



BUSINESS PAPER

ORDINARY MEETING

Thursday 20 July 2023

1:30pm

Council Chambers

COUNCIL'S VISION

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

COUNCIL'S MISSION

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

COUNCIL'S AIMS

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

NOTICE OF MEETING

13 July 2023

Councillors

Dear Members

Ordinary Meeting of Council

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 20 July 2023** in the **Council Chambers** commencing at **1:30pm**.

Your presence is requested.

Yours faithfully



Alex Waldron
Chief Executive Officer
Upper Lachlan Shire Council

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

“I would like to Acknowledge and pay our respects to the Aboriginal Elders both past and present, as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today.”

1	NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING	
2	APOLOGIES AND LEAVE OF ABSENCE	
3	CITIZENSHIP CEREMONY	
	Nil	
4	DECLARATIONS OF INTEREST	
5	CONFIRMATION OF MINUTES.....	11
5.1	Minutes of the Ordinary Meeting of Council of 15 June 2023	12
5.2	Minutes of the Extraordinary Meeting of Council of 30 June 2023	34
6	MAYORAL MINUTES.....	39
6.1	Mayoral Minute	40
7	PRESENTATIONS TO COUNCIL/PUBLIC	
	Nil	
8	CORRESPONDENCE	43
8.1	Correspondence for the month of June 2023	44
9	LATE CORRESPONDENCE	
10	INFORMATION ONLY.....	53
10.1	Development Statistics Report	54
10.2	Works In Progress - Construction & Maintenance	60
10.3	Investments for the month of June 2023	66
10.4	Bank Balance and Reconciliation - June 2023	70
10.5	Rates and Charges Outstanding for the month of June 2023	71
10.6	Grants Report	73
10.7	Action Summary - Council Decisions	80
REPORTS FROM STAFF AND STANDING COMMITTEES		
11	ENVIRONMENT AND PLANNING	89
11.1	Revocation of Dangerous Dog Orders 6630 Abercrombie Road Tuena	90
11.2	Adoption of Council related Development Application Conflict of Interest Policy	101

12	INFRASTRUCTURE DEPARTMENT	111
	12.1 Review of Gravel Quarries Policy	113
13	FINANCE AND ADMINISTRATION	127
	13.1 Review of Complaints Policy and Procedure	128
	13.2 Delivery Program review 2022/2023	158
	13.3 Review of Media Policy	176
	13.4 Review of GIPA Agency Information Guide	192
	13.5 Review of Government Information Public Access Policy	211
	13.6 Integrated Planning and Reporting - Update of Upper Lachlan Community Strategic Plan after community engagement	220
	13.7 2022/2023 Library Asset Replacement from Internal Restricted Reserve	224
	13.8 Review of Preparation of Meeting Agendas Policy	226
	13.9 Review of Presentations to Council Policy	231
14	CHIEF EXECUTIVE OFFICER	241
	Nil	
15	LATE REPORTS	
16	REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES	243
	16.1 Reports from Committees for the month of July 2023.	244
17	NOTICES OF MOTION.....	257
	Nil	
18	QUESTIONS WITH NOTICE	259
	Nil	
19	CONFIDENTIAL SESSION	265
	19.1 Procurement of One New Light Vehicle	
	19.2 106-108 Goulburn Street Crookwell - Lot 1 DP314755	
	19.3 Tourism and Events Update	

UPPER LACHLAN SHIRE COUNCIL

LEAVE OF ABSENCE

Chief Executive Officer
Upper Lachlan Shire Council
Spring Street
CROOKWELL NSW 2583

Dear Madam

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

Date:

I will be absent for the following reason/s:

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

Yours faithfully

.....
(Councillor Signature)

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

UPPER LACHLAN SHIRE COUNCIL

COUNCILLORS DISCLOSURE OF A PECUNIARY INTEREST

PURSUANT TO PART 4 PECUNIARY INTEREST IN THE CODE OF CONDUCT
(THE DISCLOSURE AND MANAGEMENT OF A PECUNIARY INTEREST IS PRESCRIBED UNDER THE
CODE OF CONDUCT FOR LOCAL COUNCILS IN NEW SOUTH WALES)

To the Chief Executive Officer

I, _____

Declare a Conflict of Interest, being a PECUNIARY Interest.

Name of Meeting: Ordinary Meeting of Council

Date of Meeting:

Page Number:

Item Number:

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at an Ordinary Meeting of the Council *[name of council or council committee (as the case requires)]*

to be held on the _____ day of _____ 20 .

Pecuniary interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to councillor
[Tick or cross one box.]

☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).

☐ An associated person of the councillor has an interest in the land.

☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²

[Tick or cross one box]

☐ The identified land.

☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

Proposed change of zone/planning control

Effect of proposed change of zone/planning control on councillor or associated person
(tick box that applies)

☐ Appreciable financial gain

☐ Appreciable financial loss

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's Signature:

Date:

UPPER LACHLAN SHIRE COUNCIL

COUNCILLORS DISCLOSURE OF A NON-PECUNIARY INTEREST

**PURSUANT TO PART 5 NON PECUNIARY INTEREST IN THE CODE OF CONDUCT
(THE DISCLOSURE AND MANAGEMENT OF A NON PECUNIARY INTEREST IS PRESCRIBED UNDER THE
CODE OF CONDUCT FOR LOCAL COUNCILS IN NEW SOUTH WALES)**

To the Chief Executive Officer

I, _____

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

☐ Significant

☐ Non Significant

COUNCIL MEETINGS

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

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

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

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

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

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

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

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

Signature

Date

5 CONFIRMATION OF MINUTES

The following minutes are submitted for confirmation -

5.1	Minutes of the Ordinary Meeting of Council of 15 June 2023	12
-----	--	----

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

PRESENT: Deputy Mayor M McDonald (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr J Marshall, Cr S Reynolds, Cr L Woodbridge, Ms A Waldron (Chief Executive Officer), Mr J Blake (Chief Financial Officer), Mr L Kruger (Director of Infrastructure), Mr S Arkinstall (Acting Director of Environment and Planning), Mrs K Bowerman (Relief Executive Assistant), Ms Susanne Pearman (Administration Officer) and Mr C Gordon (Media Officer).

VIDEO LINK: Cr N McDonald.

THE DEPUTY MAYOR DECLARED THE MEETING OPEN AT 1.30pm

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

An acknowledgement of Country was read to the meeting by the Deputy Mayor.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apologies were received from Mayor Cllr P Kensit and Mr A Croke (Director of Finance and Administration).

86/23 **RESOLVED** by Cr Searl and Cr Reynolds that the apologies be received and a leave of absence granted.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

SECTION 4: DECLARATIONS OF INTEREST

Clr Jo Marshall declared a non-pecuniary interest in Item 16.1 Reports from other Committees. Gullen Range Wind Farm Community Fund ratification of grant allocations as she is involved in two applications and will make the declaration and leave the chamber and not return until the matter is resolved.

Clr Jo Marshall declared a pecuniary interest in Item 11.1 Planning Proposal – 4273 Goulburn Road Crookwell as an associated person of the Councillor has an interest in the land and will make the declaration, leave the Chamber and not return until the matter is resolved.

SECTION 5: CONFIRMATION OF MINUTES

87/23

RESOLVED by Cr Searl and Cr Woodbridge

1. That the minutes of the Ordinary Council Meeting held on 18 May 2023 be adopted.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1

MAYORAL MINUTE

88/23

RESOLVED by Cr O'Brien and Cr Rerynolds that

1. Council receive and note the activities attended by the Mayor for May and June 2023.

-
CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF JUNE 2023

89/23 **RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 23-03 – Determination of the Local Government Remuneration Tribunal – May 2023.
2. Office of Local Government – Circular 23-04 – Change to public access to Council records under the State Records Act 1988.
3. Office of Local Government – Circular 23-05 – Ward boundary and name changes.
4. Local Government NSW – Federal Budget 2023 Update.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

90/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 10.2 – 10.6 INFORMATION ONLY REPORTS

91/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council receive and notes items 10.2 to 10.6 as information.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

Clr Marshall left the Chamber in accordance with her declaration the time being 2.05pm.

ITEM 11.1 PLANNING PROPOSAL - 4273 GOULBURN ROAD, CROOKWELL
92/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council submit the planning proposal for a gateway determination to amend the *Upper Lachlan Local Environmental Plan 2010* by rezoning Lot 24 DP 119250 from *RU1 Primary Production* to part *R2 - Low Density Residential* and *R5 - Large Lot Residential* and reduce the minimum permissible lot size from 40Ha to part 800m² and part 2,000m² respectively.
2. Council request the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the *Environmental Planning and Assessment Act 1979*.
3. Council delegate authority to the Chief Executive Officer to undertake any required changes.
4. Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time.

