R Opie and J Stafford

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

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**ITEM 9.10 NSW AUDIT OFFICE PERFORMANCE AUDIT – FRAUD
CONTROLS IN LOCAL COUNCILS**

200/18 RESOLVED by Clr Culhane and Clr Searl

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

- CARRIED

ITEM 9.11 ACTION SUMMARY – COUNCIL DECISIONS

201/18 RESOLVED by Clr Cummins and Clr Opie

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

- CARRIED

ITEM 9.12 GRANTS REPORT

A motion was moved by Clr Cummins and Clr Opie

1. That Council receive and note the report as information.
2. That the Acting General Manager present a report to Council in relation to obtaining a grant under the Building Better Regions Fund Community Investments Stream for the undertaking of a feasibility study and business case of connecting natural gas to the villages of Gunning and Crookwell.

On being put to the meeting the motion was carried

202/18 RESOLVED by Clr Cummins and Clr Opie

1. That Council receive and note the report as information.
2. That the Acting General Manager present a report to Council in relation to obtaining a grant under the Building Better Regions Fund Community Investments Stream for the undertaking of a feasibility study and business case of connecting natural gas to the villages of Gunning and Crookwell.

- CARRIED

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

ITEM 10.1 DEVELOPMENT APPLICATION NO. 2/2018 - SUBDIVISION OF LAND AND CARRYING OUT OF WORKS TO CREATE THREE (3) LOTS FOR THE PURPOSE OF DWELLING HOUSES - LOT 8 DP 1213731 34 MCGAW ROAD, CROOKWELL

203/18 RESOLVED by Clr Wheelwright and Clr Searl

That Council determine Development Application No. 2/2018 by granting approval, subject to the following conditions:

PART 1 - GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term ‘applicant’ means any person who has the authority to act on the development consent.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application and the following stamped approved development drawings, including any notations or amendments marked by Council in red.
- Plan of Proposed Subdivision – Lot 8 DP 1213731 34 McGaw Road Crookwell dated 6 October 2017 Job Reference 2976 prepared by DPS
 - Plan of Proposed Driveway to Subdivision – Lot 8 DP 1213731 34 McGaw Road Crookwell dated 6 October 2017 Job Reference 2976 prepared by DPS
 - Landscape plan and proposed water main supply 34 McGaw Road – Proposed 3 lot subdivision – dated 27 March 2018
 - Plan showing approximate location of access within ROW – 34 McGaw Road dated 27 March 2018

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- Letter to Upper Lachlan Shire Council dated 27 March 2018 with Statement of Commitments for screen tree planting and bitumen sealing of ROW
- (2) In accordance with the provisions of S7.11 of the *Environmental Planning and Assessment Act 1979* the following contributions are to be paid to Council for two (2) new allotments in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Upper Lachlan Development Contributions Plan 2007:

Road	\$18,930.00
Waste Management	\$1,040.00
Open Space & Recreation	\$1,642.00
Community Facilities	\$2,846.00
Emergency Services	\$1,310.00
Plan Administration	\$356.00

TOTAL **\$26,124.00**

The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

Note these contributions are to be adjusted for the 2018/2019 financial year

- (3) In accordance with the provisions of S64 of the Local Government Act, 1993 and S306 of the Water Management Act, 2000 contributions are required toward the provision of water, sewer and stormwater infrastructure in accordance with the Upper Lachlan Development Servicing Plan 2008 to financially assist in the provision of infrastructure identified as necessary as a result of the development.

The current contributions under the Upper Lachlan Development Servicing Plan 2008 for water infrastructure services are as follows (2017/2018):

Water supply Charge:	\$7,846.00
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TOTAL: **\$7,846.00**

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

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Note these contributions are to be adjusted for the 2018/2019 financial year

- (4) The proposed access between the end of McGaw Road and the property boundary is to be constructed to a minimum of 200mm compacted gravel thickness with a two coat bituminous seal.
- (5) The proposed internal Right –of – Way servicing proposed Lots 2 and 3 is to be constructed to a minimum 4 m wide formation with 150mm compacted gravel with a bituminous seal.
- (6) A water main extension is required to service the lots. Engineering details of the proposed water reticulation system are to be submitted to Council for approval. Water main extensions works shall be carried out at no cost to Council. As the work involves work on Council owned infrastructure, only Council or Council approved contractor can undertake this work.

All work is to be completed to the Water Supply Code of Australia and to the satisfaction of Council as the water authority.

PART 2 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principle certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (7) No construction certificate shall be granted for any building or subdivision work in the development unless details, specifications and drawings submitted with the application for construction certificate reflect consistency with the development consent, including the stamped approved development drawings.
- (8) No construction certificate shall be granted for any subdivision work in the development unless three (3) copies of detailed engineering drawings of the subdivision work, prepared by a suitably qualified and experienced civil engineering professional and consistent with the development consent and associated stamped approved development drawings, have been submitted to and approved by Council.
- (9) No construction certificate shall be granted for any building or subdivision work in the development unless the name, details of qualifications, and contact details of a suitably qualified civil

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engineer, appointed to supervise work carried out in the development, have been submitted in writing to Council.

In this regard, all work carried out in the development shall be supervised by the appointed civil engineer on a daily basis (or as agreed to with the Principal Certifying Authority). The supervising engineer shall ensure compliance with and adherence to all approved specifications and design plans, and shall be responsible for quality control of work in general.

PART 3 - PRIOR TO COMMENCEMENT OF WORK

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.

- (10) No building or subdivision work in the development shall commence unless the following provisions of section 81A of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
 - a) A construction certificate for the building or subdivision work concerned shall be obtained; and
 - b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
 - c) Council shall be notified in writing at least two days prior to building or subdivision work commencing.
- (11) The development must not commence until the applicant has subsequently given Council a "Commencement of Subdivision Work" Notice and advised that Council or an Accredited Certifier has been appointed as the Principal Certifying Authority.
- (12) No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
 - a) Diversion of uncontaminated run-off around cleared or disturbed areas, and
 - b) Erection of silt fencing to prevent debris escaping into drainage systems and waterways, and
 - c) Prevention of tracking of sediment by vehicles onto roads, and
 - d) Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

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The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

PART 4 - DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

- (13) Building, demolition and/or subdivision work in the development shall be carried out only:
- a) On Mondays to Fridays between 7:00 AM and 6:00 PM, and
 - b) On Saturdays between 7:00 AM and 1:00 PM if inaudible on residential premises, otherwise 8.00 AM to 1.00 PM.
 - c) No building, demolition and/or subdivision work in the development shall be carried out on Sundays or public holidays.
- (14) At least 48 hours notice shall be given to Council for inspection of any of the following works in the development:
- a) Roadworks
 - b) Sub-grade earthworks prior to gravel
 - c) Kerb & gutter completed
 - d) Gravel test results available
 - e) Compacted gravel base completed
 - f) Sealing completed

No subdivision certificate shall be granted for the development unless each of the above components of work has been completed to the satisfaction of Council's Works and Operations Department.

- (15) All work is to be undertaken in accordance with the documentation required and approved under this Consent.
- (16) The developer is responsible for ensuring all erosion and sediment control measures are implemented in accordance with the approved plan.

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- (17) Vehicles and equipment associated with the subdivision work in the development shall be located to minimise potential adverse impact on residential amenity in the locality.
- (18) Building, subdivision and other works shall be supervised by a suitably qualified and experienced Civil Engineer on a daily basis. The supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of all works.
- (19) Alterations to natural surface contours shall not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.
- (20) Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.

PART 5 - PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE
The following conditions of consent must be complied with prior to the issue of a subdivision certificate by the principle certifying authority. All necessary information to comply with the conditions of consent must be submitted with the application for subdivision certificate.

- (21) A Subdivision Certificate must be applied for and released prior to the registration of the Plan of Subdivision with Land and Property Information New South Wales. A Subdivision Certificate will only be signed when each condition has been satisfied. Compliance with conditions must be achieved either by completion of the required physical works, meeting requirements or compliance with Council procedures (eg. lodging a bond or bank guarantee for incomplete works).

ADVISING - Current fee (2017/18) for the Subdivision Certificate is \$356.00.

- (22) Any Subdivision Certificate application to Council shall be accompanied by:
 - a) The original Final Plan of Subdivision, including indication of the locations of any easements and permanent improvements on one print, and
 - b) At least five (5) copies of the Final Plan of Subdivision, and

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- c) A corresponding Deposited Plan Administration Sheet ("Plan Form 6") including a schedule of addresses in accordance with clause 60 of the Surveying and Spatial Information Regulation 2012.
- (23) No Subdivision Certificate shall be granted for the development unless Council has been supplied with written evidence from Essential Energy or a suitably certified or accredited person that an electricity supply service has been made available to each lot.
- (24) No Subdivision Certificate shall be granted for the development unless Council's applicable "Works and Operations Inspection Fee Relating to a DA" has been paid to Council.
- (25) No subdivision certificate shall be granted for the development unless, if survey identifies that any public road encroaches on the land to be subdivided, the affected land is dedicated as public road.
- (26) At the conclusion of the construction works, works-as-executed (WAE) drawings must be submitted to Council. These drawings are required before the subdivision plans will be released. The preferred format for WAE drawings is on computer disk using Autocad software.
- (27) No subdivision certificate shall be granted for the development unless written evidence has been submitted to Council from Telstra, or a Telstra authorised contractor, including:
 - a) A plan of the development area including current records of Telstra network and associated information relating to Telstra assets;
 - b) Written advice specific to any indicated Telstra assets within the property.
- (28) Under Clause 60 (c) of the *Surveying and Spatial Information Regulation 2012*, no subdivision certificate will be granted with respect to the development unless:
 - (a) Application is made to Council for allocation of an address to each of the approved lots, and
 - (b) Council has allocated an address to each approved lot

The current 2018/19 financial year application fee for Council to allocate and provide an address number will apply.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 JULY 2018

PART 6 - ON-GOING

Nil

PART 7 - AGENCY CONDITIONS

Nil

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

Councillors who voted against:- Nil

- CARRIED

The meeting adjourned the time being 8.00pm
The meeting resumed the time being 8.05pm

SECTION 11: WORKS AND OPERATIONS

ITEM 11.1 COMPULSORY ACQUISITION OF LANDS AT COMMISSIONERS CREEK, LAGGAN ROAD TARALGA

204/18 **RESOLVED** by Clr Searl and Clr Wheelwright

1. That the acquisition be carried out by compulsory process in accordance with the Roads Act 1993, and;
2. That Council seeks the consent of the Governor of NSW and Minister of Local Government to compulsory acquire Lots 6 – 8 (inclusive) DP1203896 in the Parish of Tyrl Tyrl for the purposes of road widening under the Roads Act 1993, and to pay compensation under the provisions of the Land Acquisition (Just Terms) Compensation Act 1991; and
3. That Council authorise the Mayor and General Manager to sign and affix the seal of Council to the documents relating to the transaction, as required.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
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**ITEM 11.2 PROPOSED ROAD NAMES IN THE PINEGROVE ESTATE
SUBDIVISION MCINTOSH ROAD CROOKWELL**

205/18 RESOLVED by Clr Searl and Clr Culhane

1. That Council endorse the proposed road names as nominated by the developer in an email dated 19 June 2018, namely, "Graham Crescent" and "McGeechan Street".

- CARRIED

ITEM 11.3 REQUEST FOR SWING EQUIPMENT - BARBOUR PARK GUNNING

206/18 RESOLVED by Clr Searl and Clr Stafford

1. That Council allocates \$8,560 from S94 Open Space Restricted Reserve Gunning towards the purchase and installation costs towards the Parent/Baby Swing at Barbour Park, and;
2. That Council accepts the contribution from the Gunning District Association of \$1,500 towards the swing.

- CARRIED

**ITEM 11.4 REQUEST TO ENLARGE THE SCOPE - RECONSTRUCTION AND
INITIAL SEALING OF BANNISTER LANE**

207/18 RESOLVED by Clr Searl and Clr Stafford

1. That Council allocates an additional \$140,000 from the savings from the 2017/18 Operational Plan works on the Boorowa Road Project to fund the additional scope of works on the Bannister Lane Reconstruction and Initial Sealing Project.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
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The time being 8.10pm Clr Opie left the meeting in accordance with his Declaration of Interest.

ITEM 11.5 STREETScape ADVISORY COMMITTEE
208/18 RESOLVED by Clr Searl and Clr Cummins

1. That Council creates a Streetscape Advisory Committee under Section 355 of the Local Government Act 1993 that consists of three Community Representatives from the Upper Lachlan Shire appointed by Council following appropriate expressions of interest, three Councillors and three Council staff (General Manager, Director Works and Operations and Project Manager);
2. That the Streetscape Advisory Committee has the primary responsibility for higher level guidance not operational matters in relation to the Streetscape Project, to provide advice to Council and to act as a conduit between the Community and Council's Project Control Group that is responsible for delivering the Streetscape Project;
3. That Council appoint Councillors Cummins, Stafford and Searl to the Streetscape Advisory Committee.

- CARRIED

The time being 8.11pm Clr Opie returned to the meeting

ITEM 11.6 COLLECTOR STORMWATER DRAINAGE CAPITAL BUDGET
209/18 2018/2019
209/18 RESOLVED by Clr Searl and Clr Wheelwright

1. That Council fund stormwater drainage investigations, design and improvement works in the Village of Collector up to a total value of \$240,000 within the 2018/19 Operational Plan;

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
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SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 COUNCIL DELIVERY PROGRAM REVIEW 2017/2018
210/18 **RESOLVED** by Clr Searl and Clr Wheelwright

1. That Council adopts the Delivery Program Review for 2017/2018, period ending 30 June 2018.

- CARRIED

ITEM 12.2 REVIEW OF THE CORPORATE CREDIT CARD POLICY
211/18 **RESOLVED** by Clr Searl and Clr Culhane

1. That Council adopts the reviewed Corporate Credit Card Policy.

- CARRIED

SECTION 13: GENERAL MANAGER

ITEM 13.1 MAYORAL AND COUNCILLORS' REMUNERATION
212/18 **RESOLVED** by Clr Searl and Clr Wheelwright

1. That Council notes the determination of annual fees by the Local Remuneration Tribunal for Councillors and Mayors and resolves to set a fee structure for the period 2018/2019 being, Councillors Annual Fee of \$11,860.00 and a Mayoral Fee of \$25,880.00.

- CARRIED

Moved Clr Cummins and Clr Opie that a division be called

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

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

ITEM 13.2 CONSULTATIVE COMMITTEE MEETING MINUTES

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 JULY 2018

213/18

RESOLVED by Cllr Searl and Cllr Culhane

1. That Council receives and notes the Consultative Committee Meeting Minutes as information and adopts the following recommendations contained within the Consultative Meeting Minutes:

Item 4.1 Human Resources Coordinators Report

That the Human Resources Activity report be received and noted as information.

Item 4.2 Realignment of Works and Operations

The proposed draft structure is approved for consultation with the staff, unions, and other stakeholders for a 28 day period.

- CARRIED

ITEM 13.3

**REQUEST FOR DONATION/SPONSORSHIP FOR THE
INAUGURAL SPRING SCULPTURE GARDEN FESTIVAL**

214/18

RESOLVED by Cllr Searl and Cllr Stafford

1. That Council not accede to the request for a donation/sponsorship of the inaugural Spring Sculpture Garden Festival.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
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HELD IN THE COUNCIL CHAMBERS
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ITEM 13.4 CANBERRA REGION JOINT ORGANISATION - INAUGURAL BOARD MEETING

215/18 RESOLVED by Cllr Searl and Cllr Wheelwright

1. That Council receive and note the information.
2. That Councillors provide comments if required to the Acting General Manager by Wednesday, 8 August 2018 on the Canberra Region Joint Organisation draft Charter, draft Code of Meeting Practice and Policy Payment of Expenses, Provision of Facilities and Allowances to Board Members to allow provision of collated comments to the Interim Executive Officer of the Canberra Region Joint Organisation by close of business 10 August 2018.

- CARRIED

SECTION 14: LATE REPORTS

Nil

SECTION 15: REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

ITEM 15.1 REPORTS FOR THE MONTH OF JULY 2018

216/18 RESOLVED by Cllr Searl and Cllr Culhane

That Item 15.1 - [Minutes of Committee/Information] listed below be received:

1. Pye Cottage Committee – Minutes from meeting held 21 May 2018
2. Collector Oval Committee – Minutes from meeting held 24 May 2018.
3. Audit, Risk and Improvement Committee – Minutes from meeting held 20 June 2018.

ITEM 4.1 COUNCIL INVESTMENTS PORTFOLIO TO 31 MAY 2018

RECOMMENDATION:

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

UPPER LACHLAN SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 JULY 2018**

**ITEM 4.2 NSW AUDIT OFFICE FINANCIAL AUDIT –
REPORT ON LOCAL GOVERNMENT 2017**

The NSW Audit Office on Local Government 2017 for financial audits is received and information noted.

**ITEM 4.3 2017/2018 NSW AUDIT OFFICE INTERIM
MANAGEMENT LETTER TO COUNCIL**

The NSW Audit Office Management letter on the conduct of the interim audit for the year ended 30 June 2018 be received and Council management responses be endorsed.

**ITEM 4.4 LOCAL GOVERNMENT ACCOUNTING CODE
UPDATE 2017/2018**

The report in the Local Government Code of Accounting Practice and Financial Reporting Guidelines be received and the information noted.

ITEM 4.5 ITEMS FOR DISCUSSION BY CHAIRPERSON

The Audit, Risk and Improvement Committee Chairperson report be received and noted as information.

217/18

RESOLVED by Cllr Searl and Cllr Culhane that items 4.1 to 4.5 of the Audit, Risk and Improvement Committee be adopted.

- CARRIED

4. South East Australian Transport Strategy Inc (SEATS) – Minutes from meeting held 17 – 18 May 2018.
5. Local Emergency Management Committee – Minutes from meeting held 5 July 2018.

- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

Nil

SECTION 17: NOTICES OF MOTION

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
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SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 EXPENDITURE - ROAD CONSTRUCTION AND LANDFILL

Refer to the Business Paper for Council Meeting held 19 July 2018 for the General Manager's comments.

ITEM 18.2 LOCAL ROAD CLASSIFICATIONS

Refer to the Business Paper for Council Meeting held 19 July 2018 for the General Manager's comments.

ITEM 18.3 FIRE SAFETY STATEMENTS

A motion was moved by Clr Cummins and Clr Opie that the Acting General Manager presents a report to Council on what actions Council needs to take to ensure that all Class 2-9 Buildings in the Shire have appropriate Fire Safety Statements.

On being put to the meeting the motion was lost.

Moved Clr Cummins and Clr Opie that a division be called

Councillors who voted for:- Clrs R Cummins, R Opie and J Stafford

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

ITEM 18.4 COUNCIL INVESTMENT FUND

Refer to the Business Paper for Council Meeting held 19 July 2018 for the General Manager's comments.

The time being 9.05pm Clr Opie left the meeting in accordance with his declaration and did not return.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
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ITEM 18.5 EFFECTS OF DEFERMENT OF THE TRAFFIC STUDY

Refer to the Business Paper for Council Meeting held 19 July 2018 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:*

218/18 RESOLVED by Clr Searl and Clr Stafford

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 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 10(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 9.11PM and the public, staff and press left the chambers.

219/18 RESOLVED by Clr Searl and Clr Culhane

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

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 JULY 2018

Open Council resumed at 9.20PM.

Resolutions from the Closed Council Meeting

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

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 HEALTH CARE CENTRE CROOKWELL - LEASE RENEWAL
220/18 RESOLVED by Cllr Searl and Cllr Culhane

1. That Council agrees to renew the lease for the Health Care Centre at 17 Kialla Road, Crookwell for a further 5 year period with an option to renew for further 5 year period on the basis of the draft lease attached to the report.
2. That the Acting General Manager be delegated the authority to negotiate with the Lessee's on the basis of the minimum requirements in regard to rental and outgoings that are detailed within the draft lease attached to the report.
3. That the Mayor and Acting General Manager be authorised to sign the final lease agreement under seal of Council.

- CARRIED

THE MEETING CLOSED AT 9.24PM

Minutes confirmed 16 AUGUST 2018

.....
Mayor

5 MAYORAL MINUTES

The following item is submitted for consideration -

5.1	Mayoral Minute	36
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Mayoral Minutes - 16 August 2018

ITEM 5.1 Mayoral Minute

FILE REFERENCE I18/375

JULY

- | | |
|---------|--|
| 10 July | Accepted Defibrillator from Rotary for Caravan Park |
| 14 July | Attended a Peelwood Road Meeting at Peelwood |
| 15 July | Attended the official opening of Maureen Lyneham Memorial seat in Crookwell |
| 19 July | Attended the Council ordinary meeting in Crookwell |
| 26 July | Met with Angus Taylor regarding mobile coverage and discussed the proposed transport hub in Gunning |
| 30 July | Attended meeting at Bathurst for launch of NSW Government's 20 year Economic Vision for Regional NSW. Inspected Main Road 54 Goulburn – Tuena and Main Road 256 Tablelands Way |
| 31 July | Met with Prue Goward regarding the Collector Village Strategic Plan funding, Wombeyan Caves Road, Peelwood Road and Main Road 256 Tablelands Way |

AUGUST

- | | |
|----------|--|
| 2 August | Travelled to Sydney for meeting |
| 3 August | Country Mayors Meeting at Parliament House in Sydney |

7 CORRESPONDENCE

The following item is submitted for consideration -

7.1	Correspondence for the month of July 2018	38
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Correspondence - 16 August 2018

ITEM 7.1

Correspondence for the month of July 2018

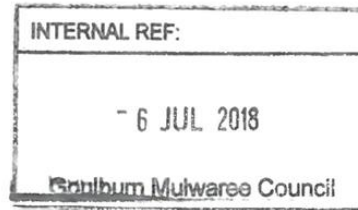
RECOMMENDATION:

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

1. Department of Premier and Cabinet – Support for Goulburn to Crookwell Rail Trail.
2. Bega Valley Shire Council – Letter of thanks to Council – Tathra & District March 2018 Bushfire.
3. Mr Bryan Kennedy – Compliments to staff for work carried out on footpath at 169 Goulburn Street, Crookwell.
4. Robert Churchill – Thanks to Council staff for cleaning up Depot and keeping clean.
5. Grabben Gullen Community Progress Association – Mobile Black Spot Program – Request for Council support.
6. Crookwell & District Historical Society – Submission of support to reduce fees for DA 126/2017 – Stephenson's Mill, Roberts Street Crookwell.

ATTACHMENTS

1. ↓	Department of Premier and Cabinet - Support for Goulburn to Crookwell Rail Trail	Attachment
2. ↓	Bega Valley Shire Council - Letter of Thanks to Council - Tathra & District March 2018 Bushfire	Attachment
3. ↓	Mr Bryan Kennedy - Compliments to staff for work carried out on footpath at 169 Goulburn Street	Attachment
4. ↓	Robert Churchill - Thanks to Council staff for cleaning up depot and keeping it clean	Attachment
5. ↓	Grabben Gullen Community Progress Association Inc - Mobile Black Spot Program - Request for Council Support	Attachment
6. ↓	Crookwell & District Historical Society - DA 126/2017 - Submission of Support to Reduce Contribution Fees - Stephenson's Mill - Adaptive Reuse Development - 19 Roberts Street Crookwell	Attachment



SCANNED

Reference: A2611205

Cr RJ (Bob) Kirk
Mayor
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Goulburn to Crookwell Rail Trail


Dear Councillor

I know your passion for the proposed Goulburn to Crookwell Rail trail. As you know, the Government supports in principle the development of rail trails on disused rail lines where there is strong local community support. Rail trails have the potential to unlock scenic regional areas for tourists thereby creating jobs in local communities.

The Department has provided support to progress this project through the community consultation event in Goulburn on 19 February 2018 and the offer of further support for community consultation, if required.

To ensure this project continues to progress, I am also pleased to be able to offer support for development of the business case for the proposed Goulburn to Crookwell rail trail to help ensure the project is better placed to be successful in future funding applications.

Please contact Rhonda Lawrie, Business Development Manager - South East, Department of Premier and Cabinet (rhonda.lawrie@dpc.nsw.gov.au or 0407 960 667) to discuss the support arrangements.

Yours sincerely


Gary Barnes
Deputy Secretary

6/07/2018



Ref:

11 July 2018

Mayor Brian McCormack
Mr Gary Woodman, Acting General Manager
Upper Lachlan Shire council
PO Box 42
GUNNING NSW 2581

Dear Mayor McCormack and Mr Woodman

Thank you

On behalf of the Bega Valley Shire Council and the community of the Shire, particularly those of Tathra, Vimy Ridge and Reedy Swamp, thank you for your kind thoughts and generous offers of assistance in supporting Council in one of its greatest times of need following the devastating March 18 Bushfire.

The Tathra and District community lost an unprecedented number of houses with many more damaged. Fortunately there was no loss of life and for that we can all be thankful.

There is an amazing positive recovery taking place in our community as blocks are cleared and residents commence planning the rebuild of their homes and lives, but the road to recovery is a long one. Upper Lachlan Shire Council's kind thoughts and generous offers of assistance have played a vital role in this recovery.

Council has been supported by the Recovery Coordinator Euan Ferguson, Office of Emergency Management staff, staff from a range of other State agencies, local community organisations, not for profit groups, and businesses. We have also received financial support to fund the clean-up and now the emotional support for those impacted which is our highest priority.

On behalf of the Councillors, staff and the community, thank you for your contribution to our recovery journey.

Yours sincerely

Cr Kristy McBain
Mayor

PO Box 492, Bega NSW 2550
P. (02) 6499 2222
F. (02) 6499 2200
E. council@begavalley.nsw.gov.au
www.begavalley.nsw.gov.au
ABN. 26 987 935 332
DX. 4904 Bega

UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
16 JUL 2018
File No:

UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
25 JUL 2018
File No:

24 Colyer St,
Crookwell
25th July 2018.

The Director of Works ULSC

Dear Sir,

I am writing to compliment your staff for the work carried out to the footpath in front of my premises at 169 Goulburn St.

The old bitumen was worn out and very rough but the Wheelchair Access was beyond expectations. The elevation from Goulburn St. made it very awkward but they overcame the problem and left the site in good condition.

A grateful ratepayer
BRYAN KENNEDY

B. Kennedy.

Gary Woodman

CE2018/2764

From: Jennie Churchill <jenniechurchill29@gmail.com>
Sent: Wednesday, 1 August 2018 10:53 AM
To: Upper Lachlan Shire Council
Subject: Re Council Depot - message for Mr Shah

Please forward this message to Mr Mursaleen Shah:

Dear Mr Shah

We would like to pass on how impressed we are with the Council depot in Spring Street. Since it has been cleaned and tidied it has made such a difference to see the depot being cared for and maintained. And for people such as ourselves who walk past the depot regularly, it is now a pleasure to pass by.

Kind regards

Jennie and Rob Churchill

Jennie Churchill
0419 417 856
jenniechurchill29@gmail.com

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

2/08/2018

Gary Woodman
Acting General Manager
Upper Lachlan Shire Council
P.O. Box 42
Gunning NSW 2581

Dear Garry,

The Grabben Gullen Community Progress Association seeks the support of the Upper Lachlan Shire Council getting Grabben Gullen on the Australian Governments **Mobile Black Spot Program**.

Kind regards

Scott Montgomery
President
Grabben Gullen Community Progress Association Inc.

Crookwell & District Historical Society
Email: crookwellhistsoc@yahoo.com.au
Ph:0248 320630

UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
- 7 AUG 2018
File No:

F.T.A.O. Mr G. Woodman, Acting C.E.O. U.L.S.C.

2/8/2018

Dear Sir,

We are writing to the U.L.S. Councillors to support the request of Susan Hutton to have the development rates changed on Stephenson's' Mill restoration project, with the objective their being waived or, at least, reduced.

The Historic Mill has been derelict for many decades and this is a wonderful, maybe last chance, to rescue it for the whole town.

According to the Report on Stephenson's Mill for the Department of Environment & Planning & Crookwell Shire Council dated 1987:-

"Milling of the wheat became important and, to supplement the Laggan Mill, the material for building a mill in Crookwell's township was being secured as early as 1869. Anthony Stephenson commenced building the mill early the following year and to give recognition to the district's most important product, George Bearchal named his inn, about two miles along the Cotta Walla Road from Crookwell, the 'Wheat Sheaf Inn'.

The above statement taken directly from that Report shows Stephenson's Mills significance to the town and our community.

Unfortunately, Crookwell has lost many of its oldest buildings and together with the forced modernisations of the past, including the removal of the wrought iron verandahs, the town has been left with few buildings of note.

Susan Hutton is investing many dollars on this project, which when completed, together with the proposed work on the adjacent Horse & Hounds Hotel, will enhance the appearance of this important area of the town.

Members of the Historical Society were invited, along with Brian McCormack, to visit the 'old mill' last Friday and were shown that all utilities were already connected. Therefore, being that this is not a new build and its restoration will benefit the whole community, it should not incur new build fees.

The restoration of Stephenson's Mill requires a number of huge rafters to be obtained and fitted to keep true to the original structure. To obtain and fit these beams will prove very costly.

The Historical Society has noted a marked increase in visitors to our Archives. The main reason for their visit to this area is that Crookwell is now an historical destination.

Council, in looking to the future of Crookwell's Tourist industry, should seriously consider a waiver or considerable reduction in any Development Fee they put on one of our oldest buildings and look at their decision as an investment towards the future of the town.

Yours sincerely,

The Crookwell Historical Society

President:-



Bryan Kennedy.

Secretary:-



Jenny Painter

9 INFORMATION ONLY

The following items are submitted for consideration -

9.1	Monthly Weeds Activities Report	48
9.2	Development Statistics for the month of July 2018	52
9.3	PAK Fresh Report	59
9.4	Asset Management Committee	61
9.5	Investments for the month ending July 2018	65
9.6	Bank Balance and Reconciliation - 31 July 2018	69
9.7	Rates and Charges outstanding as at 31 July 2018	70
9.8	NSW Audit Office - Performance Audit Insights Report on Key Findings 2014-2018	73
9.9	Webcasting technology use for Council Meetings	76
9.10	Meeting with Hon. Angus Taylor MP, Federal Member for Hume	82
9.11	Meeting with Hon. Pru Goward MP, Member for Goulburn	84
9.12	Grants Report	86
9.13	Action Summary - Council Decisions	91

Information Only - 16 August 2018

ITEM 9.1 Monthly Weeds Activities Report

FILE REFERENCE I18/394

AUTHOR Biosecurity Weeds Manager

ISSUE

Providing Council with a brief summary of weed control activities 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 conducted in the month of July 2018.

REPORT

Property Inspections

Weed	Parish	Road or Street	Date	Action	Degree
S/T	Grabben Gullen	Grabben Gullen	25/6/18	Notified	2
BB	Markdale	Salisbury	25/6/18	Routine	1
S/T BB	Markdale	Salisbury	25/6/18	Notified	1, 2
BB	Markdale	Salisbury	25/6/18	Notified	2
S/T BB	Markdale	Salisbury	26/6/18	Notified	2, 1
S/T BB	Markdale	Salisbury	26/6/18	Routine	1, 2
S/T	Blackman	Bigga	27/6/18	Routine	1
S/T BB	Kaverstone	Salisbury	27/6/18	Routine	1, 2
S/T	Keverstone	Bigga	27/6/18	Routine	1
S/T BB	Keverstone	Bigga	27/6/18	Notified	2
S/T BB	Keverstone	Bigga	28/6/18	Notified	2
S/T	Keverstone	Bigga	28/6/18	Routine	1
S/T BB	Keverstone	Bigga	28/6/18	Notified	2, 3
S/T BB	Keverstone	Salisbury	3/7/18	Routine	1, 2
S/T	Keverstone	Salisbury	3/7/18	Routine	1
S/T BB	Keverstone	Salisbury	4/7/18	Routine	2
S/T BB	Keverstone	Salisbury	4/7/18	Routine	2, 3
S/T BB	Markdale	Salisbury	5/7/18	Routine	2
S/T	Burridgee	Millsvale	10/7/18	Notified	3
S/T	Burridgee	Millsvale	10/7/18	Notified	2
S/T	Narrawa	Boorowa	17/7/18	Routine	1

Information Only**MONTHLY WEEDS ACTIVITIES REPORT cont'd**

S/T ALG	Narrawa	Boorowa	17/7/18	Notified	1, 2
S/T ALG	Narrawa	Boorowa	18/7/18	Notified	2
S/T	Narrawa	Boorowa	18/7/18	Routine	2
S/T	Narrawa	Boorowa	19/7/18	Routine	1
ALG	Narrawa	Boorowa	19/7/18	Notified	1
ALG	Narrawa	Boorowa	19/7/18	Routine	1
ALG	Narrawa	Boorowa	19/7/18	Routine	1
ALG	Narrawa	Boorowa	19/7/18	Routine	1
S/T ALG	Narrawa	Boorowa	24/7/18	Routine	1
S/T	Narrawa	Fish River	25/7/18	Routine	1
S/T	Jerrara	Boorowa	25/7/18	Routine	1
S/T	Jerrara	Boorowa	26/7/18	Routine	1
S/T	Narrawa	Fish River	26/7/18	Routine	1
S/T	Tarago	Fed Hy	21/6/18	Routine	1
S/T	Dixon	Ladevale	21/6/18	Routine	2
S/T	Nelanglo	Gundaroo	25/6/18	Routine	2
S/T	Mundoonan	Berrabanglo Ln	25/6/18	Routine	2
S/T	Dixon	Gundaroo	26/6/18	Routine	1
S/T	Gunning	Bouyanong Av	26/6/18	Routine	1
S/T	Dixon	Tyron	26/7/18	Routine	2
S/T ALG	Dixon	Gundaroo	26/7/18	Routine	2
S/T	Milbang	Breadalbane	27/6/18	Routine	1
S/T BB	Bunton	Greendale Ln	28/6/18	Routine	1
S/T BB	Bunton	Felled Timber	28/6/18	Routine	1
S/T	Gunning	Dalton	29/6/18	Routine	1
S/T	Collector	Collector	29/6/18	Reinspect	2
S/T	Jerrawa	Broadway	4/7/18	Routine	1
S/T BB	Biala	Sapphire	11/7/18	Routine	3
-	Gunning	Dalton	13/7/18	Routine	0
S/T ALG	Dalton	Rye Park	19/7/18	Routine	2
S/T	Bunton	Rye Park	19/7/18	Routine	2
ST/BB	Garway	Sapphire	19/7/18	Routine	1
S/T BB FB	Biala	Sapphire	27/7/18	Reinspect	1
S/T	Lerida	Gundaroo	30/7/18	Routine	2
S/T	Lerida	Gundaroo	30/7/18	Routine	1
S/T	Cuddyong	Cuddyong	27/6/18	Routine	1
S/T	Cuddyong	Kangaloolah	27/6/18	Routine	1
S/T	Cuddyong	Kangaloolah	28/6/18	Routine	1
S/T	Cuddyong	Kangaloolah	28/6/18	Notified	2
-	Cuddyong	Kangaloolah	4/6/18	Routine	-
S/T	Cuddyong	Kangaloolah	4/7/18	Routine	1
S/T	Cuddyong	Kangaloolah	4/7/18	Notified	1
S/T BB	Cuddyong	Kangaloolah	5/7/18	Routine	2
S/T	Cuddyong	Kangaloolah	5/7/18	Notified	2
S/T	Cuddyong	Kangaloolah	5/7/18	Notified	1
S/T BB	Kangaloolah	Kangaloolah	11/7/18	Routine	1
-	Cuddyong	Kangaloolah	11/7/18	Routine	-
S/T BB	Cuddyong	Kangaloolah	11/7/18	Routine	2
S/T BB	Kangaloolah	Kangaloolah	12/7/18	Notified	1

Information Only

MONTHLY WEEDS ACTIVITIES REPORT cont'd

S/T BB SJW	Kangaloolah	Kangaloolah	12/7/18	Routine	1
S/T	Kangaloolah	Kangaloolah	12/7/18	Routine	1
S/T	Kangaloolah	Kangaloolah	18/7/18	Routine	1
S/T BB	Wangalo	Kangaloolah	18/7/18	Notified	1
S/T BB	Wangalo	Kangaloolah	18/7/18	Notified	1
S/T BB	Wangalo	Kangaloolah	19/7/18	Notified	1
S/T BB SJW	Wangalo	Kangaloolah	19/7/18	Routine	1
S/T	Wangalo	Kangaloolah	19/7/18	Routine	1
S/T BB	Kangaloolah	Kangaloolah	24/7/18	Notified	2
S/T	Wangalo	Kangaloolah	24/7/18	Routine	1

Key for Weed Abbreviations

Weed ID Weed Identification

S/T Serrated Tussock

BB Blackberry

SJW St John's Wort

PC Paterson's Curse

Nth Nodding Thistle

CNG Chilean Needle Grass

EB English Broom

FW Fireweed

ALG African Lovegrass

Go Gorse

CG Coolatai Grass

Key for Degree of Infestations

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

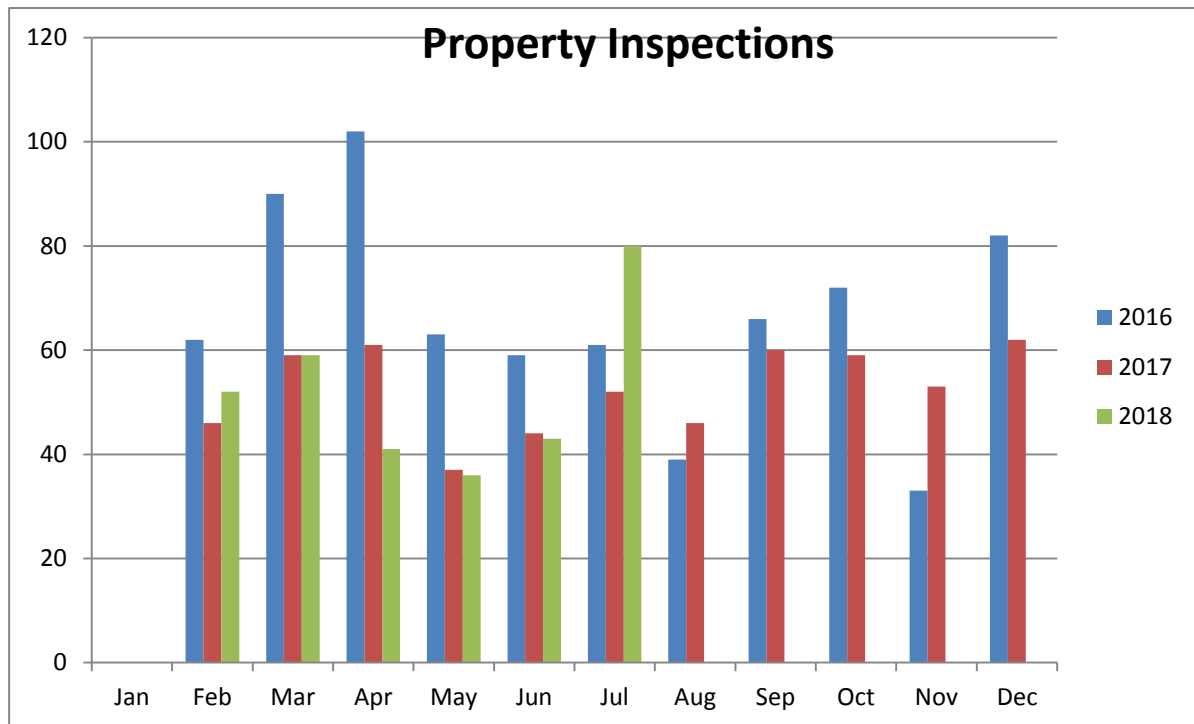
Key for Actions of Inspections

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

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. Control work is also being conducted on Sifton Bush infestations, targeting areas where this plant is not widespread in the landscape.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.2 **Development Statistics for the month of July 2018**

FILE REFERENCE **I18/381**

AUTHOR **Economic Development Officer**

ISSUE

Providing Council with a brief summary of the development control activities that have occurred in the month of July 2018.

