

General Manager
STAFFING MATTERS cont'd

The vacant position of Cadet Engineer based at Crookwell was re-advertised externally on Monday, 8 May 2017 with applications closing on Friday, 26 May 2017. Interviews were undertaken on Thursday, 15 June 2017. Lachlan McCue was offered the position as Cadet Engineer with Council and he will commence duties following his HSC examinations in January 2018.

Performance reviews for all staff members for 2016/2017 have commenced with 52% of staff completed as at 7 July 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

General Manager - 20 July 2017

ITEM 12.2 **Crookwell 2 and 3 Windfarms - Voluntary Planning Agreement**

FILE REFERENCE **I17/277**

AUTHOR **General Manager**

ISSUE

Union Fenosa has requested Council's endorsement of the draft Crookwell 2 and 3 Windfarm Voluntary Planning Agreement.

RECOMMENDATION That –

1. Council endorse the Crookwell 2 and 3 Windfarm Voluntary Planning Agreement and delegate the General Manager authority to sign the Crookwell 2 and 3 Windfarm Voluntary Planning Agreement.

BACKGROUND

At the Council Meeting held on 18 May 2017 Council resolved under Resolution No. 146/17 "that Council places on public exhibition the draft Crookwell 2 and 3 Windfarm Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions".

REPORT

In accordance with the resolution of Council, the draft Crookwell 2 and 3 Windfarm Voluntary Planning Agreement document was placed on public exhibition for more than the required timeframe.

Council has received no public submissions.

A copy of the Crookwell 2 and 3 Windfarm Voluntary Planning Agreement is attached for Councillors information.

POLICY IMPACT

Nil

OPTIONS

Nil

General Manager

**CROOKWELL 2 AND 3 WINDFARMS - VOLUNTARY PLANNING AGREEMENT
cont'd**


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That –

1. Council endorse the Crookwell 2 and 3 Windfarm Voluntary Planning Agreement and delegate the General Manager authority to sign the Crookwell 2 and 3 Windfarm Voluntary Planning Agreement.

ATTACHMENTS

1. 	Global Power Generation - Revised Voluntary Planning Agreement between Crookwell Development Pty Ltd and Upper Lachlan Shire Council from Crookwell 2 & 3 Wind Farm	Attachment
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Canberra, 8th May 2017

Ms Tina Dodson
The Upper Lachlan Shire Council
44 Spring Street
Crookwell NSW 2583

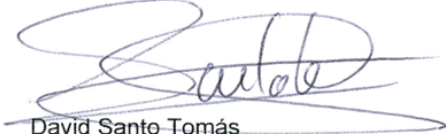
UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
9 MAY 2017
File No:

Dear Tina,

We now send revised Voluntary Planning Agreement between Crookwell Development Pty Ltd and Upper Lachlan Shire Council for the Crookwell 2 and 3 Wind Farm projects (in duplicated), duly signed by the company Directors.

Please have it signed by the Authorised Officer and a signed copy be returned to us.

Kind Regards,


David Santo-Tomás
Project Director

Crookwell 2 & 3 Wind Farms

Planning Agreement

The Upper Lachlan Shire Council

Crookwell Development Pty Ltd

Contents

Table of contents

1	Definitions and interpretation	2
1.1	Definitions	2
1.2	Interpretation.....	5
2	Planning Agreement	6
3	Application of this deed	6
4	Operation of this deed	6
5	Payment of the Monetary Contribution	6
5.1	The Monetary Contribution	6
5.2	General	7
6	Community Enhancement Fund	7
6.1	Establishment of the Community Enhancement Fund	7
6.2	The Committee	7
6.3	Call for Funding Applications	8
6.4	Notification to Company.....	8
6.5	Allocation of Funds	8
6.6	Public Recognition	8
6.7	Auditing.....	9
7	No Registration	9
8	Disposal by the Company of its interest in the Development	9
9	No fetter	9
10	Dispute Resolution	9
10.1	Notice of Dispute.....	9
10.2	Response to Notice.....	9
10.3	Negotiation.....	10
10.4	Further Notice if not Settled	10
10.5	Mediation	10
10.6	Litigation.....	11
10.7	Exchange of information	11
10.8	Continue to Perform obligations	11
11	GST	11
11.1	Interpretation.....	11
11.2	Reimbursements.....	11
11.3	Additional amount of GST payable.....	11
11.4	Variation	12
12	General	12
12.1	Costs.....	12
12.2	Notices	12
12.3	Waiver.....	13

12.4	Governing Law.....	13
12.5	Prior Agreements Superseded	13
12.6	Modification of Deed	13
12.7	Representations and Warranties	13
12.8	Severability	13
12.9	Confidentiality, Media Releases and Enquiries	13
12.10	Counterparts	14
12.11	No Fiduciary Relationship.....	14
12.12	Further Acts	14
12.13	Enforcement.....	14
	Notice Details	15

Planning Agreement

Date

Between the parties	
	The Upper Lachlan Shire Council ABN 81 011 241 552 of 44 Spring Street, Crookwell, NSW 2583 (Council)
	Crookwell Development Pty Ltd ABN 53 106 800 840 of Suite 4, Level 3, 24 Marcus Clarke Street Canberra, ACT 2600 (Company)
Recitals	<ol style="list-style-type: none"> 1 The Crookwell 2 Development Consent was granted in relation to the Crookwell 2 Wind Farm on 10 June 2005. The Company is entitled to act on the Crookwell 2 Development Consent. 2 The Company has lodged: <ul style="list-style-type: none"> • the Crookwell 2 Modification Application; and • the Crookwell 3 Development Application. 3 The Company has voluntarily agreed to pay Monetary Contributions in relation to the Crookwell 2 Wind Farm and the Crookwell 3 Wind Farm to the Council's Community Enhancement Fund on the terms of this deed. 4 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. 5 The Monetary Contributions paid by the Company to the Community Enhancement Fund in accordance with this deed are in separate from, and in addition to, the amounts to be paid by the Company under the 'Neighbour Benefit Sharing Agreements' which the Company has entered into with a number of owners of dwellings located in the vicinity of the Development Land.
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 approved for funding from the Community Enhancement Fund in accordance with this deed.
Auditor	an appropriately qualified auditor appointed by the Council.
Committee	the committee established to administer the Community Enhancement Fund in accordance with the DCP comprising: <ul style="list-style-type: none"> • the Mayor or Councillor Delegate; • the General Manager or delegate of the Council; • 2 community representatives who do not own any of the Development Land; and • a representative appointed by the Company.
Contribution Year	means every 12 month period from 1 July in each year.
Community Enhancement Fund	the fund to be established by the Council and administered in accordance with this deed.
Costs	includes costs, charges and expenses, including those incurred in connection with advisers. The cost of administering the Community Enhancement Fund shall be paid to Council out of the Monetary Contribution on an as needed basis and shall be no more than \$5,000.00 per annum, indexed to CPI over the life of the project.
Crookwell 2 Development Consent	development consent no. DA-176-8-2004-i granted by the Minister for Infrastructure and Planning under Part 4 of the EP&A Act on 10 June 2005, as modified from time to time.
Crookwell 2 Land	<ul style="list-style-type: none"> • the land contained in the following property titles:

Term	Meaning
	<ol style="list-style-type: none"> 1 Lots 1, 2, 3 DP 1201348; 2 Lot 18 DP 252214; 3 Lot 2 DP 865814; 4 Lots 91 and 140, DP 750042; 5 Lot 41 DP 999621; 6 Lots 1, 2, 3 DP 1087717; 7 Lot 2 DP 1091383; 8 Lot 1 DP 965855; and 9 Right of Carriageway over Lot 18, DP 252214 Conveyance No. 622, Book 3377; and <ul style="list-style-type: none"> • all other land on which it is proposed that associated and ancillary infrastructure for the Crookwell 2 Wind Farm will be located as specified in the Crookwell 2 Development Consent.
Crookwell 2 Modification Application	<p>An application seeking to modify the Crookwell 2 Development Consent under section 75W of the EP&A Act so as to:</p> <ul style="list-style-type: none"> • reduce the number of wind turbines from 46 to 32; • increase the maximum turbine envelope including so as to result in a maximum blade tip height of 160 metres; and • as otherwise set out in the 'Crookwell 2 Wind Farm - Section 75W Modification Application - Environmental Assessment' dated September 2016, and any 'Response to Submissions Report' lodged in relation to that application.
Crookwell 2 Wind Farm	<p>the construction and operation of a wind energy facility to be known as the Crookwell 2 Wind Farm, on the Crookwell 2 Land as authorised by the Crookwell 2 Development Consent.</p>
Crookwell 3 Land	<ul style="list-style-type: none"> • the land contained in the following property titles: <ol style="list-style-type: none"> 1 Lots 1 and 2 DP 1074987; 2 Lot 1 DP 924832; 3 Lot 2 DP 1139846; 4 Lot 7011 DP 96802; 5 Lots 13 and 14 DP 784346 6 Lot 191 DP 750054;

Term	Meaning
	<p>7 Lots 290 and 326 DP 750052;</p> <p>8 Lot 3 DP 588100;</p> <p>9 Lot 8 DP 252214;</p> <p>10 Lot 1 DP 965855;</p> <p>11 Lot 2 DP 1087717;</p> <p>12 Lot 2 DP 1091383;</p> <p>13 Lot 7300 DP 1139548;</p> <p>14 Lot 257 DP 257478;</p> <p>15 Lots 9 and 12 DP 252214;</p> <p>16 Lot 256 DP 257478;</p> <p>17 Lot 7009 DP 96794;</p> <p>18 Lots 1 and 2 DP 604536; and</p> <ul style="list-style-type: none"> all other land on which it is proposed that associated and ancillary infrastructure for the Crookwell 3 Wind Farm will be located as specified in any Crookwell 3 Development Consent.
Crookwell 3 Wind Farm	the construction and operation of a wind energy facility, with a maximum of 23 wind turbines, to be known as the Crookwell 3 Wind Farm, on the Crookwell 3 Land as authorised by any Crookwell 3 Development Consent.
Crookwell 3 Development Application	application SSD 6695, MP 10_0034 seeking development consent for the Crookwell 3 Wind Farm as State significant development under Division 4.1 of Part 4 of the EP&A Act.
Crookwell 3 Development Consent	any development consent granted in relation to the Crookwell 3 Development Application under Division 4.1 of Part 4 of the EP&A Act for the Crookwell 3 Wind Farm, as modified from time to time.
Development	the Crookwell 2 Wind Farm and the Crookwell 3 Wind Farm.
Development Land	the Crookwell 2 Land and the Crookwell 3 Land.
DCP	the <i>Upper Lachlan Development Control Plan 2010</i> as amended from time to time.

Term	Meaning
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 Projects	any projects proposed to be carried out within the Upper Lachlan Shire Council local government area and located within 25km of the Development which are aimed at: <ol style="list-style-type: none"> 1 enhancing any aspect of the local environment including, but not limited to, ameliorating any impacts from the Development; or 2 providing any community service or facility or benefit.
Mediator	a person appointed as mediator under clause 10.5 of this deed.
Monetary Contribution	the amount of \$2,500.00 per Operating Turbine as adjusted in accordance with clause 5.1(b) of this deed.
Operating Turbine	each wind turbine constructed and commissioned as part of the Development which generates electricity into the transmission network during any part of the relevant Contribution Year.

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:

- (a) the Crookwell 2 Modification Application; and
- (b) the Crookwell 3 Development Application.

4 Operation of this deed

The parties agree that this deed will not operate or bind the parties unless and until each of the following occurs:

- (a) the Crookwell 2 Modification Application is approved;
- (b) the Crookwell 3 Development Consent is granted;

5 Payment of the Monetary Contribution

5.1 The Monetary Contribution

- (a) The Company must pay to the Council the Monetary Contribution in arrears on 1 July of each year for each turbine which was an Operating Turbine during the preceding Contribution Year.
- (b) The parties agree that the Monetary Contribution will be reviewed on 1 July of each year, commencing at the June 2011 quarter, in accordance with the following formula:

$$MC = \frac{A \times B}{C}$$

Where:

MC = the Monetary Contribution payable for the following Contribution Year;
 A = the Monetary Contribution payable during the Contribution Year just ended;
 B = the Index Number last published before the end of the Contribution Year just ended; and
 C = the Index Number last published before the commencement of the Contribution Year just ended.

- (c) The monetary contribution is a taxable supply for GST in accordance with Clause 11.