- CARRIED

Councillors who voted for:-

Crs P Culhane, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Clr Marshall returned to the meeting the time being 2.15pm.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

ITEM 11.2 AMENDED PLANNING PROPOSAL - 30-36 PEELWOOD ROAD LAGGAN

93/23 RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council submit the planning proposal for a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by;
 - changing the Zone and Minimum Lot Size Provisions of Lot 2 DP 1233492 (part) from RU2 Rural Landscape zone to RU5 Village zone and reduce the minimum lot size from 80ha to 4,000m2 to enable the development of dwelling houses on lots to be created under the *Upper Lachlan Local Environmental Plan 2010 (LEP 2010)*; and
 - changing the Zone and Minimum Lot Size Provisions of Lot 2 DP 1233492 (part), Lot 1 DP 239858 and Lot 1 DP 1253980 and roads proposed to be closed from RU2 Rural Landscape zone to C3 Environmental Management zone and reduce the minimum lot size from 80ha to 10ha to enable permissible uses to be undertaken on the lots under the *Upper Lachlan Local Environmental Plan 2010 (LEP 2010)*.
2. Council requested the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
3. Council delegate authority to the Chief Executive Officer to undertake any required changes.
4. Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

ITEM 11.3 COMMUNITY SPORTS AMENITIES AND CHANGE ROOMS - LIN COOPER RESERVE

94/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council fund the outstanding works to enable the building to be finalised by allocating \$100,000.00 to cover the current shortfall; and
2. Council allocate the required funding for the Section 7.11 Reserves allocated to 'Community Facilities'.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 MAYORAL AND COUNCILLORS' REMUNERATION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

95/23 RESOLVED by Cr O'Brien and Cr Woodbridge

1. Council notes the determination of annual fees by the Local Government Remuneration Tribunal for Councillors and Mayors and resolves to set a Rural Category fee structure for the period 2023/2024 being, Councillors Annual Fee of \$13,030 and a Mayoral Fee of \$28,430.

- CARRIED

Councillors who voted for:- Crs P Culhane, M McDonald, N McDonald, D O'Brien, S Reynolds and J Searl

Councillors who voted against:- Crs J Marshall and L Woodbridge

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

ITEM 13.2 REVIEW OF CODE OF BUSINESS PRACTICE

96/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Code of Business Practice.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

<https://www.upperlachlan.nsw.gov.au/council/governance/policies/>

ITEM 13.3 INTEGRATED PLANNING AND REPORTING - ADOPTION OF 2023/2024 COUNCIL PLANS

97/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council, in accordance with Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 resolve to adopt the following Strategic Plans:-
 1. Operational Plan 2023/2024;
 2. Delivery Program 2023/2024 – 2026/2027;
 3. Long Term Financial Plan 2023-2032;
 4. Infrastructure Plan 2023-2032; and
 5. Workforce Plan 2023/2024 – 2026/2027.
2. Council approves expenditure and votes money according to the integrated financial budget contained within Council's 2023/2024 Operational Plan.
3. Council make the Revenue Policy, including Fees and Charges, and operational and capital budget as outlined in the 2023/2024 Operational Plan.
4. Council in accordance with Section 506, of the Local Government Act 1993, and the Office of Local Government advice, and in accordance with the Independent Pricing and Regulatory Tribunal of NSW determination, hereby adopt a 3.70% permissible Ordinary (General) Rates Increase for 2023/2024.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

5. Council in accordance with Section 566 (3), of the Local Government Act 1993, hereby resolves that the Interest Rate to apply to all overdue Rates and Charges be calculated at the maximum permissible Interest Rate of 9% per annum, calculated on a daily basis, as determined by the Office of Local Government.
6. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0010270 for Farmland Rating Category inclusive of a Base Amount of \$545.00 per Assessment being 27% of the total amount payable for land categorised as Farmland, for the year 2023/2024.
7. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0018550 for the Residential Rating Category inclusive of a Base Amount of \$270.00 per Assessment being 42% of the total amount payable for land categorised as Residential, for the year 2023/2024.
8. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0014880 for the Residential – Non Urban Rating Category inclusive of a Base Amount of \$270.00 per Assessment being 34% of the total amount payable for land categorised as Residential – Non Urban, for the year 2023/2024.
9. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0064610 for the Business – Crookwell Rating Category inclusive of a Base Amount of \$270.00 per Assessment being 26% of the total amount payable for land categorised as Business - Crookwell, for the year 2023/2024.
10. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0036570 for the Business – Gunning Rating Category inclusive of the Base Amount of \$270.00 per Assessment being 35% of the total amount payable for land categorised as Business – Gunning for the year 2023/2024.
11. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0029300 for the Business – Taralga Rating

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

Category inclusive of the Base Amount of \$270.00 per Assessment being 34% of the total amount payable for land categorised as Business – Taralga for the year 2023/2024.

12. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0163070 for the Business – General Rating Category inclusive of the Base Amount of \$270.00 per Assessment being 4% of the total amount payable for land categorised as Business – General for the year 2023/2024.
13. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0058530 for the Mining Rating Category inclusive of the Base Amount of \$270.00 per Assessment being 12% of the total amount payable for land categorised as Mining for the year 2023/2024.
14. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Water Supply Annual Charge subject to a Water Access Fee of \$523.00 and a Water Availability Charge of \$523.00, for the year 2023/2024.
15. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Water Supply Annual Charge subject to a Water Access Fee of \$523.00 and a Water Availability Charge of \$523.00, for the year 2023/2024.
16. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Dalton Water Supply Annual Charge subject to a Water Access Fee of \$523.00 and a Water Availability Charge of \$523.00, for the year 2023/2024.
17. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Water Supply Annual Charge subject to a Water Access Fee of \$523.00 and a Water Availability Charge of \$523.00, for the year 2023/2024.
18. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Access Charge of \$969.00 per Assessment categorised as Residential Occupied and an Access Charge of \$636.00 for Residential Unoccupied, for the year 2023/2024.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

19. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$969.00, a Sewer Discharge Factor of 0.77 and a Usage Charge of \$3.82, for the year 2023/2024.
20. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$969.00, a Sewer Discharge Factor of 0.50 and a Usage Charge \$3.82, for the year 2023/2024.
21. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$969.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.82, for the year 2023/2024.
22. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Access Charge of \$969.00 per Assessment categorised as Residential Occupied and an Access Charge of \$636.00 for Residential Unoccupied, for the year 2023/2024.
23. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$969.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.82, for the year 2023/2024.
24. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$969.00, a Sewer Discharge Factor of 0.77 and a Usage Charge of \$3.82, for the year 2023/2024.
25. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

and Parks of \$969.00, a Sewer Discharge Factor of 0.50 and a Usage Charge of \$3.82, for the year 2023/2024.

26. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Access Charge of \$969.00 per Assessment categorised as Residential Occupied and an Access Charge of \$636.00 for Residential Unoccupied, for the year 2023/2024.
27. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$969.00, a Sewer Discharge Factor of 0.77 and a Usage Charge of \$3.82, for the year 2023/2024.
28. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$969.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.82, for the year 2023/2024.
29. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$969.00, a Sewer Discharge Factor of 0.50 and a Usage Charge of \$3.82, for the year 2023/2024.
30. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Service Charge of \$595.00 per service for the year 2023/2024.
31. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Availability Charge of \$234.00 per Rateable Assessment. This annual charge is for each vacant property that is categorised as Residential and is in the pickup service area, for the year 2023/2024.
32. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 501, Council make a Commercial Waste Service Charge of \$705.00 per service for each rateable Assessment

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2023/2024.

33. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Commercial Waste Availability Charge of \$234.00 per Assessment for Rateable Assessments categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2023/2024.
34. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Rural Waste Annual Charge of \$257.40 per Rateable Assessment categorised as Farmland, Residential – Non Urban, and Residential, for properties that do not have a Domestic Waste Management Charge and do not have a Domestic Waste Management Availability Charge for the year 2023/2024.
35. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning and Collector of \$25.00 per Rateable Assessment categorised as Residential, for the year 2023/2024.
36. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning, and Collector of \$50.00 per Rateable Assessment categorised as Business – Gunning, Business – Taralga, and Business – Crookwell, for the year 2023/2024.
37. Under the Local Government Act 1993, pursuant to Section 502, Council make a Water Supply User Pay Consumption Charge for the towns of Taralga, Crookwell, Gunning and Dalton. The charge Tariff 1 - \$3.82 per kilolitre consumed up to a maximum of 200 kilolitres and charge for Tariff 2 - \$5.05 per kilolitre consumed above 200 kilolitres, for the year 2023/2024.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

SECTION 14: CHIEF EXECUTIVE OFFICER

ITEM 14.1 DELEGATION – CHIEF EXECUTIVE OFFICER

98/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council resolves to adopt the delegation to the Chief Executive Officer, Alexandra Waldron. The Council Mayor signs the delegation and affixes the Common Seal of the Upper Lachlan Shire Council to this delegation.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 14.2 GENERAL MANAGER TO CHIEF EXECUTIVE OFFICER - REFERENCE

99/23

RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council adopt that all references in Council policies, procedures, contracts, Code of Practices, Code of Conduct and all other legal documentation (including legislation) that refers to General Manager shall be taken to be replaced with the title known as Chief Executive Officer of the Upper Lachlan Shire Council.
2. Council will progressively update and remove all references to General Manager in Council documents.

- CARRIED

Councillors who voted for:- Crs P Culhane, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Cr J Marshall

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

ITEM 14.3
100/23

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE CHARTER

RESOLVED by Cr Searl and Cr Woodbridge

1. Adopts the Section 355 Economic Development Advisory Committee Charter.
2. Advertise an 'Expression of Interest' to invite members of the community to join the Upper Lachlan Shire Council Economic Development Advisory Committee.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

A further motion was moved by Clr Woodbridge and Clr Searl that:

1. Council hold an Ordinary Ballot to appoint nominated Councillors to the three positions on the Economic Development Advisory Committee.