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 June 2018.

REPORT

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

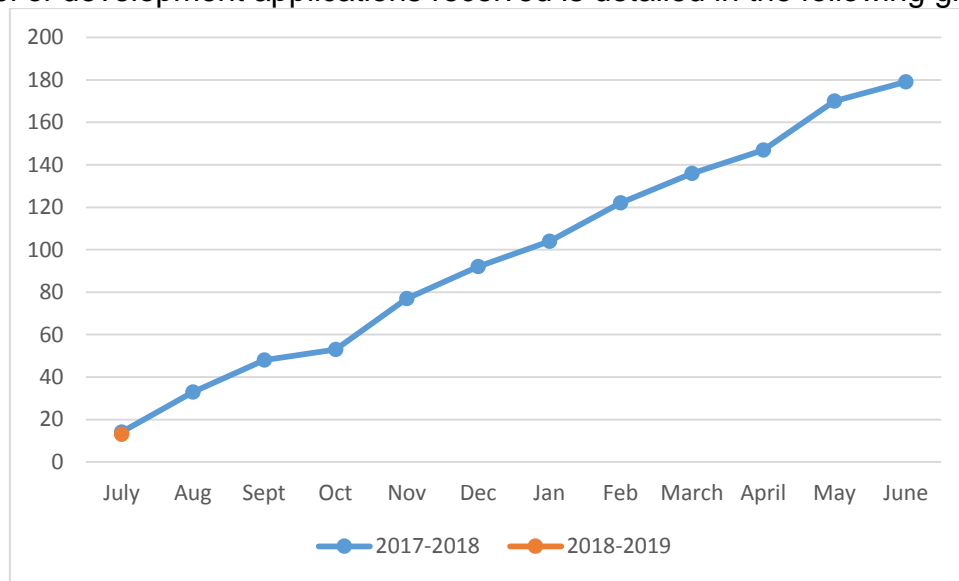
Statistics by Development Type								
Current Year					Last year			
DA Type	July 2018		Year to Date 1/7/2018 to 30/6/2019		July 2017		Year to date 1/7/2017 to 30/6/2018	
	Count	\$Value	Count	\$Value	Count	\$Value	Count	\$Value
Commercial	2	\$1,270,000	2	\$1,270,000	1	\$100,000	1	\$100,000
Residential	9	\$2,453,050	9	\$2,453,050	10	\$2,151,940	10	\$2,453,050
Industrial	0	\$0	0	\$0	0	\$0	1	\$0
Other	1	\$70,000	1	\$70,000	0	\$0	11	\$0
Total	12	\$3,793,050	12	\$3,793,050	11	\$2,251,940	11	\$2,251,940
Subdivision								
Type	Count	Lots	Count	Lots	Count	Lots	Count	Lots
Residential	0	0	0	0	0	0	0	0
Rural Residential	0	0	0	0	0	0	0	0
Commercial	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0

Information Only**DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd**

Boundary Adjustment	0	0	0	0	0	0	0	0
Strata	0	0	0	0	0	0	0	0
Agricultural	1	2	1	2	0	0	0	0
Modification/Other	0	0	0	0	0	0	0	0
Total	1	2	1	2	0	0	0	0

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 July 2018	DA modifications received July 2018	DAs determined July 2018	DA modifications determined July 2018
26	4	9	3	15	2

The average determination processing time is for the month of July was 55 days.

Determinations issued 1 July to 31 July 2018 are summarised in the following table:

Determinations Issued between 1 July 2018 to 31 July 2018		
DA No.	Proposal	Property
63/2016 (Mod)	Dwelling	639 Grabben Gullen Rd, Grabben Gullen Lot 30 DP 864071
122/2016 (Mod)	Dwelling Additions/ Alterations	46 Cooper St, Taralga
134/2017	Subdivision	1593 Grabine Rd, Grabine

Information Only**DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd**

Determinations Issued between 1 July 2018 to 31 July 2018		
DA No.	Proposal	Property
		Lot 20 DP 1207639 & Lot 1,149 & 62 DP 753011
2/2018	Subdivision	34 McGaw Rd, Crookwell Lot 8 DPO 1213731
38/2018	Dwelling	1707 Jerrawa Rd, Dalton Lot 2 DP 1209732
40/2018	Alterations/ Additions	Chapmans Lane, Tarlo Lot 102 DP 750051
42/2018	Change of Use – Shed to Dwelling	2375 Collector Rd, Collector Lot 1 DP 126042
49/2018	Dwelling	1136 Veterans Rd, Lade Vale Lot 4 DP 1089023
52/2018	Alterations/ Additions	2500 Golspie Rd, Golspie Lot 281 DP 720154
55/2018	Dwelling & Garage/Shed	67 McArthur St, Taralga Lot 2 DP 263866
61/2018	Alterations/ Additions	9 Elizabeth St, Crookwell Lot 31 DP 28434
63/2018	Dwelling	5947 Oberon Rd, Curraweela Lot 55 DP 865853
66/2018	Dwelling	116 Collector Rd Gunning
68/2018	Dwelling	Grabben Gullen Rd, Grabben Gullen Lot 404 DP 754115
69/2018	Alterations/ Additions	31 Robertson St, Crookwell Lot A DP 382294
76/2018	Dwelling	2791 Junction Point Rd, Binda Lot 33 DP 753038
77/2018	Alterations/Additions	RSL Goulburn St, Crookwell Lot 1 DP 658665

The Development Applications outstanding as of 31 July 2018 are summarised in the following table:

Development Applications Outstanding on 31 July 2018 (In order of date submitted to Council)				
DA No.	Date Rec	Proposal	Property	Reason
33/2016	22/4/2016	Fence/Wall	Church St, Collector Lot 1 DP 256082	Awaiting additional information
77/2017	15/8/2017	Dwelling	Towrang Rd, Greenwich Park Lot 22 DP 1095649	Awaiting additional information
122/2017		Biala Wind Farm Substation &	Gurrundah Area Lot 185,186,187,188,204 & 224 DP 754126, Lot 1 & 2 DP	

Information Only**DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd**

		Development Applications Outstanding on 31 July 2018 (In order of date submitted to Council)			
DA No.	Date Rec	Proposal	Property	Reason	
	24/11/2017	Underground Transmission Line	877769, Lot 6 DP 1115749, Lot 1 & 2 DP 1115746, Lot 7,197,226,319 DP 754126, Lot 4 DP 1031856, Lot 100 DP 1026064, Lot 103 DP 750043, Lot 2 DP 1168750, Lot 101 DP 1083286	Awaiting Additional Information	
124/2017	29/11/2017	Consolidation	Gurrundah Road, Gurrundah Lot 220 & 221 DP 750019	Awaiting Additional Information	
23/2018	26/2/2018	Dwelling	Gundaroo Rd, Bellmount Forest - Lot 1 DP 754573, Lot 148 & 197 DP 754113	Awaiting Additional Information	
24/2018	24/2/2018	Change of Use – Shed to Dwelling	2646 Golspie Rd, Golspie Lot 2 DP 1045168 Lot 59 & 79 DP 753063	Awaiting Additional Information	
27/2018 (Mod)	12/3/2018	Poultry Farm	239 Learys Lane, Bannister Lot 101 DP 1083286	Awaiting Additional Information	
33/2018	16/3/2018	Subdivision	Clements St, Crookwell Lot 25, 26, 27, 28, 29, 30, Sec 11 DP 2383 & Lot 1 DP 134469	Referred to Engineering	
48/2018	2/5/2018	Dwelling	171 Craigs Rd, Curraweela Lot 2 DP 1222109	Awaiting Additional Information	
51/2018	4/5/2018	Transportable Dwelling	128 Collector Rd, Gunning Lot 4 DP 1185667	Awaiting Additional Information	
54/2018	8/5/2018	Alterations/ Additions	4987 Oberon Rd, Taralga Lot 1 DP 134284	Under Assessment	
57/2018	10/5/2018	Dog Kennels	148 Bigga Rd, Crooked Corner Lot 4 DP 1052845	Under Assessment	
58/2018	14/5/2018	Dog Kennels	120 Salisbury Rd, Bigga Lot 237 DP 753041	Under Assessment	
62/2018	22/5/2018	Transportable Dwelling	Castle Hill Rd, Gunning Lot 607 DP 1086775	Awaiting Additional Information	
5/2017 (Mod)	8/6/2018	Dwelling	Murray St, Collector Lot 2, 3, 4 & 15 DP 1211033	Awaiting Additional Information	
70/2018	18/6/2018	Garage/Shed	13 Bray St, Crookwell Lot 2 DP 1231222	Awaiting Additional Information	
71/2018	21/6/2018	Dwelling	189 Woodhouselee Rd, Laggan Lot 2 DP 1231222	Awaiting Additional Information	
72/2018	25/6/2018	Dwelling	21 Kialla Rd, Crookwell Lot 359 DP 754108	Awaiting Additional Information	

Information Only**DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd**

		Development Applications Outstanding on 31 July 2018 (In order of date submitted to Council)		
DA No.	Date Rec	Proposal	Property	Reason
73/2018	26/6/2018	Community Event	Copeland St, Gunning Lot 7009 DP 94454	Referred to Engineering
74/2018	26/6/2018	Transportable Dwelling	530 Bevandale Rd, Wheeo Lot 2 DP 1219022	Awaiting Additional Information
75/2018	28/6/2018	Dwelling	Grabben Gullen Rd, Gunning Lot 316 DP 754126	Awaiting Additional Information
78/2018	10/7/2018	Removal of Underground Tanks	217 Goulburn St, Crookwell Lot 2 DP 232587	Awaiting Additional Information
79/2018	13/7/2018	Dwelling	16 North St, Crookwell Lot 14 Sec 3 DP 1809	Under Assessment
80/2018	17/7/2018	Dwelling	2 Gunning St, Dalton Lot 199 DP 754111	Under Assessment
81/2018	19/7/2018	Dwelling	388 Lucks Lane, Lerida Lot 2 DP 178524	Under Assessment
117/2017 (Mod)	20/7/2018	Subdivision	Collector Rd, Lerida Lot 112, 126, 133, 134, 158, 159 & 172 DP 754127	Under Assessment
82/2018	23/7/2018	Dwelling	665 Bolong Rd, Laggan Lot 159 DP 753015	Under Assessment
83/2018	24/7/2018	Dwelling & Shed	14 Grabben Gullen Rd, Crookwell Lot 102 DP 1232773	Under Assessment
72/2017 (Mod)	26/7/2018	Commercial Use	204 Goulburn St, Crookwell Lot 361 DP 754108	Under Assessment
84/2018	27/7/2018	Transportable Dwelling	218 Reids Flat Rd, Bigga Lot 1 DP 1243725	Under Assessment

2. Construction Certificates

Construction Certificates Issued between 1 July 2018 & 31 July 2018		
CC No.	Proposal	Property
51/2018	Alterations/Additions	9 Elizabeth St, Crookwell Lot 31 DP 28434
64/2018	Alterations/Additions	2500 Golspie Rd, Golspie Lot 281 DP 720154
66/2018	Garage/Shed	26 Carrington St, Crookwell Lot C DP 35779

Approved by Council	
July 2018	Year to date
3	3

Information Only**DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd****3. Occupation Certificates**

Occupation Certificates Issued between 1 July 2018 and 31 July 2018		
OC No.	Proposal	Property
37/2018	Dwelling	5518 Taralga Rd, Curraweela Lot 2 DP 1046667
39/2018	Dwelling	6 Corcoran Place, Crookwell Lot 11 DP 1083842

Approved by Council	
July 2018	Year to date
2	2

4. Subdivision Certificates

Subdivision Certificates Issued between 1 July 2018 and 31 July 2018		
SC No.	Proposal	Property
17/2018	Subdivision	80 Orchard St, Taralga Lot 1 DP 1188656 & Lot 11 DP 719685

Approved by Council	
July 2018	Year to date
1	1

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	461
1 July 2017 to 30 June 2018	452
1 July 2018 to 30 June 2019	27

POLICY IMPACT

Nil

OPTIONS

Nil

Information Only

DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2018 cont'd

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.3 **PAK Fresh Report**

FILE REFERENCE **I18/362**

AUTHOR **Economic Development Officer**

ISSUE

Pak Fresh Handling moving to Canberra.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

At the previous meeting of the Economic Development Task Force (EDTF) the Acting General Manager advised the EDTF about Pak Fresh Handling – Import/Export Co. based in Adelaide and now moving to Canberra.

REPORT

On Friday 8 June, Canberra Airport announced the agreement with PAK Fresh Handling to export produce/product out of Canberra Airport to Asia and the Middle East. PAK Fresh Handling, a company that handles 100% of local South Australian perishable exports to Singapore, Hong Kong, Guangzhou, Kuala Lumpur, Dubai and Doha, is launching services to the Canberra region through Canberra Airport. This provides an enormous opportunity for the agricultural industry across South East NSW, the Riverina and Central West.

At the recent Canberra Region Joint Organisation (CRJO) Board dinner, PAK Fresh Directors, Nathan Beven and Adam Wright provided an overview to the Mayors, General Managers and guests outlining their business model and how they would like to work with the regional councils to identify export ready product, as well as product that is in the pipeline to be exported.

Nathan Beven indicated that he would work with the CRJO to coordinate and facilitate regional meetings with Councils and producers. As Nathan and Adam are both from Adelaide, they do not have visibility on the producers/product and are keen to ensure there is a streamlined approach to developing a system that can:

1. Manage expectations;
2. Establish a relationship with the regional producers to embed arrangements;
3. Ensure that all stakeholders are on the same page.

There is good will and an intention by all stakeholders to ensure PAK Fresh Handling have visibility on the regional opportunities and a genuine interest to assist with the

Information Only**PAK FRESH REPORT cont'd**

process; but Pak Fresh are not ready. There is quite a bit of initial work to be undertaken between PAK Fresh and Canberra Airport; so until such time, the CRJO has been advised that PAK Fresh will not engage with the regions for another two months or so. It is imperative PAK Fresh and CBR Airport have their logistics /infrastructure/systems/approvals bedded down before PAK Fresh commence the actual export of produce/product.

In the first instance, Canberra Airport is the point of contact until such time PAK Fresh are ready to visit and engage with the regions. It is envisaged that Canberra Airport will facilitate a meeting with stakeholders and PAK Fresh over the next five weeks to outline the process, logistics and timeline in relation to being export ready.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.4 **Asset Management Committee**

FILE REFERENCE **I18/411**

AUTHOR **Director of Works & Operations**

ISSUE

This report provides a brief introduction to the newly created Asset Management Committee.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Councils are required to make future investment decisions. The information required for these decisions is located within multiple Departments, requiring integration.

The Asset Management Committee provides this integration in order to make these investment recommendations using representatives from across the entire Upper Lachlan Shire Council.

This report provides a brief description of the functions of this Committee.

REPORT

Asset Management Committee of Upper Lachlan Shire Council is an “operational committee” with the following functions:

The Asset Management Committee (AMC) is an official working group under the Upper Lachlan Shire Council Organisational Structure to provide a forum for:

- Supporting the strategic directions of Upper Lachlan Shire Council Asset Management implementation;
- Providing feedback, advice and recommendations to MANEX on matters relevant to the focus of the Asset Management Committee as required;
- Developing internal processes and communications at the officer level;
- Identifying Asset Management issues of an operational nature relevant to the Upper Lachlan Shire Council region and develop appropriate responses accordingly;
- Developing opportunities for resource and information sharing;

Information Only

ASSET MANAGEMENT COMMITTEE cont'd

- Striving for collaboration, acknowledging that individual functional areas may have differing asset priorities and perspectives that may differ from the collective view.

The Committee is proposed to meet once a month and this frequency of meeting is being reviewed after the initial milestones are developed. A copy of the Charter is attached for information.

POLICY IMPACT

Asset Management Planning is required under Integrated Planning and Reporting Framework legislation (2009). This Committee will help define service levels in support of the Integrated Planning and Reporting legislation and help make rationalised decisions.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. Download	Draft Asset Management Committee Charter March 2018	Attachment
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PURPOSE

The Asset Management Committee (AMC) is an official working group under the ULSC Organisation Structure to provide a forum for:

- Supporting the strategic directions of ULSC Asset Management implementation.
- Providing feedback, advice and recommendations to MANEX on matters relevant to the focus of the AMC as required.
- Developing internal processes and communications at the officer level.
- Identify Asset management issues of an operational nature relevant to the ULSC region and develop appropriate responses accordingly.
- Develop opportunities for resource and information sharing
- Striving for collaboration, acknowledging that individual function areas may have differing asset priorities and perspectives that may differ from the collective view.
- Development of 10 year – Asset works schedules for implementation with IP&R documentation
- Infrastructure Asset fair valuation methodology and task allocation completed by February 2020

MEMBERSHIP

Membership to the AMC comprises nominated staff responsible Assets management functions within ULSC.

Minimum Membership – Manager of Finance, Manager of Works, Manager of Operations, Manager of Environment & Planning, Design Engineer, Building Maintenance Officer, Asset & Risk Coordinator and other as required by the AMC

The Executive Officer (Director of Works & Operations) is invited to attend and participate in meetings.

Other Council's department may be invited to participate on an as needs basis.

I.e. Works Superintendent (or representative) – to assist with Asset Planning & Programming

SUPPORT

The role of the Executive Officer is to attend meetings for the purposes of providing a conduit to Manex on matters relating to the work of the AMC.

Executive Officer is to provide advice and feedback on matters more broadly regarding the work of ULSC. The Executive Officer also provides relevant links to the other ULSC Working Groups which enables areas of commonality to be addressed cohesively.

The Chairperson has administration responsibility for coordinating meetings.

The secretary will record the minutes as action of the group only.

Minutes will comprise a summary of actions agreed at the meeting.

The minutes of the meeting are to be disseminated within 2 days of each meeting.

The Secretary will seek suggestions from the AMC members on matters to be placed on the agenda of each meeting two weeks prior to the meeting.

The minutes and an agenda are to be circulated one week prior to the AMC meetings.

MEETINGS

Meetings will be held approximately every month at least one week prior to Manex. Additional meetings of the AMC or Sub AMC will be held as necessary.

Agenda sent by Secretary with all members to advise attendance or nominating a representative.

The location of the meetings will be at advised in the Agenda due to limited options.

CHAIRPERSON

The Chairperson will be the Asset & Risk Coordinator.

SECRETARY

The Secretary will be the Asset & Risk Coordinator, with support from Executive Assistant Works

Information Only - 16 August 2018

ITEM 9.5 **Investments for the month ending July 2018**

FILE REFERENCE **I18/387**

AUTHOR **Manager of Finance and Administration**

ISSUE

Council Investment Portfolio Register as at 31 July 2018.

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 July 2018 is provided as information to Council.

REPORT

Investments to 31 July 2018

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	Call	\$1,000,000	1.45%	N/A	31-07-18	\$1,549.32
Bank of Qld	TD	\$1,000,000	2.55%	182	01-08-18	\$12,715.07
Bank of Qld	TD	\$1,200,000	2.55%	84	15-08-18	\$7,042.19
Bank of Qld	TD	\$800,000	2.60%	308	24-10-18	\$17,551.78
Bank of Qld	TD	\$800,000	2.70%	188	31-10-18	\$11,125.48
Bank of Qld	TD	\$700,000	2.75%	362	17-04-19	\$19,091.78
Bankwest	TD	\$1,000,000	2.57%	84	22-08-18	\$5,914.53
Bankwest	TD	\$1,500,000	2.80%	89	19-09-18	\$10,241.10
Bankwest	TD	\$500,000	2.60%	364	26-09-18	\$12,964.38
Bankwest	TD	\$800,000	2.80%	91	03-10-18	\$5,584.66
Bendigo Bank	TD	\$1,200,000	2.55%	364	15-08-18	\$30,516.16
Bendigo Bank	TD	\$700,000	2.55%	84	22-08-18	\$4,107.95
Bendigo Bank	TD	\$600,000	2.40%	189	05-09-18	\$7,456.44
Bendigo Bank	TD	\$1,000,000	2.60%	364	13-02-19	\$25,928.77

Information Only**INVESTMENTS FOR THE MONTH ENDING JULY 2018 cont'd**

Bendigo Bank	TD	\$800,000	2.55%	357	13-02-19	\$19,952.88
CBA	TD	\$1,000,000	2.47%	84	29-08-18	\$5,684.38
CBA	TD	\$1,000,000	2.62%	362	12-09-18	\$25,984.66
CBA	TD	\$1,000,000	2.71%	308	06-03-19	\$22,867.95
CBA	TD	\$1,000,000	2.68%	364	20-03-19	\$26,726.58
IMB	TD	\$1,300,000	2.55%	84	08-08-18	\$7,629.04
IMB	TD	\$1,000,000	2.70%	89	19-09-18	\$6,583.56
IMB	TD	\$500,000	2.55%	182	10-10-18	\$6,357.53
IMB	TD	\$1,000,000	2.50%	140	12-12-18	\$9,589.04
IMB	TD	\$900,000	2.70%	364	12-06-19	\$24,233.42
NAB	TD	\$1,500,000	2.71%	105	19-09-18	\$11,693.84
NAB	TD	\$800,000	2.70%	98	17-10-18	\$5,799.45
NAB	TD	\$1,100,000	2.51%	364	21-11-18	\$27,534.36
NAB	TD	\$1,400,000	2.76%	203	09-01-19	\$21,490.19
Westpac	TD	\$400,000	2.55%	365	21-08-18	\$10,200.00
Westpac	TD	\$500,000	2.76%	364	26-04-19	\$13,762.19
		\$28,000,000				\$417,878.66

COUNCIL INVESTMENT PERFORMANCE: -**BUDGET COMPARISON TO 31 JULY 2018**

Interest on Investments Received YTD	\$69,188
Annual budgeted amount for all funds	\$648,900
Percentage of Interest Received YTD	10.66%
Percentage of Year Elapsed	8.49%

BBSW COMPARISON TO 31 JULY 2018

Average market interest rate (90 day BBSW)	1.96%
Average return on all investments	2.94%

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.

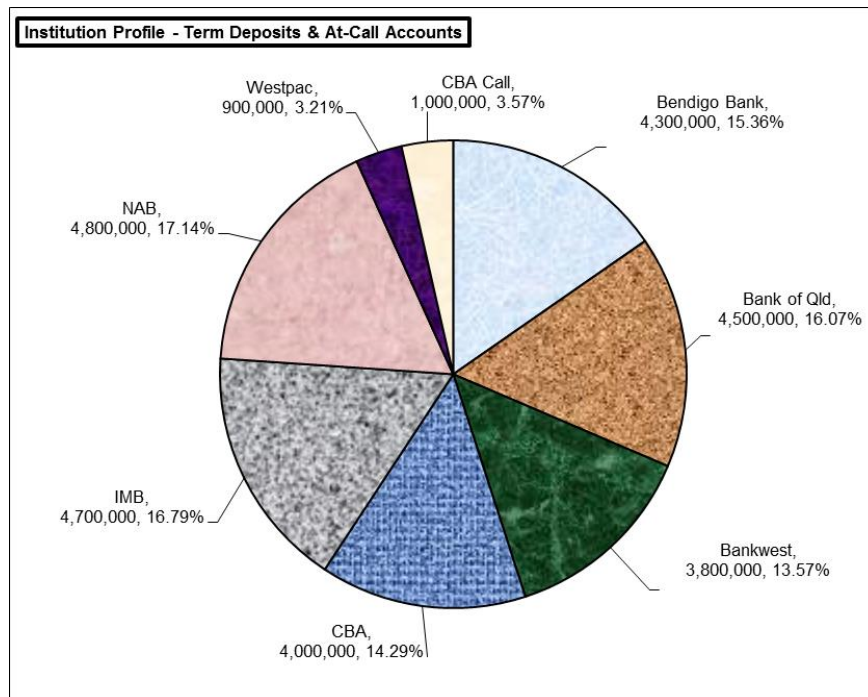
Information Only

INVESTMENTS FOR THE MONTH ENDING JULY 2018 cont'd

INVESTMENTS FINANCIAL INSTITUTION PROFILE AS AT 31 JULY 2018

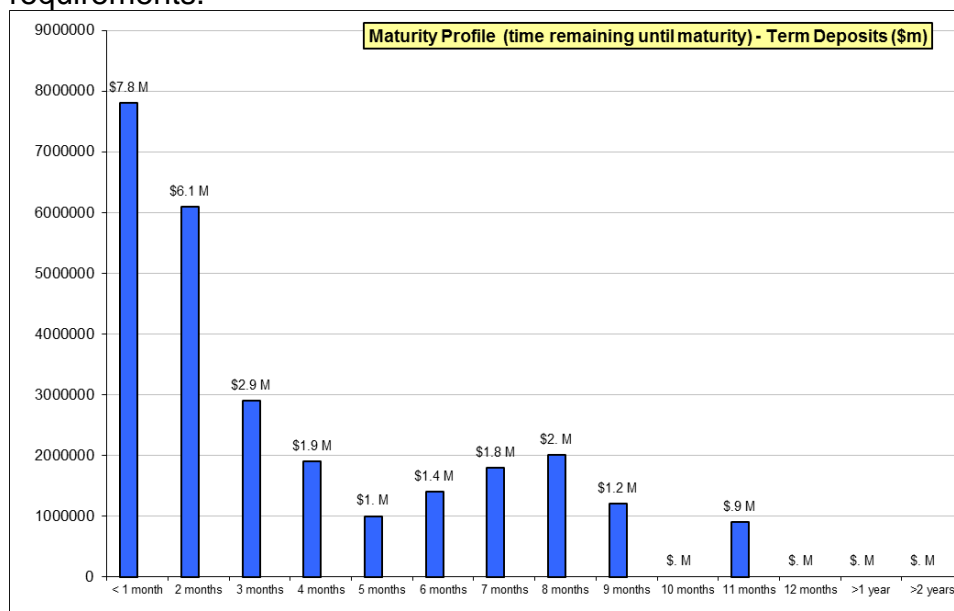
The following chart shows the current distribution of Council's investment portfolio between the authorised financial institutions used. The current distribution of funds between institutions complies with Council's Investment Policy which states:-

"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 JULY 2018

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.



INVESTMENTS FOR THE MONTH ENDING JULY 2018 cont'd

TOTAL INVESTMENTS: - \$ 28,000,000.00

General Fund Reserves	\$ 18,975,945.87
Water Supply Fund Reserves	\$ 2,520,802.82
Sewerage Fund Reserves	\$ 4,360,922.54
Domestic Waste Management Fund Reserves	\$ 2,136,747.38
Trust Fund Reserves	\$ 5,581.39

Nil

Information Only - 16 August 2018

ITEM 9.6 **Bank Balance and Reconciliation - 31 July 2018**

FILE REFERENCE I18/386

AUTHOR **Director of Finance and Administration**

ISSUE

Statement of Bank Balance and Reconciliation – 31 July 2018.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

STATEMENT OF BANK BALANCE & RECONCILIATION

\$

General Ledger Balance brought forward 30 June 2018	642,945.78
Add: Receipts for July 2018	4,278,079.62
	<u>4,921,025.40</u>
Deduct: Payments for July 2018	5,092,930.73
Balance as at 31 July 2018	<u>-171,905.33</u>
Balance as per Bank Statement 31 July 2018	676,290.67
Add: Outstanding Deposits	2,961.65
	<u>679,252.32</u>
Deduct: Unpresented Cheques / EFTs	851,157.65
Balance as at 31 July 2018	<u>-171,905.33</u>

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.7 **Rates and Charges outstanding as at 31 July 2018**

FILE REFERENCE I18/385

AUTHOR **Director of Finance and Administration**

ISSUE

Rates and Charges Outstanding Report 2018/2019.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Summary report of Rates and Charges outstanding at month end of July 2018 is detailed.

REPORT

There is an attached report titled "Rate Collection Year 2019" for the 2018/2019 financial year. A comparison of the rates and charges outstanding percentage to previous financial years, as at 31 July 2018, is highlighted in the below table:-

Description	31/07/2018	31/07/2017	31/07/2016
Total % Rates and Charges Outstanding	88.47%	89.81%	85.65%
Total \$ Amount Rates and Charges Outstanding	\$10,160,076	\$10,334,178	\$9,306,970

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

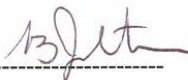
1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Rate Collection Year - August 2018	Attachment
2. ↓	Arrears by Category - August 2018 attachment	Attachment

Rate Collection 2019 Year


Rating Categories	Levy Raised to date	Rates Received to 31 July 2018	Rates Outstanding to 31 July 2018	% Rates Outstanding 31 July 2018
Farmland	4,921,559.77	533,649.12	4,387,910.65	89.16%
Residential	1,218,424.22	174,849.70	1,043,574.52	85.65%
Rural Residential	668,351.17	105,196.36	563,154.81	84.26%
Business	281,605.63	25,253.01	256,352.62	91.03%
Mining	1,893.00	1,893.00	-	0.00%
Water	871,596.00	111,543.02	760,052.98	87.20%
Sewerage	1,403,360.16	156,046.98	1,247,313.18	88.88%
Domestic & Comm Waste	1,138,165.56	148,141.85	990,023.71	86.98%
Rural Waste	616,508.84	79,996.97	536,511.87	87.02%
Storm Water	46,521.52	4,561.72	41,959.80	90.19%
**Arrears	333,221.86	-	333,221.86	100.00%
Overall Total Rates	11,501,207.73	1,341,131.73	10,160,076.00	88.34%

Prepared by Date 3/8/2018Authorised by Date 3/8/2018


I:\2018-2019\Rates\Recs\%outst_July 31-2018

ARREARS OF RATES BY CATEGORY**1 August 2018**

Category	Amount Outstanding		% of rates outstanding
Farmland	\$91,116.35		27%
Residential	\$59,551.18		18%
Residential Non Urban	\$25,626.09		8%
Business	\$4,420.24		1%
Mining	-\$1,640.27		0%
Water	\$31,865.52		10%
Sewerage	\$54,692.42		16%
Domestic & Commercial Waste	\$42,697.64		13%
Storm Water	\$1,802.55		1%
Rural Waste	\$23,090.14		7%
Total Amount of Arrears	\$333,221.86		100%

Prepared by 

Date 3/8/2018

Authorised by 

Date 3/8/2018

I:\2018-2019\Rates\Recs\Arrears of rates by category July 31 -2018

Information Only - 16 August 2018

ITEM 9.8 **NSW Audit Office - Performance Audit Insights Report on Key Findings 2014-2018**

FILE REFERENCE **I18/384**

AUTHOR **Director of Finance and Administration**

ISSUE

Performance audits are conducted by the NSW Audit Office. The Auditor General provides performance audit reports to the NSW Parliament.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

The roles and responsibilities of the Auditor-General are set out in the *Public Finance and Audit Act 1983* and the *Local Government Act 1993*. The NSW Audit Office conduct performance audits of the NSW public sector and local government entities.

In accordance with Section 52B, of the *Public Finance and Audit Act 1983*, a report titled 'Performance Audit Insights - Key Findings from 2014–2018' is presented.

REPORT

A report by the NSW Auditor-General, Margaret Crawford, presents key findings from four years of performance audits. The report will be used to inform ongoing audit priorities.

The report findings are presented around six areas of government activity including:-

- Planning for the future,
- Meeting community expectations for key services,
- Investment in infrastructure,
- Managing natural resources,
- Ensuring good governance, and
- Digital disruption.

A copy of the full report is available at <https://www.audit.nsw.gov.au/>

Key findings from performance audits 2014 to 2018

Planning for the future



- ☐ Set clear aims and performance targets for services and initiatives
- ☐ Use robust data to validate planning assumptions
- ☐ Coordinate planning within and between agencies
- ☐ Seek stakeholder and expert input
- ☐ Prepare staff and service providers for changing roles

Meeting community expectations for key services



- ☐ Put people at the centre of planning
- ☐ Collaborate with stakeholders and experts
- ☐ Build the capacity and capability of service providers
- ☐ Measure & report on outputs and outcomes

The scale of investment in infrastructure



- ☐ Ensure sound and transparent business case analysis
- ☐ Accurately estimate costs and benefits
- ☐ Obtain external assurance and oversight
- ☐ Evaluate and learn from past projects

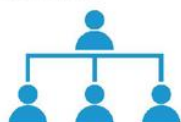
Managing the environment and natural resources



- ☐ Balance different interests in regulatory decision making
- ☐ Include measurable and transparent outcomes in regulatory frameworks
- ☐ Apply risk based and consistent regulatory oversight

Ensuring good governance and transparency

- ☐ Set clearly defined roles and responsibilities
- ☐ Follow processes for due diligence and probity
- ☐ Keep good records, especially about how decisions are made
- ☐ Measure and report on performance and benefits



Responding to digital disruption

- ☐ Practice secure data and system management
- ☐ Collect reliable and relevant data
- ☐ Manage risks of digital change
- ☐ Work collaboratively with other public sector agencies to report cyber security risks and incidents and share solutions



POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.9 **Webcasting technology use for Council Meetings**

FILE REFERENCE **I18/409**

AUTHOR **Director of Finance and Administration**

ISSUE

Investigation into feasibility of webcasting technology for use at Council Meetings in Crookwell Council Chambers.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

At the Ordinary Council Meeting held on 17 May 2018 Council determined Resolution Number 124/18 as follows:-

“RESOLVED by Cllr Culhane and Cllr Cummins that a report be prepared by the Information Systems Coordinator on the feasibility of recording/webcasting of Council Meetings.”

In accordance with Council's Resolution, this report addresses the feasibility of, and associated requirements, to enable the webcasting of Council meetings. This report provides an overview of options available in regard to webcasting and outlines infrastructure and software required, physical logistics, staff resources, and financial implications for the initial setup and on-going costs.

This report also identifies relevant considerations such as legislative concerns and processes which will need to be reviewed to accommodate webcasting and audio recording.

REPORT

Equipment and Resource Requirements of Webcasting

Webcasting is the video and audio broadcasting of an event on the internet.

Council is currently not equipped to provide webcasting and would require purchase of equipment including camera(s) and testing existing microphones with possible upgrade of audio recording equipment, encoding software and subscription of a content delivery network where live and archived streamed broadcasts are hosted to offer this service. Different options are available for webcasting with these being detailed further below.