5.2 General

- (a) The obligation of the Company to pay any Monetary Contributions 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 Contributions 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 Monetary Contribution payable:
- (1) from the date on which the relevant Monetary Contribution is due for payment under this deed;
 - (2) until the date on which the relevant 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 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.

6.2 The Committee

- (a) The Council must establish the Committee on or before the date on which the first instalment of the Monetary Contributions 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); and
 - (3) to appoint the Auditor as required by clause 6.7(a).

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 (**Funding Applications**).

6.4 Notification to Company

The Council must procure 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 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) The Council must:
 - (1) consider the funding recommendations of the Committee; and
 - (2) procure that full Council of Upper Lachlan Shire Council determines which Local Projects will be funded from the Community Enhancement Fund.
- (c) The Council must pay funds from the Community Enhancement Fund to each Approved Local Project.

6.6 Public Recognition

- (a) If requested by the Company, the Council must publicly acknowledge:
 - (1) the payment of the Monetary Contributions 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 may include:
 - (1) the inclusion of the Company's logo in any advertisement for Funding Applications or an 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) During each year in which there are funds in the Community Enhancement Fund, the Council must appoint an Auditor to reconcile:
 - (1) the Monetary Contributions paid by the Company under clause 5; and
 - (2) any payments made by the Council in accordance with clause 6.5, and identify any corrective payments required.
- (b) The Company and the Council must make any corrective payments identified by the Auditor as being necessary to reconcile the Community Enhancement Fund.
- (c) The costs of the Auditor will be paid out of the Community Enhancement Fund.

7 No Registration

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

8 Disposal by the Company of its interest in the Development

- (a) Prior to the Company disposing of any part of its interest in the Development 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 8(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 Development.

9 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.

10 Dispute Resolution

10.1 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**).

10.2 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.

10.3 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.

10.4 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**).

10.5 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 10.5 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.

10.6 Litigation

If the dispute is not finally resolved in accordance with clause 10.5, either party is at liberty to litigate the dispute.

10.7 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 10 for any purpose other than an attempt to settle a dispute between the parties.

10.8 Continue to Perform obligations

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

11 GST**11.1 Interpretation**

- (a) Except where the context suggests otherwise, terms used in this clause 11 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 11:
 - (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.

11.2 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.

11.3 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.

11.4 Variation

- (a) If the GST Amount properly payable in relation to a supply (as determined in accordance with clause 11.3), varies from the additional amount paid by the Recipient under clause 11.3, 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.

12 General

12.1 Costs

Except to the extent otherwise expressly set out in this Deed, 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.

12.2 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). Where a notice is sent by email, a copy must also be sent by registered post to the relevant address.
- (b) A notice given in accordance with clause 12.2(a) will be deemed to have been given and received:
 - (1) if delivered by hand, on receipt;
 - (2) if posted via registered post, three business days after posting;
 - (3) if delivered by email, when the email (including any attachment) comes to the attention of the recipient party or a person acting on its behalf; 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.



12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 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.

12.8 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 12.8(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.

12.9 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).

12.10 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.

12.11 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.

12.12 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.

12.13 Enforcement

Subject to compliance with clause 10, this deed may be enforced by any party in any court of competent jurisdiction.

Schedule 1

Notice Details

The Upper Lachlan Shire Council

Address 44 Spring Street, Crookwell NSW 2583
Attention General Manager – John Bell
Email jbell@upperlachlan.nsw.gov.au

Crookwell Development Pty Ltd

Address Suite 4, Level 3, 24 Marcus Clarke Street Canberra, ACT, 2600
Attention Project Director - David Santo Tomas Menocal
Email info@unionfenosa.com.au



Executed as a deed

Signed sealed 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 sealed and delivered for
Crookwell Development Pty Ltd
pursuant to s 127 of the Corporations Act 2001 (Cth) by

sign here ► _____
Director

print name DAVID SANTI TOMAS

sign here ► _____
Director

print name GUILLERMO ALONSO

8/05/2017
(Date)



General Manager - 20 July 2017

ITEM 12.3 Action Summary - Council Decisions

FILE REFERENCE I17/321

AUTHOR General Manager

ISSUE

Details are provided of action taken with respect to Council decisions.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Details are provided of action taken with respect to Council decisions.

REPORT

Summary sheet from the:-

Council Meeting: 21 November 2013

380/13	Council in cooperation and collaboration with the Rural Fire Service, SES, Police and other stakeholder emergency services develop and publish emergency plans on the Council website with links to relevant agencies.	DOW	The Emergency Management Guide and Consequences Management Guides have been prepared. Documents were forwarded on 30 June 2017 to the Regional Emergency Management Committee for approval at their meeting on 24 July 2017.
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Council Meeting: 20 October 2016

293/16	Council proceed with the establishment of lease holdings for the hanging of ultra-light aircraft.	DOW	Correspondence forwarded on 1 November 2016.
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General Manager
ACTION SUMMARY - COUNCIL DECISIONS cont'd

Council Meeting: 16 March 2017

73/17	Clifton Park cricket nets be rehabilitated at an estimated cost of \$4,700.00 using sec 94 contributions, if required.	DOW	Quotations sought. Work scheduled prior to the summer cricket season.
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Council Meeting: 18 May 2017

153/17	Council offers for sale, at the current market valuation, approximately 0.8 of a hectare of the available land that abuts the Crookwell Airstrip (being part Lot 421 DP 257517) to Icarus Air International Pty Ltd.	GM	Correspondence forwarded on 23 May 2017.
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Council Meeting: 15 June 2017

158/17	Councillor Searl be nominated as Council representative on the Dalton Power Project Community Consultative Committee.	GM	Correspondence forwarded on 16 June 2017.
161/17	Council endorse the Upper Lachlan Shire Council Disability Inclusion Action Plan 2017 – 2020.	EA	Placed in Policy Register and on the Website on 27 June 2017.
161/17	Council forward a copy of the adopted Plan to the NSW Disability Council by 1 July 2017.	DEP	Disability Inclusion Action Plan forwarded on 23 June 2017.
163/17	Correspondence be forwarded to the Heritage Advisor thanking her for the continued commitment to the Shire's Heritage and for her invaluable support and guidance towards these projects and heritage enquiries.	DEP	Correspondence forwarded on 23 June 2017.
163/17	A letter of congratulations be sent to all Heritage Grant recipients on their successful completion of projects for 2016-2017.	DEP	Correspondence forwarded on 23 June 2017.
164/17	Council adopts the reviewed Removal or Impounding of Livestock from a Public Place Policy.	EA	Placed in Policy Register and on the Website on 27 June 2017.

General Manager**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

165/17	Council adopts the reviewed Development Application Fee Waiver Policy.	EA	Placed in Policy Register and on the Website on 27 June 2017.
169/17	Council increase the current loan limitation that Council has with the Office of Local Government, by \$155,000 and these additional funds be used to replace Kialla Creek Bridge on Gullen Flats Road in the 2017/2018 financial year with a concrete box culvert structure.	DFA	The 2017/2018 NSW Treasury Corporation / Office of Local Government Proposed Borrowing Return lodged by Council on 29 June 2017.
172/17	Council waive 100% of the Gunning Roos water invoice (\$8841.36) as a one-off donation and Council not waive the Gunning Roos player's fees.	GM	Correspondence forwarded on 16 June 2017.
176/17	Council adopts the reviewed Privacy Policy.	EA	Placed in Policy Register and on the Website on 27 June 2017.
177/17	Council adopts the reviewed Privacy Management Plan.	EA	Placed in Policy Register and on the Website on 27 June 2017.
178/17	Council adopts the Related Parties Disclosures Policy.	EA	Placed in Policy Register and on the Website on 27 June 2017.
180/17	Council adopts the Cultural Plan 2017-2020.	EA	Placed in Policy Register and on the Website on 27 June 2017.
186/17	The updated Asbestos Policy be adopted by Council.	EA	Placed in Policy Register and on the Website on 27 June 2017.
187/17	Council endorses the development of a Regional Economic Development Strategy for the Functional Economic Region which includes the Goulburn-Mulwaree, Yass Valley and Upper Lachlan LGA's.	GM	Correspondence forwarded on 16 June 2017.
192/17	That the recommendations from the Cullerin Range Wind Farm Community Fund Sec355 Committee be adopted.	DEP	Correspondence forwarded to all applicants on 23 June 2017.

General Manager**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

193/17	That the recommendations from the New Gullen Range Wind Farm Community Fund Sec355 Committee be adopted.	DEP	Correspondence forwarded to all applicants on 23 June 2017.
194/17	That the Upper Lachlan Shire Council sponsor the 'Spring Fling' exhibition in conjunction with the Open Garden week end in November to the tune of \$500. This contribution would go towards the prize money for the 'People's Choice Award', 'Unpackers Award'. The Upper Lachlan logo would appear on the entry form.	GM	Correspondence forwarded on 16 June 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

14 REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

The following item is submitted for consideration -

14.1	Reports for the month of July 2017	330
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Reports from Other Committees, Section 355 Committees and Delegates - 20 July 2017

ITEM 14.1

Reports for the month of July 2017

RECOMMENDATION:

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

1. Christmas in the Park Committee – Minutes from meeting held 18 April 2017.
2. Canberra Region Joint Organisation – Minutes from meeting held 30 May 2017.
3. Economic Development Task Force – Minutes of meeting held 13 June 2017.
4. Audit, Risk and Improvement Committee – Minutes from meeting held 21 June 2017.
5. Upper Lachlan Shire Access Committee – Minutes from meeting held 21 June 2017.
6. Local Emergency Management Committee – Minutes from meeting held 23 June 2017.
7. Upper Lachlan Tourist Association – Minutes from meeting held 27 June 2017.

ATTACHMENTS

1. ↓	Christmas in the Park Committee - Minutes from meeting held 18 April 2017	Attachment
2. ↓	Canberra Region Joint Organisation (CBRJO) - Board Meeting Minutes - 30 May 2017	Attachment
3. ↓	EDTF - Minutes from meeting held 13 June 2017	Attachment
4. ↓	Audit, Risk and Improvement Committee - 2017-06-21 - Minutes - Attachments	Attachment
5. ↓	Upper Lachlan Shire Access Committee - Minutes from meeting held 21 June 2017	Attachment
6. ↓	Local Emergency Management Committee - Minutes from meeting held 23 June 2017	Attachment
7. ↓	Upper Lachlan Tourist Association - Minutes from meeting held 27 June 2017	Attachment

MINUTES AND ACTION ITEMS**Crookwell Christmas in Park Committee**

Meeting Date Tuesday April 18

Time: 7.00pm

Place: Crookwell Services Club

Committee Members

Simon Bill (Chair), Rhonda Cummins (Secretary) Kerry Barr (Treasurer) Sandra Bill (Assistant Secretary), Robert Bill, Bec Skidmore, Rob Huskinson, Nioka Bill, Ray and Jeanette Moore, Chris Fenton, Krystal Field, Alison Howarth, Libby Crowther,

Present

Bec Skidmore, Alison Howarth, Nioka Bill, Simon Bill (President), Kerry Barr (Treasurer), Robert Huskinson, Robert Bill, Sandra Bill(Ass Secretary) Rhonda Cummins (Secretary)

Apologies

Ray and Jeanette Moore, Wayne and Fiona Landford

Minutes of previous meeting

Moved: Alison Howarth

Seconded: Kerry Barr

In Favour: all **Against:** nil

Amendments Nil

Agenda No.	Agenda Item	Record of Discussion	Action Required
1.1	Letter to Lions	Not interested in joining forces at this point	Nil
	Decide on date for 2017 Event	December 2nd	Saturday December 2 nd 2017

Agenda No.	Agenda Item	Record of Discussion	Action Required
	Venue for Event	Coleman Park and Pool	Sandra to speak to GM re this location then send official letter
	Major Sponsorship	No answer to date from Union Fenosa	Sandra to follow up
	Grant letter re last grant	No response to letter to Gullen Range Committee	
	Other sponsorship;	Letters to be written or organisations approached	Rhonda / Sandra
	Christmas Lights	Two categories – town and acreage	Simon to organise
	Business window displays	Perpetual Trophy for Best decorated Window Business House – Use Crookie Cup Trophy – get new plaque	
	Colouring Comp	Need prizes and theme & organiser	
	Source Grant Funds	Apply to Viola for the \$1,000 Donation Grant in July 2017	Allison
	Discuss amusements and prices	Will check account to see if enough to book – this was what Major Sponsorship would go towards	
	Entertainment	Start talking to local talent – St Marys School Little Charmers KAOS Talent – Ari, Isla, Luke, Meg, Mish, Mariah Scott Lange- Chalkie White- Community Singers	Sandra has spoken to Little Charmers, Ari, Isla and Poppy re performing- all happy to do so – notify songs to sing
	Report from Streetscape working party	Group did a street walk Need to put it into workable format	Bec ?? Robert and Bec to follow up
	Pole decorations	Need to advertise to more groups who may wish to use throughout the year – see pole procedure attached	Simon & Nioka to source names of non-profit groups Decided that business not be included as becomes difficult to handle – community organisations only
	Working Bee for decorations	Decorations need sorting, into what we keep- what we sell Catalogued and moved to container	April 23 rd
	Street Decorations	See working party special meeting notes below	