On being put to the meeting the motion was carried.

101/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council hold an Ordinary Ballot to appoint nominated Councillors to the three positions on the Economic Development Advisory Committee.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

A motion was moved by Clr Woodbridge and Searl that:

1. Clrs M McDonald, J Searl and S Reynolds be appointed to the Economic Development Advisory Committee, with Clr Woodbridge as the alternate.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

On being put to the meeting the motion was carried.

102/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Clrs M McDonald, J Searl and S Reynolds be appointed to the Economic Development Advisory Committee, with Cr Woodbridge as the alternate.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 14.4

TOURISM AND EVENT MANAGEMENT ADVISORY COMMITTEE CHARTER

103/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Adopts the Section 355 Tourism and Event Management Advisory Committee Charter.
2. Advertise an 'Expression of Interest' to invite members of the community to join the Upper Lachlan Shire Council Tourism and Event Management Advisory Committee.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

A further motion was moved by Cr Searl and Cr Woodbridge that:

1. Clrs M McDonald, J Searl and S Reynolds be nominated and appointed to the Tourism and Event Management Advisory Committee with Cr Woodbridge as the alternate.

On being put to the meeting the motion was carried.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

104/23

RESOLVED by Cr Searl and Cr Woodbridge that

1. Clrs M McDonald, J Searl and S Reynolds be nominated and appointed to the Tourism and Event Management Advisory Committee with Cr Woodbridge as the alternate.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

Nil

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

Clr Marshall left the Chamber in accordance with her declaration the time being 3.14pm.

ITEM 16.1

REPORTS FROM COMMITTEES FOR THE MONTH OF JUNE 2023

105/23

RESOLVED by Cr Searl and Cr Woodbridge

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

1. Gunning Arts Festival Committee – Minutes from Meeting – 30 October 2022.
2. Gunning Arts Festival Committee – Minutes from Annual General Meeting – 4 December 2022.

106/23

RESOLVED by Cr Searl and Cr Woodbridge

1. That Council accepts the elected office bearers and Committee members contained in the Minutes of the Gunning Arts Festival Annual General Meeting held 4 December 2022.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

3. Gunning Arts Festival 355 Committee – Minutes of Meeting – 30 April 2023.
4. Cullerin Range Community Fund S355 Committee – Meeting Minutes - 8 May 2023.

107/23

RESOLVED by Cr Searl and Cr Woodbridge

1. That funds to the total of \$21,928.00 be forwarded to the Gunning Early Learning Centre as per Committee recommendation item 4.1 of the minutes.

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

5. Gullen Range Community Fund S355 Committee – Minutes of Meeting – 23 May 2023.

108/23

RESOLVED by Cr Woodbridge and Cr Searl

1. That funds to the total of \$72,399.54 be forwarded as per list below as per recommendation 4.1 of the minutes.

Australian Agricultural Centre	\$10,000.00
Anglican Church Parish of Crookwell – St George's Church	\$7,282.00
Breadalbane Hall Committee	\$1,100.00
Upper Lachlan Landcare Inc	\$11,121.00
Anglican Church Parish of Crookwell – St Bartholomew's Church	\$24,847.00
International Women's Day 2024	\$3,500.00
Southern Tablelands Group 12	\$14,549.54
TOTAL	\$72,399.54

Clr Marshall returned to the meeting 3.20pm.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

6. Upper Lachlan Shire Council Access Committee – Minutes from Meeting – 31 May 2023.
7. Upper Lachlan Shire Council Traffic Committee - Minutes from Meeting - 1 June 2023.
8. Collector Wind Farm Community Fund Sec 355 – Community Committee Meeting – 6 June 2023.

109/23

RESOLVED by Cr Searl and Cr Woodbridge

1. That funds to the total of \$255,108.90 be forwarded as per list below as per recommendation 4.1 of the minutes.

Collector Public School – Enhancing Aboriginal Culture	\$3,623.00
Collector Public School – “Our Land Our Stories” Resource Kits	\$2,259.70
Collector Public School – Native Memorial Garden	\$2,250.00
Collector Bushranger’s Reserve Trust – Pump Track	\$146,410.00
Collector Community Association – Youth Program	\$7,474.60
Collector Community Association – Strategic Project	\$88,000.00
Collector Oval Committee – Amenities Enhancement	\$5,091.60
TOTAL	\$255,108.90

- CARRIED

Councillors who voted for:- Crs P Culhane, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

- CARRIED

Councillors who voted for:- Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in 10A (2d(i)) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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

110/23 RESOLVED by Cr Searl and Cr Woodbridge

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A (2d(i)) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2d(i)) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 3.15pm and the public, staff and press left the chambers.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JUNE 2023

111/23

RESOLVED by Cr Searl and Cr Woodbridge

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

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Open Council resumed at 3.28pm.

Resolutions from the Closed Council Meeting

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

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1

PROCUREMENT OF ONE NEW PRIME MOVER

112/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council purchase one MAN TGS 26.540 for the sum of \$291,380.91 ex GST from Hartwigs.
2. Council trade in existing truck (plant 713) with Hartwigs.

- CARRIED

Councillors who voted for:-

Crs P Culhane, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

THE MEETING CLOSED AT 3.29pm

Minutes confirmed 20 JULY 2023

.....
Mayor

5.2	Minutes of the Extraordinary Meeting of Council of 30 June 2023	34
-----	---	----

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 30 JUNE 2023

PRESENT: Mayor P Kensit (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr M McDonald, Cr S Reynolds, Ms A Waldron (Chief Executive Officer), Mr L Kruger (Director of Infrastructure), Mr A Croke (Director Finance and Administration), Mr S Arkinstall (Acting Director of Environment & Planning), Mrs K Bowerman (Acting Executive Assistant) and Ms S Pearman (Administration Officer).

VIDEOLINK: Clr N McDonald and Clr L Woodbridge.

THE DEPUTY MAYOR DECLARED THE MEETING OPEN AT 4.05pm

Deputy Mayor M McDonald advised no public gallery today as confidential meeting.

Deputy Mayor M McDonald advised that the meeting is being webcast live and audio recorded before and after the meeting in accordance with Council Code of Meeting Practice.

An acknowledgement of Country was read to the meeting by the Deputy Mayor.

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received from Cr J Marshall.

113/23 **RESOLVED** by Cr Searl and Cr O'Brien that the apologies be received and a leave of absence granted.

SECTION 2: DECLARATIONS OF INTEREST

Nil

CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in 10A (2) 2d(i) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 30 JUNE 2023

114/23 **RESOLVED** by Cr Searl and Cr O'Brien

4. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
5. That pursuant to section 10A(2) 2d(i) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
6. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Councillors who voted for:- Crs P Kensit, M McDonald, P Culhane, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 4.06pm.

115/23 **RESOLVED** by Cr Searl and Cr O'Brien

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

- CARRIED

Councillors who voted for:- Crs P Kensit, M McDonald, P Culhane, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Open Council resumed at 4.41pm.

Cr Kensit and Cr Reynolds entered the Chambers the time being 4.07pm

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 30 JUNE 2023

Resolutions from the Closed Council Meeting

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

SECTION 3: CONFIDENTIAL SESSION

ITEM 3.1 CONSTRUCTION CONTRACT - CROOKWELL POOL AND VISITORS INFORMATION CENTRE

Moved by Cr Reynolds and Cr Searl

1. Council's Chief Executive Officer be delegated authority to enter into direct commercial negotiations with FDC Construction, with the intent to enter a contract utilising Section 55 of Local Government Act 1993 with requirements for tendering referencing Section 55 - (3) (K) – "*A contract made in a case of emergency*".

An Amendment was moved by Cr Reynolds and Cr Searl

1. Council's Chief Executive Officer be delegated authority to enter into direct commercial negotiations with FDC Construction in relation to the Crookwell Pool and Visitors Information Centre, in the terms as discussed at the extraordinary meeting held 30 June 2023, with the intent to enter a contract utilising Section 55 of Local Government Act 1993 with requirements for tendering referencing Section 55 - (3) (K) – "*A contract made in a case of emergency*".

On being put to the meeting the amendment was carried and became the motion

116/23 RESOLVED Cr Reynolds and Cr Searl

1. Council's Chief Executive Officer be delegated authority to enter into direct commercial negotiations with FDC Construction in relation to the Crookwell Pool and Visitors Information Centre, in the terms as discussed at the extraordinary meeting held 30 June 2023, with the intent to enter a contract utilising Section 55 of Local Government Act 1993 with requirements for tendering referencing Section 55 - (3) (K) – "*A contract made in a case of emergency*".

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 30 JUNE 2023

Councillors who voted for:- Crs P Kensit, M McDonald, P Culhane, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

A Motion was moved by Cr Searl and Cr Reynolds

1. Council allocate the Local Roads and Community Infrastructure Program Phase 4 Part A Funding in its entirety \$1,203,048.00 to the Crookwell Pool Project.