Information Only

WEBCASTING TECHNOLOGY USE FOR COUNCIL MEETINGS cont'd

Options available include both static and dynamic operation of the cameras and range significantly in price depending upon requirements.

(a) Static Cameras

Fixed static cameras could be installed at pre-determined locations within the Council Chambers. Based on discussions with suppliers, one to two cameras would be required. Fixed static cameras would provide a constant stream. It should be noted that use of static cameras may not provide the emphasis on each speaker that may be expected. Static cameras may not require the provision of an additional staff member to support the system throughout the meetings. This option is the most cost efficient and preferred solution by Council's IT Systems Coordinator.

(b) Dynamic Cameras

Dynamic cameras could provide a more focussed streaming of the Council meetings. Cameras would be in fixed locations and operated manually by a fully automated system or by support staff which includes a centrally based rotational camera which is activated by the microphones of each Councillor. Manually controlled cameras by support staff has not been considered within this report due to the cost implications.

(c) Mobile Device

There are a number of live web streaming apps available on the market that could be used with a device such as a Smartphone to webcast meetings.

If video was to be streamed using a tool such as a mobile phone there are limitations that should be considered including potentially poor audio, video quality at distances and quality of video when phone is moved around to change the focus of the speaker.

Webstreaming from a phone would require a suitable wireless internet connection and a resource to film throughout the Council meeting. The use of a mobile device is the least utilised by other councils and would not be the preferred solution of choice.

Issues in regard to Streaming

Streaming involves capturing the meeting proceedings through microphones and/or video camera(s), transferring the audio and/or video feed to a computer, compressing and encoding the file and making the audio and/or video available on a website designed to host such data.

Webcasting would require a third party solution to host the stream. Equipment required differs dependent upon the system chosen. Depending on the streaming and hosting solution, suitable software and equipment will be required. Council's current internet connection is expected to be adequate, however this cannot be confirmed until a live stream is carried out.

Council cannot control the end user experience as it is dependent upon the download speed available to the user. However, end users do not require any additional software or hardware and should they have suitable equipment, they would be able to watch the Council meeting live from any location.

Costs

There are currently two predominant suppliers that provide a webcasting service for a number of councils. Features provided by these suppliers include a combination of setup, streaming, archiving and indexing of the meeting files as part of their service.

Formal requests for quotes have not been undertaken at this point in time for any of the options detailed above. Information and indicative pricing provided in this report is based on informal preliminary discussions with suppliers.

Estimated pricing from discussions with potential suppliers for the implementation of a single fixed static camera webcasting is approximately \$8,000 capital costs in year one, with an on-going operational expense each year of an estimated \$15,120 cost per annum. Additional resourcing costs may also be incurred for staff time to manage the process. If multiple cameras are required the initial capital cost and service costs will also increase.

There has been no estimated pricing for the implementation of dynamic fixed cameras, which includes public address, multiple pre-set cameras and required switching software and equipment to support this setup. Additional costs including replacement of the sound system and/or reconfiguration of Council Chamber to house a mixing desk and associated PC will also apply.

Costs applicable to webstreaming via a mobile device is likely to be at a minimal cost as this would be done through an app.

Governance and Risk Management issues to be considered

There are several governance and risk management considerations about which Council should be aware in making any decision regarding the webcasting and recording of Council Meetings.

Council meetings are an open forum of statements, questions and answers. Occasionally, some things may be said that may be regarded as offensive, defamatory or contrary to law. When such statements are made and the meeting is not streamed, the potential for damage is generally confined to the audience in attendance. In contrast, when a webcast or podcast of a meeting is published, the audience is potentially far greater and this will have a corresponding impact on the potential liability. Editing of Webcasts or archived Webcasts to exclude such content may not be appropriate so the full content of Council meetings would be on a public record.

Copyright

Section 273, of the *Local Government (General) Regulation 2005* states that it is prohibited for any person to record a Council or Committee meeting without the authority of the Council.

The webcast would be subject to copyright under the *Copyright Act 1968* and could not be reused or reproduced without the consent of Council. However, there is the possibility for a person to 're-share' information and to edit clips without authorisation and which misrepresents the original intent of the statements made. If someone at a Council Meeting reads material subject to copyright, without the consent of the

Information Only

WEBCASTING TECHNOLOGY USE FOR COUNCIL MEETINGS cont'd

copyright owner, the person may have violated the copyright owner's exclusive right to reproduce the material.

Retention of Webcasts

It is noted that many councils are retaining the webcasts of their meetings on their websites indefinitely. The General Retention and Disposal Authority for local government records, established under the State Records Act 1998, does not view webcasts as an official record. The official record only comprises the Business Papers and the signed Minutes.

Webcasts would only be seen as supporting material, with no legal basis. Webcasts would only need to be legally kept until the minutes are confirmed, after which they may be destroyed. However, audio recordings are required to be kept for three months in accordance with the State Records Disposal Authority.

Therefore, depending upon how Council wishes to proceed, how long the webcasts are kept will be a matter that Council will also need to decide upon. Until this time, the webcast like an audio recording is classified as open access information under the *Government Information (Public Access) Act 2009* (GIPA).

Privacy

Council will need to comply with the *Privacy (Personal Information) Protection Act 1998* which imposes obligations upon Council in relation to the collection, use and disclosure of personal information.

The *Surveillance Devices Act 2007* will require advice to be provided to members of the public attending meetings that a webcast of the meeting and audio recording of meeting is to take place. Therefore, attendees would need to be advised their voice may be recorded and their image transmitted. Members of the public gallery would be made aware, by a notice at the entrance to the Council Chamber and an announcement by the Mayor that the meeting was to be webcast and published online and that if they addressed the Council, their name, voice and possibly their image would appear on that webcast.

Defamation

In regard to defamation, there is no absolute privilege in relation to Council proceedings of the kind which attaches to statements made in Parliamentary proceedings. There may be an impact on potential actions and the quantum of damages under the *Defamation Act 2005*. There is a heightened risk arising from streaming of Council meetings. There is the potential for defamatory or inappropriate comments or statements to be made during live streaming of a Council Meeting. There is also the potential for greater exposure to actions in defamation, given that what is said at Council Meetings will be able to be more broadly and accurately disseminated.

While it will not protect Council from defamation proceedings, Council may consider accompanying the online content with a disclaimer, included as part of the webcast or separately as a link to the webpage prior to opening the link to the meeting recording. While this may not protect Council from defamation proceedings it is a good practice

Information Only

WEBCASTING TECHNOLOGY USE FOR COUNCIL MEETINGS cont'd

to attempt to limit liability risks. Council would need to ensure the wording of the disclaimer protects Council to the fullest extent possible.

The Councillors and Officers Insurance Policy also provides coverage in relation to 'defamation, libel and slander' which is unintentional and made in good faith.

Public Speakers

Public Speakers also provide a risk to Council in that even unsolicited information is subject to the Information Protection Principles under the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan. Further, defamatory comments may be made or discussed at the meetings or speakers may reveal information about a third party without the third party's consent (i.e. specifically in Development Application matters), accordingly, it is recommended that legal advice be sought on this subject, and any possible disclaimers to ensure they provide Council with adequate coverage should such an incident occur.

Security

Webcasting increases the security risk to Council, as it has no control over access to the footage. Council cannot lock down the footage and there is the ability to edit footage. For example, a 'mash up' of footage may be made from different on-line addresses to misrepresent the purpose of the original footage.

Further, the webcast footage is permanently in the digital sphere. Even if an archived meeting is removed at a later date, there is the possibility that someone has saved the file to their own hard drive or emailed it to another person.

Summary

The following table summarises the advantages and disadvantages of webcasting and audio recording of Council meetings, note this is not an exhaustive list.

Advantages

- Increased public access;
- Increased transparency;
- Provides access to people in remote areas unable to attend the meeting;
- Minutes of meeting are correctly detailed with ability to review audio recordings to verify motions and resolutions are accurately recorded;
- Historical viewing depending upon how long the webcasts are kept; and
- No cost to the viewer.

Disadvantages

- End user experience is out of Council's control;
- Implementation one-off costs and annual operational expenses for Council;
- Increased base for scrutiny, defamation or risk of privacy breaches;
- Unprotected editing and distribution of content;
- No record of access to information/webcast; and
- No statistics on number of viewers recorded.

Information Only

WEBCASTING TECHNOLOGY USE FOR COUNCIL MEETINGS cont'd

Streaming of Council Meetings is part of an overarching effort to widen avenues through which Council engages with its community. There are various options in regard to streaming of Council meetings detailed in the report such as the cost, output quality, risk and governance considerations will vary depending on the selected option.

Accordingly, Council may wish to consider deferring consideration of this matter until the consultation draft Model Code of Meeting Practice, which was released in December 2017, is determined and mandated by the NSW Government.

POLICY IMPACT

Should Council proceed with webcasting and audio recording of Council meetings a number of policies would be required to be exhibited in accordance with legislative requirements and the following documents will need to be amended accordingly:-

- Council's Code of Meeting Practice;
- Council's Code of Conduct Policy and Procedures;
- Council's Government Information (Public Access) Policy;
- Council's Public Access Policy;
- Council's Community Engagement Policy; and
- Council's Code of Business Practice.

OPTIONS

1. Council receive and note the report as information.
2. Council do not purchase the equipment until the final release of the Model Code of Meeting Practice for Local Government determines if webcasting and/or audio recordings of meetings is made mandatory by the NSW Government. No financial impact to Council.
3. Council approve the purchase and installation of webcasting equipment and audio recording equipment after calling for quotations from suitably qualified suppliers. This decision will require an allocation of funds by Council to be revoted into the 2018/2019 Operational Plan. It is important to note that Council IT resources have a number of large scale IT projects to be implemented and this project will not be able to commence until early in 2019 calendar year.

FINANCIAL IMPACT OF RECOMMENDATIONS

A minimum indicative preliminary capital cost for purchase and installation of a single static camera is detailed in the report as \$8,000 (GST Exclusive) for a single camera. The indicative preliminary monthly service fee for a single static camera is \$1,260 per month or \$15,120 per year (GST Exclusive) as an on-going cost to be included each year in the Council Operational Plan. Additional staff resource costs are not known.

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.10 **Meeting with Hon. Angus Taylor MP, Federal Member for Hume**

FILE REFERENCE **I18/388**

AUTHOR **Acting General Manager**

ISSUE

To provide information on a meeting held with the Hon. Angus Taylor MP, Federal Member for Hume concerning various matters within the Upper Lachlan Shire Council area.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

On Thursday 26 July 2018 the Mayor and Acting General Manager were able to meet in Goulburn, with the Hon. Angus Taylor MP, Federal Member for Hume and his staff.

REPORT

Council will recall that at its meeting on Thursday 17 May 2018 Council considered correspondence from the Australian Local Government Association (ALGA) in relation to the 2018/2019 Federal Budget submission. In that submission there was a proposal to establish a Local Freight Productivity Investment Plan, costed at \$200M per annum over the next 5 years, with the plan designed to resolved first/last mile and freight connectivity issues to remove bottlenecks, improve safety and boost national productivity. This plan is expected to directly unlock local and regional productivity gains through investment that lowers transport costs for paddock to plate or plant to port journeys subsequently improving the local and international competitiveness of local producers and employers.

Upper Lachlan Shire Council subsequently resolved to make representations to our local federal member to discuss the possibilities for the funding of a transport hub in the Upper Lachlan Shire in line with the ALGA Plan.

The Mayor and General Manager discussed the practicalities of this proposal with the local member.

Discussions were also held in relation to the mobile phone black spot program and Council's support at its July 2018 meeting for improvements in the Curraweela area and Bigga area. The local member's office was also requested to follow up with Telstra in relation to improvement of the Telstra service to the Grabben Gullen area.

Information Only

MEETING WITH HON. ANGUS TAYLOR MP, FEDERAL MEMBER FOR HUME
cont'd

It does seem that there is a move in thought that with mobile telephone black spot areas that have a poor level of coverage but low usage that individual household and mobile devices will need to be considered for business, family, farm use.

Council officers have also been requested to provide the local members office with details of last year's roads to recovery works program and what is programmed for 2018/19. It was reiterated to the local member that the Roads to Recovery Program has been an exceptional benefit to all road users within the Upper Lachlan Shire Council area with improvements and maintenance of the road network that could have never been afforded by normal Council funding and that the benefits far out way the costs.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.11 **Meeting with Hon. Pru Goward MP, Member for Goulburn**

FILE REFERENCE **I18/390**

AUTHOR **Acting General Manager**

ISSUE

To provide a report on a meeting held with the Hon. Pru Goward MP, Member for Goulburn on various matters within the Upper Lachlan Shire Council area.

RECOMMENDATION That -

1. Council receive the report and note the information

BACKGROUND

On Tuesday, 31 July 2018 the Mayor and Acting General Manager were able to meet in Goulburn with the Hon. Pru Goward MP, Member for Goulburn and her staff.

REPORT

A number of matters were discussed with the Local Member and her staff.

Council was able to reiterate Council's current road priorities for future grant consideration (See Council resolution No. 435/17 from the 21 December 2017 Council Meeting).

Advice was also provided in relation to a proposed business case study that is being coordinated by Oberon Shire Council on behalf of Upper Lachlan Shire Council and Lithgow City Council in relation to Tablelands Way. It was also pleasing to be able to advise that road improvements like this were also listed in the Southern Tablelands Regional Economic Development Strategy.

The Local Member was also able to confirm that she had thrown her support behind a \$30M program to reconstruct and seal the unsealed sections of MR258 Wombeyan Caves Road.

The Local Member also made Council aware that she was attempting to obtain funds through several State Ministers for the 50% contribution funding (\$25,000) for the development of a Collector Village Master Plan. She was advised that Upper Lachlan Shire as the Shire of Villages if provided with the matching funding of what Council had allocated may be in the position to use the final developed village master plan as a pro forma for similar plans of other villages in the Shire and it could be used by other Councils in a similar way.

Information Only

MEETING WITH HON. PRU GOWARD MP, MEMBER FOR GOULBURN cont'd

The Local Member did detail concerns that she was having trouble finding those matching funds as the proposal was not a capital item.

A request was also provided to allow the Mayor and Senior Council Officers to meet in the near future with the Minister for Roads, Maritime and Freight, the Hon. Melinda Pavey MP to discuss such issues as;

- Collector Village Highway Flooding;
- Crookwell roundabout proposal;
- Crookwell Heavy Vehicle Inspection Station and funding;
- Council road funding priorities.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive the report and note the information

ATTACHMENTS

Nil

Information Only - 16 August 2018

ITEM 9.12 **Grants Report**

FILE REFERENCE **I18/408**

AUTHOR **Acting General Manager**

ISSUE

Advising Council of grants available, grant applications in progress, submitted or unsuccessful and Grant Projects funded.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

The Grants Report is attached to this report for Councillors information. A list of grants available and ongoing grants listed on Council's website can be accessed by the following link: <https://www.upperlachlan.nsw.gov.au/community/grants>

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. 	Grants Report for Council - August 2018	Attachment
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Grants Report to Council - 16 August 2018

Grant Applications in progress/submitted/unsuccessful

Grantee	Due/Submited	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment
Stronger Country Communities Fund (Round 2)	01.05.18	Memorial Oval Fit Out	\$0	\$0	\$ 315,000	\$ 315,000	\$ 315,000	Allocated amount \$1,188,772 PAMP Priorities 2 project included in the case one of the first 5 projects is not successful - Letter from Premier and Cabinet saying all 6 through to next stage of assessment - Will know success of projects in August.
		Active Villages Project	\$0	\$0	\$ 300,000	\$ 300,000	\$ 300,000	
		Lights Football Action	\$0	\$0	\$ 150,000	\$ 150,000	\$ 150,000	
		PAMP – 1 st priorities	\$0	\$0	\$ 356,772	\$ 356,772	\$ 356,772	
		Breadalbane Hall Pergola	\$0	\$0	\$ 67,000	\$ 67,000	\$ 67,000	
		PAMP – 2 nd priorities	\$0	0	\$ 449,983	\$ 449,983	\$ 449,983	
Community Building Partnerships Program	15.06.18	Gunning Library Roof Replacement	\$39,835	\$0	\$ 20,000	\$ 59,835	\$ 59,835	Submitted
Local Sport Defibrillator Grant Program	14.09.18	Defibrillator for Memorial Oval Sports Centre	\$1,490	\$0	\$ 1,300	\$ 2,790	\$ 2,790	Working on application
Country Passenger Transport infrastructure Grant EOI	26.02.18	Taralga, Bigga and Binda Bus Stops		\$0	\$ 30,000			Currently being costed. Awaiting request for business plan
Waste Less Recycle More	27.06.18	Bin Audit and Education	\$0	\$0	\$ 70,000	\$ 70,000	\$ 70,000	Submitted

Grant Applicationsin progress/submitted/unsuccessful								
Grantee	Due/Submit ted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment
Growing Local Economies Fund	5.7.18	Grabine Road Upgrade	\$200,000	\$0	\$3,300,000	\$3,500,000	\$3,500,000	Submitted for 3 sections
		Wombeyan Caves Road Upgrade	\$100,000	\$0	\$3,395,700	\$3,495,700	\$3,495,700	Submitted
Building Better Regions Fund	14.12.17	Grabine Road Upgrade	\$0	\$0	\$ 1,995,000	\$1,995,000	\$ 1,995,000	Unsuccessful - Feedback 7 August from BBRF
		Walkability in the Shire (PAMP)	\$46,820	\$788,051	\$ 834,870	\$1,669,741	\$ 1,669,741	Unsuccessful - Feedback 7 August from BBRF
Grant Projects Funded								
Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Received	Subtotal	Project Cost	Outcome & Progress
Veolia Mulwaree Trust	01.04.18	Breadalbane Hall Patio	\$0	\$11,782	\$ 7,855	\$ 19,637	\$ 19,637	Breadalbane Hall contributing \$11,782
Veolia Mulwaree Trust	28.03.18	Clifton Park Toilet Block	\$0	\$0	\$ 45,082	\$ 45,082		Jnr Cricket Storage Addition S94 Funds if required and subject to reporting. Toilet purchased. RFQ for building works occurring.
Stronger Communities Programme (Round 3)	14.09.17		\$0	\$30,000	\$ 20,000	\$ 50,000		Crookwell Lions Contributing \$30,000, Veolia contributing \$45,082 - Time and scope revised and approved

Grant Projects Funded								
Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Received	Subtotal	Project Cost	Comment
Veolia Mulwaree Trust	01.04.18	Bigga Hall Beautification	\$0	\$12,501	\$ 14,248	\$ 26,749	\$ 26,749	Bigga Hall contributing \$12,500.80
Stronger Country Communities Fund (Round 1)	12.09.17	PAMP	\$0	\$0	\$ 344,487	\$ 344,487	\$ 344,487	Allocated amount \$1,175,381 - First milestone payments received. Kiamma Reserve Walkway Phase 1 scoped: footbridge replacement.
		Pumpkin Festival Walkway	\$0	\$0	\$ 220,000	\$ 220,000	\$ 220,000	
		Kiamma Reserve Walkway	\$0	\$0	\$ 223,564	\$ 223,564	\$ 223,564	
		Clifton Park Walkway/BBQ	\$0	\$0	\$ 112,189	\$ 112,189	\$ 112,189	
		AP&H Improvement	\$0	\$0	\$ 275,141	\$ 275,141	\$ 275,141	
Community Building Partnership Fund	08.08.17	Goodhew Park - Drainage, play equipment and toilet block	\$160,000	\$0	\$ 50,000	\$ 210,000	\$ 210,000	Picnic shelters/BBQ not included. Progress Report completed. Drainage plan being formulated
Club Grants Category 3	10.02.17	Crookwell Memorial Community Sports Centre	\$425,113	\$11,500	\$ 600,000	\$1,036,613	\$ 1,036,613	Sports/Community groups contributed \$11,500 - Tender advertised 31 July 2018 Report to September Council Meeting
Bridges Renewal (Round 3)	15.05.17	Kiamma Creek Bridge Upgrade	\$81,260	\$0	\$ 450,000	\$ 531,260	\$ 1,062,460	Fixing Country Roads \$531,200
Fixing Country Roads 2015	02.05.16		\$0	\$0	\$ 531,230	\$ 531,230		Bridges Renewal \$450,000

Grant Projects Funded									
Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Received	Subtotal	Project Cost	Comment	
Veolia Mulwaree Trust	23.05.16	Tuena Campground Ablutions Block	\$45,051	\$0	\$ 45,000	\$ 90,051	\$ 90,051	Project Progressing	
Bridges to Renewal (Round 1)	28.08.14	Replacement of Abercrombie River Bridge	\$75,000	\$0	\$ 775,000	\$ 850,000		Fixing Country Roads \$675,000	
Fixing Country Roads 2014	01.11.14		\$0	\$0	\$ 675,000	\$ 675,000	\$ 1,525,000	Bridges Renewal \$775,000	

Grants Available:

A list of grants available and ongoing grants is available on the July edition of Council's Web site
<https://www.upperlachlan.nsw.gov.au/community/grants>

Ongoing Council Grants:

Fixing Country Roads

Information Only - 16 August 2018

ITEM 9.13 **Action Summary - Council Decisions**

FILE REFERENCE **I18/403**

AUTHOR **Acting 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: 17 August 2017			
264/17	Council engages the services of a consultant who can prepare a business and economic development strategic plan specifically for the Upper Lachlan LGA and has the necessary contacts in both State and Federal Governments to be able to lobby on Councils behalf with a budget of approximately \$50,000.	DEP	REDs Plan finalised and the final document to be reported to Council through the EDTF. ULSC RED's Action Plan dated 21 June 2018 complete and provided to EDTF. Currently two proposals for the Economic Development Action Plan obtained. Economic Development Action Plan Workshop planned for mid to late September 2018.

Council Meeting: 21 September 2017			
319/17	Further consultation be undertaken with the Gunning Shire Hall and Showground Committee and the broader community with regard to the alternatives to the notion of no camping at all at the showground.	DWO	This is related to overflow camping from Barbour Park. A check needs to be undertaken to determine if camping related to the use of the Showground is permitted. Intention of resolution was in relation to RV/Caravaners camping at the facility. Policing of no camping is not physically possible within existing resources. Showground Committee meeting September 2018
172/17	Council waive 100% of the Gunning Roos water invoice (\$8841.36) as a one-off donation.	DWO	Arrangements be put in train for the payment of future water usage charges at the Gunning Showground by discussions with the Gunning Shire Hall and Showground Advisory Committee by the next meeting September 2018

Council Meeting: 15 March 2018			
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74/18	Council commissions a feasibility study/business plan with respect to the future use of the Crookwell Airstrip and the surrounding land.	DWO	Report to be placed before 20 December 2018 Council Meeting.
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Council Meeting: 19 April 2018

91/18	Council be provided with a report with respect to the steps required to undertake a full review of Council's current Upper Lachlan Local Environmental Plan 2010 and with specific reference to the Housing Strategy around the villages and towns.	DEP	Report placed before Council at 16 August 2018 Council Meeting.
92/18	Council undertake a road safety audit of the pedestrian crossing up to an amount of \$10,000 immediately, and forwards the audit and the petition to the Streetscape Project Control Group and the Traffic Committee to implement the project.	DWO	Road Safety Audit to be completed by RMS. Reports to be provided to the Streetscape Advisory Committee and Traffic Committee in August 2018.

Council Meeting: 17 May 2018

124/18	Council prepare a report on the feasibility of recording/webcasting of Council Meetings.	DFA	Report placed before Council at 16 August 2018 Council Meeting.
132/18	RV Friendly Town Program - Council staff continue to investigate the potential of the site in Crookwell and prepare a further report to Council.	DFA	Report placed before Council at 16 August 2018 Council Meeting.
136/18	Council acquire Lot 1 in the Plan of Acquisition comprising 754 m2 DP 1232215 under the Land Acquisition (Just Terms) Compensation Act 1991. Council authorise the Mayor and Acting General Manager to sign and seal the documents relating to the transaction, as required	DWO	Documents to be finalised by 19 August 2018.
149/18	3. Council authorise the Director of Works and Operations to implement the Council resolution	DWO	Working on December 2018 completion.

Information Only**ACTION SUMMARY - COUNCIL DECISIONS** cont'd**Council Meeting: 21 June 2018**

157/18	The Director of Works and Operations to implement the targets of the National Harmonisation Project	DWO	Investigations undertaken by December 2018.
159/18	Council places on public exhibition the Draft Biala Wind Farm Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions.	DEP	Placed on exhibition closing on 25 July 2018. Report provided to the 16 August 2018 Council Meeting.
160/18	The draft Public Gate and Bypass (Grid) Policy to be put on public exhibition for 28 days	ARC	Placed on exhibition closing on 9 August 2018. Report to be provided to the 20 September 2018 Council Meeting
161/18	Part 1,2,3 and 4 "(Bigga and Tuena Recycling) and 5 - Council seek NSW Government support in extending the Return and Earn program to the Upper Lachlan Shire	MO	1,2,3,4, underway, 5 Correspondence forwarded by 8 July 2018.
162/18	Organise Workshop on options for waste transfer stations	MO	Workshop to be organised by November 2018.
178/18	That the recommendations from the Taralga Wind Farm Community Fund Sec355 Committee be adopted.	DEP	Correspondence to be forwarded by 31 August 2018.
179/18	That the recommendations from the Cullerin Range Wind Farm Community Fund Sec355 Committee be adopted.	DEP	Correspondence to be forwarded by 31 August 2018.
180/18	That the recommendations from the Gullen Range Wind Farm Community Fund Sec355 Committee be adopted.	DEP	Correspondence to be forwarded by 31 August 2018.

Council Meeting: 19 July 2018

193/18	The Director of Works & Operations to prepare and present a report to Council in relation to the outcome of the meeting with RMS HVIS on the scope, cost, and timing and impact on access roads to the Council works depot and the status of HVIS generally in the shire.	DWO	Report to be provided to the 20 September 2018 Council Meeting.
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Information Only**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

195/18	That the Council writes to the Department of Planning and Environment and invites the Department to Council to give a briefing on the project and provide further details about the Critical State Significant Infrastructure assessment process	DEP	Correspondence forwarded by 10 August 2018.
196/18	That Council support the NSW Public Library Association in seeking that the NSW government reverse their funding decision with appropriate correspondence to be provided to the local member, relevant State Government Minister and Premier on the issue.	DFA	Correspondence forwarded by 10 August 2018.
197/18	That Council makes a submission to the Minister in support of the Bigga Community to have their black spot considered under Round Four of the Mobile Black Spot Program.	AGM	Correspondence forwarded by 3 August 2018.
198/18	That Council makes a submission to the Minister in support of the Curraweela Community to have their black spot considered under Round Four of the Mobile Black Spot Program.	AGM	Correspondence forwarded by 3 August 2018.
202/18	That the Acting General Manager present a report to Council in relation to obtaining a grant under the Building Better Regions Fund Community Investments Stream for the undertaking of a feasibility study and business case of connecting natural gas to the villages of Gunning and Crookwell	AGM	Report to the Council Meeting to be held 16 August 2018.
204/18	That the acquisition of lands at Commissioners Creek, Laggan Road Taralga be carried out by compulsory process in accordance with the Roads Act 1993	DWO	Acquisition to be completed by 23 November 2018.
205/18	That Council endorse the proposed road names as nominated by the developer in an email dated 19 June 2018, namely, "Graham Crescent" and "McGeechan Street" and advise the developer accordingly.	DWO	Correspondence forwarded to the developer and relevant state government department by 10 August 2018.

Information Only**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

206/18	That Council allocates \$8,560 from S94 Open Space Restricted Reserve Gunning towards the purchase and installation costs towards the Parent/Baby Swing at Barbour Park and that Council advises the Gunning District Association that it accepts the offer of \$1,500 towards the swing.	DWO	Correspondence accepting the donation forwarded by 10 August 2018. Budget Allocation confirmed. Equipment ordered and expected to be installed in mid October 2018.
207/18	That Council allocates an additional \$140,000 from the savings from the 2017/18 Operational Plan works on the Boorowa Road Project to fund the additional scope of works on the Bannister Lane Reconstruction and Initial Sealing Project	DFA	Budget Allocation confirmed and works underway.
208/18	That Council creates a Streetscape Advisory Committee under Section 355 of the Local Government Act 1993 and that community members are appointed after Expressions of Interest are called.	DWO	Committee set up in Infocouncil including the primary responsibilities (Charter) of the Committee. Advertisements for the EOI for community members arranged 26 July 2018.
208/18	That Council appoint Councillors Cummins, Stafford and Searl to the Streetscape Advisory Committee along with the General Manager, Director of Works and Operations and Project Manager	DWO	Councillor's membership confirmed by correspondence forwarded by 10 August 2018.
209/18	That Council fund stormwater drainage investigations, design and improvement works in the Village of Collector up to a total value of \$240,000 within the 2018/19 Operational Plan	DWO/DFA	Funding confirmed and investigation and design work expected to be completed by December 2018.
212/18	That Council notes the determination of annual fees by the Local Remuneration Tribunal for Councillors and Mayors and resolves to set a fee structure for the period 2018/2019 being, Councillors Annual Fee of \$11,860.00 and a Mayoral Fee of \$25,880.00	DFA	New fees confirmed to appropriate staff and arrangements finalised.
214/18	That Council not accede to the request for a donation/sponsorship of the inaugural Spring Sculpture Garden Festival	AGM	Correspondence forwarded by 24 July 2018.

Information Only**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

215/18	That Councillors provide comments if required to the Acting General Manager by Wednesday, 8 August 2018 on the Canberra Region Joint Organisation draft Charter, draft Code of Meeting Practice and Policy Payment of Expenses, Provision of Facilities and Allowances to Board Members to allow provision of collated comments to the Interim Executive Officer of the Canberra Region Joint Organisation by close of business 10 August 2018	AGM	Correspondence forwarded by close of business 10 August 2018.
220/18	<p>1. That Council agrees to renew the lease for the Health Care Centre at 17 Kialla Road, Crookwell for a further 5 year period with an option to renew for further 5 year period on the basis of the draft lease attached to the report.</p> <p>2. That the Acting General Manager be delegated the authority to negotiate with the Lessee's on the basis of the minimum requirements in regard to rental and outgoings that are detailed within the draft lease attached to the report.</p> <p>3. That the Mayor and Acting General Manager be authorised to sign the final lease agreement under seal of Council</p>	AGM	Lease documents finalised and negotiations to be completed by 24 August 2018.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

10 ENVIRONMENT AND PLANNING

The following items are submitted for consideration -

10.1	Upper Local Local Environmental Plan 2010 Review	100
10.2	Amendment to Upper Local Development Control Plan 2010 - Electricity	140
10.3	Biala Wind Farm - Voluntary Planning Agreement	144

Environment and Planning - 16 August 2018

ITEM 10.1 **Upper Local Local Environmental Plan 2010 Review**

FILE REFERENCE **I18/396**

AUTHOR **Director of Environment and Planning**

ISSUE

Outlining the steps required to undertake a review of the Upper Lachlan Local Environmental Plan 2010.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Council resolved at its meeting on the 19 April 2018: *“That Council be provided with a report with respect to the steps required to undertake a full review of Council’s current Upper Lachlan Local Environmental Plan 2010 and with specific reference to the Housing Strategy around the villages and towns”*.

REPORT

The following is a summary of the main steps in undertaking a review of the Upper Lachlan LEP 2010:

- the preparation of a planning proposal;
- the issuing of a Gateway determination;
- community and other consultation on the planning proposal;
- finalising the planning proposal;
- drafting of the LEP (legal instrument);
- making the plan;
- notifying the LEP on the NSW Government Legislation website.

Details on each step is available in the *A guide to preparing local environmental plans* prepared by the NSW Department of Planning and Environment August 2016. A copy of the guide is attached for Councillors information.

In respect of Council preparing a Housing Strategy around towns and villages, this would form part of the Planning Proposal and be subject to the Gateway determination.

In terms of a costs to prepare a Housing Strategy for all the towns and villages across the LGA including consultation with each community Council would need to allocate, at a minimum, \$100,000 for this work. This does not include the costs to prepare the Draft LEP and associated mapping.

Environment and Planning

UPPER LOCAL LOCAL ENVIRONMENTAL PLAN 2010 REVIEW cont'd

Council should note that all principal LEPs must be made in a standard form prescribed in the Standard Instrument (Local Environmental Plans) Order 2006. LEP maps must also conform to the '*Standard Technical Requirements for Spatial Datasets and Maps*'.

Benchmark timeframes have been set for the following types of LEPs by the Department of Planning and Environment where they are consistent with the state's strategic planning framework:

- administrative changes and errors - 3 months;
- minor spot rezoning - 6 months;
- major land release and urban renewal - 12-18 months;
- principal LEPs - 24 months.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

There is a \$100,000 carry forward from 2016/2017 internally restricted reserve for a housing strategy / rural residential strategy within Upper Lachlan Shire.

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. 	A guide to preparing local environmental plans prepared by the NSW Department of Planning and Environment	Attachment
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Planning &
Environment

Local Environmental Plans

*A guide to preparing local
environmental plans*



Disclaimer

These guidelines are provided for general guidance and information only. The guidelines are made available on the understanding that the NSW Department of Planning and Environment ('Department') is not providing legal advice. The Department has compiled the guidelines in good faith, exercising all due care and attention.

The guidelines do not affect or replace relevant statutory requirements. Where an inconsistency arises between the provisions of the guidelines and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. The guidelines are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the guidelines.

It should be noted that the guidelines may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the guidelines and the statutory requirements applying to plan making under the *Environmental Planning and Assessment Act 1979*.

A guide to preparing local environmental plans

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23–33 Bridge Street Sydney NSW Australia

www.planning.nsw.gov.au

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1 Introduction

This guideline provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the *Environmental Planning & Assessment Act, 1979* (the Act).

The process as set out in the Act enables the preparation and assessment of proposed LEPs to be tailored to their complexity and likely impact. Early consideration of assessment requirements through the issuing of a Gateway determination and the incremental preparation of supporting documents ensures effort is invested at appropriate stages of the process and community consultation is informed and meaningful.

Any person proposing an amendment to an existing LEP should initially discuss the matter with the relevant council. Councils are able to provide advice on the matters that should be included in a planning proposal and any other specific procedural matters that must be completed by a proponent when preparing a planning proposal to support an amendment to a LEP. If further advice is required, the initial point of contact with the Department of Planning and Environment (the Department) should be via its regional offices.

This guideline also details the procedures for Rezoning Reviews and Gateway Reviews. A proponent can request a Rezoning Review when a council fails to support the preparation of a planning proposal and / or submit the proposal for a Gateway determination within a reasonable timeframe, or when a council resolves not to support a planning proposal.

A review of a Gateway determination can be requested by either a proponent or a relevant planning authority. The request to review the Gateway determination may be based on the conditions imposed by the Gateway, the decision (ie. whether or not to proceed) or the requirement to resubmit the planning proposal to the Gateway for further consideration.

To streamline the plan making process, plan making powers have been delegated to councils for routine matters (eg reclassifications that do not require the Governor's approval, minor map amendments and strategy consistent rezonings) and other matters that the Gateway determines are of local planning significance. Councils will be issued with an authorisation to finalise and make the plan at the time a Gateway determination is issued. Procedures and general guidance on how to progress a delegated plan are also included in this guide.

This guide should also be read in conjunction with 'A guide to preparing planning proposals'. That guide provides more detailed advice about what is required in a planning proposal document, which is a pre-cursor to a LEP. It also sets out specific requirements that the Secretary has issued in accordance with s55(3) of the Act concerning the matters that must be addressed when preparing planning proposals.

2 What is a local environmental plan?

A LEP is a legal instrument that zones land, imposes standards to control development, or implements a state or local policy outcome. A LEP may also be used to reserve land for open space, as well as protecting trees and vegetation and items and areas of cultural heritage significance. The purpose of a LEP is to achieve the objects of the Act. It is a means to implement strategies, giving legal effect to where and under what circumstances places should be developed or particular environmental controls imposed. A LEP generally comprises a written document and accompanying maps.

A LEP applies to a particular area, generally the whole or part of a local government area (LGA). A LEP applying to the whole of a LGA is referred to as the principal LEP. The process for making a **principal LEP** and for amending a principal LEP is the same. That is, in order to amend a principal LEP it is necessary to make another LEP. For convenience, a LEP being made to amend a principal LEP is referred to as an **amending LEP**.

Most LEPs remain in force until they are amended or repealed by an amending LEP. This is important to provide certainty in the planning system. Where appropriate it is possible to specify that a LEP will have effect only for a specified period or in specified circumstances. The occasions when this is appropriate, however, will be limited [EP&A Act s. 26(3A)].

All principal LEPs must be made in a standard form prescribed in the Standard Instrument (Local Environmental Plans) Order 2006. LEP maps must also conform to the '*Standard Technical Requirements for Spatial Datasets and Maps*'. The Standard Instrument and standard technical requirements for spatial datasets and maps provide consistency in the appearance of LEPs and assist users interpreting planning controls across different LGAs. Complying with the standard technical requirements will also assist in the provision of an e-mapping platform and enable all LEP maps to be made available online after the plan is made.