Agenda No.	Agenda Item	Record of Discussion	Action Required
	Shop Letters	Sandra and Pam will draft letter to shop owners as soon as plan is decided	Sandra / Pam
	Ideas for Event	<ul style="list-style-type: none"> • Face Painting • Jumping castle /with slide • Balloon Burst • Choc Wheel • Pool Inflatable • Pet parade 	<p>Anglican Youth group if available or Rainbow Faces or triple treat</p> <p>Has several inflatables – decide when and if we get sponsorship</p> <p>We Own this</p> <p>Lions to run??</p> <p>Rhonda to check availability and prices – Quote coming</p> <p>Ask Vets to sponsor: letter sent</p>
	Ideas for Event	<ul style="list-style-type: none"> • St Marys would like to be considered to run the BBQ • Coffee cart- • Ice Cream – • Cwl Fire Brigade – • CWA ladies Afternoon tea – • Official Switch On of Large Christmas tree • Kids to decorate –(bring own decoration) 	<p>Simon</p> <p>Chris</p> <p>Simon</p> <p>Bec</p> <p>Bec</p>
	Ideas for Event	<ul style="list-style-type: none"> • Fiona Landford has spoken to churches and they are willing to help • Looking at doing a carol/Christmas walk by all churches 	Fiona and Wayne organising – we will help as needed
	Broadcasting	Contact Radio and see if they will broadcast on Day	????

Outstanding Action Items

Ref	Date	Issue	Action	Respon	Due	Update
		Book Amusements-	Manufacture Specs and Copy of insurances – before paying deposit			
		Letter to Council re use of Venue		Sandra		
		Start approaching and book entertainment				
		Fill in and submit relevant forms to council	Request receipt of same and follow up advise if success/unsuccessful	Committee		
		Second working Bee needed to finish decorations	Decide on date			
Next Meeting: NOTE Thursday July 13th at 7.00pm at Crookwell Services Club						

Special meeting

Held Tuesday March 2017

Meeting Opened at 7.10pm

Attendance: Libby Crowther, Bec Skidmore, Pam Kensit (Council Rep), Sandra Bill, Rhonda Cummins (Secretary), Robert Bill, Ray Moore, Nioka Bill, Simon Bill
Apologies: Darren O' Brien, Alison Howart

BUSINESS

1. Discussion on GM's comments to Council meeting re street decorations

No one from Council's Senior staff has had any discussion with Christmas in Park on these decorations. It is believed that a staff member took one type of decoration and this was the one talked about – it has lights and breakable baubles attached and was never suitable as a street decoration. Many of the decorations have lights but none suitable for use. Also we never said they were suitable as pole decorations as they are the wrong shape.

The Green and White Garlands have a UV rating and are suitable for awnings. This can be proven by checking Supplier website.

It was agreed that CIP needs to get the decorations catalogued and into the container and to ask for a meeting with Council senior staff and councillors

2 Pole Decorations:

Pam advised that Council has committed \$12,000 for decorations for the Street – she has asked that CIP research suitable decorations and prices.
Simon and Nioka to get pics and prices.

Sandra to contact Peter Mylonas to see if he has suitable outdoor Christmas tree over 8ft

3 Working Bee:

Organise a working bee for Cataloguing, photographing and re-location of Christmas

Decorations – Working Bee April 23rd at 10am – to meet at Simon Bills – Anderson Lane

Robert will photograph- Libby will catalogue

4 Shop Letters:

Sandra/ Pam to draft a letter to shop owners asking for input re decorations – insurances etc. We will need written permission of their assurances of participation, permission for Council to put up and take down decorations at beginning of December each year – copy of their insurances for Council - (Selected shops)

Simon / Robert to cost brackets which will need to be bought and fitted at their expense

Sandra will speak to GM and engineering department re what may be suitable

5. Working Party:

Streetscape Working Party will walk around street to draw up plan: To meet at Matts Bakery on Thursday March 23rd at 2pm

Report to next meeting

CBRJO Board Meeting 30 & 31 May 2017 – Minutes

Meeting Opened: The meeting opened at 3.05pm

1. Welcome and Apologies

Present

Bega Valley Shire Council	Cr. Kristy McBain Ms Leanne Barnes
Goulburn Mulwaree Council	Cr. Bob Kirk Mr Warwick Bennett
Hilltops Council	Mrs Wendy Tuckerman (Deputy Chair) Mr Anthony McMahon
Queanbeyan-Palerang Regional Council	Mr Tim Overall Mr Peter Tegart
Snowy Monaro Regional Council	Mr Dean Lynch Mr Joseph Vescio
Upper Lachlan Shire Council	Cr. John Stafford Mr John Bell
Yass Valley Council	Cr. Rowena Abbey (Chair) Mr David Rowe
ACT Government	Mr Geoffrey Rutledge Mr David Clapham (30 May 2017)
Canberra Region Joint Organisation	Ms Gabrielle Cusack

In Attendance

Canberra Region Joint Organisation	Ms Sophie Lloyd Jones
Independent Price and Regulatory Tribunal (IPART)	Mr Hugo Harmstorf Ms Lucy Garnier

Apologies

ACT Government	Ms Sara Burns
Eurobodalla Shire Council (30 May 2017)	Cr. Liz Innes Dr Catherine Dale
Upper Lachlan Shire Council	Cr. Brian McCormack OAM

2. Confirmation of Minutes

The minutes from the CBRJO Board meeting held 17 February 2017 were confirmed as a true and accurate record.

3. Business Arising

3.1 SERAS UPDATE

AGREED that:

A copy of the Office of Sport media release be provided to the CBRJO Board.

3.2 Fire and Emergency Services Levy

Notification was received during the meeting that the NSW Government had deferred the implementation of the FESL.

AGREED that:

CBRJO write to Treasurer and Office of Local Government seeking clarification regarding the State Government's contribution to Council's staff costs with the implementation of the FESL, noting that some Councils had employed additional staff to assist with the customer enquires surrounding the implementation

4. GMAC

4.1 GMAC Recommendations to the Board

1. Local Government Super

AGREED that:

The CBRJO Board note that a letter was sent to Local Government Super seeking clarification on final date for the additional defined benefits payments and request that the timeframe be pushed out to six or seven years to ease the annual financial burden on Councils.

2. Smart City, Smart Region

AGREED that:

A letter of support be provided from CBRJO to those Councils preparing submissions under the Smart City, Smart Region program expressing support for the implementation of smart technologies throughout the region including endorsement of the ACT Digital Strategy.

3. Business Relocation Incentives – NSW Government

AGREED that:

- 1. That the CBRJO seek an urgent meeting with the Premier and Deputy Premier to discuss Business Relocation Incentives to regional NSW for business being forced to relocate from the Sydney basin.*
- 2. GMAC prepare an analysis of the multiplier effect of job losses per industry group by LGA and the region - using Id. Profile.*

4. Regional University Hubs – Country University Centre + University of Canberra

AGREED that:

That the CBRJO continue its role in liaising with the Country Universities Centre regarding the expansion of the remote education model throughout the region.

5. Regional Sporting Opportunities – Queanbeyan Blues Inc. (Canberra Raiders)

AGREED that:

The Board supports the initiative and notes that the Chair has written Deputy Premier outlining CBRJO support.

6. Finance Report to 31 March 2017 and Draft Budget FY 2017/18

AGREED that:

That GMAC recommendations be considered separately under Item 6 and Item 7 of this agenda.

7. Canberra Business Chamber (CBC) Corporate Membership

AGREED that:

- 1. That CBRJO do not pay the membership to the Canberra Business Chamber (CBC) on the basis that representation by the CBRJO on relevant Chamber Taskforces and working groups would be adding value to business of the CBC.*
- 2. The Board to revisit this item following the September local government elections.*
- 3. The Mayor/Administrator of QPRC as a member of both organisations be a conduit for information flow between the CBRJO and CBC.*

8. NSW Roads Congress (GMAC Minute Item 12.2)

AGREED that:

Each Council be encouraged to be represented at the 2017 NSW Roads Congress at Parliament Theatre Sydney 5 June, 2017.

9. Board Meetings (GMAC Minutes 13)

AGREED that:

- 1. That the Board consider holding one Board meeting per year on the South Coast and the Board meeting scheduled for Thursday 10 and Friday 11 August 2017 be held in Canberra.*
- 2. Meeting #4 2017 – 30 November / 1 December at Batemans Bay.*

10. Councillor Forum (GMAC Minute 14)

AGREED that:

- 1. That CBRJO hold a networking event/ Councillor Forum at least once a year.*
- 2. That GMAC provide a format and outline of the forum and distribute to Councillors for review and feedback.*
- 3. Consideration be given to this becoming mandatory attendance as part of professional development for CBRJO Councillors.*

4.2 GMAC Action List

AGREED that:

The Board note the GMAC list of Actions and status of activity status.

Meeting suspended at 4.00pm – 30 May 2017

Meeting Resumed 11.00am - 31 May 2017

5.0 REPORTS

5.1 Canberra Region Economic Development Strategy (CREDS)

AGREED that:

- 1. The Board note the progress of the stages leading towards a CREDS.*
- 2. Engagement of Dr Kim Houghton from Regional Australia Institute, to conduct a workshop, and draft a Terms of Reference for the consultants brief at a cost of \$3,700 (ex GST.).*
- 3. Board note the significant financial implications for the CBRJO, report be brought back to the Board prior to commissioning the CREDS consultancy.*

Note: The Department of Premier and Cabinet – Office of Regional Development is supporting LGAs to develop Regional Economic Development Strategies (REDS) based on Functional Economic Areas at the sub-regional scale.

5.2 Canberra Region Website

AGREED that:

1. *GMAC and EDWG will sign off on the final website content for each council area.*
2. *GMAC & ED Working Group identify a launch date for mid-August 2017.*
3. *GMAC to prepare an outline to the Board on the launch activities and logistics.*

Meeting Suspended at 11.20AM

Meeting Resumed at 11.55AM

6.0 Finance Report to 31 March 2017

AGREED that:

1. *The Board endorse the budget variation at 31 March 2017.*
2. *The Board note the deficit of \$130,109 to 30 June 2017.*

7.0 Budget FY 2017-2018

AGREED that:

That the Board adopts the 2017/18 draft budget noting the deficit of \$99,878.

8.0 Regional Infrastructure Priorities

AGREED that:

1. *The Board adopt the 17 May 2017 Matrix priority listing as the CBRJO Regional Priority List of projects.*
2. *The Board note the 17 May 2017 version of the matrix is the 'initial' matrix that will be continual updated and refined.*
3. *The Regional Infrastructure Priority Listing be a standing item for the Board Agenda.*
4. *A copy available to Local Members, RMS, DPC, Cross Border Commissioner, Local member and Infrastructure NSW.*
5. *The Board reconsider the priority list after State Budget.*
6. *The revised Matrix priority list be tabled at the August CBRJO Board meeting.*
7. *The CBRJO arrange for Infrastructure NSW to present at the August CBRJO Board meeting.*
8. *Consideration be given to the Matrix following the launch and release of the South East Regional Plan.*

9.0 Meeting Dates - 2017 / 2018

AGREED that:

The CBRJO Board meeting dates and locations are:

DATE	LOCATION
10-11 August 2017	Canberra
30 November – 1 December 2017	Batemans Bay
2018	
February	Canberra – Parliament House
May	Sydney – NSW Parliament
September	Canberra
November	Batemans Bay

Meeting Closed: 12.30pm

OFFICE OF SPORT MEDIA RELEASE

INCREASED ATHLETE SERVICES FOR THE SOUTH EAST REGION

Work is under way to improve and increase the range of sport programs offered to athletes across the south east region of NSW in coordination between the Office of Sport and Directors of the South East Regional Academy of Sport (SERAS).