On being put to the meeting the motion was carried

117/23

RESOLVED *by Cr Searl and Cr Reynolds*

1. Council allocate the Local Roads and Community Infrastructure Program Phase 4 Part A Funding in its entirety \$1,203,048.00 to the Crookwell Pool Project.

- CARRIED

Councillors who voted for:- Crs P Kensit, M McDonald, P Culhane, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

THE MEETING CLOSED AT 4.43pm

Minutes confirmed 20 JULY 2023

.....
Mayor

6 MAYORAL MINUTES

The following item is submitted for consideration -

6.1	Mayoral Minute	40
-----	----------------	----

Mayoral Minutes - 20 July 2023

ITEM 6.1 Mayoral Minute

FILE REFERENCE I23/220

June 2023

15 June 2023	National General Assembly of Local Government - Canberra Deputy Mayor – Council Meeting
15 June 2023	ACLG Gala Dinner – Australian Parliament House
16 June 2023	ACLG Forum – National Convention Centre – Canberra
19 June 2023	Meeting Ken Watson – Swimming Pool
20 June 2023	Crookwell 2 and 3 Wind Farm site visit Pre – Meeting Community
20 June 2023	Taralga Outreach Meeting – Taralga
21 June 2023	Meeting Honourable Ron Hoenig – NSW Parliament Sydney Informal meeting - Minister Steve Kamper, Minister Tara Moriarty and Ms Julia Finn MP
22 June 2023	CRJO Meeting with NSW Ministers – NSW Parliament Sydney
23 June 2023	Meeting with Bendigo Bank
24 June 2023	Annual Changeover Luncheon with the Lions Club
27 June 2023	Meeting – Crookwell Courthouse Biala Wind Farm – Green Shire Event Meeting Councillor Workshop Launch Upper Lachlan Landcare Grazing Group Book
28 June 2023	Meeting with Chief Executive Officer – ULSC Travel to Sydney – LGNSW Mayor Forum
29 June 2023	LGNSW Mayoral Forum – Sydney
30 June 2023	Extraordinary Council Meeting
4 July 2023	Rotary Changeover Dinner
5 July 2023	Meeting with Chief Executive Officer – ULSC Meeting – Taralga Wind Farm Community Fund S355 Committee
7 July 2023	Meeting with Senator Debra O'Neill

Mayoral Minutes

MAYORAL MINUTE cont'd

10 July 2023	Meeting Christian Morris LG Management Solutions Meeting with Chief Executive Officer – ULSC Meeting Constitute and Chief Executive Officer
12 July 2023	Meeting with Chief Executive Officer – ULSC Meeting Regional Development Australia Meeting Essential Energy
13 July 2023	Meeting Robyn Alders – NSW Farmers
17 July 2023	Meeting with Chief Executive Officer – ULSC
18 July 2023	Meeting Destination Southern NSW Briefing – Business Paper
19 July 2023	Meeting Southern NSW LHD Meeting Chief Executive Officer - ULSC
20 July 2023	Council Meeting – July Deputy Mayor – Radio Interview

8 CORRESPONDENCE

The following item is submitted for consideration -

8.1	Correspondence for the month of June 2023	44
-----	---	----

Correspondence - 20 July 2023

ITEM 8.1

Correspondence for the month of June 2023

RECOMMENDATION:

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

1. Office of Local Government – Circular 23-06 – Increase to Companion Animal Registration and Permit Fees for 2023/2024.
2. Office of Local Government – Circular 23-07 - Draft update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households.
3. Office of Local Government – Grants Circular GC152 – 2023-2024 Financial Assistance Grants – advance payment.
4. Tuena Hall and Recreational Area Committee – Thank you letter – 24 June 2023.
5. Update on Critical Communication Enhancement Program – Mares Forest Road, Wombeyan Caves NSW – 30 June 2023.

ATTACHMENTS

1. ↓	Office of Local Government - Circular 23-06 - Increase to Companion Animal Registration and Permit Fees for 2023-24	Attachment
2. ↓	Office of Local Government - 23-07 - Draft update of the Environment and Health Protection Guidelines Onsite Sewage Management for Single Households	Attachment
3. ↓	Office of Local Government - GC-152 - 2023-24 Financial Assistance Grants - advance payment	Attachment
4. ↓	INCOMING - Tuena Hall and Recreation Area Committee - Thank you letter - 24 June 2023	Attachment
5. ↓	INCOMING - Update on Critical Communications Enhancement Program- Bristlecone - Mares Forest Road, Wombeyan Caves NSW - 30 June 2023	Attachment



Office of
Local Government

Circular to Councils

Circular Details	Circular No 23-06 / 23 June 2023 / A858925
Previous Circular	22-16
Who should read this	Councillors / General Managers / Council finance staff / Companion Animal Enforcement and Administration Officers
Contact	Program Delivery Team – (02) 4428 4100 or 1300 134 460 pets@olg.nsw.gov.au
Action required	Council to Implement

Increases to companion animal registration and permit fees for 2023/24

What's new or changing

- The *Companion Animals Regulation 2021* has been amended to adjust 2023/24 registration and annual permit fees for companion animals for CPI.
- Councils must continue to register eligible pound/shelter animals through the NSW Companion Animals Register. Free registration for these animals does not mean that registration is not required. The established process of 'flagging' an animal as being purchased from an eligible pound/shelter is required to validate a free registration.
- When processing a registration for an eligible pensioner whose pet has been recommended by a vet to not undergo desexing (either temporarily or permanently), select the "not desexed (not recommended – eligible pensioner)" category. This will allow the eligible pensioner to claim the discounted registration.
- The new fees are as prescribed below and will be effective from 1 July 2023.

Registration Category	New fee amount
Dog – Desexed (by relevant age)	\$75
Dog – Desexed (by relevant age - eligible pensioner)	\$32
Dog – Desexed (sold by pound/shelter)	\$0
Dog – Not Desexed or Desexed (after relevant age)	\$252
Dog – Not Desexed (not recommended)	\$75
Dog – Not Desexed (not recommended eligible pensioner)	\$32
Dog – Not Desexed (recognised breeder)	\$75
Dog – Working	\$0
Dog – Service of the State	\$0
Assistance Animal	\$0
Cat – Desexed or Not Desexed	\$65
Cat – Desexed (eligible pensioner)	\$32
Cat – Desexed (sold by pound/shelter)	\$0
Cat – Not Desexed (not recommended)	\$65
Cat – Not Desexed (not recommended - eligible pensioner)	\$32
Cat – Not Desexed (recognised breeder)	\$65
Registration late fee	\$21
Annual permit category	New fee amount
Cat not desexed by four months of age	\$92
Dangerous dog	\$221
Restricted dog	\$221
Permit late fee	\$21

Key points

- Companion animal registration and annual permit fees have been adjusted for the 2023/24 financial year.
- Section 18(2)(a) sets the baseline registration fee for a dog at \$75.
- Section 18(2)(b) registration fee for a cat remains at \$10 less than the registration fee for a dog, making it \$65.
- Section 18(4), to prescribe that no registration fee is payable for a companion animal that is desexed and sold to the owner by a rehoming organisation, remains the same.
- The CPI adjusted registration fee for pensioners, the additional fee for a non-desexed dog, late fee and permit fees are outlined in the table above.
- Councils must continue to register eligible pound/shelter animals through the NSW Companion Animals Register.
- The NSW Pet Registry will be updated to include the new fees for online registration and permit payments made by pet owners from 1 July 2023.
- Both the old and new fee structures will be maintained on the Companion Animals Register to allow councils to correct registration details for existing records and catch up on data entry backlogs (i.e. where fees have been receipted before 1 July 2023 but not entered on the Register).

Where to go for further information

- The following information can be found on the Office of Local Government's website:
 - A list of registration categories, current fees and the new fees for 2023/24 at www.olg.nsw.gov.au/public/dogs-cats/nsw-pet-registry/microchipping-and-registration.
 - Information relating to the processing of registration fees is available in *Companion Animals Guideline 1 – Registration Agents* at www.olg.nsw.gov.au/councils/responsible-pet-ownership/nsw-pet-registry/the-cat-and-dog-register.



Ashley Albury
Acting Deputy Secretary
Office of Local Government



Office of
Local Government

Circular to Councils

Circular Details	Circular No 23-07 / 27 June 2023 / A858665
Previous Circular	N/A
Who should read this	General Managers / Environmental Health Officers / Council Water Utilities
Contact	Policy Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Request for feedback

Draft update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (Silver Book)

What's new or changing

- The Silver Book is undergoing a review and update to bring it in line with modern expectations, technological advancements, the latest scientific literature and emerging trends in land use.
- The Office of Local Government (OLG) is now seeking feedback on a draft update.

What this will mean for your council

- Councils regulate the installation and operation of Onsite Wastewater Management (OWM) systems and rely heavily on the guidance provided in the Silver Book.
- An updated Silver Book will provide councils with increased confidence that their approval processes achieve desired public health and environmental outcomes.
- The aim of the review is to increase the consistency by which councils across the state carry out their OWM responsibilities and improve clarity around councils' responsibilities.
- Feedback received will be carefully considered and will help inform any required changes prior to release of a final version later this year.