3 Who can initiate and make a LEP?

The Minister for Planning (or delegate) for all land outside of the Greater Sydney Region or the Greater Sydney Commission (GSC) (or delegate) for all land within the Greater Sydney Region can make a LEP following a process set out in the Act and described in section 5 of this guideline [EP&A Act s. 53].

In some limited circumstances, however, the process can be dispensed with. These circumstances relate only to amending LEPs and are described later in section 5.5.9 of these guidelines [EP&A Act s. 73A].

A LEP can be initiated by either the council for the LGA to which the LEP is to apply or by an authority appointed by the Minister or GSC [EP&A Act ss. 54-55].

Whether it is a council that has initiated a LEP or an authority appointed by the Minister or GSC, the body responsible for carrying out the process is known as the relevant planning authority (RPA). For council initiated LEPs the RPA will generally be the council. Where the Minister or GSC has initiated the process, the Minister or GSC will direct the Secretary or some other person or body prescribed by the regulations, such as a Planning Panel, to be the RPA.

Circumstances when Minister (or GSC) can initiate a LEP

The Minister (for all land outside of the Greater Sydney Region) or the GSC (for all land within the Greater Sydney Region) may direct that the Secretary of the Department of Planning and Environment (or any other person or body prescribed by the regulations) is the relevant planning authority for a proposed instrument in the following cases [EP&A Act s. 54(2)]:

- the proposed instrument relates to a matter that, in the opinion of the Minister or GSC, is of state or regional environmental planning significance or of environmental planning significance to a district within the meaning of Part 3B
- the proposed instrument makes provision that, in the opinion of the Minister, is consequential on:
 - the approval of the concept plan for a project under Part 3A
 - the making of another environmental planning or other instrument
 - changes made to a standard instrument under section 33A
- the Planning Assessment Commission or a Planning Panel has recommended to the Minister or GSC that the proposed instrument should be submitted for a determination under section 56 (Gateway determination) or that the proposed instrument should be made
- a recommendation has been provided under section 15 (b) by the Secretary of the Department of Planning and Environment that the proposed instrument should be submitted for a determination under section 56 or that the proposed instrument should be made
- the council for the local government area concerned has, in the opinion of the Minister or GSC, failed to comply with its obligations with respect to the making of the proposed instrument or has not carried out those obligations in a satisfactory manner
- the proposed instrument is to apply to an area that is not within a local government area.

Further information and guidance regarding the matters the Minister (or GSC) will consider when deciding how to deal with a request to initiate a LEP, and how to make such requests, is described in LEP Practice Note PN 09-004 available on the Department's website at www.planning.nsw.gov.au.

4 What is the process for preparing a LEP?

The plan making process normally involves the following key components:

- the preparation of a planning proposal
- the issuing of a Gateway determination
- community and other consultation on the planning proposal (as required)
- finalising the planning proposal
- drafting of the LEP (legal instrument)
- making the plan
- notifying the LEP on the NSW Government Legislation website.

Two administrative review mechanisms exist within the plan making process – ‘Rezoning Review’ and ‘Gateway Review’. These review mechanisms allow councils, relevant planning authorities and proponents to seek a review of decisions in relation to proposed amendments to LEPs.

To increase the involvement of councils in the plan making process and streamline the processing and making of draft LEPs, certain plan making powers are delegated to councils.

A flowchart detailing the LEP plan making process is provided at **Attachment 1**.

4.1 Delegation of plan making functions to local councils

Local plan making functions are now largely carried out by councils. Types of proposed instruments that are routinely delegated to councils to make include¹:

- mapping corrections
- LEPs which will result in a relaxation of a development standard on a site to promote development including potential increases to FSR and height of building controls and, reduced minimum lot sizes
- Section 73A matters e.g. amending references to documents/agencies, minor errors and anomalies
- reclassification proposals where the Governor’s approval is not required in relation to the removal of covenants, trusts etc relating to the land
- heritage LEPs related to specific items (whether adding or removing an item from a Heritage Schedule) supported by an Office of Environment and Heritage endorsed local strategy or where the Office of Environment and Heritage provides preliminary support to the proposal
- spot rezonings consistent with a Regional Strategy or a local strategy endorsed by the Secretary
- spot rezonings that will result in an upzoning of land in existing areas zoned for residential, business, and industrial purposes, and
- any other matter that the Gateway determines is a matter of local planning significance.

Other types of LEPs not identified above may be delegated to councils if the Gateway agrees that the matter is of local significance.

¹ Matters that will be routinely delegated to a Council under administration are confirmed on the Department’s website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Proposed instruments which would 'down zone' a parcel of land (ie reduce a site's development potential) or which propose to introduce more restrictive development standards or controls will be considered on a case-by-case basis.

A planning proposal which relates to a 'suspension of covenants clause' under section 28 of the Act or that discharges interests in public land under section 30 of the *Local Government Act 1993* will not be delegated to councils. These types of plans require the Minister or GSC to make a recommendation directly to the Governor who must approve the provisions before the plan can be made.

The following plan making functions of the Act will be delegated to councils:

- the decision whether to make or decide not to make a plan [EP&A Act s. 59(2)].
- deferring a matter from a plan [EP&A Act s. 59(3)].
- the ability to identify which matters must be considered and which stages of the plan making process must be carried out again prior to resubmission [EP&A Act s. 59(4)] if the council determines not to proceed with a proposal or if a matter is deferred from the LEP.

Plan making delegation operates in respect of a draft LEP on receipt by council of a written authorisation to exercise delegation (the authorisation). The authorisation is issued to councils as part of the Gateway determination. When submitting a planning proposal, councils are required to identify whether they will, or will not be seeking an authorisation to make the plan for each planning proposal.

Section 23 of the Act allows the Minister and the Secretary to delegate functions to a council and/or an officer or employee of a council. Similarly, Section 11 of the *Greater Sydney Commission Act 2015* saves existing Ministerial delegations and also allows the GSC to delegate plan making functions to certain bodies. A council is to formally accept the delegation before the Department will issue an authorisation in respect of any individual draft LEP.

If a council chooses to accept the delegation, it may sub-delegate the function to an officer within council (usually the General Manager or planning director) who will exercise the delegation. If a council chooses to sub-delegate the function, the council should advise the Department at the same time it accepts the delegation. When submitting a planning proposal to the Gateway a council should advise the Department whether the council or an officer will be exercising the delegated function.

An authorisation for a RPA to exercise plan making delegation may be withdrawn by the Minister, GSC or delegate. This may occur, for example, if:

- the planning proposal is not being processed consistent with the Gateway determination;
- there are inconsistencies with Section 117 Directions that have not been adequately addressed; or
- there is an unresolved objection from a public agency that has been consulted in accordance with the Gateway determination.

5 The stages in the plan making process

5.1 Rezoning Reviews

The Rezoning Review mechanism allows proponents to make a request that an independent body review a request for a planning proposal prior to a Gateway determination being issued.

Rezoning Reviews are determined by Planning Panels² or the Planning Assessment Commission (the Commission).

Attachment 2 sets out the steps in the Rezoning Review process undertaken by Planning Panels and the Commission. Those steps are explained further below.

Proponents will not be able to rely on a submission made during the exhibition of a council's comprehensive LEP to form the basis of a request under the Rezoning Review mechanism. A proponent must lodge a request to prepare a planning proposal with a council before a review request can be made. For more information, see the Department's publication '*A guide to preparing planning proposals*'.

Step 1 – Proponent seeks review

If a proponent (eg. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument³, it may ask for a Rezoning Review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information⁴ or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Councils currently process requests to prepare planning proposals in a number of different ways. In general terms, the 90 day assessment period may commence in a number of ways including:

- when council formally acknowledges the proponent has lodged sufficient information to support their request; or
- when council accepts a fee for the assessment of the initial request to prepare a planning proposal; or
- when council accepts a fee (staged or lump sum) to progress the planning proposal; or
- when a request has been lodged in accordance with an existing council policy.

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) requires councils to notify a proponent when the council decides not to prepare a planning proposal. The proponent then has 42 days⁵ from notification to request a review of the council's decision.

² Planning Panel is a Joint Regional Planning Panel or a Sydney Planning Panel.

³ A proposed instrument may be a rezoning proposal to change a land use zone, or a proposal to change the development standards, land use table, local provisions or additional permitted uses (ie. Schedule 1) in LEPs.

⁴ '*A guide to preparing planning proposals*' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

⁵ Periods will be extended over the Christmas and New Year periods.

Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed. There is an expectation that a planning proposal would be submitted for a Gateway determination no more than 42 days after Council has determined to support a proponent's rezoning request. A proponent should contact the Department's regional office to discuss the opportunity for seeking a Rezoning Review if there are significant delays between council making a determination and submitting a planning proposal for a Gateway determination.

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (**Note:** A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (Refer to Step 2), to confirm why a review is warranted;
- disclosure of reportable political donations under section 147 of the Act, if relevant; and
- administration and assessment fee⁶.

The Department will forward Rezoning Review requests to the relevant Planning Panel or Commission within 3 business days of receipt.

The council will be notified upon receipt of an application and requested to provide any comments, additional information and confirmation that the proposal which has been submitted to the Planning Panel or Commission is consistent with what was considered by the council.

The council will have 21 days to provide its response to the Planning Panel or Commission.

Step 2 – Assessment by Planning Panel or Commission

The Planning Panel or Commission will undertake an assessment to determine whether the proposal:

- a) has strategic merit as it is:
 - Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
 - consistent with a relevant local strategy that has been endorsed by the Department; or

⁶ The relevant administration and assessment fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.

b) having met the strategic merit test, has site-specific merit, having regard to:

- the natural environment (including known significant environmental values, resources or hazards)
- the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Proposals that do not reasonably meet the assessment criteria above will not be able to proceed to the Gateway.

The Planning Panel or Commission may meet with the Department, council and proponent to clarify any issues before completing its review.

The Planning Panel or Commission will determine whether the proposal has merit and should be submitted for a determination under section 56 of the Act (Gateway determination).

Communication of this determination will be made to the proponent and the council within 90 days of the Department receiving the initial Rezoning Review request.

Step 3 – Appointment of relevant planning authority

If the Planning Panel or Commission determines that a proposal should proceed to the Gateway, it will concurrently notify the relevant council and ask if it will accept the role of relevant RPA to take the proposal to the Gateway and then finalise the proposal.

Councils will have 42 days to accept the role RPA otherwise an alternative RPA will be appointed. Where a Council accepts the role of RPA it will then have 42 days to submit a planning proposal to the Department for a Gateway determination.

Step 4 – Planning proposal submitted to Department for gateway determination.

Once the RPA is appointed the planning proposal is to be submitted to the Department for a Gateway determination in the normal manner.

In instances where a RPA is appointed, other than the Council, the proponent will need to pay a fee⁷, plus additional charges to cover costs on a proposal-specific basis.

⁷ The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

The Department will monitor progress of Rezoning Review requests and ensure that documents (review requests, Planning Panel or Commission reports and decisions) are published on the web within 3 business days of the completion of each step.

5.2 The planning proposal

A planning proposal is a document that explains the intended effect of the proposed LEP and provides the justification for making it [EP&A Act s. 55(1)].

A guide to preparing planning proposals provides detailed advice on the preparation of a planning proposal. As detailed in that guide, the planning proposal can be prepared by the RPA, or by a proponent for the proposed LEP and should initially contain enough information for the Gateway to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment. The planning proposal should contain enough information to identify relevant environmental, social, economic and other site specific considerations.

The scope of any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination, while the actual information/investigation may be undertaken after a Gateway determination is issued and included in the planning proposal, where appropriate.

When preparing and considering a planning proposal councils should consider whether they will be seeking an Authorisation to make the plan under delegation.

Section 55(2) of the Act outlines that a planning proposal must include the following components:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal.

Section 55(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- specific matters that must be addressed in the justification (Part 3) of the planning proposal
- a project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms **Part 6** of a planning proposal.

Parts 1 and 2 – Objectives and intended outcomes and explanation of provisions

It is important that the first two parts of the planning proposal, the 'objectives and outcomes' and the 'explanation of provisions' are expressed clearly. They will ultimately provide the basis for the drafting of the legal instrument (the LEP) and must accurately convey the intended effect of the planning proposal for the purpose of community consultation.

Part 3 – Justification

For the purpose of preparing the justification (the third part of the planning proposal), the Secretary has issued requirements about the specific matters that must be addressed in planning proposals (other than those which solely intend to classify or reclassify public land – see section 5.5.4).

When preparing the justification:

- it is important that the level of justification for each planning proposal is proportionate to the impact the planning proposal will have. This is particularly the case for planning proposals that may be inconsistent with the local and/or regional strategic planning framework
- a response to each of the Secretary's criteria will not always be necessary depending on the nature and the scale of the planning proposal. If a matter is not considered relevant, the reasons why should be briefly explained
- it is appropriate in the early stages of preparing a planning proposal to identify issues that will require detailed investigation if the planning proposal is to proceed. These detailed investigations, studies, or material will be prepared by the proponent or the RPA following the initial Gateway determination. The Gateway determination will confirm the expected level of information required to form part of the exhibition material.

Part 4 – Mapping

If the proposed LEP is to include maps (such as maps for proposed land use zones, heritage areas, flood prone land and the like), they must also be included with the planning proposal. The maps need to contain sufficient information to explain the substantive effect of the proposed LEP. This means that the maps must clearly and accurately identify the land affected by the planning proposal and the relationship of that land to neighbouring properties [EP&A Act s. 55(2)(d)]. The Department's 'Standard Technical Requirements for Spatial Datasets and Maps' provide guidance regarding Standard Instrument LEP mapping requirements. Where appropriate, planning proposals should also include aerial photographs, figures, and graphic information to identify the subject site and explain the current zones and development standards that apply to the land and intended outcome of the planning proposal.

Part 5 – Community consultation

A planning proposal must also outline the proposed community consultation that will be undertaken in relation to the proposal. Consultation includes public exhibition (typically 14 or 28 days) as well as details relating to any agencies that will be consulted. In the case of a large or complex planning proposal it may also be appropriate to include details of a community consultation strategy in the planning proposal. If any pre-lodgement consultation has been undertaken with agencies, an overview of the outcomes of this consultation including any agreements that may have been reached (e.g. scope of a technical study, agreement that an offset agreement is needed) should also be provided.

Part 6 – Project timeline

The Secretary has determined that a planning proposal must include a project timeline. The timeline is to clearly articulate the principal steps associated with finalising the plan together with anticipated start and completion dates. The timeline will be used by the Department and others to manage workloads associated with finalising the plan, especially where the plan is to be delegated to council to complete. The project timeline must clearly identify:

- anticipated commencement date (date of Gateway determination)

- anticipated timeframe for the completion of required studies
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)
- commencement and completion dates for public exhibition period
- dates for public hearing (if required)
- timeframe for consideration of submissions
- timeframe for the consideration of a proposal post exhibition
- anticipated date RPA will make the plan (if delegated), and
- anticipated date RPA will forward to the Department for notification (if delegated) or for finalisation (if not delegated).

A primary goal of the plan making process is to facilitate the technical process to produce LEPs once the strategic decision of the issue of a Gateway determination has been taken. To meet this goal the Minister or GSC may consider taking action to finalise the LEP if the timeframes approved for the completion of the planning proposal are significantly or unreasonably delayed.

5.3 The Gateway determination

Once the document is prepared, it must be forwarded to the Minister or GSC by the RPA for Gateway consideration.

A Gateway determination is issued by the Minister, GSC or delegate. It specifies whether a planning proposal is to proceed and, if so, in what circumstances [EP&A Act s.56]. The Gateway determination will also include an Authorisation for the delegation of plan making functions to council where it has been requested or where the matters are determined to be of local planning significance by the Gateway.

The purpose of the Gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The Gateway determination is a checkpoint for planning proposals before resources are committed to carrying out investigative research, preparatory work and consultation with agencies and the community. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

Once a planning proposal is forwarded to the Minister, GSC or delegate by the RPA for a Gateway determination, it is entered into the Department's online register of planning proposals where the progress of the proposed LEP is monitored, based on the submitted project timeline. It is then assessed by the Department's regional team. The Department's regional team will make a recommendation to the Minister, GSC or delegate regarding the progression of the planning proposal. The regional team may refer the planning proposal and its recommendation to the LEP Review Panel if it is considered that the proposal is contentious or not suitable for progression. The LEP Review Panel will consider the planning proposal and the recommendation of the Department's regional office before providing its own recommendation to the Minister, GSC or delegate.

The Minister, GSC or delegate will consider any recommendation of the Department's regional office and LEP Review Panel, where relevant, and decide whether to give a Gateway determination to allow the proposal to proceed. The Gateway determination will indicate the following [EP&A Act s.56(2)]:

- whether the planning proposal should proceed (with or without variation)
- whether any studies are required and if necessary the scope of these additional studies
- whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal)

- the community consultation required before consideration is given to the making of the proposed instrument (the community consultation requirements)
- any consultation required with state or Commonwealth authorities
- whether a public hearing is to be held into the matter by the Commission or other specified person or body
- the times within which the various stages of the process for making of the proposed LEP are to be completed, and
- whether the function of making the LEP is to be exercised by the Minister, GSC or delegated to the RPA.

Not all planning proposals that have received a Gateway determination will be finalised.

Examples for when a planning proposal would not be suitable for finalisation include:

- the planning proposal is not consistent with the requirements of the Gateway determination; or
- the planning proposal cannot demonstrate consistency with relevant Section 117 Directions or the Secretary has not agreed that any inconsistencies are justified, or minor in nature; or
- the proposed change of planning controls is not supported following consideration of studies, agency input or consultation; or
- the planning proposal has been withdrawn.

5.4 Review of Gateway determination

A proponent or a council, when it is the relevant planning authority for a proposal, may request the Minister, GSC or delegate alter a Gateway determination in certain circumstances.

Attachment 3 sets out the steps in the Gateway review process.

Separate to the formal Gateway review process outlined below, a council, as the relevant planning authority, may at any time request that the Gateway determination be reconsidered and re-issued. Councils should contact the Department's regional team to discuss any concerns about the Gateway determination before deciding to request a formal review. For some routine matters, a Gateway determination may be altered at any time without the need for a formal review.

Step 1 – Proponent or council seeks review

A council, when it is the relevant planning authority, or proponent may request the Minister, GSC or delegate alter a Gateway determination when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway, or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

These post-Gateway reviews apply only if the original Gateway determination was made by a delegate of the Minister or GSC. If the Gateway determination is either to not proceed or to resubmit the planning proposal, the relevant planning authority or proponent has 42 days from being notified by the Department to request a review.

If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the Department to indicate their intent to request a review. The council or proponent then has 42 days to formally apply for a Gateway review. The initial 14 day period is intended to prevent any unnecessary delay in proceeding to community consultation on the planning proposal.

The council or proponent requesting a Gateway review must provide the Department with the following within the 42 days:

- a completed application form
- a copy of the planning proposal and supporting information as submitted to the Gateway
- justification for why an alteration of the Gateway determination is warranted, including, where relevant, responses to issues raised by the original Gateway decision maker, and
- if relevant, disclosure of reportable political donations under section 147 of the Act

Step 2 – Department prepares preliminary report

The Department will check whether the request is eligible for review and is accompanied by all the required information. The Department will contact the council or proponent to obtain further details if required. If the Gateway review is proponent-initiated, the Department will notify the council of the proponent's request and the council will have 21 days to provide a response.

The Department will prepare a report outlining the planning proposal, the reason(s) why the review request has been made, the reasons why the original Gateway determination was made, and the views of the council (if the review was proponent-initiated).

Step 3 – Planning Panel or Commission advice

The Department's report and accompanying information will be forwarded to the Planning Panel or Commission for its advice.

The reviews will be provided to the Commission where they relate to land within the Greater Sydney Region or if the planning proposal was subject to a pre Gateway review that was considered by a Planning Panel. In all other cases these reviews will be provided to the relevant Planning Panel.

The Planning Panel or Commission will review the planning proposal, giving consideration to the council or proponent's submission and the reasons given for the original determination in the Department's report.

The Planning Panel or Commission will then determine whether or not the original Gateway determination should be altered and whether the planning proposal should proceed to public consultation.

Step 4 – Ministerial determination

The Minister, GSC or delegate will make the final decision with respect to the proposal giving consideration to:

- Gateway delegate's reasons for its original Gateway determination
- submissions from the council or proponent including why the Gateway determination should be altered
- views of the council (when the review has been initiated by the proponent)
- the Commission's advice in relation to the planning proposal, and

- other matters not considered by the original decision maker including strategic planning considerations (eg emerging state or regional policies relevant to the planning proposal).

The Minister, GSC or delegate may alter the Gateway determination and decide the planning proposal should proceed (in accordance with any revised conditions) at which point the council and proponent (if relevant) will be notified by the Department of the altered determination and post-Gateway consultation on the planning proposal can commence.

Alternatively, if the Minister, GSC or delegate considers that the planning proposal should not proceed past the Gateway, the council and proponent (if relevant) will be notified by the Department.

Following a Gateway review where the Minister, GSC or delegate alters the determination, the necessary processes and work to progress a planning proposal after a Gateway determination has been issued commence. This includes undertaking community consultation on the planning proposal.

The Department will monitor the progress of the Gateway review and will ensure that documents (review requests, Department, Planning Panel, and Commission reports and determinations) are published on the web within 3 business days of the completion of each step.

5.5 Finalising the planning proposal

The statutory process for making a plan following the issuing of a Gateway determination is the same regardless of whether the matter is delegated to council to finalise or whether the plan will be made by the Minister or GSC. The principal difference between the two processes is who has responsibility for undertaking the various statutory steps in the plan making process.

Attachment 6 provides an overview of the steps involved with the plan making process for delegated and non delegated matters. If, at Gateway, the plan making power of the Act is delegated to the RPA, then the RPA takes responsibility for all remaining steps in the plan making process. This includes both:

- requesting that the legal instrument (the LEP) is drafted by Parliamentary Counsel's Office (PCO), and
- the actual making of the LEP once an Opinion has been issued by PCO that the plan can be legally made.

Further advice about key aspects of the plan making process is provided in the sections below.

When a planning proposal is delegated to a RPA to finalise and make, the Department's primary function will be administrative in nature. The Department will continue to provide support and advice to a RPA throughout the course of the process if requested to do so.

5.5.1 Secretary's approval before community consultation

If required, the Secretary (or delegate) must approve the form of planning proposals, as revised, to comply with the Gateway determination, before community consultation is undertaken [EP&A Act s. 57(2)].

Wherever possible this approval will be granted at the same time as issuing the Gateway determination. In instances where it is likely the planning proposal will need to be revised as a consequence of the Gateway determination, or subsequent consultation with public authorities, the Secretary's approval may be withheld. If the Secretary's approval is withheld, the RPA must obtain approval before any community consultation takes place.

A planning proposal should be a concise document which justifies the proposal's merit. If there are circumstances in which it is appropriate to summarise the detailed provisions of a planning proposal for the purpose of community consultation, the Act provides that the Secretary (or delegate) can approve such a

summary if satisfied that it provides sufficient details for community consultation. The RPA should indicate in section 5 of the planning proposal (details of the community consultation that is to be undertaken) that it intends seeking the Secretary’s approval to issue a summary of the planning proposal for the purpose of community consultation.

A copy of the summary must be submitted for the approval of the Secretary prior to commencing community consultation. Even in circumstances where a summary is issued for community consultation, the complete planning proposal and supporting studies should also be available for interested members of the public to inspect [EP&A Act s. 57(2)].

5.5.2 Community consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals.

Planning proposal type	Exhibition period
Low impact proposals*	14 days
All other planning proposals (including any proposal to reclassify land)	28 days

* A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Public exhibition of the planning proposal is generally undertaken in the following manner:

- notification in a newspaper that circulates in the area affected by the planning proposal
- notification on the website of the RPA
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

The RPA can undertake additional consultation if this is deemed appropriate or necessary. This may include, but is not limited to broad consultation by letter, open days or public forum.

The written notice must:

- give a brief description of the objectives or intended outcomes of the planning proposal
- indicate the land affected by the planning proposal
- state where and when the planning proposal can be inspected
- give the name and address of the RPA for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the RPA.

During the exhibition period, the following material must be made available for inspection:

- the planning proposal in the form approved for community consultation by the Gateway determination
- the Gateway determination
- any information or technical information relied upon by the planning proposal.

The community consultation is complete only when the RPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP [EP&A Act s. 57(8)].

Many RPAs have adopted policies for the exhibition of planning proposals and broader community consultation activities. If a RPA is recommending that consultation in addition to that recommended in this guideline is undertaken, an overview of that additional consultation should be provided in the planning proposal for consideration by the Gateway.

The plan making process does not require community consultation to be undertaken prior to a proponent lodging a request with a RPA to prepare a planning proposal. The principal place for community consultation for planning proposals is after a Gateway determination is issued and all relevant studies and reports have been completed. This ensures the community has clear and evidence based information available to assist the community to make informed comment on the proposal.

Depending on the nature of the proposal, a RPA may consider that it is appropriate to seek the general views of the community to assist in further defining the intent of the planning proposal prior to submitting it to Gateway. Alternatively, a proponent may consider it best practice to undertake pre-lodgement consultation if the proposal relates to a significant or large site. If this approach is adopted, the consultation will form part of the initial 90 day period between Council receiving a planning proposal request and indicating its support to preparing a planning proposal.

The initial planning proposal request should relate primarily to the underlying proposed amendment to the LEP. Issues associated with the potential future development of the site should be given secondary consideration and may not be suitable for pre-lodgement consultation.

As noted in 'A guide to preparing planning proposals', a planning proposal relates to a change in a LEP control. While a variation to a control may be pursued to secure a particular development outcome for a site, that outcome will itself be subject to a separate assessment via the Development Application process. The principal focus of any pre-lodgement consultation should therefore be to seek the community's views on whether the proposed alternate zone or development standard is an appropriate outcome for that particular site. Matters associated with the design of a potential building, a subdivision layout, or other detailed matters are more appropriately addressed via the development assessment process and the public exhibition of any subsequent Development Application.

5.5.3 Public hearings

The RPA can decide to conduct a public hearing into any issue associated with a planning proposal [EP&A Act s. 57(6)]. Where the planning proposal is to reclassify community land, the RPA is obliged by the *Local Government Act 1993* to hold a public hearing.

A person making a submission during the public exhibition of a planning proposal can also request that the RPA conducts a public hearing into the issues raised in their submission. If the RPA considers that the issues raised in the submission are of such significance they should be the subject of a hearing, the RPA must arrange a public hearing [EP&A Act s. 57(5)].

Where a RPA decides to conduct a public hearing or is required to conduct a public hearing in the case of LEPs that propose to reclassify public land from 'community' to 'operational' under the *Local Government Act 1993*, it must:

- give notice of the arrangements for the public hearing in a local newspaper, and
- give notice in a letter to each of the persons who requested a public hearing when making a submission, at least 21 days before the date of the hearing.

Notice of the public hearing must not be given before the conclusion of the public exhibition of the planning proposal to ensure each person making a submission and requesting a public hearing is given the requisite 21 days notice.

5.5.4 Classification and reclassification of public land

In the case of proposed LEPs which are being prepared solely to classify or reclassify public land, the Secretary has issued the following requirements as to the specific matters that must be addressed in the justification for the planning proposal [EP&A Act s. 55(3)]:

For planning proposals that have been delegated, the council will be responsible for providing instructions to PCO to obtain the draft legal instrument. A central email address has been provided at the PCO for councils to forward their drafting instructions and requests to.

That email address is:

parliamentary.counsel@pco.nsw.gov.au

Secretary's requirements for planning proposals reclassifying land:

- a) Is the planning proposal the result of a strategic study or report?
- b) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?
- c) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.
- d) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

5.5.5 Legal drafting of the LEP

The LEP is the legal instrument which gives effect to the planning proposal. The drafting of the LEP is undertaken by PCO upon receipt of instructions from the Department or from a RPA if the plan making process has been delegated to the RPA.

Where the Department is still responsible for drafting the LEP instrument it will consult the RPA on the terms of the LEP to ensure it is consistent with the objectives and outcomes and the explanation of provisions set out in parts 1 and 2 of the planning proposal.

Further information and details about the legal drafting process for delegated LEPs is provided at www.legislation.nsw.gov.au/lg_delegations_information.pdf

Council is to include the following details with the instructions to the Department's relevant regional office, for non-delegated planning proposals, or to PCO and the Department's relevant regional office, for delegated planning proposals:

- the planning proposal
- a copy of the Gateway determination and any subsequent determinations given with respect to the planning proposal
- details of exhibition (if applicable) and a report detailing how issues raised in any submissions made during exhibition have been addressed by council
- variations to the planning proposal after the Gateway determination was given and justification for these amendments
- details relating to the planning proposal's consistency with relevant Section 117 Directions, including where the Secretary has agreed that any inconsistencies are justified, or minor in nature
- any other relevant background or explanatory information that may assist the PCO with its drafting of the instrument eg council policy forming the basis of the amendment, council report(s) detailing the background and rationale for the draft LEP, any correspondence between the council and the Department which provides background to the approach adopted in the draft LEP, and
- completed template detailing dates for key steps of the process.
- draft maps and GIS data (where relevant) consistent with the *Standard Technical Requirements for Spatial Datasets and Maps* should be provided to the Department via the Planning Portal, at the same time as instructions are provided to PCO. No mapping should be sent from the RPA to PCO. The Department will review and forward all maps to PCO.

Note: All GIS and mapping data to be supplied in a single .ZIP file for ease of data via <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>.

Communications between PCO and the council may be subject to legal professional privilege and must be maintained in the strictest confidence. This privilege also extends to drafts of the instrument and drafting notes provided by PCO to the council. Councils should contact the Department and PCO before publishing these preliminary drafts on their websites or otherwise making them available to third parties, in order to avoid this privilege being waived. Legal professional privilege is also relevant in considering whether to disclose government information under the Government Information (Public Access) Act 2009.

PCO will produce a draft instrument (the LEP) and following any discussions with the RPA about the content of the instrument PCO will issue an Opinion that the draft instrument can be legally made. A LEP cannot be signed unless such an opinion has been issued.

5.5.6 Varying a proposal

An early dialogue between the Department and the RPA regarding the assessment requirements for a planning proposal is an important feature of the process of preparing a LEP. It is important, therefore, that planning proposals can be built upon, or evolve, as a consequence of more detailed studies and investigations in the period following the initial Gateway determination and leading up to community consultation.

The Act provides that if a RPA varies its proposal following the initial Gateway determination, it must inform the Minister, GSC or delegate, who may issue a revised Gateway determination, depending on the nature of the variations.

A RPA is taken to have varied its proposals when it changes the statement of the objectives or intended outcomes of the proposed LEP required by s. 55(2)(a) of the Act (Part 1 of the planning proposal), or the explanation of the provisions that are to be included in the proposed LEP required by s. 55(2)(b) (Part 2 of the planning proposal).

Changes to the justification for those objectives, outcomes and provisions and the process for their implementation required by s. 55(2)(c) of the Act are not regarded as variations to the proposals and therefore do not require the revised planning proposal to be forwarded to the Minister, GSC or delegate.

It should be noted that resubmission of the planning proposal following the completion of studies may be included as a requirement in the Gateway determination.

5.5.7 Benchmark timeframes for preparing LEPs

LEPs take different forms and degrees of complexity. It is important, that the state planning system responds to changing circumstances and emerging opportunities and that planning proposals are given proper consideration within a reasonable timeframe.

Benchmark timeframes have been set for the following types of LEPs where they are consistent with the state's strategic planning framework:

- administrative changes and errors **3 months**
- minor spot rezoning **6 months**
- major land release and urban renewal **12-18 months**
- principal LEPs **24 months**.

Delegating plan making to local councils is intended to fast track the delivery of LEPs.

The progress of LEPs from the initial submission of a planning proposal through to the finalisation of a LEP can also be monitored on the Department's LEP Tracking System which can be accessed via www.leptracking.planning.nsw.gov.au/. The Tracking System provides details of all planning proposals that have been lodged with the Department and their status.

5.5.8 Tracking and reporting on the plan making process

The process for tracking the status of a planning proposal and draft LEP through the plan making stages continues to be the Department's LEP Tracking System. The community will continue to be able to log onto the tracking system to check the status of a plan.

To ensure that information on the status of delegated LEPs is current, councils are required to advise the relevant regional office in writing when each stage of the plan making process (ie dates for exhibition, date reported to council etc) is completed. This will enable the Department to update the data in the tracking system which will then be available for the public to review via the publicly available site.

Councils will be provided with a template at the same time as the Authorisation is issued. The template (see **Attachment 5**) lists the key dates that council will be required to report on in relation to each LEP. Councils must provide a copy of the completed template with its request that the plan be notified.

No additional reporting on the progress of LEPs will be required from councils.

If any issues related to the plan making process are identified at any stage and council is uncertain how to proceed, council should consult with the relevant regional team of the Department.

The Department will continue to monitor the progress of LEPs against the timeframes identified in the original Gateway determination notice. Council is still accountable to the timeframe requirements identified in the Gateway determination. Where council cannot demonstrate a commitment to completing the LEP within a satisfactory timeframe, consideration will be given to discontinuing the planning proposal in accordance with section 56(7) of the Act or appointing an alternative RPA under section 54(2) of the Act.

5.5.9 Circumstances in which it is not necessary to follow this process

In the following circumstances, the Minister, GSC or delegate may dispense with all or part of the plan-making process described within this section, including community consultation, in the making of an amending LEP but not the processes set out in section 5.5.5 of this guide:

- if the purpose of the proposed LEP is to implement the Standard Instrument (Local Environmental Plans) Order 2006 and the Minister is of the opinion that the proposed LEP does not make any substantial changes to the general effect of the existing instrument or instruments [EP&A Act s. 33A(8A)]
- if the purpose of the proposed LEP is to correct an obvious error in the principal LEP, or address other matters that are of a minor nature [EP&A Act s.73A(1)(a) and (b)], or
- if in the opinion of the Minister or GSC, the matters dealt with by the amending LEP will not have any significant adverse impact on the environment or adjoining land [EP&A Act s. 73A(1)(c)].

A RPA wishing to seek the Minister's dispensation of all or part of the process must, in the first instance, write to the Secretary setting out the reasons why in the context of the criteria described above (sections 33A(8A) or 73A as applicable). The Minister, GSC or delegate will advise which, if any, parts of the process can be dispensed with when the initial Gateway determination is issued.

5.5.10 Additional assistance

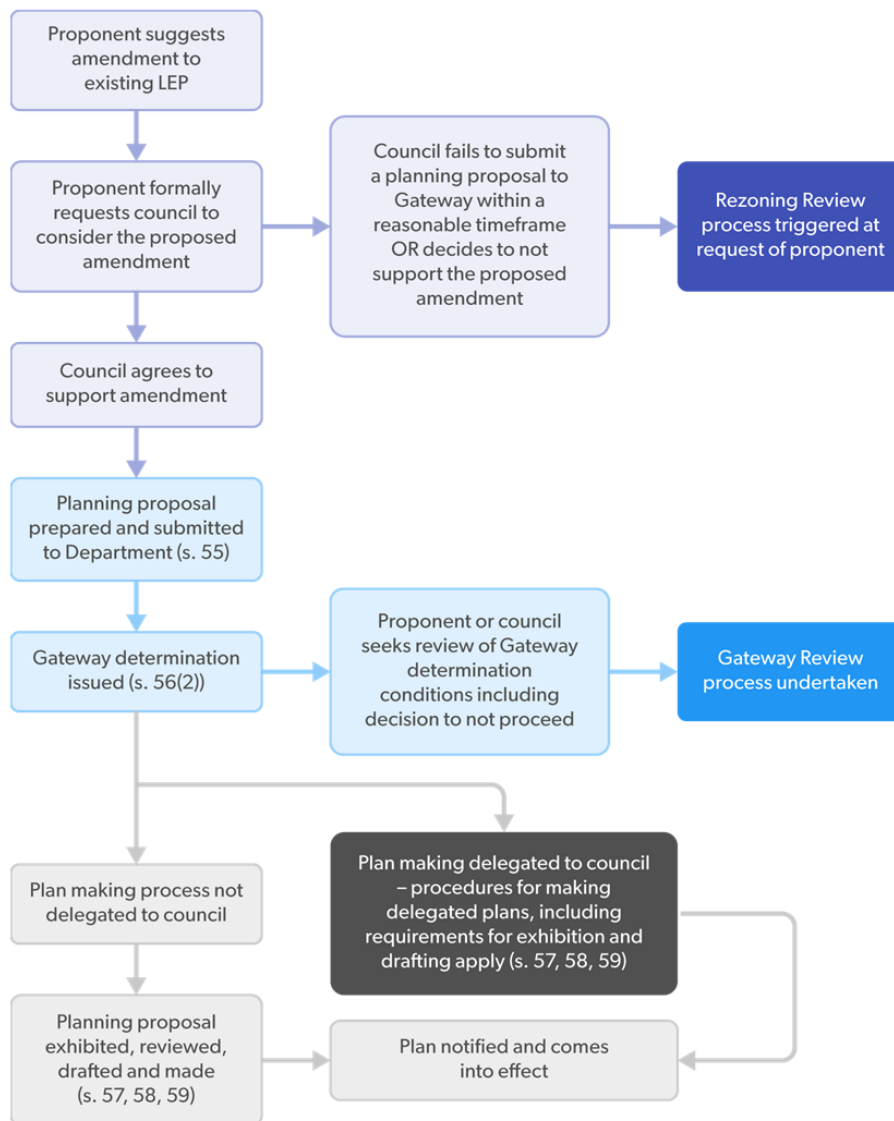
The Department will continue to provide assistance to any council that requests it at any stage of the plan making process. This assistance may include:

- preparation of and assistance with supporting LEP maps
- liaison with agencies where an objection or issue is raised during exhibition or as a result of consultation required under the Gateway determination
- advice on appropriate matters for inclusion in draft LEP provisions, and
- discussions with PCO on drafting matters.