Following administrative changes at the Academy the Office of Sport will operate the academy in 2017 to reinvigorate sport programs available to athletes and coaches in the region.

SERAS Chair John Hanley said the Board has worked proactively with Office of Sport to ensure that services for athletes will increase. This position is also supported by the Canberra Region Joint Organisation of Councils.

"Assisting the development of aspiring athletes from the south east of NSW is the primary aim of the Academy and the future is bright thanks to the coordinated support we've been offered by the Office of Sport," Mr Hanley said.

Office of Sport Chief Executive Matt Miller said an increased support for athletes in the south east of NSW was announced through additional funding in this year's Budget.

"The Office of Sport recognises the unique challenges faced by sport participants in regional areas and works collaboratively with local governments and Associations to best fund programs to increase participation.

"Programs will operate on the athlete pathway between grassroots participation and elite level sport taking into account research which influences long term athletic success," Mr Miller said.

Current programs such as the Academy Games on the Central Coast in April and the cycling program will continue as planned.

A large scale individual athlete program will be offered in 2017 with enhanced athlete education opportunities. A new program aimed at assisting coaches in the region to develop their skills and expertise will also be offered.

The Office of Sport will publish full details of the sport programs as soon as they are finalised.

Jeff Lewis | Office of Sport | Manager Media and Issues: 0401 994 008

**MINUTES OF THE UPPER LACHLAN SHIRE COUNCIL EDTF COMMITTEE HELD
TUESDAY 13th JUNE 2017 AT CROOKWELL**

Present: Clr Richard Opie, Clr Paul Culhane, Clr John Stafford, Andrew Lindner & Brenda Proudman.

Apologies: Tina Dodson, Dave Johnson & Peta Luck.

Meeting commenced at 5.32pm.

Declaration of Interest: Nil.

Confirmation of Minutes:

Agenda Item 3.1

Minutes from the 2 May 2017 were adopted Moved – Clr Paul Culhane & seconded Clr John Stafford

CARRIED

Correspondence: Nil.

Agenda Item 4.1

Promotion of the Shire.

Brenda Proudman spoke about the New Resident Information that she has been working on.

17 Welcome to new resident letters have been posted and the new resident information is now live on the website. Rural living handbook is almost ready, it's just being proof read.

Clr Richard Opie asked Andrew Lindner how Council can help businesses in this Shire and Andrew Lindner suggested bus tours to the Shire.

Brenda Proudman discussed the new Tablelands Economic Development Strategy that is being funded by NSW Dept. of Industry and how this will fit into the CREDS (Canberra Region Economic Development Strategy). She also suggested that we will be able to use the information to form an Economic Development Strategy for Upper Lachlan Shire.

Clr John Stafford suggested some editorial about Upper Lachlan Shire and why it's a great place to live. There was then some discussion that editorial could possibly be funded by Local Real Estate Agents taking out advertising. Clr Stafford will investigate what papers would be best.

Clr John Stafford is doing the local radio chat on a Thursday morning. Brenda is to provide him with some local info & facts.

Next Meeting of the EDTF Committee is scheduled for **Tuesday 18th July at 5.30pm** in the Council Chambers at Crookwell.

There being no further business, meeting closed at 6.30pm.

PRESENT: Mr M Barlow (Chairperson), Clr P Culhane, Clr J Searl, Mr W Martin (Community Representative), Mr D Marshall (Community Representative)

Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mrs T Klem (Management Accountant) (Staff non-voting)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 8.33am

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for the absence of Clr Wheelwright.

RESOLVED by Clr Searl and Clr Culhane that the apologies be accepted and leave of absence granted.

- CARRIED

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 3.1 **RESOLVED** by Clr Searl and Mr Martin

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 15 March 2017 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 ITEMS OF CORRESPONDENCE

RESOLVED by Mr Marshall and Mr Martin

1. The correspondence from the NSW Local Government Grants

Commission in relation to the 2017/2018 Financial Assistance Grants prepayment in the 2016/2017 financial year be received and noted as information.

2. Council publicise the abnormal receipt of 2017/2018 Financial Assistance Grants income paid in advance in the 2016/2017 financial year and the potential detriment to the 2017/2018 Financial Statements operating result.

- CARRIED

ITEM 4.2 COUNCIL INVESTMENTS PORTFOLIO TO 31 MAY 2017

RESOLVED by Mr Martin and Clr Searl

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

- CARRIED

ITEM 4.3 REVIEW OF INVESTMENT STRATEGY

RESOLVED by Clr Searl and Clr Culhane

1. The report is received and the revised Council Investment Strategy is as follows:-
 - No change to the prudent administration of investment portfolio held in term deposits and call account. Investment maturities will continue to be subject to Council's cash flow requirements; and
 - Comply with Council's Investment Policy.

- CARRIED

ITEM 4.4 REVIEW OF INVESTMENT POLICY

RESOLVED by Clr Searl and Mr Martin

1. Council adopt the reviewed Investment Policy.

- CARRIED

POLICY:-	
Policy Title:	Investment Policy
File Reference:	F10/618-03
Date Policy was adopted by Council initially:	28 April 2005
Resolution Number:	111/05
Other Review Dates:	22 March 2007, 27 September 2007, 16 June 2009, 22 September 2010, 8 March 2011, 15 December 2011 and 19 December 2013 and 15 October 2015
Resolution Number:	84/07, 280/07, 258/09, 407/10, 104/11, 489/11, 413/13 and 303/15
Current Policy adopted by Council:	20 July 2017
Resolution Number:	XXX/17
Next Policy Review Date:	2020

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

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

OBJECTIVES

To provide a framework for the investing of Council's funds at the most favourable **market** rate of interest available at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration **shall** be given to the preservation of capital, liquidity, and the return on investment.

Objectives include:-

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. In setting these limits Council is determining the general level of risk that is acceptable for public monies managed for the Upper Lachlan Shire community;
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due; and
- To establish a framework for monitoring the investments and comparing performance to appropriate benchmarks. Investments are expected to achieve a rate of return in line with the Council's risk tolerance.

POLICY STATEMENT

An Investment Policy is a governing document that guides a Council's investment process including; risk philosophy, investment strategy, and investment objectives and expectations.

It is essential that a policy be adopted to promote good governance and prudent decision making, incorporating the provisions of *Section 625, of the Local Government Act 1993*, the Local Government Regulations, and the Ministerial Investment Order.

LEGISLATIVE REQUIREMENTS

The following legislation, Council policies, and other documents relevant to the operation of this policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Ministerial Investment Order dated 12 January 2011;
- Local Government Code of Accounting Practice and Financial Reporting Guidelines;
- Government Information (Public Access) Act 2009;
- **State Records Act 1998;**

- Australian Accounting Standards;
- Council's Internal Controls and Procedures Manual; and
- Office of Local Government (OLG) Circulars.

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's Investment to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Council Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The Council Officers with delegated authority to invest funds on the behalf of the Council are the General Manager, the Director of Finance and Administration and the Manager of Finance and Administration.

PRUDENT PERSON STANDARD

Councils have a fiduciary responsibility when investing. The investment will be managed with the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

For any Term Deposits, the Council Officer shall obtain not less than two (2) quotations from authorised institutions whenever an investment is proposed.

ETHICS AND CONFLICTS OF INTEREST

Council Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

The Council Audit, Risk and Improvement Committee members and the independent investment advisors are required to declare that they have no actual or perceived conflicts of interest.

APPROVED INVESTMENTS

New investments are limited to those allowed by the most current

Ministerial Investment Order and include:-

- a) Any public funds or securities issued by or guaranteed by, the Commonwealth, any state of the Commonwealth or a Territory;
- b) Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW));
- c) Interest bearing deposits with, or any debentures or bonds issued by an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)). But excluding subordinated debt obligations;
- d) Any bill of exchange which has a maturity date of not more than 200days, and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority; (< 200 days duration), guaranteed by an authorised deposit-taking institution;
- e) A deposit with the New South Wales Treasury Corporation or Investments Hour-Glass Investment facility of the New South Wales Treasury Corporation.

All investments instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Note: All investments must be denominated in Australian Dollars.

PROHIBITED INVESTMENTS

All investments outside the Ministerial Investment Order guidelines are prohibited.

RISK MANAGEMENT GUIDELINES

When exercising the power of investment Councils should consider, but not be limited by, the risk of capital or income loss, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, anticipated market changes and interest rate movements, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment (*from Ministerial Investment Order 12 January 2011*).

Investments obtained are to be considered in light of the following key criteria:-

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time

value of money);

- Diversification of Financial Institution – the requirement to place investments in a broad range of institutions so as not to be over exposed to a particular organisation within the investment market and to reduce credit risk;
- Credit Risk - the risk that an investment that Council has made fails to pay the interest and/or repay the principal of an investment;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

INVESTMENT STRATEGY

An Investment Strategy will run in conjunction with the Investment Policy. The Investment Strategy will be reviewed by the Audit, Risk and Improvement Committee of Council.

The Investment Strategy will outline:-

- Council's cash flow expectations;
- To identify the most appropriate mix of investment classes for the next reporting period;
- Optimal target allocation of investment types, credit rating exposure and term to maturity exposure; and
- Appropriateness of overall investment types for Council's portfolio; i.e. term deposit and call accounts.

INVESTMENT ADVISOR

If an investment advisor is engaged they must be approved by Council and licensed by the Australian Securities and Investment Commission (ASIC). The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended. The investment advisor may recommend the most appropriate product within the terms and conditions of the Investment Policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

MEASUREMENT AND DIVERSIFICATION

The investment return for the portfolio is to be reviewed on a monthly basis and reported to Council by the Responsible Accounting Officer

and / or delegate.

The features of an investment security are to be consistent with the time horizon, risk and liquidity parameters of Council as set out in its Investment Strategy. The maximum percentage that may be held with a financial institution is 25% of Council's total investment portfolio at a point in time.

The investment portfolio is to be invested within the following term to maturity constraints. The Council Investment Portfolio Term to Maturity targets are:-

Investment Portfolio	Maximum
Portfolio %	At Call 15%
Portfolio %	< 3 Months 40%
Portfolio %	> 3 Months < 1 Year 60%
Portfolio %	> 1 Year < 3 Years 25%
Portfolio %	> 3 Years < 5 Years 10%
Portfolio %	> 5 Years 0%

CREDIT QUALITY

Due to significant developments in the range and complexity of available investments in recent years, credit ratings cannot be considered a consistent indicator of risk across different investment types.

BENCHMARKING

Performance benchmarks are to be provided for comparative purposes only. The benchmark is not an investment return target. The rate of return on Council investments will be dependent on Council's risk tolerance.

The 90 day average BBSW Rate is considered an appropriate benchmark for this purpose.

REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register, which shall be available for public viewing.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register. The documentary evidence must provide Council legal title to the investment.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the

investment portfolio in terms of interest returns, maturity date and changes in market value. Any material deterioration in investment portfolio is to be reported to Council at the next available Council Ordinary Meeting

This Investment Policy will be reviewed by the Audit, Risk and Improvement Committee of Council or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council Resolution.

VARIATION

Council reserves the right to vary or revoke this policy.

APPENDIX A

Ministerial Investment Order date 12 January 2011 issued under the *Section 625, of the Local Government Act 1993*.

Appendix A

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

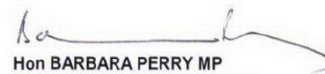
All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

ITEM 4.5**2016/2017 NSW AUDIT OFFICE INTERIM AUDIT MANAGEMENT LETTER****RESOLVED** by Cllr Searl and Mr Marshall

1. The NSW Audit Office Management Letter on the conduct of the interim audit for the year ended 30 June 2017 be received and Council management responses noted.

- CARRIED

ITEM 4.6**REVIEW OF FRAUD & CORRUPTION PREVENTION POLICY****RESOLVED** by Mr Martin and Cllr Searl

1. Council adopts the reviewed Fraud and Corruption Prevention Policy.

- CARRIED

POLICY:-	
Policy Title:	Fraud and Corruption Prevention Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	25 August 2005
Resolution Number:	245/05
Other Review Dates:	16 July 2009, 21 July 2011 and 19 June 2014
Resolution Number:	287/09, 260/11 and 173/14
Current Policy adopted by Council:	20 July 2017
Resolution Number:	XXX/17
Next Policy Review Date:	2020

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

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

Policy Statement

The Fraud and Corruption Prevention Policy is designed to protect public funds, assets, and to ensure the integrity, security and reputation of the Council and its staff whilst maintaining a high level of services to the community.