Key points

- The Silver Book remains the primary reference document for OWM in NSW. It is also referenced by other industry participants, including wastewater consultants, environmental engineers, suppliers, installers and service technicians.
- Sector opinion of the required scope of the draft update was gauged through a survey carried out in late June 2022. The survey highlighted the sector's pressing concerns and key priorities. This information and feedback helped shape the development of this draft update.
- The Silver Book was developed under the guidance and direction of OLG, NSW Health, the Department of Planning and Environment – Water (Town Water Risk Reduction Program) and WaterNSW.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- The update includes a new model OWM strategy that councils may wish to refer to and/or adapt when next reviewing their strategies. It is based on a desktop review of several councils' current strategies to come up with a best practice approach.
- The regular review and updating of strategies is encouraged to ensure they remain relevant and useful tools for operational management of new and existing OWM systems.

Where to go for further information

- A copy of the draft update is available on the OLG website at www.olg.nsw.gov.au/councils/council-infrastructure/services-to-communities/on-site-sewage-management.
- The consultation period closes on **21 July 2023**.
- Councils are requested to submit their feedback using the template available at the above link.
- For further information, contact OLG's Policy Team on (02) 4428 4100.



Ashley Ashbury
A/Deputy Secretary, Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Office of
Local Government

Circular to Councils

Circular Details	GC152 / 28 June 2023 / A864741
Previous Circular	GC151 / 12 April 2022 / A814632
Who should read this	Councillors / General Managers / Finance Managers
Contact	Helen Pearce / 02 4428 4131 / olg@olg.nsw.gov.au
Action required	Information

2023-24 Financial Assistance Grants (FA Grants) – advance payment

What's new or changing

- The Federal Government has announced the advance payment of the preliminary 2023-24 FA Grants will represent approximately 100% of the amount council is entitled to.
- Further adjustments to the remaining payments will take into account:
 - the determination by the Commonwealth Treasurer of the final adjustments for 2022-23
 - the Grants Commission's recommendations for 2023-24.
- The Commission will advise councils of the recommendations when they have been finalised after the Commonwealth advises the amount of the final adjustments.

What this will mean for your council

- The advance payment amount, as set out in the attached schedule, was paid to councils on 27 June 2023.
- The balance of the grants will be paid in quarterly instalments during 2023-24.
- The first quarterly instalment is expected to be paid to councils in mid-August 2023, with subsequent instalments in November 2023, February 2024, and May 2024.
- All councils will be advised by letter of individual councils' estimated entitlements for 2023-24 FA Grants.

Key points

- The grants are paid under the provisions of the *Local Government (Financial Assistance) Act 1995* (Cwlth).
- The total amount of the annual FA Grants, and whether and when an advance payment is made, is determined by the Federal Government.
- Over the past 5 years, the FA Grants program has been transitioning to new funding model which provides an upper limit of +5% and lower limit 0% on an individual council's general purpose component when compared year on year.
- No council has been receiving a lower grant than the previous year.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- The NSW Grants Commission is working in consultation with local councils on a strategy to restore former upper and lower limits, including a range of +5% to -2%, to +6 to -4%.
- The FA Grants will remain in transition with a 0% lower limit in 2023-24.

Where to go for further information

- Updates about the transition and general information are available on the Office of Local Government Website:
<https://www.olg.nsw.gov.au/commissions-and-tribunals/grants-commission>
- Please contact Helen Pearce, Executive Officer, if you require any further information.



**Helen Pearce
Executive Officer
Grants Commission**

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Tuena Hall & Recreation Area Committee

Bathurst Street, Tuena NSW 2583 PH. 48345267

A section 355 committee of Upper Lachlan Shire Council

24th June 2023

To: Mayor Pam Kensit

Dear Pam,

Tuena Hall & Recreation Area Committee would like you to convey our thanks to Upper Lachlan Shire Council for their ongoing support with all activities and issues that arise in our town. With your continued and committed support and advocacy on our behalf we will prosper.

We are especially grateful for Council's commitment of funds to assist in finding a resolution with the issue of an easement over land owned by the Presbyterian Church. As you are aware this is more than a simple easement between the Church and one of our residents. Maintaining the integrity of this existing track is also paramount for our bushfire brigade to protect our town if threatened by bushfire. We are hopeful an equitable solution will present itself soon.

We are delighted to be included in the Paint the Town initiative and can only see positive outcomes when this is completed. It will enhance our community in so many ways and we anticipate it will generate more tourist dollars being spent in our town and in the Shire.

Please also convey our thanks to Deputy Mayor Mandy MacDonald for her continued commitment as our Council representative. Mandy's enthusiasm, knowledge, advice and endless positivity has been invaluable on many occasions. Her dedication to Council is admirable and outstanding and like yourself Mandy presents as an unstoppable positive force.

We appreciate your recent visits to our town. The increase in the public profile of Council since you became Mayor is significant and can only result in more community engagement which will prove to be inspiring and the whole Shire will grow, develop and thrive.

Again, to you and the entire Council ... Thankyou.

Sincerely

Gabrielle Saville
Secretary



Highforce Pty Ltd

ABN: 22 141 830 800

ACN: 141830800

30/06/23

Attn: Alex Waldron
Upper Lachlan Shire Council
Via Email: council@upperlachlan.nsw.gov.au

**Update on Critical Communications Enhancement Program
9012849 Bristlecone - Mares Forest Road, Wombeyan Caves NSW**

Dear Ms Waldron,

HighForce is contracted on behalf of NSW Telco Authority (NSWTA) to perform the works associated with the Critical Communications Enhancement Program (CCEP) at Bristlecone.

Under the CCEP, the NSWTA is expanding and enhancing the Public Safety Network for emergency services organisations.

This letter is provided to notify Upper Lachlan Shire Council of the upgrade works to telecommunications facility scheduled to start in the coming weeks at 9012849 Mares Forest Road, Wombeyan Caves NSW.

Should any member of the community require further information about the CCEP, please do not hesitate to refer them to telco.nsw.gov.au/ccep , email ccepinfo@customerservice.nsw.gov.au or call 1800 794 862.

Any concerns please contact me.

Kind regards,
Jacquie Tunks

Ph: 0437 259 884

Mailing Address:

190 Flower Street
Northgate QLD 4013

PO Box 120
Virginia BC QLD 4014

10 INFORMATION ONLY

The following items are submitted for consideration -

10.1	Development Statistics Report	54
10.2	Works In Progress - Construction & Maintenance	60
10.3	Investments for the month of June 2023	66
10.4	Bank Balance and Reconciliation - June 2023	70
10.5	Rates and Charges Outstanding for the month of June 2023	71
10.6	Grants Report	73
10.7	Action Summary - Council Decisions	80

Information Only - 20 July 2023

ITEM 10.1 **Development Statistics Report**

FILE REFERENCE **I23/216**

AUTHOR **Acting Director of Environment and Planning**

ISSUE

This report provides Council with an overview of the development control activities that have occurred in the period of 1 June 2023 to 30 June 2023, and an update on the status of the Planning and Development Control department.

RECOMMENDATION That -

1. Council receives and notes the report as information.

BACKGROUND

A standard monthly report providing Council with a summary of the development control activities that have occurred in the period 1 June 2023 to 31 June 2023.

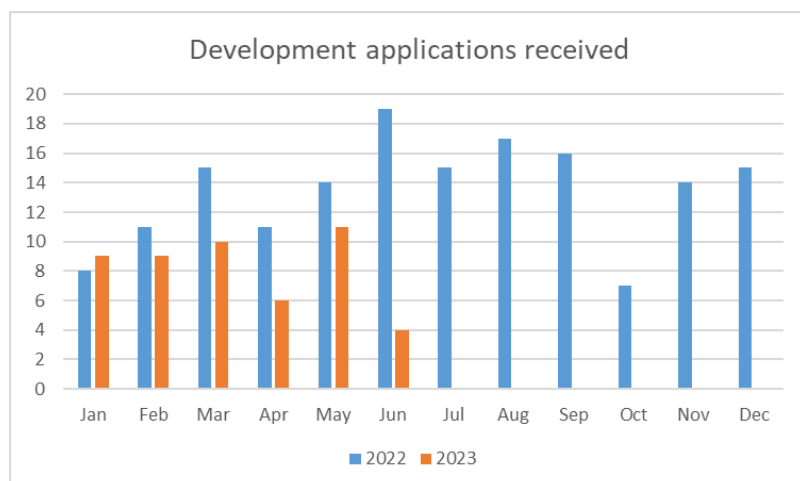
REPORT

This report provides Council with an overview of the development control activities that have occurred in the period of 1 June 2023 to 30 June 2023, and an update on the status of the Planning and Development Control department.