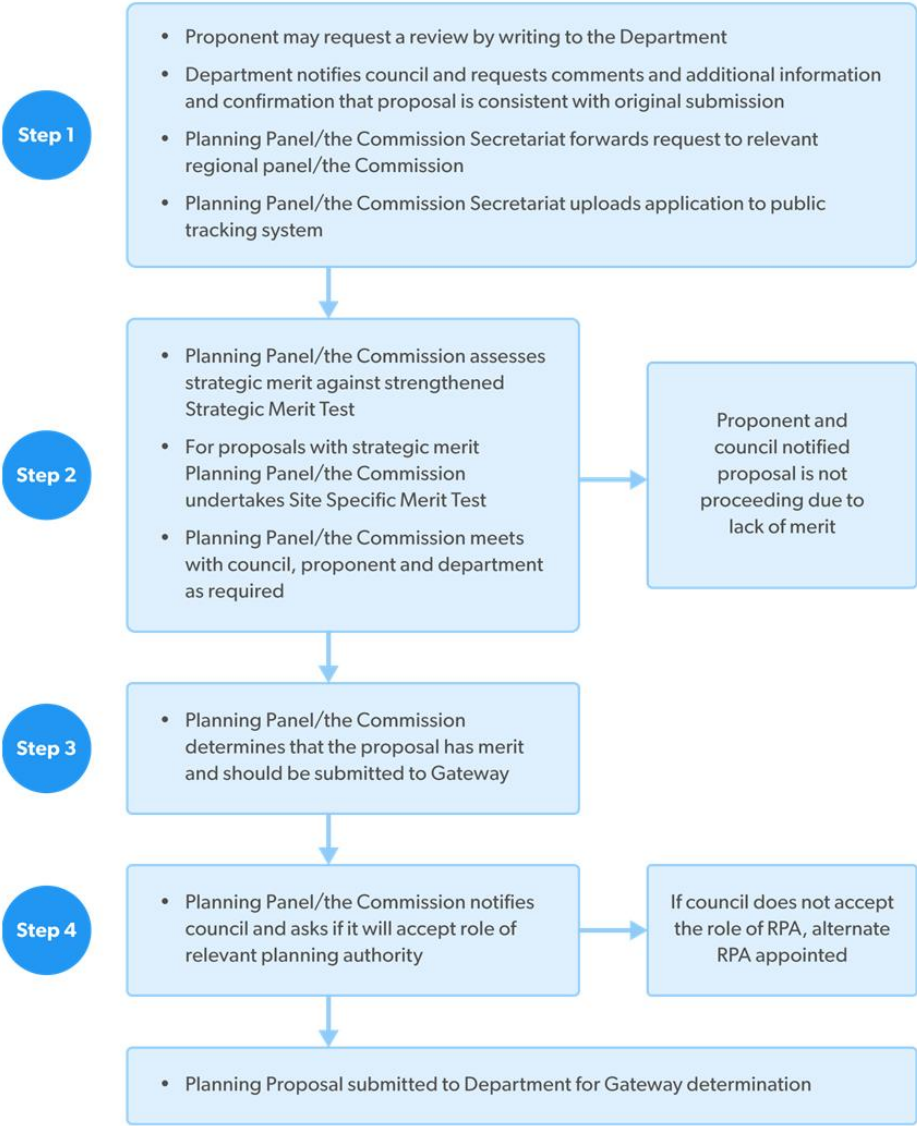
Councils should initially contact the relevant regional office for this assistance.

6 Attachments

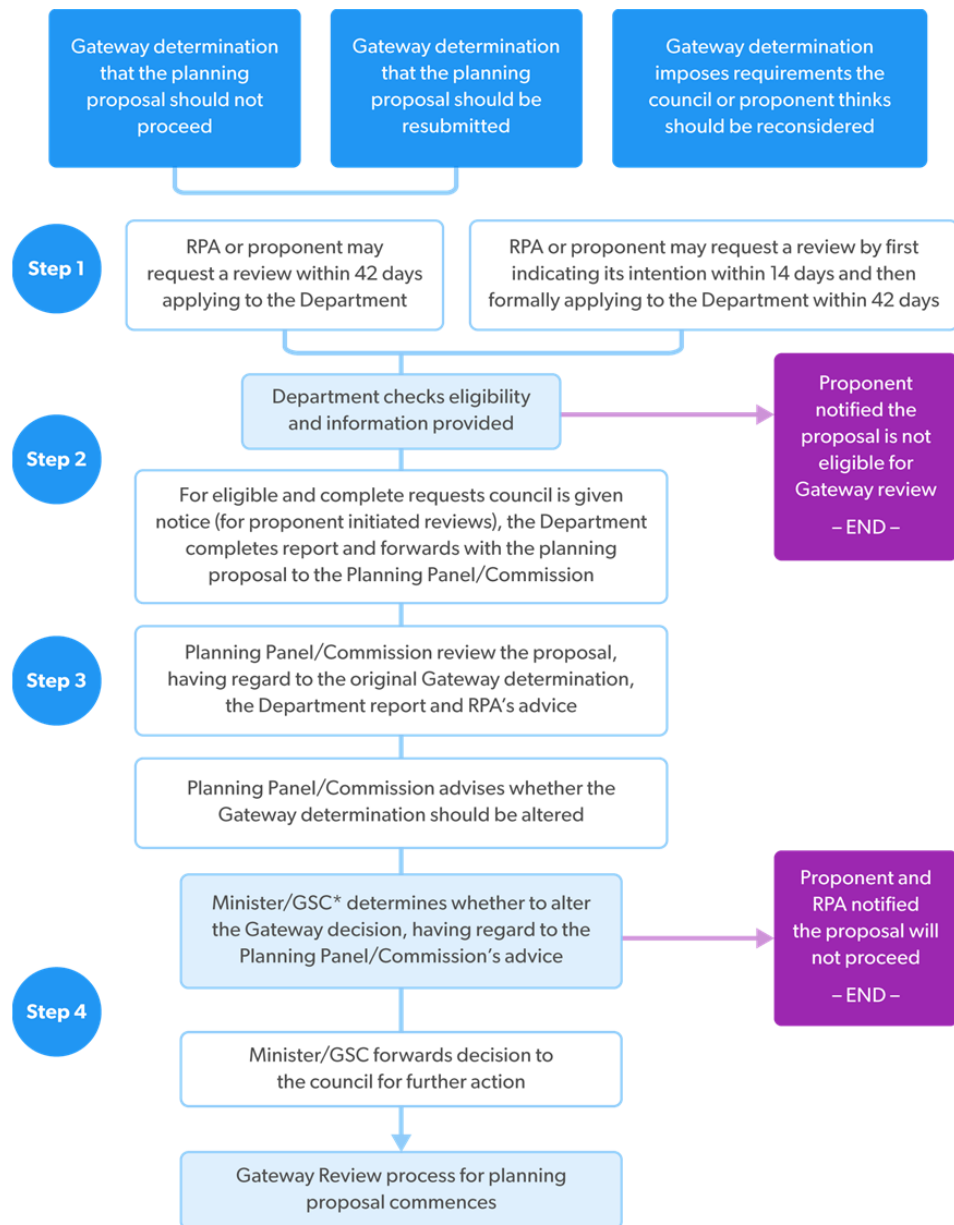
Attachment 1 – LEP plan making process



Attachment 2 – Rezoning review process



Attachment 3 – Gateway determination review process



* Reference to Minister/GSC in this diagram is also a reference to the Secretary if the Gateway decision being reviewed was originally made by a delegate of the Minister/GSC that was not the Secretary

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Name of draft LEP:

Address of Land (if applicable):

Intent of draft LEP:

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?				
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?				
Are appropriate maps included to identify the location of the site and the intent of the amendment?				
Does the planning proposal contain details related to proposed consultation?				
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?				
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?				
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?				
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?				
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?				
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?				
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?				

Reclassifications				
Is there an associated spot rezoning with the reclassification?				
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?				
Is the planning proposal proposed to rectify an anomaly in a classification?				
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?				
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?				
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval ?				
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?				
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?				
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?				
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?				
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?				
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?				
Does the planning proposal create an exception to a mapped development standard?				

Section 73A matters				
Does the proposed instrument				
<p>a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(Note – the Minister / GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>				

Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

Attachment 5 – Delegated plan making reporting template

Reporting Template for Delegated LEP Amendments

Notes:

- Planning proposal number will be provided by the Department following receipt of the planning proposal
- The Department will fill in the details of **Tables 1 and 3**
- RPA is to fill in details for **Table 2**
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department’s publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA’s request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	
Date Sent to Department under s56	
Date considered at LEP Review Panel (if relevant)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to Department requesting notification		

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	
Additional Relevant Information:	

Attachment 6 – Comparative plan making process

Planning proposals	
Non Delegated Matters	<ul style="list-style-type: none"> • A planning proposal can be initiated by council or proponent. • A planning proposal to be prepared in accordance with the Department’s <i>A guide to preparing planning proposals</i>. • Council to identify that it is not requesting an authorisation to exercise delegation to finalise the Plan.
Delegated Matters	<ul style="list-style-type: none"> • A planning proposal can be initiated by council or proponent. • A planning proposal to be prepared in accordance with the Department’s <i>A guide to preparing planning proposals</i>. • Council to identify that it seeks authorisation to exercise delegation and provide responses to relevant matters in ‘Evaluation criteria for the issuing of authorisation’ (see Attachment 4). • Council to identify whether the plan will be made by council or by sub-delegation to relevant officer (usually General Manager or planning director).
Assessment of planning proposal	
Non Delegated Matters	<ul style="list-style-type: none"> • Department’s regional planning team undertakes assessment of planning proposal and prepares assessment report recommending Gateway determination conditions.
Delegated Matters	<ul style="list-style-type: none"> • Department’s regional planning team undertakes assessment of planning proposal and prepares assessment report recommending Gateway determination conditions. • Assessment report includes review of responses provided by council in ‘Evaluation criteria for the issuing of authorisation’ and a recommendation as to whether council’s request for an authorisation should be supported.

LEP Review Panel (if relevant)	
Non Delegated Matters	<ul style="list-style-type: none"> Planning proposal considered by Department’s independent LEP Review Panel. Recommendation made to the Minister, GSC or delegate including conditions for the finalisation of the planning proposal.
Delegated Matters	<ul style="list-style-type: none"> Planning proposal considered by Department’s independent LEP Review Panel. Recommendation made to Gateway including conditions for the finalisation of the planning proposal.
Gateway Determination	
Non Delegated Matters	<ul style="list-style-type: none"> Gateway considers planning proposal, recommendations from regional planning team assessment report, and LEP Review Panel regarding conditions for the finalisation of the planning proposal. Gateway determination notice issued with conditions related to: <ul style="list-style-type: none"> requirements for community and agency consultation whether additional supporting information is to be provided the timeframe for the completion of the draft LEP any other relevant matters. Once Gateway determination has been given the planning proposal is returned to council.
Delegated Matters	<ul style="list-style-type: none"> Gateway considers planning proposal, recommendations from regional planning team assessment report, and LEP Review Panel regarding conditions for the finalisation of the planning proposal. Gateway determination notice issued with conditions related to: <ul style="list-style-type: none"> requirements for community and agency consultation whether additional supporting information is to be provided the timeframe for the completion of the draft LEP, and any other relevant matters. If the Gateway agrees with request from council to delegate plan making functions an Authorisation to exercise delegation is issued concurrently with the Gateway determination notice. Once Gateway determination has been given the planning proposal is returned to council.

- Delegation means the Department will generally no longer be involved in the plan making process unless:
 - the council fails to meet its obligations in progressing the proposal in accordance with the conditions of the Gateway
 - the council decides not to process the draft LEP and requests that the Minister / GSC determine the matter no longer proceed.
- The Department may still have a role in the finalisation of the Plan where:
 - required by the Gateway;
 - the agreement of the Secretary regarding S117 Directions is required; or
 - the RPA seeks to alter the Gateway, including any extension of timeframes.

Consultation	
Non Delegated Matters	<ul style="list-style-type: none"> • Council is to undertake consultation in accordance with the conditions of the Gateway determination including: <ul style="list-style-type: none"> – consultation required under section 34A of the EP&A Act where the RPA is of the opinion that critical habitat or threatened species populations, ecological communities or their habitats will or may be adversely affected by the planning proposal – consultation required in accordance with Ministerial Direction under section 117 of the Act – consultation that is required because in the opinion of the Minister, GSC or delegate, a state or Commonwealth authority will or may be adversely affected by the proposed LEP. • Public exhibition in accordance with the minimum timeframe established in the Gateway determination.
Delegated Matters	<ul style="list-style-type: none"> • Council is to undertake consultation in accordance with the conditions of the Gateway determination including: <ul style="list-style-type: none"> – consultation required under section 34A of the EP&A Act where the RPA is of the opinion that critical habitat or threatened species populations, ecological communities or their habitats will or may be adversely affected by the planning proposal – consultation required in accordance with a Ministerial Direction under section 117 of the Act – consultation that is required because in the opinion of the Minister, GSC or delegate, a state or Commonwealth authority will or may be adversely affected by the proposed LEP. • Public exhibition in accordance with the minimum timeframe established in the Gateway determination.

Post exhibition review	
Non Delegated Matters	<ul style="list-style-type: none"> • Council is to review the planning proposal following exhibition. • Council should attempt to resolve any public agency objection. • Council may, at any time, vary its proposal under section 58(1) of the Act as a consequence of its consideration of any submission or report during consultation, or for any other reason. • If a planning proposal is revised council is to forward a copy of the revised proposal to the Department under section 58(2) of the Act. • The Minister, GSC or delegate will consider the revised proposal and determine whether further consultation is required (including re-exhibition) and whether a revised Gateway determination should be issued. • Changes to the planning proposal after exhibition may be so substantial that the planning proposal may no longer be authorised by the Gateway determination. In these circumstances a new Gateway determination will be required before the LEP is made (Refer to Section 5.5.6 of these Guidelines). • Consequently councils are encouraged to contact the relevant regional office of the Department for advice where there have been major changes to a planning proposal after exhibition. • Council is to obtain the agreement of the Department’s Secretary regarding any unresolved S117 Directions.
Delegated Matters	<ul style="list-style-type: none"> • Council is to review the planning proposal following exhibition. • Council should attempt to resolve any public agency objection. • Council may, at any time, vary its proposal under section 58(1) of the Act as a consequence of its consideration of any submission or report during consultation, or for any other reason. • If a planning proposal is revised council is to forward a copy of the revised proposal to the Department under section 58(2) of the Act. • The Minister, GSC or delegate will consider the revised proposal and determine whether further consultation is required (including re-exhibition) and whether a revised Gateway determination should be issued. • Changes to the planning proposal after exhibition may be so substantial that the planning proposal may no longer be authorised by the Gateway determination. In these circumstances a new Gateway determination will be required before the LEP is made (Refer to Section 5.5.6 of these Guidelines). • Consequently councils are encouraged to contact the relevant regional office of the Department where there have been major changes to a planning proposal after exhibition. Councils should seek advice in this instance before finalising the LEP under delegation. • Council is to obtain the agreement of the Department’s Secretary regarding any unresolved S117 Directions.

Legal Drafting of the LEP	
Non Delegated Matters	<ul style="list-style-type: none"> • Council forwards a copy of the planning proposal and relevant supporting information to the Department requesting that a draft LEP is prepared. • Council will upload the maps, map cover sheet and GIS data directly to the Department's Planning Portal site (www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data). Council should advise the regional offices of the Department once this mapping has been uploaded to the Department's Planning Portal. • The Secretary makes arrangements for the drafting of the instrument to PCO under section 59(1) of the Act. • Once a draft of the instrument has been prepared the Secretary consults with the RPA on the content of the LEP. • Content of the LEP finalised and an Opinion issued by PCO that the plan can be made.
Delegated Matters	<ul style="list-style-type: none"> • Council requests that a draft instrument be prepared under section 59(1) of the Act by emailing PCO directly at parliamentary.counsel@pco.nsw.gov.au. • Council will upload the maps, map cover sheet and GIS data directly to the Department's Planning Portal site (www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data). • No maps or mapping/GIS data is to be sent directly to PCO. • Council is to email a copy of the request to draft the instrument together with confirmation that the plans and mapping data that have been submitted to the Planning Portal to the Department's regional office for administrative purposes immediately after making its request to PCO. • The Department will undertake a technical review only of any maps required to implement the LEP to ensure they comply with the mapping technical guidelines and liaise with PCO to finalise maps. • Council and PCO liaise directly about the content of the draft LEP. • Content of the LEP finalised and an Opinion issued by PCO that the plan can be made.

Making of the draft LEP

Non Delegated Matters

- Council resolves to adopt the draft LEP and forwards a request to the Department to request that the Minister or GSC make the plan together with all relevant supporting information.
- The Minister or GSC may, under sections 59(2) and (3) of the Act:
 - Make the plan with or without variation
 - Decide to not make the plan
 - Decide to defer a matter from the plan.
- If the Minister or GSC decides not to make a plan or defers a matter under section 59(4) of the Act he may specify whether or not he is prepared to reconsider the plan or deferred matter and if so, which plan making procedures must be complied with before he will do so.

Delegated Matters

- Council resolves to adopt and make the draft LEP.
- Council may, under sections 59(2) and (3) of the Act:
 - Decide to **make** the plan with or without any variation. In most instances this will be the expected outcome of the plan making process. If council resolves to make the plan it should forward a copy of all relevant documentation, including a copy of council's assessment report (ie details of community consultation, responses to submissions, Secretary's agreement to S117 Directions, maps, a copy of the Opinion from PCO, any other relevant material, and the completed delegation reporting template) to the Department together with the plan. The Department will then arrange for the plan to be notified on the NSW Government legislation website
 - Decide to **not make** the plan in accordance with section 59(2)(b) of the Act. If council proposes to not make the plan, assistance from the relevant regional planning team should be sought prior to council's resolution to not make the plan. If council resolves to not make the plan its assessment report is to clearly identify the reasons behind this decision including whether the decision to not proceed was based on submissions received during public exhibition, an agency submission, or some other matter that was raised during the plan making process
 - **Defer a matter** from the plan in accordance with section 59(3) of the Act. If the draft LEP relates to a number of items or sites, or if it addresses a number of housekeeping amendments for example, and one or more of these matters cannot be resolved satisfactorily, council may decide to defer that matter from the final plan prior to the plan being made. If council chooses to defer a matter, it should liaise with the relevant regional team of the Department for assistance especially if the decision is the result of an agency submission. There are technical and legal requirements that are to be met when deferring a matter and the Department will assist council to ensure the matter is properly addressed.
- If council decides not to make a plan or defers a matter under section 59(4) of the Act it may specify whether or not it is prepared to reconsider the plan or deferred matter and if so, which plan making procedures must be complied with before it will do so.
- Council must also notify PCO if the plan is not proceeding or if it will not be made.

- A council must not use its delegation under section 59 of the Act where there is an unresolved agency objection to the draft LEP. If there are unresolved objections, council is to contact the relevant regional office of the Department to seek assistance in resolving the matter so that the LEP may proceed under delegation. Where it is not possible to resolve the objection, the delegation may be withdrawn, and the Department may proceed with finalising the plan, or the Minister, GSC or delegate may determine that the planning proposal no longer proceeds.

Notification of the LEP	
Non Delegated Matters	<ul style="list-style-type: none"> • Once the plan is made the Department requests PCO that the plan be notified on the NSW Legislation website. • The plan comes into force on the day the LEP is published on the legislation website.
Delegated Matters	<ul style="list-style-type: none"> • Council advises the Department that the plan has been made. • The council requests the Department to notify the plan. The following documents must be provided for notification with the request by council: <ul style="list-style-type: none"> – signed front page of the LEP – complete with full name of the LEP and PCO’s file reference; – complete signed map cover sheet (in the case of changes to maps of instruments containing the standard map clause); – the maps that relate to the signed map cover sheet; and – the name/position of the delegate who signed the LEP. • It is anticipated that the LEP will generally be notified on a Friday. However, urgent or delayed notification can be arranged. • For normal notification on a Friday the request along with all required information should be sent to the Department by 5.00pm on the Tuesday of that week. • Requests for notification should be sent via email to the relevant regional office of the Department. • The Department requests PCO that the plan be notified on the NSW Legislation website. • The plan comes into force on the day the LEP is published on the legislation website.

Environment and Planning - 16 August 2018

ITEM 10.2 **Amendment to Upper Local Development Control Plan 2010
- Electricity**

FILE REFERENCE **I18/398**

AUTHOR **Director of Environment and Planning**

ISSUE

Provision of support for alternative energy supply systems for subdivisions within the Upper Lachlan Shire Council local government area.

RECOMMENDATION That –

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to update the planning controls to address alternative energy supply systems for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone.
2. Council adopts as an interim measure, the following requirements to be supplied with subdivision applications to enable Council to consider and assess alternative energy supply systems for rural subdivisions within the RU1 Primary Production and RU2 Rural Landscape zone:

Electricity

Council requires adequate arrangements to be made for connection to grid supplied electricity infrastructure or its equivalent for each allotment that has the potential for the erection of a future dwelling house.

Alternative electricity sources and arrangements may be considered by Council only for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone where the applicant:

- can demonstrate the provision of reticulated services is prohibitive due to cost of connection, and
- the alternative system proposed is sufficient to supply electricity to a dwelling house on the land, and
- has identified there is clear environmental benefit in not connecting to grid supplied electricity infrastructure (e.g. enabling use of renewable sources, avoiding the removal of vegetation), and
- has demonstrated the land is considered to be in a location where these services cannot be provided economically.

Where alternative electricity supply is proposed the applicant may, where practical, install the approved supply system prior to release of a Subdivision Certificate or where the alternative electricity supply is not provided to a lot a Section 88B Instrument under the Conveyancing Act 1919 must be provided advising electricity will not be available to the lot unless financial arrangements

are made with the relevant electricity supplier or a stand-alone alternative electricity supply system is installed on the land.

BACKGROUND

Council staff are dealing with requests that utilise the provisions of Council's DCP 2010 to adopt alternative electricity supply for rural subdivisions within the RU1 Primary Production and RU2 Rural Landscape zone.

These requests are supported by alternative energy supply systems including solar power.

Currently Clause 8.2 Subdivision (Electricity) of Council's DCP 2010 permits Council to consider these requests but does not provide any mechanisms:

- that evaluate and assess these requests, and
- where the request is agreed to, provide suitable mechanisms for either the physical installation of the alternative supply system or ensuring that suitable information is provided on the land title indicating that power supply will be the responsibility of the land purchaser.

REPORT

The provision of reticulated grid power supply has been traditionally required as part of the rural subdivision process. However in more remote locations across the LGA the costs, both financial and environmental, have meant alternative systems of power supply may be more cost effective in the long term. Council currently supports this approach however the current DCP controls require updating and clarification.

Alterations to Clause 8.2 Subdivision (Electricity) are proposed as follows:

Electricity

Council requires adequate arrangements to be made for connection to grid supplied electricity infrastructure or its equivalent for each allotment that has the potential for the erection of a future dwelling house.

Alternative electricity sources and arrangements may be considered by Council only for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone where the applicant:

- can demonstrate the provision of reticulated services is prohibitive due to cost of connection, and
- the alternative system proposed is sufficient to supply electricity to a dwelling house on the land, and
- has identified there is clear environmental benefit in not connecting to grid supplied electricity infrastructure (e.g. enabling use of renewable sources, avoiding the removal of vegetation), and

- has demonstrated the land is considered to be in a location where these services cannot be provided economically.

Where alternative electricity supply is proposed the applicant may, where practical, install the approved supply system prior to release of a Subdivision Certificate or where the alternative electricity supply is not provided to a lot a Section 88B Instrument under the Conveyancing Act 1919 must be provided advising electricity will not be available to the lot unless financial arrangements are made with the relevant electricity supplier or a stand-alone alternative electricity supply system is installed on the land.

POLICY IMPACT

Upper Lachlan Development Control Plan 2010.

OPTIONS

1. Prepare an amendment to the Upper Lachlan Development Control Plan 2010 to update the planning controls as outlined in the report.
2. Not to prepare an amendment to the Upper Lachlan Development Control Plan 2010 to update the appropriate planning controls.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That –

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to update the planning controls to address alternative energy supply systems for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone.
2. Council adopts as an interim measure, the following requirements to be supplied with subdivision applications to enable Council to consider and assess alternative energy supply systems for rural subdivisions within the RU1 Primary Production and RU2 Rural Landscape zone:

Electricity

Council requires adequate arrangements to be made for connection to grid supplied electricity infrastructure or its equivalent for each allotment that has the potential for the erection of a future dwelling house.

Alternative electricity sources and arrangements may be considered by Council only for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone where the applicant:

- can demonstrate the provision of reticulated services is prohibitive due to cost of connection, and

- the alternative system proposed is sufficient to supply electricity to a dwelling house on the land, and
- has identified there is clear environmental benefit in not connecting to grid supplied electricity infrastructure (e.g. enabling use of renewable sources, avoiding the removal of vegetation), and
- has demonstrated the land is considered to be in a location where these services cannot be provided economically.

Where alternative electricity supply is proposed the applicant may, where practical, install the approved supply system prior to release of a Subdivision Certificate or where the alternative electricity supply is not provided to a lot a Section 88B Instrument under the Conveyancing Act 1919 must be provided advising electricity will not be available to the lot unless financial arrangements are made with the relevant electricity supplier or a stand-alone alternative electricity supply system is installed on the land.

ATTACHMENTS

Nil

Environment and Planning - 16 August 2018

ITEM 10.3 **Biala Wind Farm - Voluntary Planning Agreement**

FILE REFERENCE **I18/410**

AUTHOR **Director of Environment and Planning**

ISSUE

Beijing Jingneng Clean Energy Corporation Limited has requested Council's endorsement of the Draft Biala Wind Farm Voluntary Planning Agreement.

RECOMMENDATION That -

1. Council endorse the Draft Biala Wind Farm Voluntary Planning Agreement.

BACKGROUND

At the Council meeting held on 21 June 2018 Council resolved that *"Council places on public exhibition the Draft Biala Wind Farm Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions"*.

REPORT

In accordance with the resolution of Council, the Draft Biala Wind Farm Voluntary Planning Agreement document was placed on public exhibition from 26 June 2018 to 25 July 2018.

Three submissions regarding the draft document were received. A copy of the submissions are attached for Councillors information.

In summary, comments regarding the submissions are listed below:

- Page 2 Committee - host landholders community representation – As the Committee is being formed as a Section 355 Committee of Council, a host community representative would be considered as having a pecuniary interest.
- Page 4 Local Project definition – reduction of the radius for funding from 20 km to 5kms for 3 years, and 10km for a period of 15 years. This would be considered a decision for the Council and the Company. Deletion of aims – Point 2. This particular aim was provided by the Company, any deletion will require the consent of the Company. Delete 2nd paragraph on Page 5 – by deleting this paragraph the definition of Local Strategic Project would also need to be deleted which enables the pooling of funding for an approved local project. Amend 2nd paragraph on Page 5 – remove the requirements for community members to be incorporated or registered not for profit organisations. This paragraph provides protection to the Committee. Having this requirement

ensures the Committee is not legally exposed to the funding of private individuals with tax implications.

- Page 5 Monetary Contribution – The Draft agreement provides for the CPI increments under the Index Number definition and Clause 5.1(b) of the Draft.
- Page 8 The Committee – The amendments seeks that Council mandates the recommendations of the Committee.
- Page 8 Call for Funding Applications – The process timelines are a guidance to ensure that funding is provided within financial years for both the Company and Council as required under accounting rules and regulations.
- Page 9 Allocation of Funds – The Grabben Gullen Community Progress Association Inc. and the Grabben Gullen Hall and Recreation Reserve Trust receive an annual sum of \$20,000 for the life of the agreement. Concerns are raised for the Committee as to how these amounts can be acquitted in accordance with accounting rules and regulations. This is a decision for Council and the Company. The proposal seeks to ensure that the Committee recommendations are mandated. This is a decision for Council and the Company. Unspent / surplus funds are required by law to be held in trust. Again the proposal seek that Council is mandated by the recommendations of the Committee. This is a decision for Council and the Company.

Should Council wish to amend the Draft Biala Wind Farm Voluntary Planning Agreement, Beijing Jingneng Clean Energy Corporation Limited consent will also be required.

POLICY IMPACT

Nil

OPTIONS

1. Council accept the Draft Biala Wind Farm Voluntary Planning Agreement without change.
2. Council amend the Draft Biala Wind Farm Voluntary Planning Agreement and seek the consent of Beijing Jingneng Clean Energy Corporation Limited to the changes.





FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That –

1. Council endorse the Draft Biala Wind Farm Voluntary Planning Agreement.

ATTACHMENTS

1. 	Draft Biala Wind Farm Voluntary Planning Agreement - Submission No 1	Attachment
2. 	Draft Biala Wind Farm Voluntary Planning Agreement - Submission No 2	Attachment
3. 	Draft Biala Wind Farm Voluntary Planning Agreement - Submission No 3	Attachment
4. 	Draft Biala Wind Farm - Voluntary Planning Agreement	Attachment

From: Paul Hewitt
To: [Upper Lachlan Shire Council](#)
Subject: Draft Biala Windfarm Voluntary Planning Agreement Submission
Date: Thursday, 19 July 2018 10:49:23 AM

Dear Mr Woodman,

I'd like to request a change to the above draft document.

1.1 Documents, Committee, dot point three states: 'two community representatives appointed by council who have no interest in any of the Biala Wind Farm Land...'

Presuming the Biala WF goes ahead, I would be interested in being part of VPA committee. However, as my land is included in the project, the above clause excludes me from doing so.

I'm concerned about waste & duplication when it comes to the allocation of VPA funds & see, as a committee member, an opportunity to improve the situation. I'd like to encourage & reward realistic long term, measurable & achievable initiatives that benefit the whole community.

As a resident of th Grabben Gullen district I'm also in a position to assess applications for Biala VPA funds with a degree of local knowledge.

Legal contracts between host landowners & the Biala WF developers clearly state the landholders **cannot** directly benefit from the VPA funds. Therefore, with no conflict of interest, I see no reason to include the above mentioned clause.

Furthermore, I like to register my support for 1.1 Documents, Local Project 1: 'In the first three years of the fund, within 5km of a wind turbine on the Biala Wind Farm, or, if no suitable community purpose is available within this 5km distance, within 20km of a wind turbine on the Biala Wind Farm;'

To me this seems both a good & fair initiative. It gives those most affected by the project first opportunity at VPA funding whilst ensuring only where suitable applications are submitted.

I'm happy to expand on any of the above if required.

Respectfully,
Paul Hewitt
0418667566

[Sent from Yahoo Mail for iPad](#)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Submission to: The Upper Lachlan Shire Council
& Newtricity Developments Biala Pty Ltd

From: Grabben Gullen Community Progress Association Inc.

Proposal: Voluntary Planning Agreement

We submit the following amendments to the above document:

Page 1 1.1 Approved Local Projects. Each Local Project for whatever purpose (as determined by the Committee) approved for funding from the Community Enhancement Fund in accordance with this deed.

Page 2 **Committee** - We believe the weighting of ULSC representatives and the responsibility for the appointment of Committee members by ULSC representatives, is too heavily weighted to the ULSC. Our concern is the decision-making processes will be slanted towards the betterment of the broader ULSC instead of, primarily, the immediate area surrounding the Biala Wind Farm i.e. Grabben Gullen & Biala communities.

Therefore, in an attempt to overcome this concern, we submit on behalf of the Community, the following amendments:

Page 4 **Local Project**

The Grabben Gullen Community Progress Association with the support of the Grabben Gullen Hall and Recreation Reserve Trust supports and recognises the Biala Wind Farms commitment to those organisations in the first three years of the funds within 5km of a wind turbine.

- We submit the following AMENDMENTS:

1. In the first three years of the fund, within 5 km of a wind turbine on the Biala Wind Farm, : and
2. After three years the distance from any turbine should not exceed 10km for a period of 15 years.
3. DELETE & REPLACE with
If unable to disperse funding, surplus funds to be retained in a surplus fund for the following year/s applications and/or earmarked for a Local Community Project.
Which are aimed at:
1 RETAIN
2 DELETE Not an aim. Makes no sense.
DELETE Next paragraph "This may include.....multi-year investment"
RETAIN Next paragraph "Members of the community.... The Community Enhancement Fund".

Page 5 **Monetary Contribution** - AMEND to include:
"the amount of \$2,500per annum increasing by CPI per annum, per turbine...."

Page 8 **6.2 The Committee** - REMOVE & REPLACE 6.2 © (2) with:
To determine which applications for funding for Local Projects should be funded and these final determinations be submitted to Council.

The Council support and uphold the determinations made by the Committee in their role.

Page 8 6.3 Call for Funding Applications

During:

- (a) November to January is a busy time of year for most, it is also the Christmas and school holiday period. This should be changed to either well before or well after November/January.

Page 9 6.5 Allocation of Funds - We submit the following amendments:

- (a) Being the Community representative body, the Grabben Gullen Community Progress Association Inc and the major community infrastructure holder, the Grabben Gullen Hall & Recreation Reserve Trust, will receive, as the first funding payment from the fund, annually the sum of \$20,000 to be divided equally for the sole purpose of community improvement projects for the betterment of the community for the life of the project.
- (b) The Council must procure that,.....the Committee **provides their final determinations** to the Council as to which.....from the Community Enhancement Fund.
- (c) After the distribution of funds as outlined in (a) & (b) above, if there are any surplus funds, they are to be held in Trust by the CEFC in a 'reserve' fund for use firstly for additional project applications the following year and secondly towards a Local Strategic Project as determined by the Committee under within the definition of **LOCAL PROJECT 1**.
- (d) The Council must:
 - (1) Support and uphold the determinations of the Committee.
 - (2) Consider any Committee consultation with the Company pursuant to clause 6.4 (b): and
 - (3) Take all steps required to provide the funding for the Approved Local Projects in accordance with the recommendations of the Committee.
- (e) The Grabben Gullen Community Progress Association and the Grabben Gullen Hall and Recreation Reserve Trust must be given every opportunity to acquire funding through the Community Enhancement Fund in any funding round after the first three years.

23rd July 2018

Gary Woodman

Acting General Manager
Upper Lachlan Shire Council

PO Box 42
Gunning NSW 2581

UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
25 JUL 2018
File No:

Dear Sir,

We the trust members of the Grabben Gullen Hall and Recreation Reserve Trust (to be known from here on in as GGHRRT).

We would be very privileged to receive an annual payment from the Biala Wind Farm, for the years the Biala Wind Farm is in operation.

We have many plans for the Grabben Gullen Hall and grounds but all of our plans move slowly due to lack of funding. The funding from the Biala Wind Farm could make an enormous difference to our Hall.

We would also like to show our support for the Grabben Gullen Community Progress Association in their endeavour to obtain funding. Our community needs funding, which is hard to come by for a small village. Our village was designated in 1868.

Our community hall, which was built in circa 1895-1905, was then called a Mechanics Institute where men met and were able to read newspapers and atlases.

The Grabben Gullen Hall was the only Polling place within the district which meant Crookwell people had to travel to our hall to vote.

So as you can see The Grabben Gullen Hall has been around for many, many years and things have worn out or just do not work anymore. We the GGHRRT are trying our best to keep it up and running. I do hope to hear from you and we are looking forward to working with the Biala Wind Farm on our future endeavours.

We have read over the Voluntary Planning Agreement and have come up with a few suggestions. They are attached with this document. We hope you don't mind us doing this.

Yours sincerely

Debra Reeves



President GGHRRT

23 July 2018
Gary Woodman
Acting General Manager
Upper Lachlan Shire Council
P.O. Box 42
Gunning NSW 2581

Debra Reeves
2617 Grabben Gullen Rd
Grabben Gullen NSW 2583
E: rdreeves@antmail.com.au
P: President 0409662186

Dear Sir,

Re: Submission - Voluntary Planning Agreement – ULSC & Newtricity Developments Biala Pty Ltd

In response to the opportunity to provide feedback on the draft agreement noted above, please find attached our submission.

Would you kindly advise the process & timeframe for consultation on this submission.