The elements of Council's policy include:-

1. Prevention of losses through fraud by the implementation of fraud prevention procedures;
2. A commitment to a policy of detection, investigation and prosecution of individual cases of fraud; and
3. Fraud control and prevention is the responsibility of all Council officials.

Council is committed to preventing fraud at its origin. Council believes that an emphasis on prevention and detection is the best way to deal with fraud. The underlying thrust of Council's policy on fraud prevention is to encourage the public and staff to understand that fraudulent acts against Council are unacceptable, may constitute a criminal offence and will be prosecuted.

Any effective fraud prevention strategy ensures that prompt action will be taken when fraud is detected, both to bring the fraud to an end and to discourage others who may be inclined to commit similar conduct.

Key components of successful fraud and corruption prevention include: *Planning and Resourcing, Prevention, Detection and Response*. A Fraud and Corruption Risk Assessment is an essential component of fraud prevention, however it is just one element of a holistic approach to fraud risk management as depicted in the diagram below:-



The fraud and corruption risk assessment should be conducted on a regular basis to ensure it remains accurate and up to date. If there are significant changes to Council's business operations such as opening new operations then a separate fraud risk assessment shall be conducted.

Table of Contents

1. Purpose
 - 1.1 Introduction
 - 1.2 Corporate Vision and Values
2. Application
3. Definitions
 - 3.1 What is Fraud?
 - 3.2 What is Corruption?
 - 3.3 What are the Elements of controlling Fraud and Corruption Risks?
4. Key Signals and Risks
 - 4.1 Fraud and Corruption Signals
 - 4.2 Fraud and Corruption Risks
5. Reporting
 - 5.1 Internal Reporting
 - 5.2 External Agencies
6. Responsibilities
 - 6.1 Responsibilities as an Organisation
 - 6.2 Councillors
 - 6.3 General Manager
 - 6.4 Directors and Managers
 - 6.5 All Staff

- 6.6 Audit, **Risk and Improvement** Committee
- 6.7 Members of the Public
- 7. Monitoring
- 8. Protected Disclosures/Whistleblowers
- 9. Conducting Investigations
 - 9.1 Investigations
 - 9.2 Conduct Review Committee Investigations
 - 9.3 External Notifications
 - 9.4 Advice to Supervisors or Managers
- 10. Responsible Officer
- 11. Review Date
- 12. Record Keeping, Confidentiality and Privacy
- 13. Breaches and Sanctions
- 14. Relevant Legislation and Council Policies

Appendix 1

Definition of Corrupt Conduct from Independent Commission against Corruption Act 1988

1. Purpose

1.1 Introduction

Upper Lachlan Shire Council (Council) is committed to the prevention, detection, investigation and prosecution of fraud and corruption related conduct. In addition to meeting its legislative obligations under the Local Government Act 1993, Council is also committed to educating staff and Councillors in relation to fraud indicators and corruption prevention activities.

Risk exposure from fraud and corruption related activities can be significant and the effective management and monitoring of this type of risk is vital. Council needs to be assured that appropriate and transparent management strategies, including the implementation of relevant policies, are subjected to monitoring and regular review.

This Fraud and Corruption Prevention Policy provides an outline for the management of fraud and corruption related activities. It is consistent with and supported by Upper Lachlan Shire Council's Code of Conduct for Councillors, staff and delegates of Council.

1.2 Corporate Vision and Values

The Tablelands Regional Councils "Vision Statement" is:-

"To build and maintain sustainable communities while retaining the regions natural beauty."

Upper Lachlan Shire Council will conduct its activities in accordance with the values of Sustainability, Integrity, Respect and Professionalism.

This vision is realised through Council's commitment to community satisfaction; management by fact; continuous improvement; and ethics.

Councillors and staff are to act in accordance with Council's vision and values whilst undertaking Council related business. Upper Lachlan Shire Council's Code of Conduct for Councillors, Staff and Delegates further articulates its values as:-

"The values which underpin this Code of Conduct and which must be abided by are:-

- *Responsibility to the Council, its policies and decisions;*
- *Respect for members of the community and colleagues;*
- *Integrity of purpose and acting in the public interest;*
- *Open and transparent decision-making; and*
- *Responsive and efficient service."*

Council's vision and values set the framework for this Fraud and Corruption Prevention Policy.

2. Application

This Policy applies to all Council Officials. Council Officials are defined to include Councillors, members of Council staff and delegates of Council. A delegate of Council is a person or body to whom a function of Council is delegated, such as staff, Councillors, community representatives, volunteers, consultants and contractors.

3. Definitions

3.1 What is fraud?

Fraud is defined in Australian Standard on Fraud and Corruption Control (AS 8001-2003) as:-

"Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position."

For the purpose of this Policy, fraud is not restricted to tangible benefits only and includes intangibles such as information which may not be in documentary form.

3.2 What is corruption?

For the purpose of this Policy, corruption and corrupt conduct will

have the same meanings as defined in the *ICAC Act 1988* as outlined in Appendix 1.

Also, Corruption is defined in Australian Standard on Fraud and Corruption Control (AS 8001-2003) as:-

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses the position of trust in order to achieve personal gain or advantage for him or herself or for another person or entity.”

In summary, corrupt conduct means any dishonest activity which could affect the honest or impartial exercise of official functions, or may be a breach of trust, or may involve the misuse of any Council information by any Council Official.

3.3 What are the Elements of controlling Fraud and Corruption Risks?

The Australian Standard AS8001-2003 classifies the elements of controlling fraud and corruption risks into three categories:

Structural Elements: sound ethical culture, Council senior management commitment, periodic assessments of fraud and corruption risks, Council staff awareness, and fraud and corruption control planning.

Operational Elements: internal controls, fraud detection programs, mechanisms for reporting suspicions of fraud and corruption, dealing with detected or suspected fraud or corruption, management accountability for the control of fraud and corruption risk, internal audit controls, protection of whistleblowers, allocation of resources to control fraud and corruption risks, insurance and pre-employment screening.

Maintenance Elements: review of the effectiveness of the fraud and corruption control strategies, ongoing monitoring of the ethical culture and review and adjustment of the Fraud and Corruption Prevention Policy.

These elements are considered throughout this Policy.

4. Key Signals and Risks

4.1 Fraud and Corruption Signals

There are a number of potential fraud and corruption signals which Councillors, staff and delegates of Council should be alert to, in identifying fraud and corrupt activities. These signals include:-

- Council Officials who use illogical excuses and reasons for unusual events or actions;
- Senior staff involved in routine processing work such as opening

incoming mail correspondence, purchasing, ordering and receiving of goods, and who assume subordinates duties;

- Staff evidently living beyond their means, who have access to funds or control or influence over service providers;
- Excessive staff turnover;
- Staff who do not, or will not, take holidays for extended periods;
- Council Officials who get easily annoyed or defensive at reasonable questioning;
- Potential conflicts of interest not declared;
- Excessive number of duties or lack of independence in processing duties (e.g.; both processing and approving the same transaction);
- Lack of separation in decision-making and performance of duties;
- Undue secrecy, or excluding people from accessing available information;
- Council Officials who treat controls, policies and procedures as challenges to overcome or be defied and consistent non compliance with directives, policy, and procedures;
- Failure to conduct adequate reference checks on staff prior to employment;
- Unauthorised changes to systems or work practices;
- Missing documentation or a lack of record keeping;
- 'Blind approval' where the person signing does not sight supporting documentation;
- Duplicates only of tax invoices;
- Signing and approving expenditure beyond their delegation of authority limitation;
- Alteration of documents such as file notes, manual or computerized records, vehicle and equipment log books and timesheets, without reasonable evidence or grounds for alteration;
- Council Officials who exhibit an inclination to cover up inefficiencies or errors;
- Frequent association with, and entertainment by, a member of a supplier's staff;
- Councillors directing or influencing, or attempting to direct or influence any member of staff or other Council Official in the exercise of their official functions; and
- Council Officials attempting to influence other Council Officials to approve Development Applications which do not meet Council codes or policy or refuse Development Applications which do meet Council codes or policies.

4.2 Fraud and Corruption Risks

Council has a number of fraud and corruption risks. Ongoing responsibility for these is with Senior Managers.

Identified fraud and corruption risks are to be considered when Council reviews risks to the organisation as a whole. Fraud and corruption risk areas for Council which require specific attention include the following:-

- (a) **Conflicts of Interest:** Conflicts of Interest exist when Council Officials could be influenced, or a reasonable person would perceive that they could be influenced, by a personal interest when carrying out their public duty. Councillors, senior management and Committee members are provided, on a monthly and/or quarterly basis, with a pecuniary and non-pecuniary interest disclosure form with the Council and/or Committee meeting business papers.
- (b) **Bribes, including Gifts or Benefits:** Council Officials must never demand or request any gift, benefit or bribe in connection with their Council work or duties or status with Council. Council has a Bribes, Gifts and Benefits Policy and this should be referred to for guidance.
- (c) **Information Technology:** Council Officials are required to adhere to Council's information security requirements which protect the integrity of Council's information systems. The protection of confidential information is vital. Inappropriate use of Council's computer systems is not tolerated. Council has an Internet and Email Policy, iPad Policy, Social Media Policy, and Records Management Policy and these policies should be referred to for guidance.
- (d) **Recruitment and Selection:** Independence, accountability and transparency in recruitment and selection processes is vital. By adhering to these principles, Council has the ability to attract and retain the right personnel to enhance its performance. Council has a Recruitment and Selection Policy and this should be referred to for guidance.
- (e) **Purchasing and Tendering:** Council regularly contracts for the purchase and supply of a wide range of goods and services. Objectivity and impartiality in the assessment of goods and services to be purchased is vital. Council has a responsibility to ensure that physical security of the goods is maintained. Council also has a Statement of Ethical Principles and a Purchasing and Acquisition of Goods and Services Policy. These should be referred to for guidance.
- (f) **Development Applications:** The Development Application and assessment process can be contentious and high risk in terms of corrupt activity, whereby potential applicants or objectors may want to unduly influence Council Officials in the course of their duties. Council has a DA (Development Application) Guide which documents the process for the assessment of development applications and this should be referred to for guidance.
- (g) **Cash Handling:** Theft of cash is one of the most basic frauds. Many areas of Council are involved in the handling of cash on a daily basis. All income is to be promptly entered into accounting records and immediately secured and all cheques immediately endorsed. Procedures for cash handling are to be strictly adhered to across

Council and should be referred to for guidance. Council has a Cash Handling Policy and Internal Control Procedures Manual which should be referred to for the correct procedure.

(h) **Delegations:** There are a number of provisions relating to delegations in the Local Government Act and these must be followed. Delegations give staff the authority to make certain decisions, perform certain functions or undertake certain activities. Delegations must be formally documented, granted and retained on file. Delegated authority should not be exceeded by any person and each staff member is responsible for ensuring they are aware of the level of their delegated authority. Delegated authority should only be used in the course of undertaking Council business. You should refer to Council's Delegation of Authority Policy and register.

(i) **Time Recording:** Staff time is a valuable resource. All significant staff time is to be accounted for in the course of work. Council staff members are required to be accountable for, and accurately record their time whilst undertaking Council duties.

(j) **Use of Council Resources:** Council resources are anything which is paid for, owned or controlled by the Council. It includes financial, material and human resources. Councillors and staff are expected to be efficient, economical and ethical in their use and management of Council resources. Council resources should only be used for Council purposes and in the public interest. Council's Code of Conduct should be referred to for guidance.

(k) **Stock Control:** Council has a significant quantity of stock of both low and high value in dollar terms. Council management and staff should ensure adequate internal controls are enacted to reduce the potential for fraudulent activity associated with stock control. Purchasing and Acquisition of Goods and Services Policy and the Internal Control Procedures Manual should be referred to for guidance.

(l) **Obtaining Personal Benefit by Provision of Additional Service:** Council provides a wide range of services to our community. In the provision of a service the situation may arise where a Council staff member is requested to provide additional services or carry out work further that is not programmed or authorised by Council. This can provide opportunity for a staff member to seek or receive a personal benefit or payment for the provision of the additional service.

Using Council staff time and Council resources to provide a staff member with a personal benefit deprives Council of that benefit or income. Council's Secondary Employment Policy requires that all Council staff declare any work or employment additional to the duties required by Council.

5. Reporting

Under the Code of Conduct there is an obligation for each Council Official to report any improper conduct, which includes suspected fraudulent or corrupt behavior or breaches of this Policy. An individual may report the matter either internally or externally as outlined below.