Development Applications

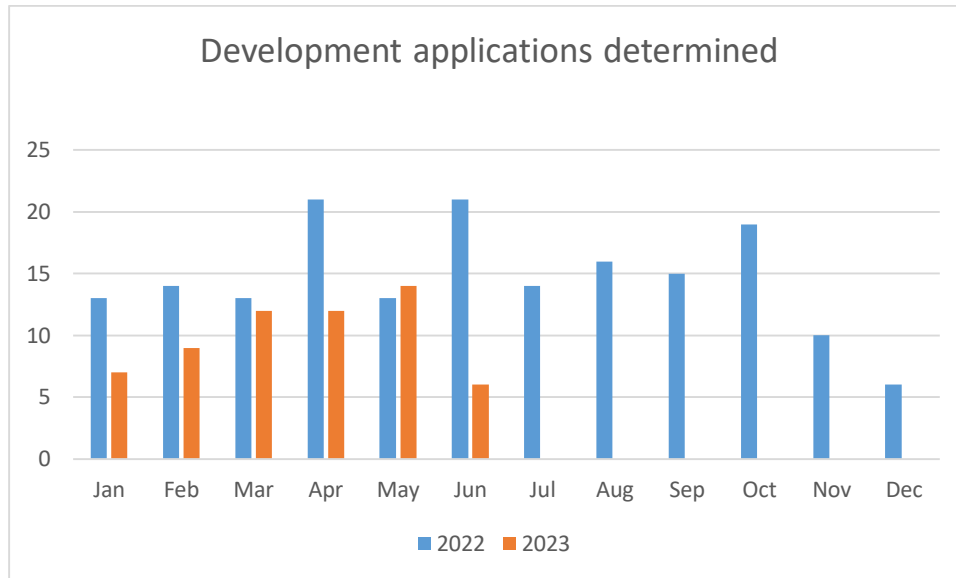
The current level of development activity for this period is summarised in the tables below:

Table 1 - Number of development applications received per month:



Information Only
DEVELOPMENT STATISTICS REPORT cont'd

Table 2 - Number of development applications determined per month:



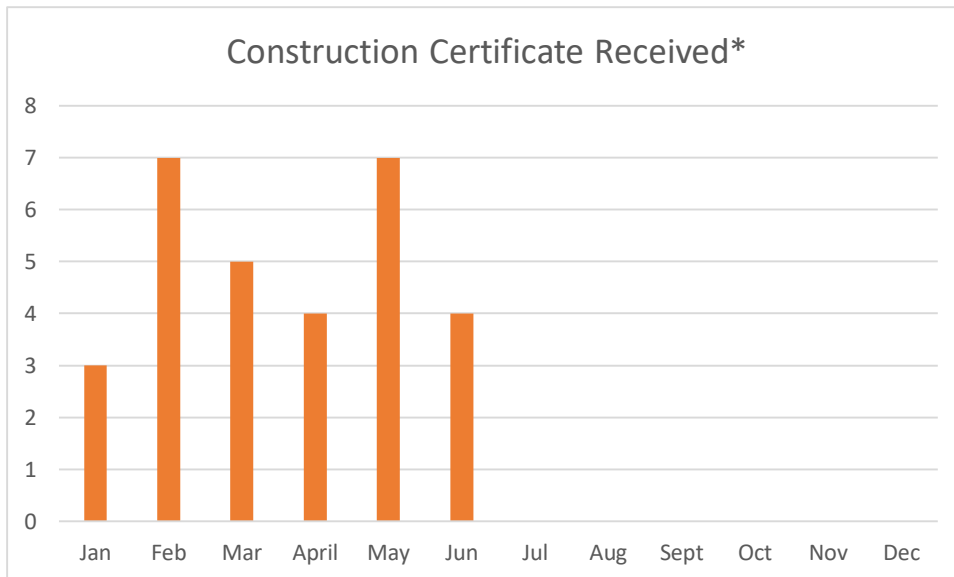
Development Applications Determined

Development Applications Determined By Council (June 2023):

DA Reference	Proposal	Property Details
64/2021	Subdivision	Peelwood Road, Golspie Lot 133 DP 753043
157/2022	Subdivision	4072 Grabben Gullen Road, Crookwell Lot A DP 394644
158/2022	Dwelling	491 Pejar Road, Pejar Lot 2 DP 1268984
159/2022	Subdivision	Gundaroo Street, Gunning Lot 1 Sec 4 DP 758493
173/2022	Farm Building	2188 Gurrundah Road, Gurrundah Lot 6 DP 1214847
175/2022	Subdivision	12 Brown Street, Dalton Lot 35 DP 754111
178/2023	Dwelling	5516 Taralga Road, Curraweela Lot 3 DP 1046667
192/2023	Dwelling	9 Young Street, Dalton Lot 1 DP 1209732
195/2023	Alterations and additions to dwelling	Brayton Road, Big Hill Lot 130 DP 750014
199/2023	Dwelling	40 Povey Place, Breadalbane Lot 12 DP 1205245
203/2023	Dwelling	Wheeo Road, Grabben Gullen Lot 4 DP 882389

Construction Certificates

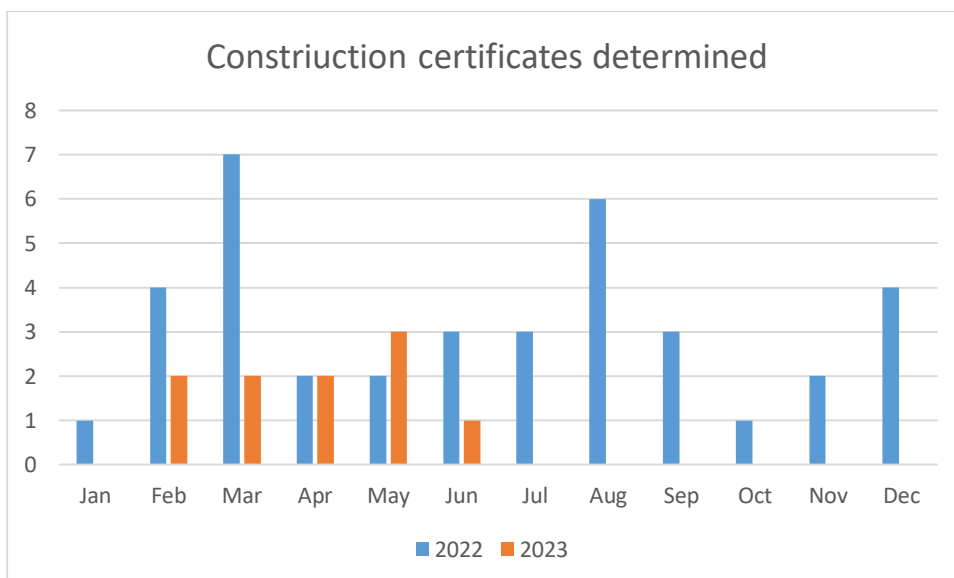
Table 3 – The number of construction certificates received per month are detailed below:



* Estimated numbers only as information obtained from NSW Planning Portal

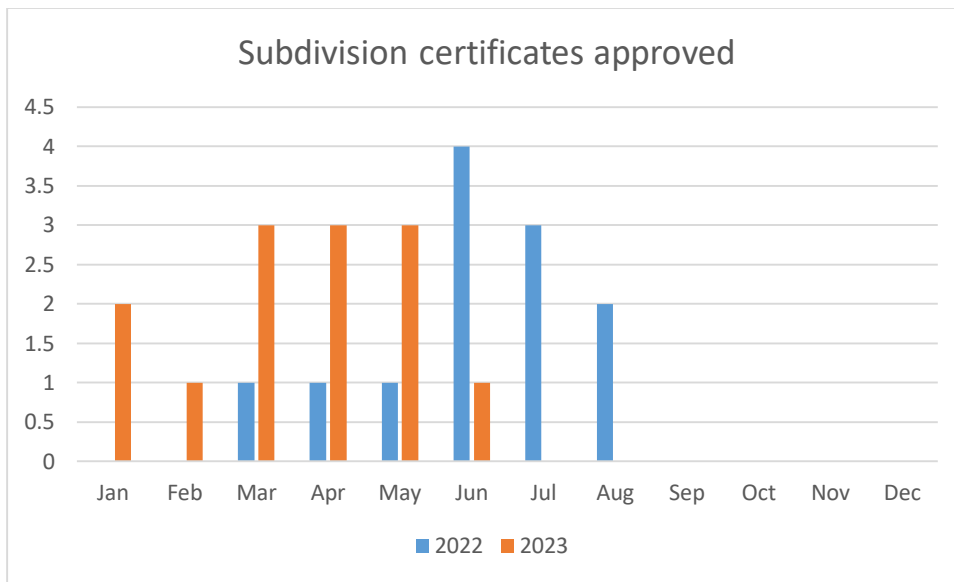
Construction Certificates

The number of Construction Certificates issued per month are detailed below:



Subdivision Certificates

Table 5 - The number of Subdivision Certificates issued per month are detailed below:



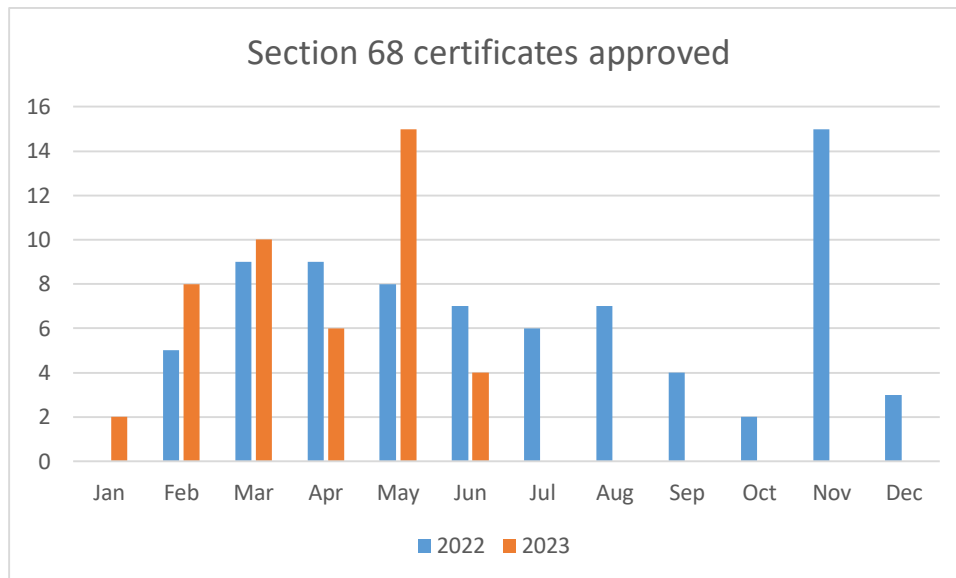
Planning Certificates

Table 6 - The number of Planning Certificates issued per month are detailed below



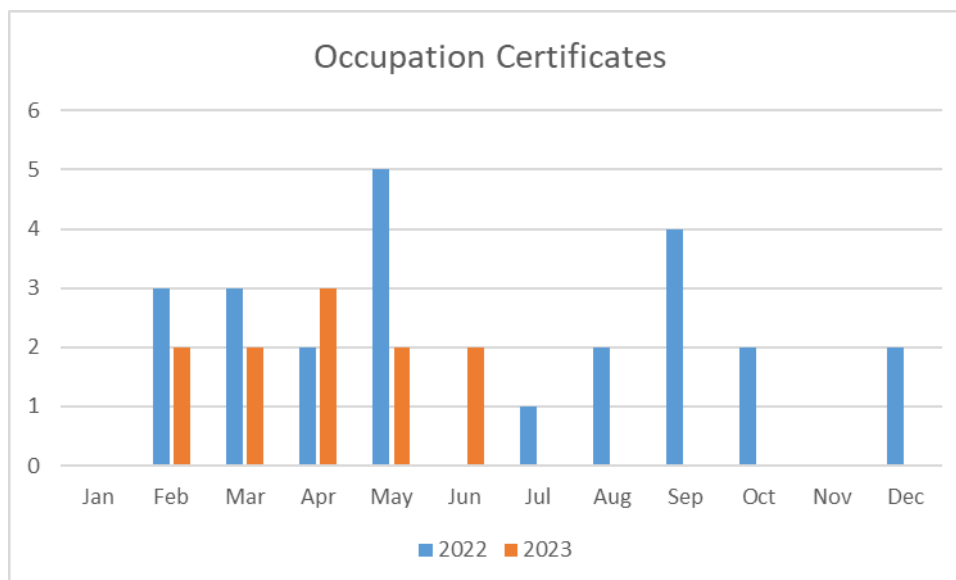
Section 68 Certificates

Table 7 - The number of Section 68 Certificates issued per month are detailed below:



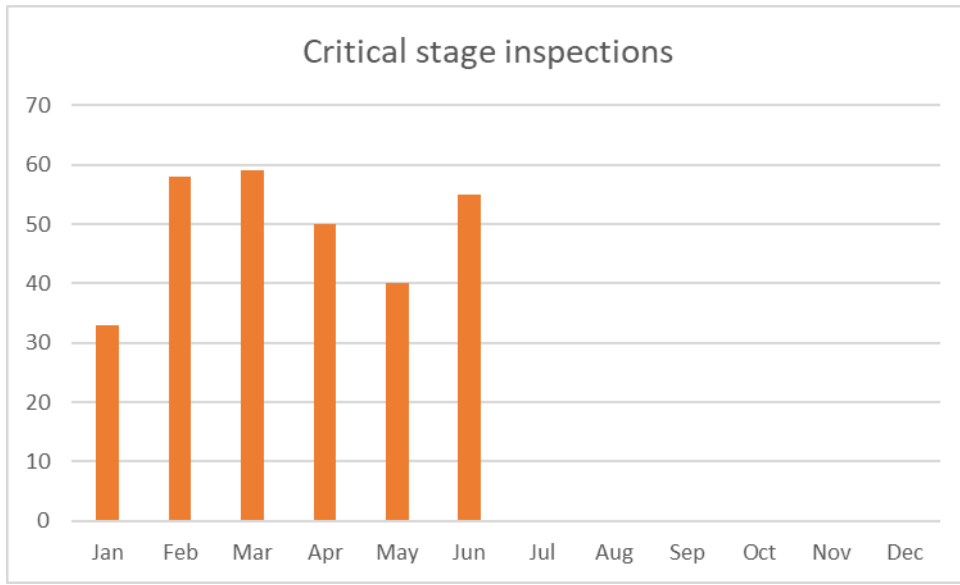
Occupation Certificates

Table 8 - The number of Occupation Certificates issued per month are detailed below:



Critical Stage Inspections

Table 9 - The number of Critical Stage Inspections undertaken per month are detailed below:



Clause 4.6 Variation to Development Standards

There have been no approved Clause 4.6 variations to development standards under the Upper Lachlan Local Environmental Plan 2010 during the April – June quarter.

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Information Only - 20 July 2023

ITEM 10.2 **Works In Progress - Construction & Maintenance**

FILE REFERENCE **I23/146**

AUTHOR **Director of Infrastructure**

ISSUE

This report provides Council with details regarding major construction works in progress or completed and current maintenance work in progress or recently completed in 2022/23.

RECOMMENDATION That –

1. Council receive the report and note the information.

REPORT

A summary of key works are detailed as follows.

Current Works

Grabine Road Reconstruction (Growing Local Economies Program)

The construction of large box culverts at Sandy Creek crossing on Grabine Road were completed in early April 2023. Installation of guardrail took place in May 2023 and line marking was completed in June 2023. This project is complete.

Jerrawa Road – Pavement Rehabilitation

Pavement Rehabilitation Works started in early February 2023 on the initial 1.5km of Jerrawa Road leaving Dalton. Roadside clearing, culvert replacement and upgrade and earthworks are complete. Sealing was completed in May 2023. Line marking completed. This project is complete pending remedial repair of seal in warmer weather.

Saxby and Carrington Street Footpath Works

Footpath works on Saxby Street, Gunning were completed in May 2023.

Carrington Street, Crookwell footpath works are ongoing. The first section from Brooklands Street through Apex Park and along Northcott Street is now complete. The second section is in progress to connect to the service station along Carrington Street, which is scheduled to be completed by July 2023.

A separate section of footpath from JD's Rural store in Goulburn Street, Crookwell to the existing pedestrian footbridge along Carrington Street was completed in June 2023.

Information Only

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

Laggan Road MR248E Rehabilitation (Regional Roads Repair Program)

Upgrade works on Laggan Road (MR248) in Crookwell between Clifton Street and Woodward Lane addressing pavement and stormwater issues. Works commenced late March 2023 with storm water pipes installed/renewed, kerb and gutter installed and part of road upgrade completed. Completion of works is underway and expected to be complete by end July 2023.

Golspie Road – Pavement Rehabilitation

Pavement Rehabilitation Works started in late April 2023 on a 1.5km section of Golspie Road from Woolshed Creek to Martyn Street Taralga. The scope of works also includes drainage improvements, driveway pipes, gravel overlay and sealing. This project is now complete.

Pedestrian School Zone Safety Program

Stage 1 (Raised pedestrian crossings) – All works have been completed.

Stage 2 (Line Marking and Signage) – All works have been completed.

Goulburn Road (MR54) – RMCC (State Road Funding)

Linemarking of the network was completed during May 2023.

Emergency heavy patch repairs at Elmgrove Road were completed in June 2023 and awaiting linemarking.

Batter slips North of Tuena are in design and costing phase.

Routine maintenance is ongoing.

Timber Bridge Replacements

Bridge components for all three outstanding timber bridge replacements have been delivered and construction has commenced at all three sites.

Construction on Cooksvale Road, over Peelwood River is complete. The existing structure will be removed when all three bridges have been completed.

Construction on Bridge over Burra Burra Creek on Blue Hills Road is complete with minor pavement realignment required.

Construction on Julong Road over the Crookwell River has been placed on hold following discovery of materially adverse site conditions. Additional geotechnical investigations and design work is underway.

Natural Disaster Restoration Works Program

Council crews are continually attending to unsealed roads and rehabilitation of large pavement failures of sealed section. Council has engaged contractors to both manage

Information Only

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

and undertake the storm damage restoration under the various Natural Disaster declarations.

Council has received approval for \$3.26M in funding to undertake Restoration Works so far for Natural Disaster with a further amount of approximately \$10M pending TfNSW approval.

Gravel Road Resheeting Program (Roads to Recovery)

Council's gravel resheeting program for the 2022/23 financial year comprised of \$500k to be spent on Redground Road, Redground Heights Road, Pejar Road, Glenerin Road, and Rugby Road. These works have been completed.

Upcoming Works

Goulburn Road (MR54) – RMCC (State Road Funding)

Routine maintenance continues into the 2023/24 financial year with a similar operating budget under the Road Maintenance Council Contract (RMCC) with TfNSW.

Heavy patching and bitumen sealing of a further seven segments are in planning and costing phase.