Kind regards,

Debra Ann Reeves

President



Grabben Gullen Hall and Recreation Reserve Trust

Submission to: The Upper Lachlan Shire Council
& Newtricity Developments Biala Pty Ltd

From: Grabben Gullen Hall and Recreation Reserve Trust

Proposal: Voluntary Planning Agreement

We submit the following amendments to the above document:

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Therefore, in an attempt to overcome this concern, we submit the following amendments:

Page 4 **Local Project**

The Grabben Gullen Hall and Recreation Reserve Trust with the support of the Grabben Gullen Community Progress Association supports and recognises the Biala Wind Farms commitment to those organisations in the first three years of the funds within 5km of a wind turbine.

- We submit the following AMENDMENTS:

1. In the first three years of the fund, within 5 km of a wind turbine on the Biala Wind Farm, : and
2. After three years the distance from any turbine should not exceed 10km for a period of 15 years.
3. DELETE & REPLACE with
If unable to disperse funding, surplus funds to be retained in a surplus fund for the following year/s applications and/or earmarked for a Local Community Project.
Which are aimed at:
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DELETE Next paragraph "This may include.....multi-year investment"
RETAIN Next paragraph "Members of the community.... The Community Enhancement Fund".

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"the amount of \$2,500per annum increasing by CPI per annum, per turbine...."

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To determine which applications for funding for Local Projects should be funded and these final determinations be submitted to Council.

The Council support and uphold the determinations made by the Committee in their role.

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- (a) The major community infrastructure holder, The Grabben Gullen Hall and Recreation Reserve Trust and the Grabben Gullen Community Progress Association, will receive, as the first funding payment from the fund, annually the sum of \$20,000 to be divided equally for the sole purpose of community improvement projects for the betterment of the community for the life of the project.
- (b) The Council must procure that,.....the Committee **provides their final determinations** to the Council as to which.....from the Community Enhancement Fund.
- (c) After the distribution of funds as outlined in (a) & (b) above, if there are any surplus funds, they are to be held in Trust by the CEFC in a 'reserve' fund for use firstly for additional project applications the following year and secondly towards a Local Strategic Project as determined by the Committee under within the definition of **LOCAL PROJECT 1**.
- (d) The Council must:
 - (1) Support and uphold the determinations of the Committee.
 - (2) Consider any Committee consultation with the Company pursuant to clause 6.4 (b):
and
 - (3) Take all steps required to provide the funding for the Approved Local Projects in accordance with the recommendations of the Committee.
- (e) The Grabben Gullen Hall and Recreation Reserve Trust and the Grabben Gullen Community Progress Association must be given every opportunity to acquire funding through the Community Enhancement Fund in any funding round after the first three years.

Biala Wind Farm

Voluntary Planning Agreement

The Upper Lachlan Shire Council

Newtricity Developments Biala Pty Ltd

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Planning Agreement

Date

Between the parties	
	<p>The Upper Lachlan Shire Council ABN 81 011 241 552 of 44 Spring Street, Crookwell NSW 2583 (Council)</p>
	<p>Newtricity Developments Biala Pty Ltd ABN 93 605 533 935 (Company)</p>
Recitals	<p>1 The Council has agreed to establish a Community Enhancement Fund.</p> <p>2 The Company has agreed to pay to the Council's Community Enhancement Fund Monetary Contributions to fund community projects primarily in the area surrounding the Biala Wind Farm.</p> <p>3 The Council agrees to be the custodian of the Monetary Contributions paid by the Company to the Community Enhancement Fund and to distribute and expend the funds in the Community Enhancement Fund in accordance with this deed.</p> <p>The Company has lodged the Biala Development Application.</p>
This deed witnesses as follows:	

1 Definitions and interpretation

1.1 Definitions

The meanings of the terms used in this deed are set out below.

Term	Meaning
Approved Local Projects	each Local Project for whatever purpose (as determined by Council after recommendation by the Committee) approved for funding from the Community Enhancement Fund in accordance with this deed.
Auditor	an appropriately qualified auditor appointed by the Council.
Committee	<p>the committee established to administer the Community Enhancement Fund in accordance with the DCP, pursuant to section 355 of the Local Government Act and, comprising:</p> <ul style="list-style-type: none"> the Mayor or a Councillor resolved by the Council to act as an alternate for the Mayor; the General Manager of the Council or other staff member delegated this function by the General Manager; two community representatives appointed by Council who have no interest in any of the Biala Wind Farm Land; and a representative appointed by the Company. <p>Note that the Council is to consult with the Company about the process for selecting the community representative.</p>
Committee Charter	the charter governing aspects of the governance of the Committee, as modified from time to time.
Contribution Year	Means every 12 month period from 1 July each year.
Construction Certificate	has the meaning contained in the EP&A Act.
Community Enhancement Fund	the fund to be established by the Council and administered in accordance with this deed and the DCP.

Term	Meaning
Costs	includes costs, charges and expenses, including those incurred in connection with advisers. The cost of administering the Community Enhancement Fund shall include auditors' fees and be paid to Council out of the Monetary Contribution on an as needed basis and shall be no more than \$5000 per annum, indexed to CPI over the life of the project.
Biala Wind Farm Development Application	The application no. SSD 6039 lodged with the Minister for Planning under the EP&A Act , as modified from time to time.
Biala Wind Farm Development Consent	The development consent granted by the Planning Assessment Commission on 12 April 2017 pursuant to the Biala Wind Farm Development Application as modified from time to time.
Biala Wind Farm Land	<ul style="list-style-type: none"> the land contained in the following property titles: <ol style="list-style-type: none"> Lot 10,11,12 DP 1117737; Lot 7,20,114,131,151,192,217,255,256,257,258,259,286,287,299,301,302,319,329,333,334,335,336,340,345,347,348,350,351,352,365 DP 754126; Lot 1 and 2 DP 1115746 Lot 1 and 2 DP 878594; and Lot 18 and 19 DP 878997 and all other land on which it is proposed that associated and ancillary infrastructure for the Biala Wind Farm that will be located within the Upper Lachlan Local Government Area as specified in the Biala Wind Farm Development Consent.
Biala Wind Farm	the construction and operation of a wind energy facility to be known as the Biala Wind Farm, on the Biala Land consisting of up to 31 wind turbines and associated infrastructure as authorised by the Biala Wind Farm Development Consent. Also referred to in this agreement as the Development.

Term	Meaning
DCP	the <i>Upper Lachlan Development Control Plan 2010</i> as amended from time to time.
Decommissioning	The removal of wind turbines and any associated above ground infrastructure.
EP&A Act	the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> as amended from time to time.
Index Number	the Consumer Price Index for Sydney (All Groups) number or equivalent index published from time to time by the Australian Bureau of Statistics.
Local Project	<p>Any local community purpose that may be considered for funding so that it becomes an Approved Local Project and includes projects, services, facilities, benefits or educational assistance to be provided within the Upper Lachlan Shire Council local government area and located:</p> <ol style="list-style-type: none"> 1. In the first three years of the fund, within 5km of a wind turbine on the Biala Wind Farm, or, if no suitable community purpose is available within this 5km distance, within 20km of a wind turbine on the Biala Wind Farm; and 2. In later years within 20kms of a wind turbine on the Biala Wind Farm, <p>which are aimed at:</p> <ol style="list-style-type: none"> 1 enhancing any aspect of the local environment including, but not limited to, ameliorating any impacts from the Biala Wind Farm; or 2 if the Committee is unable to identify suitable projects for enhancing the local environment or ameliorating impacts of the Biala Wind Farm, providing any service, facility, benefit or educational assistance to the local community with the services, facilities, benefits or educational assistance primarily directed to benefiting the community immediately adjacent to the Biala Wind Farm. <p>This may include the building of a fund for a single or expensive Local Strategic Project that will require significant upfront or multi-year investment.</p> <p>Members of the community through incorporated or registered not for profit organisations will be able to apply for funds under the Community Enhancement Fund.</p>

Term	Meaning
Local Strategic Project	an Approved Local Project which requires significant multi-year contributions from the Community Enhancement Fund.
Mediator	a person appointed as mediator under clause 11.5 of this deed.
Monetary Contribution	the amount of \$2,500 per annum per turbine constructed within Upper Lachlan Shire Council Local Government Area as installed at the Development over the operational life of the Development, commencing on the date on which the development begins Operation and ceasing on Decommissioning as adjusted in accordance with clause 5.1(b) of this deed.
Operation	The operation of the Development but does not include commissioning trials of equipment, or use of temporary facilities.
Operating Turbine	each wind turbine constructed and commissioned as part of the Biala Wind Farm which generates electricity into the transmission network during any part of the relevant Contribution Year within Upper Lachlan Shire Council Local Government Area.

1.2 Interpretation

- (a) Clause headings are for convenience only and will be ignored in the interpretation of this deed.
- (b) References to a party include the successors and permitted assigns of that party.
- (c) Words importing the singular include the plural and words importing the plural include the singular.
- (d) Words importing a person include a corporation, firm or body corporate.
- (e) Nothing contained in this deed will be deemed or construed as creating the relationship of partnership.
- (f) References to a month mean a calendar month and a reference to a year means a calendar year.
- (g) References to any document include any permitted amendment, supplement to or replacement or novation of the document.
- (h) References to any legislation or to any section or provision of any legislation includes any:
 - (1) statutory modification or re-enactment of or any statutory provision substituted for that legislation, section or provision; or

- (2) ordinances, by-laws, regulations and other statutory provision substituted for that legislation, section or provision.
- (i) Other grammatical forms of defined words or expressions have corresponding meanings.
- (j) 'Including' and similar expressions are not words of limitation.

2 Planning Agreement

The parties agree that this deed is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the EP&A Act.

3 Application of this deed

This deed applies to the Biala Wind Farm Development Consent and evidences the Company and the Company's compliance with the relevant condition(s) of the Biala Development Consent.

4 Operation of this deed

The parties agree that this deed will not operate or bind the parties unless and until the Company obtains a construction certificate.

5 Payment of the Monetary Contribution

5.1 The Monetary Contribution

- (a) The Company must pay to the Council the Monetary Contribution for the current year of funding by the later of 21 July of each year or within 21 days of the Council providing a tax invoice to the Company for the Monetary Contribution..
- (b) The parties agree that the Monetary Contribution will be reviewed on 1 July of each year, in accordance with the following formula:
$$MC = \frac{A \times B}{C}$$

Where:

MC = the Monetary Contribution payable for the current year;

A = the amount of \$2,500 per turbine installed at the development which has not been through Decommissioning;

B = the Index Number last published on 1 July of the current year; and

C = the Index Number published for the September 2010 quarter.
- (c) The monetary contribution is a taxable supply for GST in accordance with Clause 12.

5.2 General

- (a) The obligation of the Company to pay any Monetary Contribution under this deed will cease on the date on which the last of the Operating Turbines is decommissioned.
- (b) The parties agree that the Monetary Contribution paid in accordance with this deed will have the public purpose of facilitating Approved Local Projects.
- (c) The Company agrees to pay interest on any overdue part or whole of the Monetary Contribution payable:
 - (1) from the date on which the overdue part or whole of the Monetary Contribution is due for payment under this deed;
 - (2) until the date on which the overdue part or whole Monetary Contribution is paid,at the bank bill swap interest rate within Australia that is published by the Australian Financial Markets Association, during the relevant period when the relevant Monetary Contribution is overdue.

6 Community Enhancement Fund

6.1 Establishment of the Community Enhancement Fund

- (a) The Council must hold and apply all Monetary Contributions paid by the Company under this deed in accordance with clause 5.2(b).
- (b) The Council must invest all Monetary Contributions paid by the Company under this deed in an interest bearing account held in the name of the Council for the purpose of the Community Enhancement Fund pursuant to the provisions of section 625 of the Local Government Act 1993 with the interest earned to be paid into the Community Enhancement Fund.
- (c) The Council may disburse Monetary Contributions paid by the Company under this deed to Approved Local Projects.

6.2 The Committee

- (a) The Council must establish the Committee on or before the date on which the first instalment of the Monetary Contribution is paid under this deed.
- (b) The Company must be represented by a company-nominated representative on the Committee.
- (c) The Council must procure that the role of the Committee includes::
 - (1) to determine the form in which applications for funding for Local Projects from the Community Enhancement Fund are to be made;
 - (2) to recommend to the Council which applications for funding for Local Projects should be funded from the Community Enhancement Fund as required by clause 6.5(a);
 - (3) adherence to a Committee Charter; and

6.3 Call for Funding Applications

During:

- (a) November to January in each year in which there are funds in the Community Enhancement Fund; or
- (b) any further period determined by the Committee,

the Council must publicly advertise in the Council's Voice newsletter (or any periodic Council publication which replaces the Voice newsletter) and in the local newspapers the availability of funds in the Community Enhancement Fund and call for applications to be made to the Committee, in the form required by the Committee, from the public, community groups and individuals for funding for Local Projects. In accordance with clause 6.6, all such advertisements must positively and prominently identify the Company as the source of the funding. (**Funding Applications**).

6.4 Notification to Company

The Council must that the Committee:

- (a) notifies the Company of each application made for funding for Local Projects from the Community Enhancement Fund;
- (b) if requested by the Company, consult the Company in relation to applications made for funding for Local Projects from the Community Enhancement Fund; and
- (c) notifies the Company of each Local Project which is to be funded from the Community Enhancement Fund, including the amounts of any funding.

6.5 Allocation of Funds

- (a) The Council must procure that, annually following a call for applications for the Community Enhancement Fund, the Committee makes recommendations to the Council as to which of the Funding Applications the Committee recommends be funded from the Community Enhancement Fund.
- (b) Where a decision is made by Council on the recommendation of the Committee that a Local Strategic Project should be funded from the Community Enhancement Fund and there are insufficient funds for the Local Strategic Project, calls for funding applications may be suspended pending receipt into the Community Enhancement Fund of sufficient Contributions to fund the Local Strategic Project.
- (c) The Council must:
 - (1) consider the funding recommendations of the Committee;
 - (2) consider any Committee consultation with the Company pursuant to clause 6.4(b); and
 - (3) take all steps required to provide the funding for the Approved Local Projects in accordance with the recommendations of the Committee.
- (d) The Council must pay funds from the Community Enhancement Fund to each Approved Local Project, and will require each Approved Local Project be the subject of a Funding Agreement which includes provision for:
 - (1) the funds to be used only for the purpose for which they are permitted under this deed;

- (2) the Approved Local Projects to be progressed and completed in a timely manner;
- (3) regular reporting to the Committee as to the progress of each Approved Local Project, expenditure of the funds and timeframes for completion; and
- (4) the Approved Local Project to be administered with a high level of transparency and probity.

6.6 Public Recognition

- (a) The Council must publicly and positively acknowledge:
 - (1) the payment of the Monetary Contribution by the Company; and
 - (2) the Company's role in funding any Approved Local Projects via the Community Enhancement Fund.
- (b) The form of public acknowledgment required by clause 6.6(a) is to be agreed by the Council and the Company (acting reasonably) but must include:
 - (1) The prominent inclusion of the Company's logo on any advertisement for Funding Applications and the inclusion of the Company's name in any announcement made in relation to the Approved Local Projects and funding determinations; and
 - (2) where appropriate for particular Approved Local Projects, a permanent sign recognising that the Approved Local Project was funded by the Company via the Community Enhancement Fund.

6.7 Auditing

- (a) In July of each year in which there are funds in the Community Enhancement Fund, the Council must appoint an Auditor to audit and report promptly on:
 - (1) the Monetary Contributions paid by the Company under clause 5;
 - (2) any payments made by the Council in accordance with clause 6.5;
 - (3) any money that is withheld from annual disbursement for the purpose of building a fund to apply towards an approved Local Strategic Project;
 - (4) and any irregularities in the administration of the Community Enhancement Fund.
- (b) Where the Auditor identifies payments that were required to be paid by the Company under this deed that were not paid, if there is no dispute that the payments were required, the Company must make the payments as soon as practicable;
- (c) Where the Auditor identifies payments or irregularities arising from Council's administration of the Community Enhancement Fund, Council must respond to the Auditor's reports and, if there is no dispute with the Auditor's report, as soon as practicable, take corrective action to remedy the irregularities to ensure the proper administration of the Community Enhancement Fund.
- (d) Any dispute by either party about actions arising from the Auditor's report are to be dealt with in accordance with clause 11.

- (e) The costs of the Auditor will be paid out of the Community Enhancement Fund.

7 Application of sections 94 and 94A of the EP&A Act to the Development

The parties agree that the terms of this deed and the Community Enhancement Fund are offered by the Company in substitution for contributions under section 94 or 94A of the EP&A Act. and that no s94 or 94A contributions are payable in relation to the Wind Farm

8 No Registration

The parties agree that this deed will not be registered on the Biala Wind Farm Land pursuant to section 93H of the EP&A Act.

9 Disposal by the Company of its interest in the Development

- (a) Prior to the Company disposing of any part of its interest in the Biala Wind Farm to any third party, the Company must procure entry by that third party into a deed with the Council and the Minister (as appropriate) on substantially the same terms and conditions as this deed.
- (b) Subject to the Company complying with its obligations under clause 9(a), the Council will release the Company from any further obligation under this deed on and from the date on which it ceases to have any interest in the Biala Wind Farm.

10 No fetter

Nothing in this deed shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

11 Dispute Resolution

11.1 Notice of Dispute

If a party claims that a dispute has arisen under this deed (**Claimant**), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**).

11.2 Response to Notice

Within 20 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 Negotiation

The nominated representatives must:

- (a) meet to discuss the matter in good faith within 10 business days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further Notice if not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**).

11.5 Mediation

The parties agree that a dispute shall be mediated if it is the subject of a Dispute Notice, in which case:

- (a) the parties must agree the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the appointment of a Mediator will be agreed between the parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply to appoint a mediator;
- (c) the Mediator appointed pursuant to this clause 11.5 must:
 - (1) have reasonable qualifications and practical experience in the area of the dispute; and
 - (2) have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (d) the Mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the parties agree to be bound by any mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (g) in relation to costs and expenses:
 - (1) each party will bear their own professional and expert costs incurred in connection with the mediation;
 - (2) the costs of the Mediator will be shared equally by the parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that party.

11.6 Litigation

If the dispute is not finally resolved in accordance with clause 11.5, either party is at liberty to litigate the dispute.

11.7 Exchange of information

The parties acknowledge that the purpose of any exchange of information or documents or the making of any offer of settlement pursuant to this clause is to attempt to settle the dispute between the parties. No party may use any information or documents obtained through the dispute resolution process established by this clause 11 for any purpose other than an attempt to settle a dispute between the parties.

11.8 Continue to Perform obligations

Each party must continue to perform its obligations under this deed, notwithstanding the existence of a dispute.

12 GST

12.1 Interpretation

- (a) Except where the context suggests otherwise, terms used in this clause 7 have the meanings given to those terms by the *A New Tax System (Goods and Services Tax) Act 1999* (as amended from time to time).
- (b) In this clause 7:
 - (1) "**monetary consideration**" means any consideration expressed as an amount of money; and
 - (2) "**non taxable supply**" means a supply that is not a taxable supply.
- (c) Any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause.
- (d) A reference to something done (including a supply made) by a party includes a reference to something done by any entity through which that party acts.

12.2 Reimbursements

Any payment or reimbursement required to be made under this deed that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which an entity is entitled for the acquisition to which the cost, expense or amount relates.

12.3 Additional amount of GST payable

If GST becomes payable on any supply made by a party ("**Supplier**") under or in connection with this deed:

- (a) any amount payable or consideration to be provided under any provision of this deed (other than this clause), for that supply is exclusive of GST;

- (b) any party ("**Recipient**") that is required to provide consideration to the Supplier for that supply must pay an additional amount to the Supplier equal to the amount of the GST payable on that supply ("**GST Amount**") at the same time as any other consideration is to be first provided for that supply; and
- (c) the Supplier must provide a tax invoice to the Recipient for that supply, no later than the time at which the GST Amount for that supply is to be paid in accordance with this clause.

12.4 Variation

- (a) If the GST Amount properly payable in relation to a supply (as determined in accordance with clause 12.3), varies from the additional amount paid by the Recipient under clause 12.3, then the Supplier will provide a corresponding refund or credit to, or will be entitled to receive the amount of that variation from, the Recipient.
- (b) The Supplier must issue an adjustment note to the Recipient in respect of any adjustment event occurring in relation to a supply made under or in connection with this deed as soon as reasonably practicable after the Supplier becomes aware of the adjustment event.

13 General

13.1 Costs

The parties agree to meet their own Costs in connection with:

- (a) the negotiation, preparation and execution of this deed;
- (b) performing its obligations under this deed; and
- (c) the advertising and exhibiting of this planning agreement in accordance with the EP&A Act.

13.2 Notices

- (a) A party notifying or giving notice under this deed must do so in writing addressed to that party in accordance with the details nominated in Schedule 1 (or any alternative details nominated to the sending party by notice).
- (b) A notice given in accordance with clause 13.2(a) will be deemed to have been given and received:
 - (1) if delivered, on receipt;
 - (2) if posted via registered post, three business days after posting;
 - (3) if sent by email on confirmation of the correct transmission of the email; and
 - (4) any notice received after 5.00 pm or on a day not a business day shall be deemed to have been received at 9.00 am on the next business day.

13.3 Waiver

- (a) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this deed, does not amount to a waiver of any obligation of, or a breach of obligation by, another party;

- (b) A waiver by a party is only effective if it is in writing and signed by the party against whom the waiver is claimed;
- (c) A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

13.4 Governing Law

This deed is governed by New South Wales law and each party irrevocably submits to the exclusive jurisdiction of courts exercising jurisdiction in New South Wales and courts of appeal from them in respect of any proceedings arising out of or in connection with this deed.

13.5 Prior Agreements Superseded

This deed:

- (a) wholly replaces and excludes all prior agreements, correspondence, negotiations, representations, explanations and statements between the parties covering or in connection with the matters covered by this deed; and
- (b) is the entire agreement between the parties in respect of the matters covered by this deed.

13.6 Modification of Deed

No modification or alteration of any provision of this deed will be valid unless it is in writing and signed by all parties to this deed.

13.7 Representations and Warranties

The parties represent and warrant that they have power to enter into this deed and comply with their obligations under the deed and that entry into this deed will not result in the breach of any law.

13.8 Severability

- (a) If any provision of this deed is invalid under the law of any jurisdiction the provision is enforceable in that jurisdiction to the extent that it is not invalid, whether it is in severable terms or not.
- (b) Clause 13.8(a) does not apply where the provision to be severed would materially adversely affect the nature or extent of a parties obligations under this deed.

13.9 Confidentiality, Media Releases and Enquiries

- (a) The parties agree that the terms of this executed deed are not confidential and this deed may be treated as a public document and exhibited or reported without restriction by any party.
- (b) If requested by a party, the other party must not issue, publish or authorise any media release or advertisement concerning this deed, without obtaining the other party's prior written approval (which approval may not be unreasonably withheld).

13.10 Counterparts

This deed may be executed in any number of counterparts that together will constitute one instrument. A party may execute this deed by signing any counterpart.

13.11 No Fiduciary Relationship

Nothing in this deed will be construed or interpreted as constituting the relationship between the parties as that of a partnership, joint venture or any form of fiduciary relationship.

13.12 Further Acts

Each party must promptly execute all documents and do all things reasonably required to effect, perfect or complete this deed and all transactions incidental to it.

13.13 Enforcement

Subject to compliance with clause 11, this deed may be enforced by any party in any court of competent jurisdiction.

Schedule 1

Schedule 1: Notice Details

The Upper Lachlan Shire Council

Address	44 Spring Street, Crookwell NSW 2583
Attention	General Manager
Fax	02 4830 1045
Email	jbell@upperlachlan.nsw.gov.au

Newtricity Developments Biala Pty Ltd

Address	Suite 3, Level 21, 1 York Street, Sydney, NSW, 2000
Attention	Company Secretary
Email	Derek.powell@jncec.com

Executed as a deed

Signed and delivered for
The Upper Lachlan Shire Council

sign here ► _____
Authorised Officer

print name _____

in the presence of

sign here ► _____
Witness

print name _____

_____(Date)

Signed and delivered for
Newtricity Developments Biala Pty Ltd

sign here ► _____
Authorised Officer

print name _____

in the presence of

sign here ► _____
Witness

print name _____

_____(Date)

11 WORKS AND OPERATIONS

The following items are submitted for consideration -

11.1	Access Committee Report	176
11.2	Dedication of Public Road	181

Works and Operations - 16 August 2018

ITEM 11.1 **Access Committee Report**

FILE REFERENCE **I18/413**

AUTHOR **Director of Works & Operations**

ISSUE

This report provides additional information in relation to the minutes of the Access Committee.

RECOMMENDATION That -

1. Council adopts the recommendations of the Access Committee subject to additional consultation with the Local Traffic Committee, Streetscape Project Team and affected businesses;
2. Council considers allocating funds for the proposed works as a part of the 2019/20 Operational Plan.

BACKGROUND

Attached are the minutes of the Access Committee meeting held on 25 July 2018 which contain recommendations regarding additional Disabled Parking Spaces and laybacks in Goulburn Street, Crookwell, NSW, 2583.

REPORT

The minutes of the Committee contains a recommendation about the creation of a new disabled parking space and recommends the introduction of civil works that are not funded.

In order to consider traffic and parking issues appropriately, the recommendation is preferred to be referred to the appropriate Committee responsible for traffic and parking.

As no funds are allocated, if approved, the proposed civil works are required to be funded. Council may wish to consider funding these proposed civil works as a part of the 2019/20 Operational Plan Process. Alternatively, Council may consider allocating funds to undertake these works as a part of the 2018/19 Operational Plan.

It is also worth noting that concerns were raised in relation to the introduction of disability parking space in front of businesses as it was seen as reducing parking affecting businesses. It is wise that affected businesses are consulted before the implementation of the proposed parking in front of the businesses.

Works and Operations

ACCESS COMMITTEE REPORT cont'd

Council has a Streetscape project currently underway and the proposed parking changes may have bearing on this project. It is wise that this information about disability parking is also referred to the Streetscape project team for consideration.

POLICY IMPACT

Council has various Committees and it is important that Council refers relevant recommendations to the appropriate Committee or Project Team for consideration and advice.

OPTIONS

1. Council adopt the minutes;
2. Council adopt the minutes with the additional information and recommendations contained within this report.

Option 2 is recommended.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil at present. Funding of any works would need to be determined at the relevant Committee and recommended to Council if outside of relevant budgets.

RECOMMENDATION That -

1. Council adopts the recommendations of the Access Committee subject to additional consultation with the Local Traffic Committee, Streetscape Project Team and affected businesses;
2. Council considers allocating funds for the proposed works as a part of the 2019/20 Operational Plan.

ATTACHMENTS

1. ↓	Access Committee - 2018-07-25 - Minutes - Attachments	Attachment
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PRESENT: Clr J Searl, Mr G Kitchen, Mrs E Egan, Clr R Opie, Clr P Kensit and Steven Hunt.

NON VOTING: Ellie McGeechan and Susan Ducksbury

THE CHAIR DECLARED THE MEETING OPEN AT 3 PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Graham Croker, Mursaleen Shah, Clr Wheelwright, Joann Hillan and Sue Banfield.

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 3.1 RESOLVED by Clr Opie and Clr Searl

That the minutes of the previous Access Committee Meeting held on 30 May 2018 be adjusted to delete Clr Kensit as attending and that the minutes be adopted.

- CARRIED

SECTION 4: BUSINESS ARISING FROM MINUTES

Action Items

Updates provided on Action items in previous minutes

MEDIA RELEASE – ACCESSIBILITY

ITEM 4.1 RESOLVED by Ms Schaefer and Mrs Egan

1. The Access Committee recommends that when signs are installed in the MLAK toilet a media release be prepared to highlight and reinforce Accessibility and the actions of the Access Committee and promote the benefits of improved access to existing commercial premises and any incentives available.

- CARRIED

SECTION 5: REPORTS / CORRESPONDENCE

Attached map distributed for discussion of the location of the disabled carpark at Roberts Street end of Goulburn Street Crookwell.

ITEM 5.1 **DISABLED PARKING SPACE - ROBERTS STREET CROOKWELL**

RESOLVED by Ms Schaefer and Mrs Egan

1. The Access Committee recommend to Council that two existing laybacks be upgraded in Goulburn Street (outside the Uniting Church and adjacent to 49 Goulburn Street) and create a new layback and disabled carpark adjacent to Landmark with the endorsement of the Traffic and Streetscape Committees.

2. If the site is compliant create a layback only in front of the Visitors Information Centre.

- CARRIED

SECTION 6: **ITEMS FOR DISCUSSION**

RECENT WORKS

The Weekly Wrap featuring the new footpath around the hospital was distributed.

ACTION ITEMS

The following action items to be progressed or updated for next meeting

Date	Action	Responsible Officer	Due
30 May 2018	On site meeting at Health Care Centre	ULSC	Underway for completion by next Meeting
30 May 2018	Complaints regarding access at Health Care Centre. Practice Manager Megan Williams to be asked to provide details.	Karin	By 26 September Meeting
31 Jan 2018	MLAK toilet sign to be updated with stylised map and procured and installed.	ULSC	Further quote to be sought on updated design
30 May 2018	Media Release – ULSC Benefits of Accessibility	ULSC	When MLAK toilet signage installed

SECTION 7: **NEXT MEETING**

The next meeting is scheduled for Wednesday 26 September at 3PM in the Council Chambers at Crookwell.

THE MEETING CLOSED AT 4:25pm

Minutes confirmed 26 SEPTEMBER 2018

.....
Chair



Detail of map re: Disabled Parking

Works and Operations - 16 August 2018

ITEM 11.2 **Dedication of Public Road**

FILE REFERENCE **I18/415**

AUTHOR **Director of Works & Operations**

ISSUE

This report recommends that Council apply for the dedication of the realigned section of Grabben Gullen Road near 458 Grabben Gullen Road Gunning NSW 2581.

RECOMMENDATION That -

1. Council complete an application to open the parcel of land shown as Lot 5 to 9 of DP837406 as dedicated road under Section 10 of the NSW Roads Act 1993;
2. Council authorise the Mayor and General Manager to sign the documents relating to the transaction under seal or as required.

BACKGROUND

Grabben Gullen Road was realigned in the nineties, however the road dedication of the realigned road was not appropriately dedicated.

This report recommends to Council to apply for the rectification and dedication of Lot 5 to 9 of DP 837406 as Council public roads within the provisions of NSW Roads Act 1993.

REPORT

Council resolved in August 2017 that Council close Lot 11 of DP 837406. Council applied for this closure, however the NSW Lands Department has requested to open Lot 5 to 9 of DP 837406 before the old road could be closed.

It is logical to close the old road after the new road is opened. Therefore, it is recommended to open Lot 5 to 9 of DP 837406 before closing Lot 11. Please see the attached relevant plan as Attachment 1 showing the lots and location.

Council's solicitors could not confirm the status of Lot 1 to 4 at the time of writing of this report. In accordance with accepted practice, it is recommended to deal with Lots 1 to 4 if it is determined that the physical road is located outside the legal road reserve.

POLICY IMPACT

Rural and Regional Councils have numerous roads physically located outside the legal road reserve. Even Roads and Maritime of the NSW State Government have various

Works and Operations

DEDICATION OF PUBLIC ROAD cont'd

roads physically located outside the legal road reserve. Like other "Road Authorities" Upper Lachlan Shire Council addresses these alignments as they come to the notice of the Council as a part of the Works Program.

It is recommended that Lot 1 to 4 are dealt with after it is determined that those lots are physically located within the legal road reserve.

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

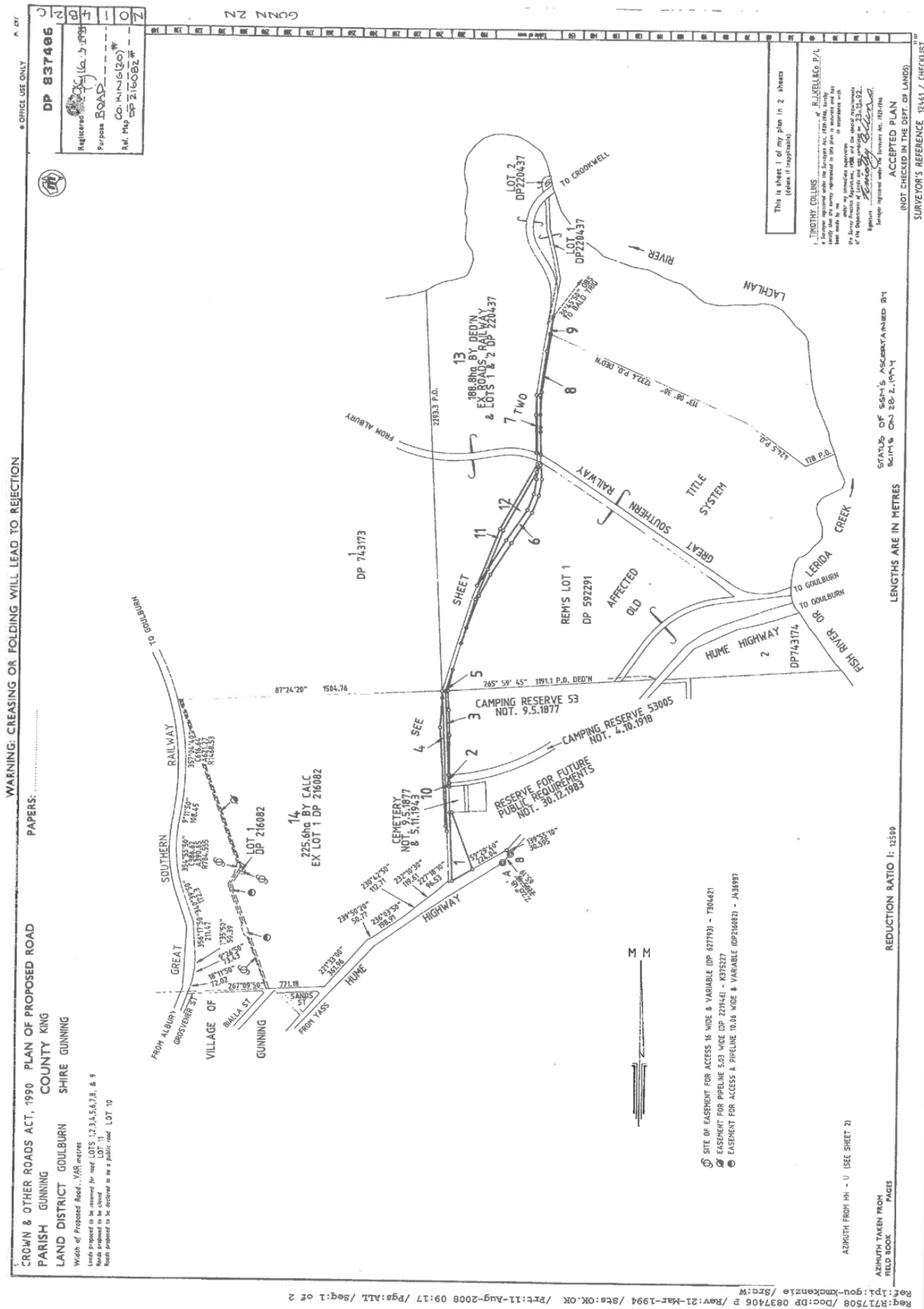
The estimated cost are unknown, however associated with application, legal and fees from NSW State Government.

RECOMMENDATION That -

1. Council complete an application to open the parcel of land shown as Lot 5 to 9 of DP837406 as dedicated road under Section 10 of the NSW Roads Act 1993;
2. Council authorise the Mayor and General Manager to sign the documents relating to the transaction under seal or as required.

ATTACHMENTS

1. 	Map of DP 837406	Attachment
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12 FINANCE AND ADMINISTRATION

The following items are submitted for consideration -

12.1	2017/2018 Budget Revotes to carry forward to internal restricted reserve	186
12.2	Draft Plan of Management - Potential RV Friendly Town overnight parking site at Willis Park Crookwell	188
12.3	Digital Information Security Policy	205

Finance and Administration - 16 August 2018

ITEM 12.1 **2017/2018 Budget Revotes to carry forward to internal restricted reserve**

FILE REFERENCE **I18/382**

AUTHOR **Director of Finance and Administration**

ISSUE

Revote to carry forward 2017/2018 expenditure allocations and uncompleted works into Council's internally restricted reserve fund.

RECOMMENDATION That –

1. Council receives the report and approves the 2017/2018 revote of uncompleted capital works expenditure projects and unspent budgeted expenditure projects totalling \$2,886,880 to the Council internal restricted reserve fund.
2. Council approves the transfer to the internal restricted reserve fund the NSW Grants Commission prepayment of two quarters of the 2018/2019 Financial Assistance Grant income allocation totalling \$2,289,207.

BACKGROUND

Nil

REPORT

The uncompleted works allocations and internal restricted reserve movements from 2017/2018 Operational Plan budget expenditure are required to be carried forward by transfer to the Council's internally restricted reserve. Also, Council are to restrict the Financial Assistance Grant (FAGS) payment in advance for the first two quarters of the 2018/2019 allocation for use in that year.

The following revotes do not include specific tied grant fund cash allocations which are required to be acquitted to external funding bodies and have been externally restricted by Council for their specified purpose, i.e. Roads to Recovery, RMS Block Grant, and other grant programs. Also excluded are Section 94 and Section 64 development contributions, stormwater levy, water supply fund, sewerage fund and domestic waste management externally restricted funds.