You should report your suspicions to only those people who absolutely need to know. This protects an individual from allegations that may not be proven and prevents the possible destruction of evidence.

5.1 Internal Reporting

Councillors, staff and delegates of Council must report, as soon as possible, any suspected fraudulent or corrupt behavior, to:-

- Their Supervisor, Manager and/or Departmental Director; or
- Council's designated Complaints Coordinator; or
- General Manager; or
- Mayor.

Supervisors, Managers, and Departmental Directors have an obligation to immediately pass on the reports of suspected fraudulent or corrupt behavior or breaches of this Policy to the Complaints Coordinator or General Manager.

The only exception to this is where the General Manager is suspected of conduct relating to fraud and corruption, in which case the matter should be reported to the:-

- Mayor;
- Council's designated Complaints Coordinator;
- Council's Conduct Review Committee;
- Independent Commission against Corruption (ICAC);
- Other relevant external agency.

5.2 External Agencies

Alternatively, matters relating to suspected fraudulent or corrupt activities can also be reported to the following external agencies:-

- The Independent Commission Against Corruption (ICAC) – Telephone 8281 5999 (*in the case of allegations of fraud or corruption*).
- The Office of Local Government – Telephone 4428 4100 (*in the case of allegations relating to pecuniary interests*).
- NSW Ombudsman – Telephone 9286 1000 (*conduct of Councillors, Council employees and conduct of the Council itself, specifically public interest disclosures*).
- NSW Police – Telephone 9281 0000 (*in the case of allegations relating to fraud or criminal behaviour*).

- NSW Electoral Commission – Telephone 9290 5999 (*in the case of allegations relating to election fraud*).

6. Responsibilities

6.1 Responsibilities as an Organisation

As an organisation, Council will ensure that:-

- Relevant risk exposures of significance to the Council are identified. The evaluation of risk and assessment of risk is a critical determinant in Council's approach to fraud prevention and detection;
- Relevant legal obligations are monitored to ensure that operating procedures and conditions meet these obligations;
- The Code of Conduct and associated policies are developed and publicised within the organisation;
- Appropriate fraud prevention and detection controls are incorporated when developing and maintaining computer and/or other systems;
- Employees are trained and understand relevant Council policies and the legislative requirements of protection for informants who make protected disclosures under the Public Interest Disclosures Act 1994;
- An environment exists in which fraud and corruption related activity is discouraged; and
- Investigation of allegations is to be undertaken, in the event of a report of fraud or corruption related activity, that they are notified to the NSW Police, the ICAC, the NSW Electoral Commission and/or the Office of Local Government for investigation and/or prosecution.

There are a number of specific responsibilities associated with the prevention of fraud and corruption related activity. These are set out below.

6.2 Councillors

Councillors have responsibility for directing and controlling the affairs of Council in accordance with the requirements of the Local Government Act 1993. Councillors have an obligation to report possible fraud and corruption related activities to the Mayor or General Manager. Councillors should also provide support to other Councillors, the General Manager and/or staff who may make such disclosures or manage such disclosures in the course of their duties.

Councillors must:-

- Be aware of and comply with the requirements of this Policy, Council's Code of Conduct, and all supporting procedures; and
- Report suspected fraudulent or corrupt behavior or breaches of this Policy to the Mayor, or General Manager or external agencies.

6.3 General Manager

The General Manager has the primary responsibilities for overseeing the day-to-day operations of Council, the proper management of Council resources, and the development and implementation of systems and practices to minimise the risk of fraud and corruption.

In addition to the responsibilities of staff, Managers and Directors, the General Manager is responsible for:-

- Implementing fraud control throughout the organisation;
- Ensuring that, where required, matters reported under this Policy or breaches of Council's Code of Conduct, are properly investigated and outcomes of an investigation are reported to Council; and
- Reporting criminal offences to the NSW Police and actual or suspected corrupt conduct to the Independent Commission against Corruption (ICAC) under Section 11, of the ICAC Act 1988.

6.4 Directors and Managers

Departmental Directors and other senior management staff are required to carry out the duties and functions set out in the policies of Council as adopted by Council from time to time. Further, they support the General Manager by ensuring that the corporate systems, policies and procedures are accountable and implemented, managed, reviewed and reported on a regular basis.

In addition to the responsibilities of all staff, Managers, Directors and other senior management staff have an obligation to:-

- Ensure any matters of irregularity or suspected fraud or corruption reported to them are promptly forwarded to the General Manager or Complaints Coordinator and dealt with in accordance with this Policy;
- Ensure that there are adequate measures in place to prevent and detect fraud and corruption within their area of responsibility;
- Make staff aware of this Policy and the procedures required, including making them available for training sessions;
- Ensure staff understand their responsibilities through adequate supervision, position descriptions; written procedures and the like;
- Comply with legislative requirements and Council policies and procedures;
- Respond positively to matters raised and advice provided by the internal auditor; NSW Audit Office as external auditor; the Council Audit, Risk and Improvement Committee; and other external agencies;
- Proactively encourage staff to raise suspected fraudulent or corrupt behavior or breaches of the Policy and to ensure staff are supported; and

- Set an example by demonstrating principles of ethics, accountability and efficiency.

6.5 All Staff

Employees have a duty to ensure they adequately report any concerns they may have about the conduct of Council affairs including the use of Council assets and resources.

All staff members are responsible for:-

- Being aware of this Policy;
- Ensuring that they operate in accordance with policy and legislative requirements to not participate in fraudulent or corrupt behavior;
- Reporting in accordance with this Policy any suspicion of fraudulent or corrupt behavior to the General Manager, Complaints Coordinator, and/or Departmental Director; and
- Reporting to their Manager and/or Supervisor, any deficiencies or suspected deficiencies with this Policy or deficiencies with any internal control procedures.

6.6 Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee is an essential element of internal control within the Council. The Committee oversees the work of senior management and an internal auditor ensuring the independence of this role. The Committee has a role in identifying any areas that may be susceptible to fraud and corruption related activities for possible audit review.

The Audit, Risk and Improvement Committee's duties and responsibilities in relation to corruption prevention are as follows:-

- Review internal controls, key corporate risks and all audit-related matters, as articulated in the Committee's Charter;
- Ensure and support the independence and performance of an internal auditor and internal audit function;
- Encourage adherence to, and continuous improvement of, Council's policies, procedures, guidelines and practices at all levels;
- Review audit results by receiving, discussing and endorsing the internal auditor's reports;
- In consultation with management, the NSW Audit Office, and the internal auditor, consider the integrity of the Council's financial reporting processes, key corporate risks and organisational internal controls;
- Review steps management has taken to monitor, control, and report control exposures;
- Review significant findings reported by the NSW Audit Office as external auditor, review internal auditor reports together with management's responses and take appropriate action to ensure

these matters are appropriately dealt with; and

- Review developments in corporate governance, risk management and auditing as advised by accountancy, auditing and regulatory bodies; i.e. Office of Local Government, to encourage continuous improvement and current industry best practice.

The NSW Audit Office Client Service Plan shall articulate audit requirements so that there is a reasonable expectation of detecting material misstatements in the Financial Statements resulting from fraud or corruption, or a breach of legislation.

6.7 Members of the Public

In accordance with the Statement of Business Ethics, Council requires all suppliers of goods and services, applicants, consultants, contactors, owners and applicants of development applications and anyone doing business with Council, to observe the following principles:-

- Act ethically and honestly in all dealings with Council;
- Declare actual or perceived conflicts of interests as soon as the conflict becomes apparent;
- Comply with Council's procurement and purchasing policies and procedures;
- Provide accurate and reliable information when required;
- Take all reasonable measures to prevent disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice including offering Councillors, staff and delegates' inducements or incentives designed to improperly influence the conduct of their duties; and
- Assist Council to prevent unethical practices in business relationships.

By making this document available publicly Council aims to demonstrate to the general community our commitment to addressing fraud. Further, there are some aspects of Council's Policy that do seek the involvement of people other than Councillors, staff and management. Council also invites members of the public, including our customers and service providers, to do the same. If you are not employed by Council, but you suspect fraud or corruption that involves Council in some way, please **report your suspicions** to any of the following:-

- The General Manager;
- The Office of the NSW Ombudsman – Telephone 9286 1000;
- The Independent Commission Against Corruption (ICAC) – Telephone 8281 5999 (in the case of allegations of fraud or corruption);
- The Office of Local Government – Telephone 4428 4100 (in the case of allegations relating to pecuniary interests);
- NSW Police – Telephone 9281 0000 (in the case of allegations

- relating to criminal activity);
- NSW Electoral Commission – Telephone 9290 5999 (in the case of allegations relating to election fraud).

7. Monitoring

Council's commitment to fraud and corruption control will be met by actively investigating allegations of fraud or corrupt activity in a timely manner. As appropriate Council will report fraudulent or corrupt activity to relevant authorities and/or initiate disciplinary action under the Code of Conduct.

The General Manager, assisted by Complaints Coordinator, Departmental Directors, Managers, and the Audit, Risk and Improvement Committee, will monitor fraud and corruption activities and identify and act on any trends that arise.

8. Protected Disclosures/Whistleblowers

Council is committed to supporting persons who report wrongdoing and who have done so voluntarily and in good faith through a protective disclosure. Council is committed to the aims and objectives of the Public Interest Disclosures Act 1994.

If any person reports suspected fraud or corrupt conduct through the appropriate channels, as set out above, they may seek protection from detrimental action under the Public Interest Disclosures Act 1994. This protection may apply whether the matter is reported internally or externally.

9. Conducting Investigations

9.1 Investigations

On receipt of an allegation of suspected fraudulent or corrupt behavior, the General Manager will determine if an investigation should be undertaken as well as its nature and scope. The General Manager will consult with the Council Complaints Coordinator to determine who will conduct the investigation and will give consideration to relevant legislation and Council policies in making this determination.

The General Manager shall delegate to the Council Complaints Coordinator responsibility to instigate an investigation or engage an, adequately qualified, independent person as the conduct reviewer. The conduct reviewer will conduct an assessment of a complaint and investigate an allegation. An investigation will not commence without a written delegation from the General Manager to the conduct reviewer.

The investigation must be impartial, sensitive to the rights of individuals and ensure that the purpose of any investigation is to discover all relevant facts.

The investigation must follow the following procedures:-

- (a) Inform the person/s against whose interests a decision may be made of any allegations of suspected fraud against them and the substance of any adverse comment in respect of them;
- (b) Provide the person/s with a reasonable opportunity to put their case;
- (c) Provide the person/s with union or association representation if requested;
- (d) Hear all parties to a matter and consider submissions;
- (e) Make reasonable enquiries before making a recommendation;
- (f) Ensure that no person is involved in inquiries in which they have a direct interest;
- (g) Act fairly and without bias; and
- (h) Conduct the inquiries without undue delay.

The Council Complaints Coordinator shall refer any code of conduct complaints to the Council appointed panel of conduct reviewers to investigate the allegations except where the General Manager and Council Complaints Coordinator reasonably believe that a criminal offence has been committed. In this instance ICAC will be notified and the matter reported to the NSW Police. In such a case Council will only investigate sufficiently to form this view leaving further investigation to the Police.

9.2 Conduct Review Committee Investigations

Council's Conduct Review Committee is responsible for making enquiries into allegations made against Councillors of suspected fraud and investigation of a code of conduct complaint. An allegation made against the General Manager of fraud is the responsibility of the Council's Mayor or Complaints Coordinator to undertake a preliminary assessment of the complaint. If required a Conduct Review Committee investigation will be initiated.

The Conduct Review Committee must comprise three conduct reviewers established by the Council from a panel of conduct reviewers. The conduct reviewers must have relevant qualifications and experience as outlined by the Office of Local Government.

Where the Conduct Review Committee finds that a Councillor has breached the Code of Conduct, in terms of fraudulent activity, Council may declare the following by resolution:-

- (a) Censure the Councillor for misbehaviour in accordance with Section 440G, of the Local Government Act 1993;
- (b) Require the Councillor to apologise to any person adversely affected by the breach;
- (c) Counsel the Councillor;
- (d) Make public findings of inappropriate conduct;
- (e) Refer the matter to an appropriate investigative body if the matter is serious (for example, the Office of Local Government, the ICAC, the NSW Ombudsman or the NSW Police); and
- (f) Prosecute for any breach of law.