The following are internally restricted revotes to the reserve fund relating to 2017/2018 uncompleted works and unspent budgeted allocations to be funded by Council:-

Finance and Administration**2017/2018 BUDGET REVOTES TO CARRY FORWARD TO INTERNAL RESTRICTED RESERVE cont'd**

Description	GL Number	Revote \$
E&P - Building Control Consultancies	1.41100.2814	74,000
E&P - Town Planning Salaries	1.41000.2000	60,000
E&P - ED Business Strategy Plan	1.41016.2815	47,000
E&P - LEP Review and Section 94 Plan Review	1.55186.2899	45,000
Governance - Salaries	1.10000.2060	37,800
Kiamma Creek - seating and Pat Cullen entrance works	1.55586.4150	15,000
Effluent Dump Point for caravans/RVS in Taralga	1.55522.4150	7,500
Footpaths - Lorn Street Collector (near Public School)	1.55498.1681	60,000
Kerb and Gutter - Cnr Bourke & Brennan St Collector	1.55591.1640	11,280
Streetscape Project - Towns and Villages in Shire	1.55401.9006	154,000
Rural Local Sealed Road Pavement Rehabilitation	1.55162.5103	108,000
Local Unsealed & Sealed Roads Maintenance	1.30300/30000	84,000
Local Unsealed Road Gullen Flats Rd Bridge Replace	1.55595.2604	68,000
Waste Centre - Crookwell Landfill Remediation (EPA)	1.55257.4103	1,300,000
Transfer to IT and Equipment Replacement Reserve	1.55103.4130	101,700
Transfer to Plant and Equipment Replacement Reserve	1.59000.4210	299,600
Transfer to State Road Works Contingency Reserve	1.35418.5101	399,000
Transfer to Council Houses Capital Works Reserve	1.55256.4103	15,000
Financial Assistance Grant 2018/2019 Prepayment	1.23501.1700	2,289,207
Total internal restrictions carried forward to reserve		\$5,176,087

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

All internal restricted transfer to reserves shall be included in Note 6 (c) Restricted Cash, Cash Equivalents and Investments within the 2017/2018 Financial Statements.

RECOMMENDATION That –

1. Council receives the report and approves the 2017/2018 revote of uncompleted capital works expenditure projects and unspent budgeted expenditure projects totalling \$2,886,880 to the Council internal restricted reserve fund.
2. Council approves the transfer to the internal restricted reserve fund the NSW Grants Commission prepayment of two quarters of the 2018/2019 Financial Assistance Grant income allocation totalling \$2,289,207.

ATTACHMENTS

Nil

Finance and Administration - 16 August 2018

ITEM 12.2 **Draft Plan of Management - Potential RV Friendly Town overnight parking site at Willis Park Crookwell**

FILE REFERENCE **I18/383**

AUTHOR **Director of Finance and Administration**

ISSUE

Providing details in relation to a potential RV Friendly Town overnight parking site up to 48 hours short stay at Public Reserve Number 71527, known as Willis Park, Hay Street Crookwell, being Crown land, Lot 174 DP 753042.

RECOMMENDATION That –

1. The Draft Plan of Management – Public Reserve Number 71527, Willis Park at Hay Street Crookwell, be placed on public exhibition for a period of 28 days.

BACKGROUND

The Upper Lachlan Tourist Association adopted a recommendation at the 5 December 2017 Committee Meeting stating “That Council staff investigate and report to Council on the feasibility of the following sites to be used for short term low cost overnight parking (24/48 hours) for self-contained RV vehicles: 1. Railway land adjacent to the Heritage Railway work shed, 2. Council’s off-leash dog park in Hay and Prell Street.”

Council management provided an interim report on the progress of preliminary investigations into potential sites for a RV Friendly Town overnight parking site at the Ordinary Council Meeting held on 17 May 2018 and resolved to further investigate the Public Reserve 71527 in Willis Street Crookwell. The Council Resolution Number 132/18 states “1. Council receive and note the report as information; 2. Council staff continue to investigate the potential of the site and prepare a further report to Council.

REPORT

Council management has reviewed the Campervan and Motorhome Club of Australia (CMCA) RV Friendly Town program application process. The issue of identifying a short term overnight parking site in Crookwell is required to be addressed as part of the application.

Council management commenced investigations to meet the short term overnight parking site requirement for the RV Friendly Town program at the site of Public Reserve Number 71527, known as Willis Park, being Crown land Lot 174 DP 753042. The land is used as an off leash dog park in Hay Street Crookwell.

Finance and Administration

DRAFT PLAN OF MANAGEMENT - POTENTIAL RV FRIENDLY TOWN OVERNIGHT PARKING SITE AT WILLIS PARK CROOKWELL cont'd

The CMCA RV Friendly Town program has an assessment criteria for an applicant to meet the short term overnight parking criterion. For the assessment criteria to be met it requires a 24 hour to 48 hour short stay period available for caravans and/or RVs. Short term parking must be available for a total of ten big caravans or RVs and the site must be on even ground and not be prone to bogging or flooding.

The site is Lot 174 DP 753042, the crown land was gazetted in 1945 as a public reserve for the purposes of public recreation and Upper Lachlan Shire Council is the appointed land manager. The land is used as an off-leash dog park and has a cricket pitch within the land boundaries. The Pubic Reserve Number 71527 site may potentially meet the CMCA requirements and should not affect the use of the public reserve as a dedicated off-leash dog park if fencing issues are addressed.

There are no current claims and/or registered native title or indigenous land use agreements affecting the land for the identified site at Lot 174 DP 753042, Pubic Reserve Number 71527. Council has completed the following investigations to determine if there are impediments to the potential use as a RV Friendly overnight parking site, these investigations are an attachment to this report and include:-

- Native Title search;
- Aboriginal land claim search; and
- Land permissibility search.

An attachment to this report is a concept site plan for a potential RV Friendly Town overnight stay site at Public Reserve Number 71527 in Hay Street, Crookwell. The concept plan shows requirements for fencing both the off-leash dog park land and the RV overnight stay land area. In addition to fencing requirements a sealed entrance to the RV site and a gravel road within the land boundaries is to be provided. Council's Works and Operations Department has provided a strategic cost estimated based upon assumed scope of works with a projected cost of \$74,233.

In addition to the above fencing and gateway access requirements on the potential land, there are traffic and road safety implications for the proposed site. It is prudent that Council considers the potential cost implications for the Hay Street road upgrade to the potential site. Hay Street intersects to Saleyards Road and is a public unsealed gravel local road approximately 400 metres in length. The upgrade to Hay Street Crookwell, includes drainage, culvert installation, tree clearing, road widening, pavement and bitumen reseal works. Council's Works and Operations Department has provided a strategic cost estimated based upon assumed scope of works with a projected cost of \$206,879.

A plan of management for a specific chosen short term overnight parking site is a requirement under the *Crown Land Management Act 2016* for a crown land public reserve and is also a necessary compliance and risk management practice. A Draft Plan of Management has been prepared and is an attachment to this report.

By placing the Draft Plan of Management – Willis Park, Hay Street Crookwell on public exhibition, this allows for community feedback from the relevant users of the public reserve, adjoining neighbours, nearby residents, businesses, members of the public

Finance and Administration

DRAFT PLAN OF MANAGEMENT - POTENTIAL RV FRIENDLY TOWN OVERNIGHT PARKING SITE AT WILLIS PARK CROOKWELL cont'd

and community groups to ensure the use of this public land meets community and Council expectations.

The Draft Plan of Management may address potential land use conflicts at the site and provide clear guidelines to both the CMCA and the public. The Plan of Management will be advertised and placed on public exhibition and reported back to Council for determination.

A neighbour notification process would be organised in conjunction with the public exhibition of the Draft Plan of Management – Willis Park, Hay Street Crookwell that will facilitate feedback from land owners that may potentially be adversely affected, this feedback would underpin any further action regarding the potential site at Hay Street, Crookwell.

POLICY IMPACT

This is a new Draft Plan of Management to be placed on public exhibition.

OPTIONS

1. That Council proceed to public exhibition for a period of 28 days for the Draft Plan of Management – Public Reserve Number 71527, Willis Park in Hay Street Crookwell. Noting that if after public exhibition the site is deemed suitable Council will shall be required, as a minimum, to complete fencing of land and providing a sealed entrance to the RV site and a gravel road within the land boundary at a preliminary cost estimate of \$74,233.
2. That Council do not proceed to public exhibition of the Draft Plan of Management – Public Reserve Number 71527, Willis Park in Hay Street Crookwell noting unbudgeted project site capital works that are necessary to be completed to allow permissible use of the potential site.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no budget allocation within the Council 2018/2019 Operational Plan.

The total cost estimate of fencing both areas of land and providing a sealed entrance to the RV site and a gravel road within the land boundary is \$74,233.

The total cost estimate for the upgrade of the entire road length of Hay Street, Crookwell, is \$206,879.

RECOMMENDATION That –

1. The Draft Plan of Management – Public Reserve Number 71527, Willis Park at Hay Street Crookwell, be placed on public exhibition for a period of 28 days.

ATTACHMENTS

1. ↓	Robert J McCarthy Co - Kiamma-Georgiana.docx	Attachment
2. ↓	RE SR4370 Upper Lachlan Shire Council SR4370	Attachment
3. ↓	Plan of Management - Public Reserves - Wills Park Hay Street	Attachment



18 June 2018

Timothy Robert McCarthy
Robert J McCarthy Co
PO Box 6
CROOKWELL NSW 2583

Dear Timothy

Request – Search for Aboriginal Land Claim

I refer to your request dated 13 June 2018 to search the Register of Aboriginal Land Claims database (**the Register**) in relation to lands described by you.

Lot	Section	DP	Parish	County
174		753042	Kiamma	Georgiana

I have searched the Register and the property above does not appear as being affected by an Aboriginal Land Claim in pursuant to sections 36 or 37 of the *Aboriginal Land Rights Act 1983*.

Please contact our office on (02) 8633 1266 if you require further assistance.

Yours sincerely,

Jodie Rikiti
Administration Officer
Office of the Registrar, ALRA

Please Note:

1. Search requests should not be made over privately owned land. Crown Land is the only land in NSW that is likely to be affected by an ALC under the *Aboriginal Land Rights Act*. If an ALC has been made over privately owned land it would be refused as soon as this is known.

2. Land across NSW with older land descriptors such as "portion, REF & TSR" have been allotted new descriptors over the last 10 years & many of these now have "Lot & DP" numbers. The ORALRA database lists the land descriptor at lodgement & may not include an updated land descriptor. If this may affect the land that you've described, we advise that you contact the Aboriginal Land Claims Investigation Unit on (02) 6883 3396.

Address: Level 3, 2 – 10 Wentworth Street, PARRAMATTA NSW 2150
Post: P.O Box 5068, PARRAMATTA NSW 2124
Phone: 02 8633 1266

From: Enquiries
Sent: Wednesday, 13 June 2018 5:35 PM
To: 'tim@rjmac.com.au'
Subject: RE: SR4370 Upper Lachlan Shire Council SR4370

Native title search – NSW Parcel – Lot 174 on DP753042
Your ref: 11056:ULSC - Our ref: SR4370

Dear Tim McCarthy,

Thank you for your search request received on 13 June 2018 in relation to the above area. Based on the records held by the National Native Title Tribunal as at 13 June 2018 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- National Native Title Register
- Register of Indigenous Land Use Agreements
- Notified Indigenous Land Use Agreements

At the time this search was carried out, there were no relevant entries in the above databases.

Parcel ID	Feature Area SqKm	NNTT file number	Name	Percent Selected Feature
174/D753042	0.0244	No overlap		0.00%

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Enquiries

Public enquiry hours are 8.30am to 4.30pm

National Native Title Tribunal | Perth

Facsimile (08) 9425 1193 | Email enquiries@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

Shared Country Shared Future

From: Tim McCarthy <tim@rjmac.com.au>
Sent: Wednesday, 13 June 2018 10:09 AM
To: Enquiries <Enquiries@nntt.gov.au>
Subject: SR4370 Upper Lachlan Shire Council

Dear Sirs

We enclose a search application in the above matter. Please process.

Tim McCarthy

Principal

Robert J McCarthy & Co

PO Box 6, Crookwell NSW 2583

Phone: 0248321055

Fax: 0248322194

Email: tim@rjmac.com.au

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Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Robert J McCarthy & Co.



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DRAFT

PLAN OF MANAGEMENT

**PUBLIC RESERVE NUMBER 71527
WILLIS PARK, HAY STREET,
CROOKWELL**

Adopted:
Reviewed:

Resolution No: XX/18
Resolution No:

Contents

1. Introduction

- 1.1 Land Summary
- 1.2 Plans of Management
- 1.3 Purpose of the Plan of Management
- 1.4 Classification and Categorisation of Land

2. Management

- 2.1 Issues
- 2.2 Objectives

3. Policy and Framework for Management

- 3.1 General
- 3.2 Maintenance

4. Priorities and Performance

5. Request for scheduled works – Schedule 1

6. Variation

7. Relevant Legislation and Council Policy and Procedures

Appendix 1 – Willis Park, Hay Street Crookwell Site Plan

COUNCIL PLAN OF MANAGEMENT – WILLIS PARK, HAY STREET, CROOKWELL

1. Introduction

The *Local Government Act 1993* ("the Act") requires that Councils must classify Public Land as "operational" or community" and that Plans of Management must be prepared for Community Land.

All of the Land in this Plan of Management is Public Land located within the Upper Lachlan Shire Council local government area.

Upper Lachlan Shire Council is the appointed Land Manager responsible for the care, control and management of the Land in this Plan of Management.

This Plan of management is to provide a framework for the operational and strategic use and management of the Land. The Plan aims to define the values, use, management practices and directions of the Land and be consistent with its public purpose or categorisation.

1.1 Land Summary

Name of Land and Location

1. Public Reserve Number 71527, known as Willis Park, Hay Street Crookwell – Lot 174 DP 753042, Parish of Kiamma and County of Georgiana.

Owner

Crown Reserve land gazetted 1/6/1945 and managed by Upper Lachlan Shire Council.

Permissible Uses

The proposed combined use of public recreation and RV car parks are permissible under the current zoning of the *Upper Lachlan Local Environmental Plan 2010* (as amended) and consistent with this Plan of Management.

Permissible Tenures

Leases and Licences for any purpose consistent with the purpose of the Land or the core objectives as categorised under the *Local Government Act 1993*, and are permissible under this Plan of Management.

1.2 Plans of Management

The Act requires that Council prepare a Plan of Management to identify the important features of the Land, clarify how Council will manage it and how it may be used or developed.

These plans become the regulatory instruments, which bind the land owner and give statutory authority to other types of plans.

COUNCIL PLAN OF MANAGEMENT – WILLIS PARK, HAY STREET, CROOKWELL

Following preparation, a Plan of Management for Community Lands needs to be placed on public exhibition for not less than twenty eight days. Public comments are taken into account before Council considers adopting the plan.

1.3 Purpose of the Plan of Management

Upper Lachlan Shire Council (ULSC) has prepared a Plan of Management for the Land to meet legislative requirements of the *Local Government Act 1993*, and to reinforce and conserve the Land's values and gain acceptance through public consultation for proposed works.

The Plan of Management is designed to provide clear guidelines for the effective management of Community Land within the Upper Lachlan Shire local government.

The Plan of Management will clarify how Council will manage it and how it may be used or developed. This will result in clear and achievable management strategies that reflect the Council's and the community's expectations.

Specific objectives of the Plan are to:

- Identify the values of the Land to the community and values of Community Land in accordance with the Crown Reserve gazettal.
- Identify and address the key issues, including leases and licences, conflict between users, and the needs of the residents.
- Identify potential opportunities for sustainable future development of the Land based on community priorities and budgetary considerations.
- Recommend performance measures by which the objectives of the Plan shall be achieved, and the manner in which those measures are addressed.
- Prepare guidelines for future management, planning and the ongoing maintenance of the Land.
- This Plan of Management will provide a basis for assigning priorities in the programming of works and budgeting for new or upgraded facilities.

1.4 Classification and Catergorisation of Land

The Act requires that councils must classify Public Land as "operational" or "community" and that Plans of Management must be prepared for Community Land.

The Land included in this Plan is classified as "Community Land" under the *Local Government Act 1993*, (the Act).

COUNCIL PLAN OF MANAGEMENT – WILLIS PARK, HAY STREET, CROOKWELL

2. Management

2.1 Issues

The following issues have been identified as being relevant to the land:

1. Level of Maintenance; this relates to the level of maintenance required to maintain the area to a standard satisfactory to users.
2. Community/User Involvement; Council has identified the need for community / user involvement in maintaining, preparing and contributing to the use of operational land.
3. Future Planning (including upgrading and improvements); as is the case with all infrastructure there is an ongoing need to maintain, upgrade and improve facilities.

2.2 Objectives

The objectives of this Plan of Management are to put into place strategies which will:-

1.
 - a. Provide a facility/area that is responsive to the demand and needs of the community;
 - b. Optimise the use of the facility/area; and
 - c. To ensure access and equity to community facilities for the use of Council's residents and ratepayers.
2. Establish a defined maintenance program for the area that is clear to both Council and the users of the facility/area;
3. Comply with the requirements of the *Local Government Act 1993* and other relevant statutes.

3. Policy and Framework for Management

3.1 General

The use of the Land will be subject to overnight stays by travelers. Specifically, the land use allows short term overnight parking up to 48 hours for self-contained recreational vehicles (RVs), motorhomes, campervans and caravans for nil fees per night.

In addition the Land is a public reserve for the use of the Land within a dedicated land area designated for off the leash dog park use.

COUNCIL PLAN OF MANAGEMENT – WILLIS PARK, HAY STREET, CROOKWELL

3.2 Maintenance

In this regard the Council is responsible for the co-ordination of operations and for maintenance of the facility.

Individual user groups and individual RVs, caravans, campervans and motorhomes have the responsibility to clean the site and adhere to noise and behavior standards.

All use of the area is subject to approval and authorisation by Council and must be conducted within the rules and regulations as specified by Council.

The core maintenance of any facility is regarded as being the provision of a clean, tidy and effective facility. The provision of same will be undertaken by means of funds allocated in Council's Operational Plan.

4. Priorities and Performance

The action priorities and performance measurement for the Operational Plan are as follows:-

Objectives	Performance Targets	Statement of Means (Actions)	Timing	Performance Assessment
To provide a facility that is responsive to the demand and needs of the community.	Monitor use of facility and maintain awareness of facilities required by user groups.	Consult with user groups, review of existing facilities and program Upgrades/ Improvements – See Schedule 1	Ongoing	Level of user satisfaction.
To optimise use of the area.	Promote use of the facilities and maintain awareness of the availability of the facility with the community.	Advertising and improvement of facilities.	Ongoing	Increase in use of area.
To establish a defined Maintenance Program.	To ensure that the role of Council and users is clearly defined and understood. A core level of maintenance is to be recognised.	Implementation of a maintenance program which complements Council's responsibilities.	Ongoing	Level of user acceptance and understanding.
Encourage the community to participate in the operation / development of the facility.	Monitor participation by community/users in facility maintenance, improvements, development.	Response by Council to requests; Council staff consult with users.	Ongoing	Levels of user/community input.

COUNCIL PLAN OF MANAGMENT – WILLIS PARK, HAY STREET, CROOKWELL

Plan for progressive improvement of the quality and appearance of the area (as funds become available).	Determine improvement work with associated costings on an annual basis.	Participation by users, community and Council in future development.	Operational Plan submission	Level of community satisfaction.
To form a component of Council's Land Management strategies.	Consistent with other Plans of Management established by Council.	Establishment of the Plan in conjunction with other Plans of Management.	Ongoing	Application of strategies.
To comply with <i>Local Government Act 1993</i> and other legislative requirements.	Develop and review Plan.	Meet statutory requirements.	Within 3 years	Level of user satisfaction. Review and upgrade Plan.

5. Request for Schedule of Works – Schedule 1

- Removal of any existing outdated signage of the area.
- Erection of new signage detailing:-
Limiting of overnight stays
Parking restrictions (Indicated on map identified as Appendix 1).
- Installation of stock proof and dog proof fencing and gravel road off street access and internal gravel road access with defined parking area spaces. (Indicated on map identified as Appendix 1).

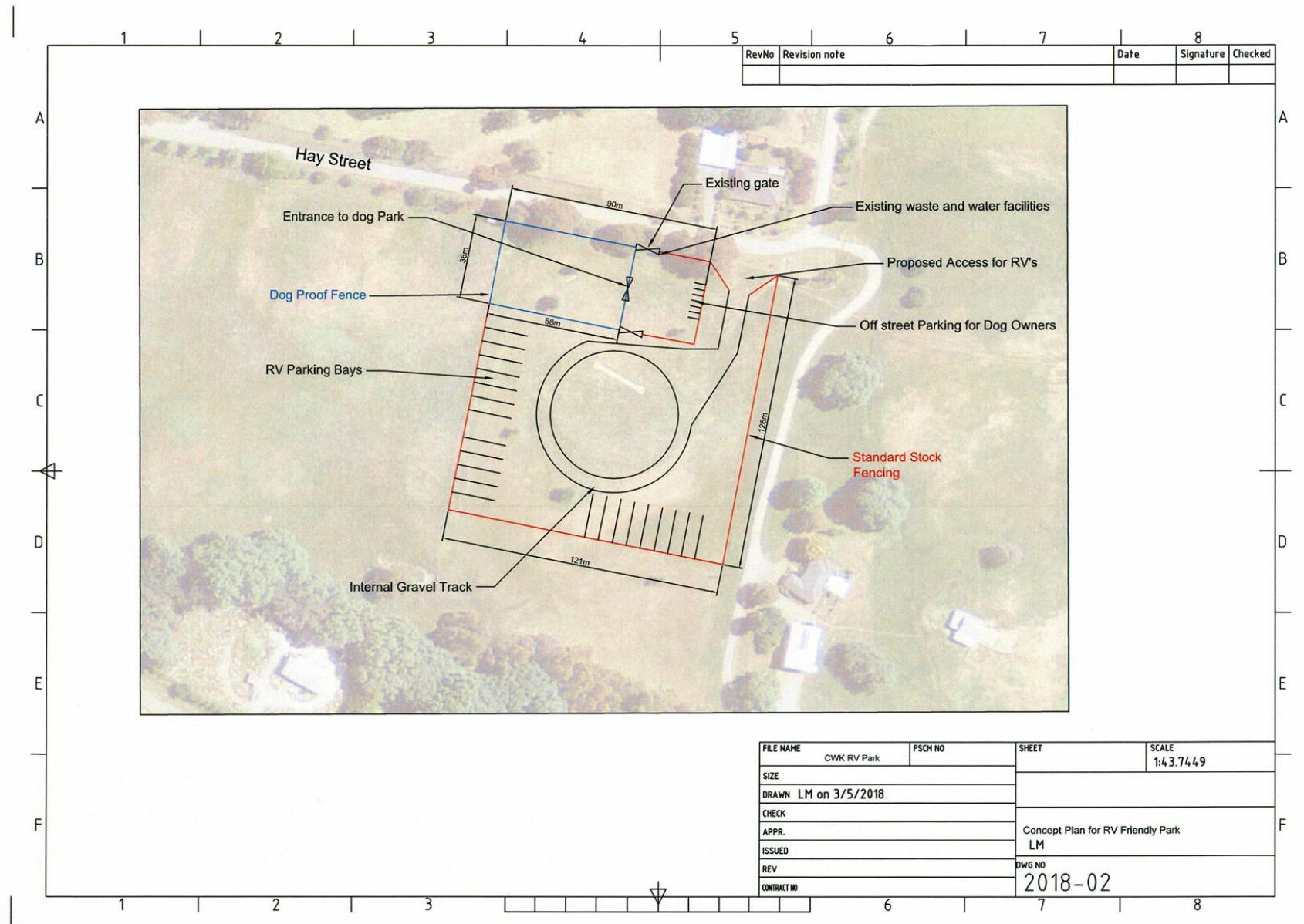
6. Variation

Council reserves the right to reasonably vary the terms and conditions of this Plan of Management in conjunction with community feedback to ensure it continues to meet Council's requirements.

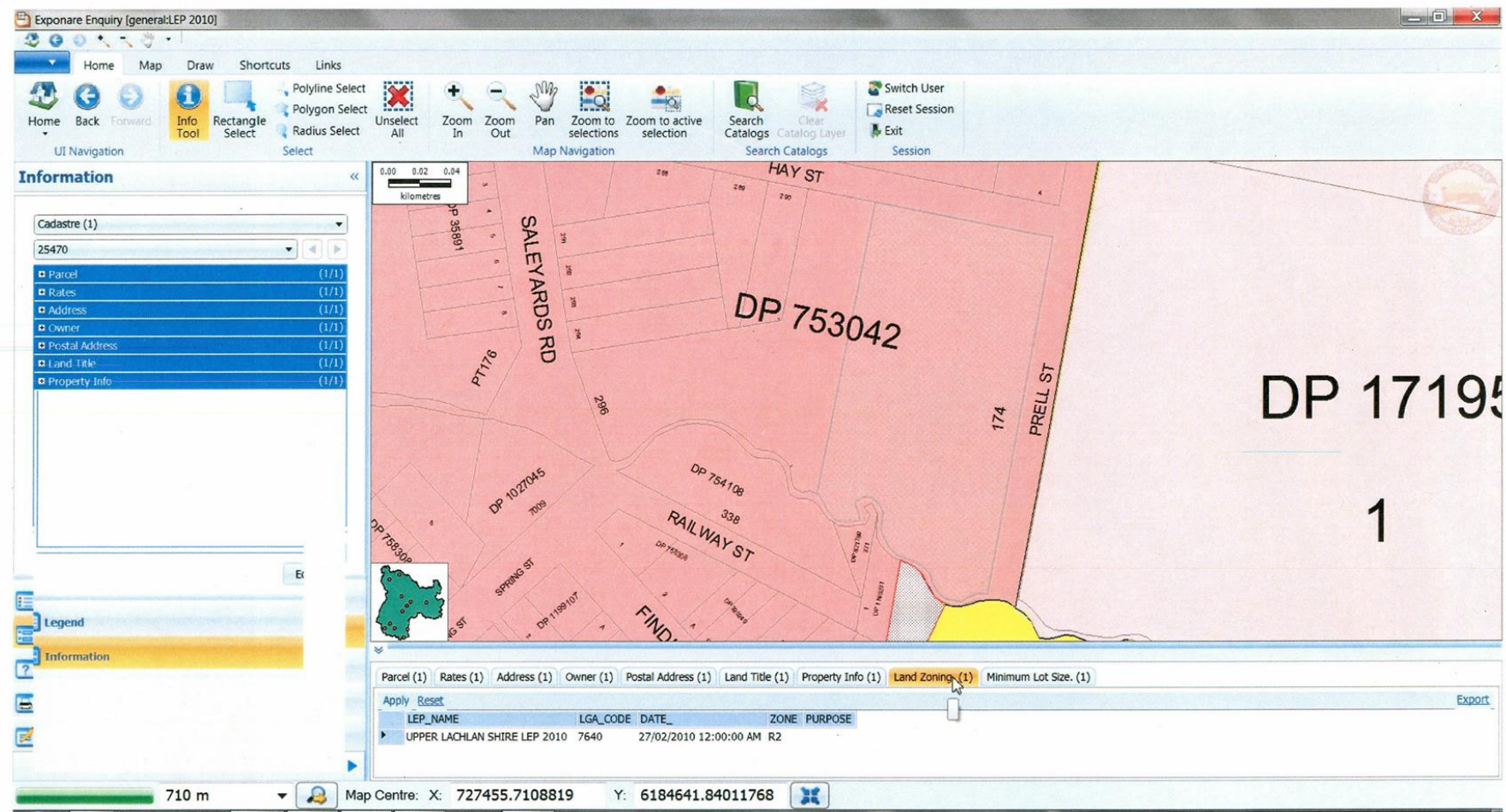
7. Relevant Legislation and Council Policy and Procedures

The Following Legislation and Council Policies and documents that are relevant to this Plan include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Environmental Planning and Assessment Act 1979;
- Upper Lachlan Local Environmental Plan 2010;
- Upper Lachlan Shire Councils Integrated Planning and Reporting documents;
- Crown Land Management Act 2016;
- Code of Conduct for Councillors, staff and delegates of Council;
- Service Delivery Policy;
- Code of Meeting Practice and Policy;
- Any other relevant legislation and guidelines as applicable.







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02018/5234

Upper Lachlan Shire Council

File Note

TO: DIRECTOR FINANCE AND ADMINISTRATION – ANDREW CROKE
FROM: DIRECTOR ENVIRONMENT AND PLANNING - TINA DODSON
SUBJECT: WILLIS PARK – HAY STREET, CROOKWELL – PUBLIC RESERVE NO 71527 (LOT 174 DP 753042)
DATE: 6 JULY 2018

Andrew

Further to your request please be advised of the following:

Zone: R2 Low Density Residential

Area: Approx. 3.47ha

Flood: The land is identified as being flood prone land (1:100 year flood).
In accordance with the adopted FRMP&S 2016 – Flood Vulnerable Residential activities are required to address the following requirements:

- Floor levels to be equal to or greater than Main Stream and Minor Tributary Flooding Minimum Floor Level (100 year ARI flood level plus 500mm freeboard).
- Reliable access for pedestrians or vehicles are required in the event of 100 year ARI.
- Applicant is to provide an area to store valuable equipment above the MSMTF MFLA.

Proposal: The proposal (car parks) meets the criteria of Clause 20, 20A and Schedule 1 Exempt development – general provisions of the State Environmental Planning Policy (Infrastructure) 2007.

Extract and supplementary information relating to Lot 174 DP 753042 is attached for your information.

A handwritten signature in black ink that reads "Tina Dodson".

Tina Dodson

Director Environment and Planning

Finance and Administration - 16 August 2018

ITEM 12.3 **Digital Information Security Policy**

FILE REFERENCE I18/389

AUTHOR **Director of Finance and Administration**

ISSUE

A review of Council's Digital Information Security Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Digital Information Security Policy.

BACKGROUND

Nil

REPORT

Attached to this report is the Upper Lachlan Shire Council Digital Information Security Policy.

POLICY IMPACT

Review of an existing Council Policy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Digital Information Security Policy.

ATTACHMENTS

1. Download	Digital Information Security Policy Review 2017	Attachment
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POLICY:-	
Policy Title:	Digital Information Security Policy
File Reference:	F10/618-08
Date Policy was adopted by Council initially:	18 December 2014
Resolution Number:	401/14
Other Review Dates:	N/A
Resolution Number:	N/A
Current Policy adopted by Council:	16 August 2018
Resolution Number:	XXX/18
Next Policy Review Date:	2021

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

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

1. BACKGROUND

It is best practice that Council adopts a formal policy supporting the consistent and systematic collection, classification, labelling and handling of information and digital information systems.

2. SCOPE

This policy establishes the digital information security requirements that take into account a minimum set of controls for the electronic / digital forms of information held by the Council. This policy does not specifically cover the security of hardcopy or non electronic information; however the objectives of this policy apply equally to information in any format.

This policy applies to all employees, contractors, and Councillors of Upper Lachlan Shire Council.

3. OBJECTIVE

This policy is designed to ensure that digital information and information systems security objectives are achieved by Council. These objectives include:-

- Confidentiality – to uphold authorised restrictions on access to and disclosure of digital information, this includes all types of information including personal information.
- Integrity – to protect information against unauthorised distribution, alteration or destruction, and ensure information is lawfully used.
- Availability – to provide authorised users with timely and reliable access to information.
- Compliance – to comply with all applicable legislation, regulations, policies and contractual obligations requiring information to be available and safeguarded (security controls in place).
- Assurance – to provide assurance to the community, rate payers and the general public that information held by Council is appropriately protected and handled.

4. PRINCIPLES

1. To meet operational business needs, accountability requirements and community expectations;
2. Internal documents should be easily accessed and they must be structured to ensure that they capture the information required and are presented in a manner that makes the information easy to interpret;
3. Active risk management and risk mitigation; and
4. To facilitate the minimum data requirements for information required.

5. POLICY STATEMENT

Council's responsible officer for digital information security, information systems security, individual user access rights, and implementation of this policy is the Director of Finance and Administration.

Information must be appropriately recorded and archived in accordance with Council's records management requirements and in accordance with the NSW State Records Act 1998 and associated standards.

Council will, within its budgetary constraints, endeavour to ensure complete, concise, and systematic digital information is maintained and stored appropriately in an Electronic Document Management System. Council at present uses **HPE Content Manager** (TRIM EDM).

Council utilises Civica's Authority finance database for the capture, storage and financial management and reporting tool to meet Australian Accounting Standard and Local Government Code of Accounting and Financial Reporting guideline requirements.

The unauthorised modification, deletion, or disclosure of information from Council digital information technology systems is expressly forbidden and disciplinary action will be taken by Council against any individual who does not comply with this policy.

6. CORPORATE INFORMATION SECURITY

Security is a vital element of information technology provisions; including equipment and privacy of information. All reasonable measures will be taken to preserve privacy. The Council will comply with data protection provisions in the Privacy and Personal Information Protection Act 1998 (PPIPA) and comply with the Government Information (Public Access) Act 2009 (GIPA).

All non-public information will be protected by an authorisation (password) system and users will be advised on the best practices for data management and security.

All equipment will be identifiable in case of theft and appropriate measures will be taken to prevent theft of equipment.

Appropriate measures will continue to be implemented to protect Council information and systems from external electronic attack (hacking), for instance by the use of up-to-date firewall technology **and endpoint protection** from viruses, malware, cyber security threats, and similar hazards.

Backup copies of all information stored on centrally managed file servers will be made daily and will be carefully stored. The primary purpose of such backups is to make it possible to recover critical systems, software and corporate data.

Controls are implemented to protect Council's information and IT assets from external threats originating through remote access technology. Council provides a secure dual factor authentication method for remote users.

7. PERSONNEL INFORMATION SECURITY

Every individual who has access to and uses Council held information, information systems, computers or mobile device equipment will be made aware of this policy. All Council staff, contractors, and Councillors are responsible for maintaining information security.

The responsibility of individual users includes, but is not limited to, the following:-

- Complying with all Council policies, procedures, guidelines, contracts, and relevant statutory and regulatory legislation requirements;
- Ensuring information is only used for the purpose it was collected;
- Maintaining confidentiality of all user passwords;
- User passwords login are reset by an IT system control and users are required to update their password after 60 days;
- Council computers must be switched off when not in use, to prevent unauthorised access to the Council network;
- Maintaining a clear desk and clear computer screen so confidential and commercial in-confidence information is secured. Council computers and ipads shall enforce a password protected screensaver after 15 minutes in-activity to ensure the device is not utilised by another party;
- User access rights of file server directories and Civica's Authority module permissions will be regularly reviewed by the Information Systems Coordinator to ensure that any unnecessary privileges will be removed and any unauthorised use of privileges will be detected and addressed;
- Maintaining the safe storage and physical security of Council owned information technology equipment, information assets, and mobile electronic devices;
- All loss or damage of Council information and systems including computers, laptops, tablets and mobile phones must to be promptly reported to Council's Information Technology Staff; and
- Report all security incidents, events, weaknesses, and security threats that are designed to compromise Council information systems integrity promptly to the Information Systems Coordinator to allow timely corrective action to be taken.

8. INFORMATION CLASSIFICATION

All digital information shall be classified to ensure it receives an appropriate level of protection. In classifying information, regard is given to obligations imposed by relevant legislation and regulations, in particular the State Records Act 1998, Privacy and Personal Information Protection Act 1998, and the Government Information (Public Access) Act 2009.

Council's **HPE Content Manager** (TRIM EDM) has an appointed Administrator and has developed an Administrator User Manual and General User Manual. The Administrator User Manual has detailed notes in relation to the following information classification processes:-

1. Access Controls
2. Caveats
3. Location Security Caveats
4. Information Classification Security Caveats
5. Record Security Caveats
6. Adding New Classification Levels
7. Document Security
8. Data Retention Schedules
9. Data Disposal Reports

9. HANDLING AND PROCESSING OF INFORMATION

Controls must be in place to prevent unauthorised disclosure, modification, removal and destruction of digital information.

There is user authentication, access logs, and active audit event history on all **HPE Content Manager** (TRIM EDM) file containers and user email accounts. Staff training is undertaken periodically to assist users meet their obligations with regards to the safe handling and processing of information.

Information Access and Network Access may be revoked at any time by the Director of Finance and Administration if there is a reasonable suspicion that the continued provision of access to information assets and systems is not in the overall interests of Upper Lachlan Shire Council.

10. RELATED POLICIES

- Information Technology Strategic Plan **2015-2018**.
- Records Management Policy and Procedures.
- Council's Code of Conduct.
- TRIM EDM Administrator User Manual.
- TRIM EDM General User Manual.
- Business Continuity and Disaster Recovery Plan.
- Complaints Management Policy.
- Gathering Information Policy.
- Internet and Email Usage Policy.
- iPad Policy.
- Social Media Policy.
- Electronic Security System Policy.