9.3 External Notifications

The Independent Commission against Corruption Act 1988 requires the General Manager to report suspected instances of corrupt conduct, including fraud, to the Independent Commission against Corruption (ICAC).

9.4 Advice to Supervisors or Managers

Allegations of actual or suspected fraud or corrupt conduct can cause stress and disruption in the workplace. Information on investigations into allegations of this type should be on a strict 'need to know' basis.

Those who report suspicions should be encouraged to provide this information to only those people who absolutely need to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.

Who needs to know will vary from case to case. People in a work area may not know an investigation is occurring. Supervisor or Managers should not promote or tolerate idle gossip. Statements based on gossip rather than fact can impede an investigation.

10. Responsible Officer

The Director of Finance and Administration is the officer responsible for the Fraud and Corruption Prevention Policy.

These responsibilities specifically include:-

- Ensuring Policy is current and in line with legislation and/or Council's other policies; and

- Providing a point of contact for anyone wanting information or advice about the meaning and application of this Policy.

11. Review Date

To ensure the Fraud and Corruption Prevention Policy remains relevant, it will be reviewed every **three (3)** years. If legislative requirements alter, this Policy should be reviewed immediately to accord with these requirements.

12. Record Keeping, Confidentiality and Privacy

Council will maintain effective record keeping systems to demonstrate due process has been followed for all actions and decisions arising out of the implementation of this Policy. All investigative documentation will comply with relevant legislative provisions, will remain strictly confidential and will be retained in accordance with the NSW State Records Act 1998 in Council's TRIM electronic document management system. Applications to access documentation arising out of the implementation of this Policy can be made under Council's Government Information (Public Access) Policy.

13. Breaches and Sanctions

A breach of the Fraud and Corruption Prevention Policy amounts to a breach of Council's Code of Conduct for Councillors, staff and delegates and therefore invokes the sanctions as outlined by that Code.

Criminal action may be taken against any person found to be in breach of any legislation.

14. Relevant Legislation and Council Policies

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

The following Legislation effects the operation of this Policy:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- **Local Government Amendment (Governance and Planning) Act 2016;**
- **NSW Ombudsman Act 1974;**
- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- Work Health and Safety Act 2011;
- Fair Work Act 2009;
- Independent Commission against Corruption Act (ICAC) 1988;
- Public Interest Disclosures Act 1994;
- Crimes Act 1900;

- Risk Management Standard ISO31000-2009;
- Australian Audit Standard AUS210 / ASA240;
- Australian Standard on Fraud and Corruption Control AS8001;
- Anti Discrimination Act 1977;
- Trade Practices Act 1974;
- Equal Employment Opportunity Act 1987;
- Industrial Relations Act 1996;
- NSW State Records Act 1998;
- Local Government (State) Award;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Code of Conduct for Councillors, staff and delegates of Council;
- Council's Code of Meeting Practice;
- Council's Code of Business Practice;
- Council's Internal Control Procedures Manual;
- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Payment of Expenses and Provision of Facilities Policy;
- Interaction between Councillors and Staff Policy;
- Public Interest Disclosures - Internal Reporting Policy;
- Government Information (Public Access) Policy and Publication Guide;
- Service Delivery Policy;
- Internet and Email Policy;
- Social Media Policy;
- iPad Policy;
- Bribes, Gifts and Benefits Policy;
- Complaints Management Policy;
- Equal Employment Opportunity (EEO) Management Plan;
- Purchasing - Acquisition of Goods and Services Policy and Procedures;
- Delegations of Authority Policy and Procedure;
- Recruitment and Selection Policy;
- Statement of Ethical Principles;
- Grievance Policy;
- Disciplinary Policy;
- Corporate Credit Card Policy;
- Secondary Employment Policy;
- Private Works (Projects and Plant Hire) Policy;
- Records Management Policy;
- Private Use of Council Motor Vehicles Policy;
- Presentations to Council Policy and Procedures;
- Cash Handling Policy;
- ['Fact-Finder - A 20-step guide to conducting an inquiry in your organisation'](#) Independent Commission Against Corruption, November 2003; and
- "Managing an organisation through an ICAC Investigation: Practical advice for management" Independent

Commission against Corruption, August 2002”.

Variation

Council reserves the right to vary or revoke this policy.

Appendix 1

Definition of Corrupt Conduct from Independent Commission against Corruption Act, 1988.

Corrupt conduct is defined in the *Independent Commission against Corruption Act 1988* (ICAC Act 1988) as:

7 Corrupt conduct

(1) *For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in either or both of subsections (1) and (2) of section 8, but which is not excluded by section 9.*

(2) *Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 (1) or (2) shall itself be regarded as corrupt conduct under section 8 (1) or (2).*

(3) *Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.*

8 General nature of corrupt conduct

(1) *Corrupt conduct is:*

(a) *any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or*

(b) *any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or*

(c) *any conduct of a public official or former public official that constitutes or involves a breach of public trust, or*

(d) *any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.*

(2) *Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:*

(a) *official misconduct (including breach of trust, fraud in office,*

- nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),*
- (b) bribery,*
 - (c) blackmail,*
 - (d) obtaining or offering secret commissions,*
 - (e) fraud,*
 - (f) theft,*
 - (g) perverting the course of justice,*
 - (h) embezzlement,*
 - (i) election bribery,*
 - (j) election funding offences,*
 - (k) election fraud,*
 - (l) treating,*
 - (m) tax evasion,*
 - (n) revenue evasion,*
 - (o) currency violations,*
 - (p) illegal drug dealings,*
 - (q) illegal gambling,*
 - (r) obtaining financial benefit by vice engaged in by others,*
 - (s) bankruptcy and company violations,*
 - (t) harbouring criminals,*
 - (u) forgery,*
 - (v) treason or other offences against the Sovereign,*
 - (w) homicide or violence,*
 - (x) matters of the same or a similar nature to any listed above,*
 - (y) any conspiracy or attempt in relation to any of the above.*

(3) Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.

(4) Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.

(5) Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:

- (a) matters arising in the State or matters arising under the law of the State, or*
- (b) matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.*

(6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

9 Limitation on nature of corrupt conduct

(1) *Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve:*

- (a) *a criminal offence, or*
- (b) *a disciplinary offence, or*
- (c) *reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or*
- (d) *in the case of conduct of a Minister of the Crown or a member of a House of Parliament—a substantial breach of an applicable code of conduct.*

(2) *It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken.*

(3) *For the purposes of this section:*

applicable code of conduct means, in relation to:

- (a) *a Minister of the Crown—a ministerial code of conduct prescribed or adopted for the purposes of this section by the regulations, or*
- (b) *a member of the Legislative Council or of the Legislative Assembly (including a Minister of the Crown)—a code of conduct adopted for the purposes of this section by resolution of the House concerned.*

criminal offence means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

disciplinary offence includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

(4) *Subject to subsection (5), conduct of a Minister of the Crown or a member of a House of Parliament which falls within the description of corrupt conduct in section 8 is not excluded by this section if it is conduct that would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute.*

(5) *Without otherwise limiting the matters that it can under section 74A (1) include in a report under section 74, the Commission is not authorised to include a finding or opinion that a specified person has, by engaging in conduct of a kind referred to in subsection (4), engaged in corrupt conduct, unless the Commission is satisfied that the conduct constitutes a breach of a law (apart from this Act) and the Commission identifies that law in the report.*

(6) *A reference to a disciplinary offence in this section and sections 74A and 74B includes a reference to a substantial breach of*

an applicable requirement of a code of conduct required to be complied with under section 440 (5) of the [Local Government Act 1993](#), but does not include a reference to any other breach of such a requirement.

SECTION 5: ITEMS FOR DISCUSSION

Nil

THE MEETING CLOSED AT 9.05am

Minutes confirmed 20 SEPTEMBER 2017

.....
Chairperson

MINUTES OF
THE UPPER LACHLAN SHIRE COUNCIL ACCESS COMMITTEE
HELD WEDNESDAY 21 JUNE 2017 AT CROOKWELL

Present: Elizabeth Egan, Susan Banfield, Joanne Hillan, Grant Kitchen, Graham Croker, Cllr Searl, Cllr Opie, Phil Newham, & Susan Dicksbury

Apologies: Jo Boyce

Meeting commenced at 2.25pm.

Confirmation of Minutes: The minutes from the previous meeting held 15 January 2016 were confirmed as accurate.

Correspondence:

Nil

Actions from Previous Meeting

i.) That the minutes were confirmed with discussion on the latest updates:

Access to Premises, Orchard Street, Taralga

Footpath Issues – Australia Post

General Business:

Election of a new Chairperson – Karin Schaefer was nominated by Elizabeth Egan, Karen accepted the nomination. There being a single nomination a vote was not held with Karin elected chairperson of the Access Committee.

Documents were provided to the committee members as follows

- Draft Access Committee Charter
- Code of Meeting Practice S 355 committees
- Section 355 Committee policy
- Code of Conduct Policy and Procedure

Draft Access Committee charter was the subject of detailed discussion with a mark-up copy edited on the screen during the meeting. Please see attached.

Some discussion around the meaning of declaration of interest in the agenda. Members asked for this to be clarified. Section 5.5.3 of the Code of Meeting Practice which was distributed on the day see below.

5.5.3 Declaration of Interests

To protect individual members as well as the whole organisation, all Committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible.

Where some financial, political or personal benefit is potentially involved, Committee members should do one of the following:

- a) State their involvement in another organisation or business etc, and the committee should be aware of this.
- b) State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict.
- c) State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise.
- d) State their involvement and that they believe they should resign from the committee because of this conflict.

6.1 Disability Inclusion Access Plan - Members were advised that this document is no longer a draft as it was endorsed by Council at it's June Meeting. An updated version will include some minor changes.

6.2 Outdoor Dining Policy – any feedback on this item to be delivered to Sue's email within 1 week for forwarding to Tina.

6.3 Draft Pedestrian Access Mobility Plan (PAMP) & Bike Plan – Committee is aware that submissions for this document are have closed but members were asked to give this document consideration for the next meeting

6.4 MLAK Keying for Disabled Toilet in Goulburn St, Crookwell – Current instruction to staff is that these toilets be left open in normal hours with the lock to be engaged at the end of the day.

Committee to be given a verbal update on Streetscape Progress.

Dates of Future Meetings – Future meetings are to be held bi-monthly.

Next meeting of the Access Committee will be Wednesday 20th July 2017. Tina advised she is willing attend the next meeting following Phil's retirement if required.

There being no further business meeting closed at 4.00pm

Phil Newham
Director of Works & Operations

Present: Graham Jarret(Fire NSW), Glen Bonomini (Fire NSW), Craig Potts (NSW Ambulance Service), Rick (NSW Ambulance Service), Joanna Humphries (SES), Nick Orchard (SES), Aaron Smith (LLS), Anne Muir (DPI), John Searl (ULSC), Darren O' Brien (ULSC), Richard Opie (ULSC), Susan Ducksbury (ULSC), Phil Newham (ULSC – LEMO), Jodi Marshall (NSW Police - REMO)

Apologies: Ian Kennerley (RFS) on leave and Peter Alley (RFS) has a prior engagement

The meeting was opened at 10:00am by the Chairman.

1. Business arising from previous meetings

Nil

2. Hazard & Risk Summary

Discussion, consideration and updating of the Hazard and Risk Summary from the distributed draft Emergency Management Plan

3. Emergency Management Plan

Hazard and Risk Summary updated in plan

Draft updated and finalised for submission for review and endorsement by the Regional Emergency Management Committee at their meeting on 24 July 2017.

4. Consequence Management Guides

Draft documents considered with feedback via the meeting. These drafts updated and finalised for submission for review and endorsement by the Regional Emergency Management Committee at their meeting on 24 July 2017.

5. Correspondence

Nil

6. General Business

Meeting closed at 12:45pm.

Phil Newham

Director of Works & Operations

Upper Lachlan Shire Council

MINUTES OF THE UPPER LACHLAN TOURIST ASSOCIATION MEETING HELD ON TUESDAY, 27th JUNE 2017, AT CROOKWELL VISITOR INFORMATION CENTRE.

Meeting commenced at 1.05pm

Present: Clr John Searl, Clr John Stafford, Clr Ric Opie, Wentworth Hill, Judith Basile, Leslie Bush, Andrew Croke, Andrew Warren

1. WELCOME – Clr J.Stafford declared the meeting open.

2. APOLOGIES

Apologies were received from Clr Pam Kensit and Lucy Lindner
Moved: J.Basile, A.Croke

3. DECLARATIONS OF INTEREST

Nil.

4. MINUTES OF PREVIOUS MEETING

Committee confirmed minutes as accurate without correction
Moved: J.Searl, W.Hill

5. BUSINESS ARISING

- Taralga Dump Point – *TASK* – AW-JS to liaise with L.Moloney on site assessment.

6. CORRESPONDENCE

Correspondence Items (a-e) accepted as read.
Moved: J.Basile, W.Hill

- a. CCIA – Community Welcomes Program
- b. CMCA – Gunning RV Friendly
- c. ULSC – Tablelands Way
- d. ARTN – Agri-tourism Project
- e. ARTN – Local Government Spend on Tourism

7. FINANCIAL REPORT

The Upper Lachlan Tourist Association receives the report and notes the information.
Moved: J.Basile, A.Croke

8. 2017/18 ULTA STRATEGIC PLAN

TASK – AW to advise meeting date for Committee to review draft plan.

9. 2017/18 ULTA MEMBERSHIP PROGRAM

The Upper Lachlan Tourist Association receives the report and approves the 2017/18 Membership Program.

Moved: W.Hill, J.Basile

10. CANBERRA CO-OP MARKETING PROJECT

TASK - AW to draft plans based on 4 promotions per year with Canberra Weekly and ideally with radio support. Plans to be reviewed at the Strategic Plan review meeting.

Moved: J.Basile, W.Hill

10. TOURISM ACTIVITY REPORT

The Upper Lachlan Tourist Association receives the report and notes the information.

Moved: J.Searle, R.Opie

11. GENERAL BUSINESS

- W.Hill advised that the Bloomin Binda festival is to be reinstated

Meeting closed 2.25pm

Next meeting will be on Tuesday 8th August at 1pm at Crookwell Visitor Information Centre.

16 NOTICES OF MOTION

The following item is submitted for consideration -

16.1	Notice of Rescission Motion	384
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Notices of Motion - 20 July 2017

ITEM 16.1 Notice of Rescission Motion

I, Councillor John Searl hereby give notice that at the next Ordinary Meeting of Council I will move the following Rescission Motion:-

Council Motion 150/17 reads as follows:-

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

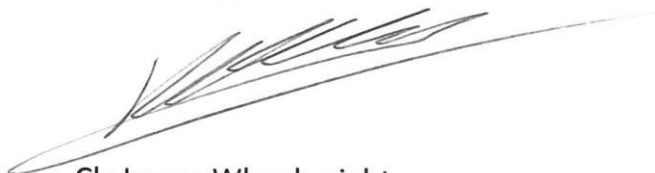
"That Council rescind Motion 150/17"; if rescinded it is proposed as follows:-

"That the Ordinary Council Meetings in Crookwell be held in the Council Chambers"

Dated 6/07/2017



Clr John Searl



Clr James Wheelwright



Clr Paul Culhane

BACKGROUND

Following the June 2017 Ordinary Meeting of Council held at the Crookwell Memorial Hall, comment from the Public Gallery indicated that the venue was cold and that it was hard to hear the proceedings of Council.

In view of the above and with regard to the comfort of members of the public who attend and the issue of acoustics Council should return to holding meetings in the Council Chambers.

Notices of Motion

NOTICE OF RESCISSION MOTION cont'd

GENERAL MANAGER'S COMMENT

Any meeting venue alteration is a matter for Council determination. Note: the General Manager provided a report "Item 12.4 Council Meetings – Location Options" to the 20 April 2017 Ordinary Council Meeting.

ATTACHMENTS

Nil

17 QUESTIONS WITH NOTICE

The following items are submitted for consideration -

17.1	Customer Request Management System	388
17.2	Prell Street Crookwell - Closed to Traffic	389
17.3	2017/2018 Budget for drainage in Collector	390
17.4	Sign on Golspie Road	391
17.5	Goodhew Park Drainage	392
17.6	Goodhew Park Amenities Block	393
17.7	Bunnaby Roadwork time frame	398
17.8	Cricket net replacement	399
17.9	Council Depot Land	400

Questions With Notice - 20 July 2017

ITEM 17.1 **Customer Request Management System**
AUTHOR **Councillor Ron Cummins**

One of the most consistent themes across all the Outreach Meetings held this year; was residents complaining that any correspondence and/or contact with Council staff continually went unanswered.

Despite the fact that Council has a Service Delivery Policy (20th April, 2017) which contains a Service Commitment Charter and a Standard of Service Action Plan it appears that this policy is not being consistently complied with across all areas of Council.

Can the General Manager advise if the introduction of the new CRM System and its associated staff training will correct this apparent problem with Council's customer service?

Acting General Manager's comments:

It was noted that there were a number of isolated instances raised by ratepayers at the Community Outreach Meetings of correspondence to Council not being responded to in a timely manner. These issues were addressed when senior management became aware of the concerns.

The Service Delivery Policy is being applied consistently through all Council Departments and the importance of this policy is regularly reiterated with staff at Council Departmental meetings. Customer service is of paramount importance to Council and all staff.

The Customer Request Management (CRM) project will involve system improvements in 2017/2018 to include all Departments. It is envisaged that the CRM project implementation, including staff training, will take a number of months to become operational. It is expected that compliance with the Service Delivery Policy timeframes will be adhered to by all staff.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.2 **Prell Street Crookwell - Closed to Traffic**
AUTHOR **Councillor Richard Opie**

Can you please advise when the work will commence to close Prell Street, Crookwell to through traffic?

Acting General Manager's comments:

Council staff will be engaging a contractor to carry out the work (installing guardrail). The timing of the work will depend on the availability of the contractor. Before the work commences, Council staff will "fine tune" the location of the road closure with the affected residents.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.3 **2017/2018 Budget for drainage in Collector**
AUTHOR **Councillor Richard Opie**

Can you please explain what Council has planned in the 2017/2018 Budget for urban drainage works in the village of Collector?

Acting General Manager's Comments:

There are no urban drainage / stormwater capital expenditure works identified for the village of Collector in the 2017/2018 Operational Plan. In Council's Delivery Program there are capital works identified for Collector stormwater diversion works in 2019/2020.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.4 **Sign on Golspie Road**

AUTHOR **Councillor Richard Opie**

The Director of Works and Operations at the May Council meeting agreed to investigate and report back to Council regarding the sign to Golspie on Peelwood road not being illuminated and therefore unreadable at night and the tree obscuring the sign. Can you please advise what actions if any are been taken to rectify these issues?

Acting General Manager's Comments:

The Director of Works and Operations has obtained quotations for the replacement sign. The sign has been procured and will be replaced in the immediate future. The trees will be trimmed at the time of installation of the new signs.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.5 **Goodhew Park Drainage**
AUTHOR **Councillor John Stafford**

Could Council please be updated on progress re: requirements to enable drainage works at Goodhew Park to be undertaken? Will the work be carried out prior to the Christmas Holiday Season?

Acting General Manager's comments

Survey work has been completed for drainage at Goodhew Park, Taralga. The design has been commenced. The physical works will be completed in the drier months before the Christmas holiday period.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.6 **Goodhew Park Amenities Block**
AUTHOR **Councillor John Stafford**

Has any work been undertaken re: the new amenities block at Goodhew Park? When can we expect to look at design options with a view to some community consultation?

Acting General Manager's comments:

Upper Lachlan Shire Council is in the process of making application to the Community Building Partnerships grant program in relation to Goodhew Park, Taralga, amenities block. This application is due by 9 August 2017. A concept has been developed utilising modular building design to support the grant application. This building design is attached to this Question with Notice.

There will be an opportunity for community input following the outcome of the grant process at which time the design will be finalised. Successful grant applications are expected to be announced in November 2017.

ATTACHMENTS

1. 	Goodhew Park Amenities Design	Attachment
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DIGITAL PRODUCT OVERVIEW



modus
Australia
Restrooms & Toilet Buildings

BUILDING SELECTION

STANDARD
BUILDINGS

02



BURTON



YARRA



CAPRICORN

SHELTER
BUILDINGS

03



ATLANTIS



OLYMPUS

MULTI
BUILDINGS

04



BYRON



NOOSA



WHITEHAVEN

This Digital Product Overview is a condensed edited digital publication of Modus Australia's Product Overview T24. To obtain a printed copy of Modus Australia's T24 Brochure please contact info@modusaustralia.com.au

The Modus difference.



Heavy Duty

Built for anywhere, built to last.



Cost Effective

Saving you money now and later.



Simple to Install

Ease of installation means no stress.



Safe and reliable

Safety first, always.



Easy to Clean

Lower maintenance to slash ongoing costs.



Access and Mobility Compliant

Fully compliant for access by everyone.

BURTON

Classic
Robust
Easy to clean

Traditional design
Open Verandah
1-6 Cubicles

AS 1428.1

SUITABLE APPLICATIONS

- Parks
- Rest Areas
- Cemeteries
- Walking Trails
- Educational Facilities

DESIGN

Burton fits Australia's traditional surroundings.

The Burton Toilet Building delivers classic form with a gable roof and trimming, designed to fit well in traditional surroundings.

This style is often selected due its traditional look integrating well with the architecture in many regions around Australia.

This building can be offered with or without the decorative verandah brackets depending on the client's preference.

BURTON | STANDARD BUILDING

Standard Building Design Comparison Table

BUILDING	PLAN	SIZE
BURTON 1 COMPACT		1x Standard Cubicle 1200mm x 2400 mm
BURTON 1		1x Universal Access Toilet 2400mm x 2400 mm
BURTON 2		2x Universal Access Toilet 4800mm x 2400 mm
BURTON 3		1x Standard Toilet 1x Universal Access Toilet 4800mm x 2400 mm
BURTON 5		2x Standard Toilet 2x Universal Access Toilet 7200mm x 2400 mm
BURTON 7		3x Standard Toilet 1x Universal Access Toilet 1x Multiple Urinal 9600mm x 2400 mm
BURTON with Service Area		2x Standard Toilet 2x Universal Access Toilet 1x Service Area Building Width x 3600 mm

02

STANDARD

Ordinary Meeting of Council held on 20 July 2017

Page 397

Questions With Notice - 20 July 2017

ITEM 17.7 **Bunnaby Roadwork time frame**
AUTHOR **Councillor John Stafford**

Do we have an estimated time frame for budgeted Bunnaby roadwork to be effected?

Acting General Manager's comments

The works schedule for this project has not yet been determined. It is anticipated the project will be completed by mid-2018. Please Note: there are 2016/2017 works projects that are not completed yet and their completion will take precedence over the Bunnaby Street project in 2017.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.8 **Cricket net replacement**
AUTHOR **Councillor John Stafford**

Do we have a time frame for nets at Crookwell cricket practice pitch to be replaced?

Acting General Manager's comments:

The cricket nets are scheduled to be refurbished prior to the summer cricket season.

ATTACHMENTS

Nil

Questions With Notice - 20 July 2017

ITEM 17.9 **Council Depot Land**
AUTHOR **Councillor John Stafford**

Has any work been commenced re: acquiring Crown land that the current works depot sits on? Does there need to be any recommendation out of Council?

Acting General Manager's comments:

Council has made an application for the proposed compulsory acquisition of the Crown land relating to the allotments on which Council's Works Depot site is situated. Correspondence was sent to the NSW Department of Industries – Lands on the 22 June 2017. The land description is Part Lot 7006 DP 1027032 and Lot 7009 DP 1027045.

No Resolution of Council is necessary at this point in time.

ATTACHMENTS

Nil

General Manager's Statement

Confidentiality

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the Pecuniary Interest and Disciplinary Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

CONFIDENTIAL SESSION

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Item 18.1 18.2 18.3 in confidential session for the reasons indicated:

Item 18.1 Building Review Section 355 Committee - Expression of Interest for Community Representatives

This report is considered to be confidential in accordance with Section 10A(2a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.

Item 18.2 Disclosure of Pecuniary Interest Legal Advice

This report is considered to be confidential in accordance with Section 10A(2g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 18.3 Tender for Hire of Equipment - Plant and Trucks

This report is considered to be confidential in accordance with Section 10A(2d(i)) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

This report is considered to be confidential in accordance with Section 10A(2d(ii)) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

This report is considered to be confidential in accordance with Section 10A(2d(iii)) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

18 CONFIDENTIAL SESSION

The following items are submitted for consideration -

- 18.1 Building Review Section 355 Committee - Expression of Interest for Community Representatives
- 18.2 Disclosure of Pecuniary Interest Legal Advice
- 18.3 Tender for Hire of Equipment - Plant and Trucks