- Delegations of Authority Policy.
- Privacy and Personal Information Management Plan.
- Fraud and Corruption Prevention Policy.

11. OTHER RELEVANT LEGISLATIVE PROVISIONS

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Local Government (State) Award 2017;
- State Records Act 1998;
- Electronic Transaction Act 1999;
- Privacy and Personal Information Protection Act 1998;
- Independent Commission against Corruption Act 1988;
- Government Information (Public Access) Act 2009; and
- Work Health and Safety Act 2011.

12. VARIATION TO POLICY

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

13 GENERAL MANAGER

The following items are submitted for consideration -

13.1	Building Better Regions Fund Community Investments Stream Grant for Feasibility and Business Case for Connection of Gas to Crookwell and Gunning	214
13.2	Payment of Expenses and Provision of Facilities Policy Review	218
13.3	WHS Committee Minutes	240
13.4	Consultative Committee Meeting Minutes	246

General Manager - 16 August 2018

ITEM 13.1 **Building Better Regions Fund Community Investments Stream Grant for Feasibility and Business Case for Connection of Gas to Crookwell and Gunning**

FILE REFERENCE **I18/393**

AUTHOR **Acting General Manager**

ISSUE

To inform Council in relation to the suitability of the Building Better Regions Fund Community Investments Stream Grant for the funding of the Feasibility and Business Case for Connection of Gas to Crookwell and Gunning.

RECOMMENDATION That -

1. Council take no further action in relation to progressing any work concerning the feasibility and business case for connection of gas to Crookwell and Gunning due to the inability to currently economically sustain the investment required to bring a natural gas supply to the towns.

BACKGROUND

Council at its meeting on 19 July 2018 resolved as follows:

202/18 **RESOLVED** by Cllr Cummins and Cllr Opie

1. That Council receive and note the report as information.
2. That the Acting General Manager present a report to Council in relation to obtaining a grant under the Building Better Regions Fund Community Investments Stream for the undertaking of a feasibility study and business case of connecting natural gas to the villages of Gunning and Crookwell.

This report details whether this activity is eligible or not and reports again on advice provided to Council at its 21 December 2017 meeting on the sustainability of the provision of gas to Crookwell and Gunning.

REPORT

The Building Better Regions Fund Community Investments Stream Round 2 program guidelines of November 2017 clearly details that “feasibility studies or benefit – cost analysis for specific projects, including infrastructure development” are ineligible for the grant.

Attachment 1 is a copy of the Director of Works and Operations Report to Council on 21 December 2017 on Gas Supply to the townships of Crookwell and Gunning.

General Manager

BUILDING BETTER REGIONS FUND COMMUNITY INVESTMENTS STREAM GRANT FOR FEASIBILITY AND BUSINESS CASE FOR CONNECTION OF GAS TO CROOKWELL AND GUNNING cont'd

Attachment 2 is a confidential appendix due the commercial in confidence information contained within from the Manager Business Development of the APA Group.

The Manager Business Development of the APA Group advised that while the gas industry is always looking for opportunities to expand their networks, it is probably unlikely markets such as Gunning (population 660) and Crookwell (population 2600) could economically sustain the investment required to bring a natural gas supply to the towns and that regional areas that have been developed have usually relied on the presence of industry to underwrite the project.

Council was also advised that since the disaggregation of the gas industry into transmission, distribution and retail sectors, it has become much more difficult to facilitate developments of this type, as the investment, risks and returns are spread across multiple organisations.

Accordingly Council would need to attract large commercial natural gas supply users either in or near Crookwell and Gunning in order to create demand. This is a major problem.

It is believed that it is time for Council to stop considering the proposal to even determine the feasibility and business case development of supply of commercial natural gas services to the townships of Crookwell and Gunning until large commercial natural gas supply users show an interest in the area. Council staff time can be much better utilised.

POLICY IMPACT

Nil

OPTIONS

Considered nil.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council take no further action in relation to progressing any work concerning the feasibility and business case for connection of gas to Crookwell and Gunning due to the inability to currently economically sustain the investment required to bring a natural gas supply to the towns.

ATTACHMENTS

1. ↓	Report on gas supply to the township of Crookwell and Gunning	Attachment
2.	APA Group - Gas Supply to Gunning & Crookwell - Potential Extension	Confidential Appendix

Works and Operations - 21 December 2017

ITEM 10.11 **Report on gas supply to the township of Crookwell and Gunning**

FILE REFERENCE I17/711

AUTHOR **Director of Works & Operations**

ISSUE

The report summarises works undertaken to date on supply of commercial natural gas services to the townships of Crookwell and Gunning

RECOMMENDATION That -

1. Council continues to attract large commercial natural gas supply users in order to create demand.

BACKGROUND

A request was made in the previous Council meeting to make enquiries regarding the supply of natural gas to the townships of Crookwell and Gunning. This report summarises the outcome of the initial responses received.

In summary, natural gas supply relies upon the commercial decision of the supplier. Before making investment they may consider demand of commercial users in a locality. This commercial demand is used as basis to make an investment decision regarding infrastructure.

REPORT

Copy of the correspondence is attached as Attachment 1 that provides indicative costs of supply of natural gas to the townships of Crookwell and Gunning. Based on the correspondence, it appears a substantial amount of funds will be required to supply gas to the townships. It is unclear how the investment can be provided without a known demand of natural gas in an area.

Should there be further appetite to progress a case for the supply of natural gas to the two townships, Council may commission a further detailed business case. Such a business case study may focus on the social, economic and environmental impact of the proposal. In addition a financial assessment of the proposal may be required to determine direct costs to the community.

Obviously, major natural gas suppliers must be consulted if there is sufficient desire to service the area, in addition to major businesses in town are clearly identified that commit to use natural gas as commercial user.

Works and Operations**REPORT ON GAS SUPPLY TO THE TOWNSHIP OF CROOKWELL AND GUNNING**

cont'd

POLICY IMPACT

Economic development is well within the domain of public sector and Council may drive a social agenda to justify investment. In this case, it appears on face value there is no business case without a detailed analysis. However, Council may wish to make an investment to drive a social agenda instead of a commercial case to justify such investment.

It is worth noting, that Upper Lachlan Shire Council is a small rural community and with small rural rating base that may find it hard to justify such a proportional large investment without a clear return on its investment.

OPTIONS

1. Council may choose to commission and fund a business case – It is not recommended based on the initial response. If larger commercial users are identified, this option may be worth further consideration.
2. Council may continue to facilitate and attract large commercial users and create a demand and write to the State and Commonwealth Governments to fund natural gas supply line – This appears most viable, as it would attract the attention of the commercial gas suppliers as well as make it worthwhile to invest and fund the natural gas supply line.
3. No action – Status quo. No change.

FINANCIAL IMPACT OF RECOMMENDATIONS

Funding a business case study is expected to cost Council. It is estimated to cost Council \$50,000 to fund a desktop exercise. Additional detailed estimate may cost more if consultation with commercial suppliers is added to the list.

RECOMMENDATION That -

1. Council continues to attract large commercial natural gas supply users in order to create demand.

ATTACHMENTS

1.	Gas supply to Gunning and Crookwell, Upper Lachlan Shire - Estimated cost of service	Confidential Attachment
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General Manager - 16 August 2018

ITEM 13.2 **Payment of Expenses and Provision of Facilities Policy Review**

FILE REFERENCE I18/397

AUTHOR **Acting General Manager**

ISSUE

Review of the Council's Payment of Expenses and Provision of Facilities Policy.

RECOMMENDATION That -

1. Council, in accordance with Section 253, of the Local Government Act 1993, places the Payment of Expenses and Provision of Facilities Policy on public exhibition for 28 days.

BACKGROUND

Providing details of a review of the Payment of Expenses and Provision of Facilities Policy.

REPORT

Section 252 (1), of the *Local Government Act 1993*, requires the following "Within the first 12 months of each term of a Council, the Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office." This was undertaken in August 2017 using the Office of Local Government issued Circular Number 17-17 of 27 June 2017 which provided a Councillor Expenses and Facilities Policy – Better Practice Template which was made available for use by all Councils.

The current adopted Policy has been amended to take into account changes in expenses amounts within the various documents that inform the Policy and CPI (Weighted Average of Eight Capital Cities March 2017 to March 2018 – 1.9%) adjusted to practical amounts.

Section 253 (1), of the *Local Government Act 1993* provides that "a Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions."

POLICY IMPACT

Review of existing Council Policy.

General Manager

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY REVIEW
cont'd

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil as minor increases have been budgeted for in 2018/19.

RECOMMENDATION That -

1. Council, in accordance with Section 253, of the Local Government Act 1993, places the Payment of Expenses and Provision of Facilities Policy on public exhibition for 28 days.

ATTACHMENTS

1. 	Payment of Expenses and Provision of Facilities - Date Adopted 21 September 2017 - Resolution No 310 17 - Review 2018	Attachment
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POLICY:-	
Policy Title:	Payment of Expenses and Provision of Facilities Policy
File reference:	F10/618-07
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	67/05
Other Review Dates:	25 August 2005; 24 August 2006; 23 August 2007; 28 August 2008; 20 August 2009; 19 August 2010; 16 August 2011; 20 September 2012; 18 July 2013; 21 August 2014; 20 August 2015; 17 August 2017
Resolution Number:	231/05; 237/06; 258/07, 259/08; 334/09; 313/10; 315/11; 318/12; 226/13; 247/14; 227/15; 255/16, 259/17
Current Policy adopted by Council:	21 September 2017
Resolution No	301/17
Next Policy Review Date:	2018

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

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2. Policy objectives
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Part D – Processes

11. Approval, payment and reimbursement arrangements
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13. Return or retention of facilities
14. Publication
15. Reporting
16. Auditing
17. Breaches

Part E – Appendix

Appendix I – Related legislation, guidance and policies

Appendix II – Definitions

Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	Councillors: Vehicles under 2.5 litres - \$0.68 per/km Vehicles over 2.5 litres - \$0.78 per/km As calculated on a per kilometre basis by the rate set by the Local Government (State) Award.	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	
Sustenance (Meals) associated	\$110	Per day
Sustenance within Shire	\$100	Per day
Professional development	\$2040 per councillor	Per year
Conferences and seminars	\$102 per councillor	Per day
ICT expenses	\$82 per councillor	Per month
ICT expenses Mayor	\$82	Per month

Expense or facility	Maximum amount	Frequency
Access to facilities in the Council Chambers	Provided to all councillors	Not relevant
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office (when available)	Provided to the mayor	Not relevant
Executive Assistant to support Mayor and Councillors	Provided to the mayor and councillors	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every twelve months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Part A - Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Upper Lachlan Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
 - ensure facilities and expenses provided to councillors meet community expectations
 - support a diversity of representation
 - fulfil the council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor

- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events

Part B - Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each councillor may be reimbursed in accordance with their authorised expenditure per year, and the mayor may be reimbursed in accordance with his/her authorised expenditure per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. Given Council's location near an interstate border, travel to the Australian Capital Territory will be considered as general travel.

Arrangements and expenses for this travel will be governed by Clauses 6.1 - 6.4.

- 6.6. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.7. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be reimbursed by a resolution of Council only per year. An amount will be set aside in Council's annual budget.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.10. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made through the general manager's office.
- 6.15. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.17. In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting finishes later than 9.00pm or starts earlier than

7.00am and the councillor lives more than 50 kilometres from the meeting location.

- 6.18. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Upper Lachlan Shire Council local government area.
- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.
- 6.21. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.22. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 6.23. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.24. Council will set aside \$2040.00 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.25. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.27. Approval for professional development activities is subject to a prior written request to the general manager outlining the:
 - details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.
- 6.28. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.27, as

well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

- 6.29. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.30. Council will set aside a total amount of \$1020 annually, in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.31. Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18 - 6.21.

Information and communications technology (ICT) expenses

- 6.33. Council will provide or reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of \$984 per annum for each councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.
- 6.34. Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:
- receiving and reading council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.35. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

Special requirement and carer expenses

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.

- 6.37. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of reasonable carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.42. Each councillor may be provided with minor items of consumable stationery for the maintenance of a home office, such as a ream of plain paper, on request and approval by the general manager.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor

- a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

Part C - Facilities

9. General facilities for all councillors

Facilities

- 9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- Use of the Council Chambers, when and where available, appropriately furnished to include telephone, desk and appropriate refreshments (excluding alcohol)
 - Postage of official correspondence – all mail is to be directed through the Council's own mailing system
 - Personal protective equipment for use during site visits
 - Use of a Council Lap Top Computer or Tablet, if required
 - Minor items of consumable stationery
 - A name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Executive Assistant in the general manager's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards

Administrative support

- 9.5. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by a member of council's administrative staff as arranged by the general manager or their delegate.
- 9.6. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the mayor

- 10.1. Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.

- 10.2. The mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.
- 10.3. The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4. A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.
- 10.5. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space, when available or at least, access to the Council Chambers as a meeting room.
- 10.6. In performing his or her civic duties, the mayor will be provided with administrative and secretarial support, as determined by the general manager.
- 10.7. As per Section 4, staff provided to the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning

Part D - Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - Local travel relating to the conduct of official business
 - Carer costs
 - ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Manager of Finance and Administration.

Advance payment

- 11.7. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$102 per day of the conference, seminar or professional development.
- 11.9. Requests for advance payment must be submitted to the general manager for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
 - a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 11.12. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 11.13. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the councillor for the expense
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 11.14. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

- 11.15. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

- 12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 12.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every twelve months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least annually.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the general manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E - Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- A New Tax System (Goods and Services Tax) Act 1999;
- Access to Information Policy;
- Bribes, Gifts and Benefits Policy;
- Code of Business Practice;
- Code of Conduct for Councillors, staff and delegates of Council;
- Code of Meeting Practice;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Office of Local Government – Model for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors for Local Councils in NSW.
- Division of Local Government Circular No. 05-08: Legal Assistance for Councillors and Council Employees.
- Environmental Planning and Assessment (EPA) Act 1979;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Policy;
- Harassment Policy;
- ICAC publication “No Excuse for Misuse, preventing the misuse of council resources”;
- Independent Commission against Corruption Act (ICAC) 1988;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Protected Disclosures Policy;

- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (General Regulation) 2005;
- Local Government (State) Award 2014;
- Mobile Phone Policy;
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006;
- NSW State Records Act 1998;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Salary Sacrificing Policy;
- Section 355 Committee Code of Meeting Practice;
- Section 355 Committee Policy;
- Staff Training Policy;
- Statement of Ethical Principles.

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> meetings of council and committees of the whole meetings of committees facilitated by council civic receptions hosted or sponsored by council meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

General Manager - 16 August 2018

ITEM 13.3 **WHS Committee Minutes**

FILE REFERENCE **I18/406**

AUTHOR **Acting General Manager**

ISSUE

Minutes from the August meeting of the WHS Committee.

RECOMMENDATION That -

1. Council receives and notes the WHS Committee Meeting Minutes as information.

BACKGROUND

The minutes from the WHS Committee meeting that was held on 6 August 2018 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 meeting that was held on 6 August 2018.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the WHS Committee Meeting Minutes as information.

ATTACHMENTS

1. ↓	Work Health and Safety Committee - 2018-08-06 - Minutes - Attachments	Attachment
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PRESENT: M Wilson (Chairperson), Mr S Bill, Mr P Cramp, Mr S Poidevin, Mr T Besley, Mr S Roberts, Mr B Churchill, Mr K Kara (Human Resources Coordinator), Mr M Shah (Director of Works and Operations) and Ms S Pearman (Administration Officer).

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 9.30AM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received from Cllr R Cummins, Mr G Anable, Mr G Woodman and Mrs S Hassett.

RESOLVED by S Bill and S Poidevin that the apologies be received and a leave of absence granted.

- CARRIED

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 4.1 **RESOLVED** by Mr Besley and Mr Bill

That the minutes of the Work Health and Safety Committee Meeting held on 4 June 2018 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 CORRESPONDENCE

RESOLVED by Mr Bill and Mr Wilson

1. Correspondence / information listed below be received;

Correspondence Item 1:
After hours dog issues –

RESOLVED by M Wilson and S Bill that:

1. The Ranger and Biosecurity Officer undertake a risk assessment on the handling of livestock and dogs and report back to the Committee at October meeting.

2. The Human Resources Coordinator undertake an investigation into the position descriptions of the Gunning staff if they have after hours handling of dogs included in their position descriptions and reported to the Consultative Committee at the October meeting for consideration.
3. The workshop undertake an investigation for a portable cage suitable for dog handling purposes at Crookwell and report back to the Director of Works and Operations for decision.

- CARRIED

Correspondence Item 2:

Silica Safety Alert develop by Kiama City Council.

RESOLVED by T Besley and S Poidevin that:

1. Members of the WHS Committee raise this alert and the information contained in the alert within their respective team meetings.

- CARRIED

Correspondence Item 3:

The SafeWork Wrap.

RESOLVED by M Wilson and T Besley that:

1. Members of the WHS Committee raise the SafeWork Wrap and the information contained in the Wrap within their respective team meetings.

- CARRIED

Correspondence Item 4:

Minutes for the CENTROC WHS/ Risk Management Group.

Correspondence Item 5:

Minutes for the South East Region of Councils Safety Group.

- CARRIED

ITEM 4.2

INCIDENT REPORT

RESOLVED by Mr Bill and Mr Poidevin

1. Mitigating actions/suggestions be discussed by the Committee, and be passed onto senior management for consideration;
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;
3. Council's Incident procedure be reviewed as the quality of information being received has dropped significantly;
 4. All incidents to remain open until controls have been put in place;
 5. All staff be inducted into reviewed procedure requirements;
 6. The WHS Coordinator provide advice on what information is required when completing investigations;
 7. The WHS Coordinator lodge all incidents then return forms until complete;
 8. The WHS Coordinator monitors the incident investigation progress and provides appropriate reports to Management;
 9. Staff in consultation with relevant supervisors take ownership of the situation and make recommendations on possible control measures.
 10. The Work Health and Safety Coordinator lead the development of a draft Safe Work Procedure of the use of the Pole Saw and the procedure be circulated to all managers for implementation.
 11. That the Work Health Coordinator issue a written reminder to all people managers that all staff must undertake a Risk Assessment before undertaking their task, activities and projects.
 12. That the Work Health Coordinator investigates appropriate training with respect to work health safety accident and investigations for overseers.

- CARRIED

ITEM 4.3

SAFE WORK NSW IMPROVEMENT NOTICE'S

RESOLVED by Mr Besley and Mr Cramp

1. The WHS Committee note the action being taken on the 3 improvement notices issued by Safework NSW in relation to the recent asbestos incident at Council's waste facilities that are relevant organisation wide and are as follows:
 - The requirement to undertake health monitoring on all staff having had potential exposure to asbestos containing materials;
 - The completion of an Asbestos Management Plan for all of Councils functions;
 - The completion of an Asbestos Register for all of Councils facilities that may have asbestos.

2. The WHS Committee receive a report and endorse the action list on progress to date on each of the improvement notice action matters from relevant staff and Directors.

- CARRIED

ITEM 4.4 HEALTH MONITORING PROCEDURE

RESOLVED by Mr Bill and Mr Besley

1. The WHS Committee refers the Health Monitoring Procedure to Manex for adoption.

- CARRIED

ITEM 4.5 CHAIN OF RESPONSIBILITY (COR) DRAFT PROCEDURE

RESOLVED by Mr Poidevin and Mr Cramp

1. WHS Committee members discuss the Draft Chain of Responsibility (CoR) Procedure within their work groups and report any recommendations to the WHS Coordinator.

- CARRIED

ITEM 4.6 ACTION LIST

RESOLVED by Mr Kara and Mr Bill

1. The Committee receive and note the report as information.

- CARRIED

SECTION 5: ITEMS FOR DISCUSSION

5.1 REVISED WORK HEALTH AND SAFETY CONSTITUTION

RESOLVED by K Kara and M Wilson

1. That the revised Work Health and Safety constitution be adopted.

- CARRIED

5.2 WORK HEALTH AND SAFETY COMMITTEE MEMBERS

RESOLVED by M Wilson and T Besley

1. That the Director of Works & Operations investigates reasons for the resignations of Parks and Gardens Supervisor and Water Plant Operator and report the findings to the Committee.

- CARRIED

5.3 AMENITIES ON WORK SITES

RESOLVED by M Wilson and S Bill

1. That the Maintenance Gang Supervisor escalate the risk assessment on the provision of amenities, to the appropriate manager.

- CARRIED

THE MEETING CLOSED AT 11.45am

Minutes confirmed 2 OCTOBER 2018

.....
Mayor

General Manager - 16 August 2018

ITEM 13.4 **Consultative Committee Meeting Minutes**

FILE REFERENCE **I18/407**

AUTHOR **Acting General Manager**

ISSUE

Minutes from the August 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 6 August 2018 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 6 August 2018.

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. Download	Consultative Committee - 2018-08-06 - Minutes - Attachments	Attachment
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PRESENT: Mr David Scott (Chairperson), Mr R Stephenson, Ms S Pearman, Mr M Wilson, Mrs T Dodson (Director of Environment & Planning), Mr B Johnston (Manager of Finance and Administration) and Mr K Kara (Human Resources Coordinator)

NON VOTING: Nil

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 11.55AM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for the absence of Cllr J Searl, B Smithers, C Wray, Mr M Shah and Mr G Woodman.

RESOLVED by R Stephenson and M Wilson that the apologies be received and leave of absence granted.

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 4.1 **RESOLVED** by Ms Pearman and Mrs Dodson

That the minutes of the Consultative Committee Meeting held on 18 June 2018 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 HUMAN RESOURCES COORDINATORS REPORT

RESOLVED by Mr Kara and Mr Stephenson

1. The Human Resources activity report information is received and noted.
2. The Committee adopts the reviewed Drug and Alcohol Policy.
3. That the Consultative Committee Constitution be deferred until the October meeting subject to clarification of Section 4 (c) regarding Councillor Representation.

- CARRIED

ITEM 4.2 ENVIRONMENT AND PLANNING DEPARTMENT - PROPOSED CHANGES TO THE COUNCIL ORGANISATION STRUCTURE

RESOLVED by Mrs Dodson and Mr Kara

1. The Committee recommend the endorsement of the naming of the position of Manager Regulatory and Biosecurity Services.
2. The Committee endorses the position description for the Manager Regulatory and Biosecurity Services.
3. The Committee recommend the endorsement of the revised Environment and Planning Department Organisation Structure.

- CARRIED

SECTION 5: ITEMS FOR DISCUSSION

1. Heavy Combination Licence – Supervisors/Managers need to report back to Human Resources Coordinator with list of staff to be trained.
2. Labourers positions (2) in Gunning – Director of Works & Operations to confirm when these position will be filled.
3. Various positions in Crookwell – Director of Works & Operations to confirm when these positions will be filled.
4. Yard Meetings in Gunning – Morning meeting times are preferred so staff have time to raise concerns and issues.
5. After hours animal control – Director of Environment & Planning advised that staff would attend to livestock but not Companion Animals.

6. Performance Reviews – Director of Works & Operations to advise status of performance review finalisation.
7. Backhoe Training – Some staff have not received photo licence – Human Resources Coordinator to advise status of issuance of licences.
8. Organisation Structure – Human Resources Coordinator to provide a copy of the structure for the Works & Operations Department showing vacant positions to the committee.

THE MEETING CLOSED AT 12.50pm

Minutes confirmed 2 OCTOBER 2018

.....
Mayor

15 REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

The following item is submitted for consideration -

15.1	Reports for the Month of August 2018	252
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Reports from Other Committees, Section 355 Committees and Delegates - 16 August 2018

ITEM 15.1

Reports for the Month of August 2018

RECOMMENDATION:

That Item 15.1 - [Minutes of Committee/Information] listed below be received:

1. Collector Oval Committee – Minutes from meeting held 24 May 2018.
2. Goulburn Crookwell Rail Trail Incorporated – Minutes from Meeting held 25 June 2018.
3. Economic Development Task Force Committee – Minutes from meeting held 10 July 2018.

ATTACHMENTS

1. ↓	Collector Oval Committee - Minute from meeting held 24 May 2018	Attachment
2. ↓	Goulburn Crookwell Rail Trail Incorporated - Minutes of General Meeting 25th June 2018	Attachment
3. ↓	Economic Development Task Force Committee - Minutes from meeting held 10 July 2018	Attachment

COLLECTOR OVAL COMMITTEE MEETING

Thursday 24th May 2018

Meeting opened; 19.10

Attendance:

- Andrew Chiswell, Trista Batchelor, John Searle, John Hoskins, Michael Duck, Gary Poile

Apologies:

- Dan Cram

Previous Minutes:

- Proposed that the previous minutes be accepted
 - TB/JH – Carried
 - Note that the motion moved by Gary Poile at March meeting should have read ‘GP/JH Moved that the Collector scouts be allowed use of the Pavilion for twelve months free of charge.
 - Carried

Business Arising From Minutes:

- See General Business

Correspondence:

- In
 - From John Levien
 - Code of Meeting Practice
 - Committee 355 Committee Details
 - 355 Committee Policy
- Out
 - Correspondence to John Levien asking for assistance in assessing WH&S of the Collector Oval.

Chair Report:

- The President commended the Pumpkin Festival stating it was very well presented and received and a credit to the CVPF committee.
 - Noted that the toilets at the oval were used intensely
 - Commendation again to Trista and Dan for yet again another terrific stall at the Pumpkin Festival.

Treasurers Report:

- Cheque and Deposit books have been returned via Gunning
- Call with John Levien
 - Treasurer responded to Mr Levien queries satisfactorily.
- Received from CVPF a donation of \$500
- Otherwise financial position is unchanged as access to accounts has been restricted due to cheque and deposit books held by ULSC for more than 3 months.

General Business:

- Meeting would like to note that the meeting with Mr Levien has not progressed the WH&S audit of the oval.

- Trista and Dan have donated \$817
- JH asked where the footpaths were up to
 - no advice was available

General Business (cont)

- GP noted that a funding request is likely to be made by the Collector Village Pumpkin Festival committee for community projects around July this year.
 - GP advised that a fence may be an option and asked that the COC consider this option and develop a position.
- GP asked where the COC stands on overnight camping and that there was likely funding available for a dump point if the COC wanted to proceed with this facility.
 - GP advised that the economic benefit to the Gunning community that provides such a service was substantial.
 - JS noted that the administration of camping can be difficult.
 - JH added that there have been logistical issues in the past when overnight campers have used the oval precinct.
 - JH added that he would like to meet with ULSC to seek advice and to consider this issue further. He foreshadowed further discussion at a future meeting

Meeting Closed, 20:32

Next Meeting

- Thursday 26th July 16:30
 - This Special Meeting is to specifically further the development of the Oval Precinct Plan.
 - Mursaleen Shah be invited to this meeting.
 - AC to action

Goulburn - Crookwell Rail Trail Incorporated

Minutes of the General Meeting

**held on
Wednesday 25th July 2018**

**Upper Lachlan Shire Council Chambers
Spring Street, Crookwell**

COMMITTEE MEMBERS:

Cr Kirk (Chair)
Cr Culhane (Deputy Chair)
David Mullen (Secretary)
Jessica Price
Andy Cartwright
Brenda Proudman
Andrew Warren
Matt Ford
Neil Penning

Agenda and Minutes Distribution List:

Committee Members, Council General Managers and Mayors

Minutes of the Goulburn-Crookwell Rail Trail General Meeting held on 25th June 2018

Meeting opened at 10:05am

List of Attendees

Cr Bob Kirk, David Mullen, Andrew Warren, Neil Penning, Brenda Proudman,
Cr Paul Culhane, Matt Ford

1. Apologies

Andy Cartwright, Jessica Price.

2. Disclosure of Interest

Nil

3. Confirmation of Minutes of Previous Meeting

It was moved that that the minutes of the previous meeting held on 3rd April 2018 be confirmed as presented.

Cr Paul Culhane/Brenda Proudman

4. Committee Membership Update and Adjustment

It was moved that Neil Penning be elected to the committee

Cr Paul Culhane/David Mullen

Neil Penning was elected to the committee unanimously

Jessica price had informed us that now she has returned to work from maternity leave she would like to continue her involvement as a committee member.

5. Discussion Items

Bob Kirk gave an outline of discussions he has had with Gary Barnes and Chris Hanger, both from the Department of Premier and Cabinet (DPC).

They have indicated a willingness to provide support for the production of a *Business Case* for the Goulburn Crookwell Rail Trail, to be submitted to the DPC, so that our project 'can move forward'.

This offer seems to have resulted from:

- Preliminary results of the community consultation workshop the DPC held in Goulburn in Feb 2018.
- Some dissention has surfaced within other pilot rail trail proponents
- They have become more aware of the advanced state of readiness of our project

The DPC have their own template for a Business Case and it would make sense for us to use it.

Bob has had a preliminary discussion with Mike Halliburton on the submission of a business case. He, together with Mike Maher, would be willing to be involved and has indicated approximate costs for their work.

Minutes of the Goulburn-Crookwell Rail Trail General Meeting held on 25th June 2018

Paul Culhane spoke of the importance of updating the costings of building the rail trail from those in the GCRT Feasibility Study and the GCRT Trail Development Plan (both done about 4 years ago). This will give a realistic idea of project cost for the business case.

To achieve this it was proposed an independent engineer be engaged to assess works needed to construct the rail trail and their probable costs.

Some discussion ensued about the proponent for the GCRT. It was felt that, at this stage of our project, the two councils take on the role as the proponent and that the GCRT Committee become more in the role of a community advisory committee.

In summary, at this point tasks are to:

- Obtain a copy, when available, of results of the community consultation workshop conducted by the DPC in Goulburn
- Engage Mike Halliburton and Mike Maher to do our Business Case for the DPC
- Engage an independent engineer to update the construction costs
- Re-work the *Benefit Cost Ratio* study on the GCRT done by SGS Economics and Planning in April 2017

Matt Ford proposed organising Bumper Stickers to be produced to raise awareness of rail trails. Brenda Proudman and Andrew Warren suggested it would be better if such a sticker referred mainly to our own project. Matt will do further research into bumper stickers.

6. Next Meeting

TBA.

Meeting closed at 11:15am.

MINUTES OF THE UPPER LACHLAN SHIRE COUNCIL EDTF COMMITTEE HELD TUESDAY 10 JULY 2018 AT CROOKWELL

Present: Clr. John Searl, Andrew Lindner, Clr. Richard Opie, Catherine Duff & Clr. John Stafford.

Staff: Acting General Manager Gary Woodman & Brenda Proudman (Economic Development Officer)
(Non Voting)

Apologies: Tina Dodson (Director of Environment & Planning)

Meeting commenced at 5.00pm.

Declaration of Interest: Nil.

Confirmation of Minutes:

Agenda Item 3.1

Minutes from the 22 May 2018 were adopted as a true and correct record. Moved – Clr John Searl & seconded Catherine Duff.

CARRIED

Correspondence:

From Bob Kirk Re: Goulburn/Crookwell Rail Trail letter of support from Premier and Cabinet.

Agenda Item 4.1 – Economic Development Revitalisation & Action Plan

Gary Woodman, Clr Richard Opie & Brenda Proudman met this morning with Development Impacts Pty Ltd and Rowdy Digital. The brief to these consultants was to have a one day workshop with approx. 25 people and come up with approx. 10 Economic Development ideas and then trim down to 3 ideas that can be actioned immediately. After meeting with both consulting companies today they are going to provide us with another updated quote which includes a follow up meeting in another 6 months. The 25 people that we have in this workshop will be crucial to a great outcome and moving Economic Development forward. Can the committee please provide Brenda with 6 names each that they think will make a good contribution to this workshop before next Monday?

Agenda Item 4.2 – Southern Tablelands REDS – Relevant Actions for ULSC

Gary Woodman discussed the Upper Lachlan Shire REDS Document. Can everyone please have a good look at this document so we can discuss at the next meeting.

Agenda Item 4.3 – Asian Innovation Strategy

Noted.

Everyone was to come up with an idea:

- Andrew Lindner discussed the possibility of creating gas from compost waste and then on selling the gas. Andrew is to find out more information about this idea for next meeting.
- Catherine Duff discussed her idea of putting a Self-drive Photography Safari together with drive times etc. She would then like to link it to the tourism website. Richard suggested that Catherine should join the Tourist Assoc. as a member which would enable her to promote this idea.
- Brenda talked about the possibility of CRJO doing a TV campaign to promote the region and all the various Councils involved with the CRJO.

- Gary Woodman advised that CRJO are considering moving their office to Gunning. The following recommendation was moved by Cllr John Searl and seconded by Andrew Lindner:

Recommendation:

That Council commence investigations into the feasibility/viability of providing office accommodation facilities in the Gunning Fire Control Centre which is attached to the Upper Lachlan Shire Council offices in Gunning, to encourage the CRJO for a reasonable return.

CARRIED

Agenda Item 5 - General Business

Gary Woodman advised the committee about Pak Fresh Handling – Import/Export Co. based in Adelaide and now moving to Canberra. The following recommendation was moved by Catherine Duff and Andrew Lindner:

Recommendation:

That the Acting General Manager and Economic Development Officer provide a report about how the agricultural industry in the Upper Lachlan Shire can partner with Pak Fresh Handling to export their product out of Canberra Airport.

CARRIED

Brenda is to talk to the Council Information Systems staff to see if she can provide how many rates notices were sent out of the Shire in 2005, 2010 & 2015 so we have a percentage comparison with 2018 figures.

Next Meeting of the EDTF Committee Tuesday 7th August at 5pm.

There being no further business, meeting closed at 6.40pm.

17 NOTICES OF MOTION

The following items are submitted for consideration -

17.1	Notice of Rescission Motion - DA126/2017	262
17.2	Notice of Motion - Donation	264
17.3	Notice of Motion - Bench Seats	265

Notices of Motion - 16 August 2018

ITEM 17.1

Notice of Rescission Motion - DA126/2017

I, Councillor Brian McCormack hereby give notice that at the next Ordinary Meeting of Council I will move the following rescission motion:-

“Council Motion 158/18 reads as follows:

1. The Council as a consequence of its review of its determination of Development Application 126/2017 confirm the determination without change.
2. The Council advise the applicant of Development Application 126/2017 that the request for the reduction of Construction Certificate application fees be refused”.

is rescinded.

If resolution 158/18 – Request to review determination of Development Application 126/2017 – development for the purpose of change of use and request to reduce construction certificate application fees associated with DA 126/2017 – Lot 1 DP 800629 – 19 Roberts Street, Crookwell is rescinded then it is proposed that:

1. Council waive the S94 Contribution Fee totalling \$13,062.00 and additionally waive the S64 Contribution fee totalling \$8,103.0 and the applicant be reimbursed for any payments made.

Dated 27/7/18



Clr B McCormack



Clr D O'Brien



Clr R Cummins

BACKGROUND

See Report Item 10.1 of 21 June 2018 Council meeting.

Notices of Motion

NOTICE OF RESCISSION MOTION - DA126/2017 cont'd

GENERAL MANAGER'S COMMENT

Adoption of the Rescission motion and new motion will reduce the amount of s94 Funds available for improvement of Community assets and facilities.

ATTACHMENTS

Nil

Notices of Motion - 16 August 2018

ITEM 17.2

Notice of Motion - Donation

I, Councillor Ron Cummins hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“That Council note that Councillors Opie and Cummins will be donating their Councillors Remuneration increase in the amount of \$290 to the NSW Farmers Drought Relief Fund and that all other Councillors be requested to consider making a similar donation.”

BACKGROUND

Following the decision by Council to accept the Councillors Remuneration Increase (Resolution 212/18) Councillors Opie and Cummins believe that it would be hypocritical to accept the increase as they voted against the Resolution. As such Councillors Opie and Cummins are donating their increase of \$290 to the NSW Farmers Drought Relief Fund. Cllrs Opie and Cummins request that all other Councillors should consider making a similar donation.

GENERAL MANAGER'S COMMENT

No concerns.

ATTACHMENTS

Nil

Notices of Motion - 16 August 2018

ITEM 17.3

Notice of Motion - Bench Seats

I, Councillor Pam Kensit hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“Council adopt the design and make of the bench seat (BAB Aluminium Seat P/No S9206 – 1.8m bench seat with Backrest Western Red Cedar Decowood) already installed in the main street of Crookwell (to commemorate Mrs Lynam) or similar, as the standard bench seat type across the Shire and incorporate the bench seat into any Streetscape designs”.

BACKGROUND

This will ensure uniformity across the Shire and provide value for money. I suggest the Council gives each community ownership of any bench seats by encouraging each village to nominate a local identity to be commemorated.

GENERAL MANAGER’S COMMENT

No concerns.

ATTACHMENTS

Nil

18 QUESTIONS WITH NOTICE

There were no items submitted for this section at the time the Agenda was compiled.

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 19.1 in confidential session for the reasons indicated:

Item 19.1 Proposed Sale of former Saleyards Site, Lot 3 DP 1112816 Laggan Road, Crookwell

This report is considered to be confidential in accordance with Section 10A(2c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

19 CONFIDENTIAL SESSION

The following item is submitted for consideration -

- 19.1 Proposed Sale of former Saleyards Site, Lot 3 DP 1112816
Laggan Road, Crookwell