Seg330 (Rylstone Road) safety upgrade is in design stage and expected to be delivered this financial year.

Peelwood Road Reconstruction (Heavy Vehicle Safety and Production Program/Fixing Local Roads 6)

Construction commenced on Peelwood Road in October 2022. Major drainage works have taken place however works were stopped due to weather conditions with an extension of time for funding approved until December 2023. Works should recommence in September 2023.

Wheeo Road Reconstruction (Heavy Vehicle Safety and Production Program//Fixing Local Roads 6)

Construction commenced on Wheeo Road in October 2022. Major drainage works have taken place however, works were stopped due to weather conditions with an extension of time for funding approved until December 2023. Works recommenced in late March 2023 with the first 1km section completed in late April 2023.

Further funding (\$797k) has been secured under Fixing Country Roads Rd6 to complete road upgrades to Hawthornes Tree Road as per original design. This work is planned for late 2023.

Breadalbane Road Reconstruction (Fixing Local Roads 4)

Surveyors have been engaged with the design due to be completed by August 2023. Construction is scheduled to start September 2023 and completed by June 2024.

Information Only

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

Wombeyan Caves Road MR258

Additional funding has been received from National Parks Wildlife Service to cover cost escalations due to putting the project on hold. Currently awaiting the contractor to provide a revised program to complete the original scope of works.

Council is carrying out additional geotech investigations on the two new slips that are anticipated to be covered under the Natural Disasters grant.

Tablelands Way (MR 256 – Taralga Rd)

Council has received grant funding from the NSW State Government to upgrade four sections of Tablelands Way (also called Taralga Road or MR256) north of Taralga. These sections have been numbered in order of priority. Section 1 (the highest priority), is the replacement of an underperforming culvert/causeway arrangement over Burra Burra Creek with a single span bridge. Sections 2-4 are road upgrades with several curve realignments, widening and furnishing.

Detail design works on the Tablelands Way sections are complete other than the gabion retaining walls. Council is in discussion with the designer to undertake the design works for the gabion walls.

Detailed design of the bridge over Burra Burra Creek at Curraweela Section is complete. Construction tenders closed on 16 March 2023. Council declined to accept all tenders received due to the lack of any commercially advantageous submissions. Direct commercial negotiations are currently underway with the intent to enter a contract with one supplier for construction of a new bridge over Curraweela Creek as their alternative submissions are within budget and meets Council's requirements.

Ongoing Works

Resealing Program (Fixing Local Roads Round 2)

Council received \$4.3M in grant funding to be spent over the 2021/22 and 2022/23 financial years.

Reseals and reseal preparation works including heavy patching have been completed on Peelwood, Fullerton, Jerrawa, Collector, Roslyn and Bigga Roads. Cullerin Road is yet to commence. Work is scheduled to be completed by December 2023, weather dependant.

Regional and Local Resealing programs to be delivered as normal.

Flood Warning Systems

The scope of works include the upgrade of rain gauges to automated systems in Crookwell, Taralga, Collector and Gunning and installation of a new water level gauge at Gunning. The automated rain gauges and water level gauge will include alert facilities to SES and Council.

Information Only

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

The design stage of the project has been completed. Council has applied for a grant under the 2023-24 Floodplain Management Program to supply and install the infrastructure. The funding announcements is expected to be made by the State Department in November 2023.

Regional and Local Roads Repair Program (RLRRP)

Council has received funding through the Fixing Local Roads Pothole Repair Program and Regional and Local Roads Repair Program (RLRRP). This critical funding injection will ensure completion of road repairs, priority corrective maintenance works and repair of potholes on our local and regional road network. Individual roads are still to be nominated and agreed with the funding agencies. In accordance with the grant deeds, works must be completed by 1 January 2024 and 29 February 2024 respectively.

Routine Maintenance - Works in Progress/Completed Recently

Council will continue to prioritize road maintenance based on bus routes, road hierarchy, road damage and road usage. This will result in some roads being maintained as a higher priority and to a higher standard, while others will fall into lower priority category and maintained to a lower standard until the situation returns to normal. The continued wet weather over the past two years has resulted in Council being behind on its scheduled maintenance grading requirements as some roads are requiring additional maintenance.

Council's Infrastructure Department are **not** doing any private works or selling gravel from any of our pits at the moment due to the requirement to utilise all available time and resources to repair roads and maintain essential services for residents of the shire.

The current unsealed road maintenance grading and repair program is as follows.

Grading completed

- Rugby Road
- Biala Road
- Castle Hill Road
- Clancys Road
- Alton Hill Road
- Shaws Road
- Pomeroy Road
- Peelwood Road
- Cooksvale Road
- Wangalo Road
- Mt Costigan Road
- Redground Road
- Redground Heights Road
- Slater Road

Information Only

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

In Progress/Upcoming

- Sapphire Road
- Bullys Crossing Road
- Heffernans Lane
- Abbey Collins Road
- Ladevale Road
- Oolong Road
- Carnells Lane
- Rye Park Road
- Elms Road
- Berrebangalo Road
- Greendale Road
- Dawes Road
- Bridge Creek Road
- Kangaloolah Road
- Cuddyong Road
- Pejar Road
- Woodville Road
- Lost River Road

RECOMMENDATION That –

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Information Only - 20 July 2023

ITEM 10.3 **Investments for the month of June 2023**

FILE REFERENCE **I23/211**

AUTHOR **Director of Finance and Administration**

ISSUE

Council Investment Portfolio Register as at 30 June 2023.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

The investment portfolio register is provided for the information of Council.

REPORT

Investments to 30 June 2023

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	Call	\$1,250,000	0.25%	N/A	30-06-23	\$147.60
NAB	TD	\$1,000,000	4.14%	217	05-07-23	\$24,613.15
CBA	TD	\$1,000,000	4.21%	210	12-07-23	\$24,221.92
IMB	TD	\$1,000,000	4.10%	90	18-07-23	\$10,109.59
CBA	TD	\$1,000,000	4.30%	210	19-07-23	\$24,739.73
CBA	TD	\$500,000	4.22%	182	26-07-23	\$10,521.10
Bendigo Bank	TD	\$1,500,000	4.30%	90	26-07-23	\$15,904.11
NAB	TD	\$500,000	4.55%	90	01-08-23	\$5,609.59
Bank of Qld	TD	\$500,000	4.40%	196	02-08-23	\$11,813.70
NAB	TD	\$1,000,000	4.41%	210	09-08-23	\$25,372.60
IMB	TD	\$1,000,000	4.60%	90	15-08-23	\$11,342.47
CBA	TD	\$1,000,000	4.40%	196	16-08-23	\$23,627.40
CBA	TD	\$500,000	4.49%	90	22-08-23	\$5,535.62
IMB	TD	\$1,000,000	4.35%	189	23-08-23	\$22,524.66
Bank of Qld	TD	\$1,000,000	4.55%	90	29-08-23	\$11,219.18

Information Only**INVESTMENTS FOR THE MONTH OF JUNE 2023** cont'd

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	TD	\$1,000,000	4.66%	189	30-08-23	\$24,129.86
Bendigo Bank	TD	\$1,000,000	4.70%	90	05-09-23	\$11,589.04
IMB	TD	\$1,000,000	4.35%	189	06-09-23	\$22,524.66
Bendigo Bank	TD	\$1,000,000	4.25%	280	13-09-23	\$32,602.74
NAB	TD	\$500,000	5.05%	90	19-09-23	\$6,226.03
Bendigo Bank	TD	\$1,000,000	4.30%	273	20-09-23	\$32,161.64
IMB	TD	\$1,000,000	5.05%	90	26-09-23	\$12,452.05
CBA	TD	\$1,000,000	4.63%	217	05-10-23	\$27,526.30
Bank of Qld	TD	\$1,000,000	4.63%	217	11-10-23	\$27,526.30
Bank of Qld	TD	\$1,000,000	4.50%	217	18-10-23	\$26,753.42
Bank of Qld	TD	\$1,000,000	4.60%	217	25-10-23	\$27,347.95
NAB	TD	\$1,000,000	4.75%	244	01-11-23	\$31,753.42
Bendigo Bank	TD	\$1,000,000	4.65%	251	08-11-23	\$31,976.71
Bank of Qld	TD	\$1,000,000	4.60%	231	15-11-23	\$29,112.33
IMB	TD	\$1,000,000	4.30%	231	22-11-23	\$27,213.70
IMB	TD	\$1,000,000	5.30%	153	29-11-23	\$22,216.44
Bank of Qld	TD	\$1,000,000	4.75%	279	06-12-23	\$36,308.22
Bendigo Bank	TD	\$1,000,000	5.30%	167	13-12-23	\$24,249.32
NAB	TD	\$1,000,000	5.40%	188	03-01-24	\$27,813.70
NAB	TD	\$1,000,000	5.41%	195	10-01-24	\$28,902.74
		\$33,250,000				\$737,688.97

COUNCIL INVESTMENT PERFORMANCE: -**BUDGET COMPARISON TO 30 JUNE 2023**

Interest on Investments Received YTD	\$625,030
Annual budgeted amount for all funds	\$294,600
Percentage of Interest Received YTD	212.12%
Percentage of Year Elapsed	100.00%

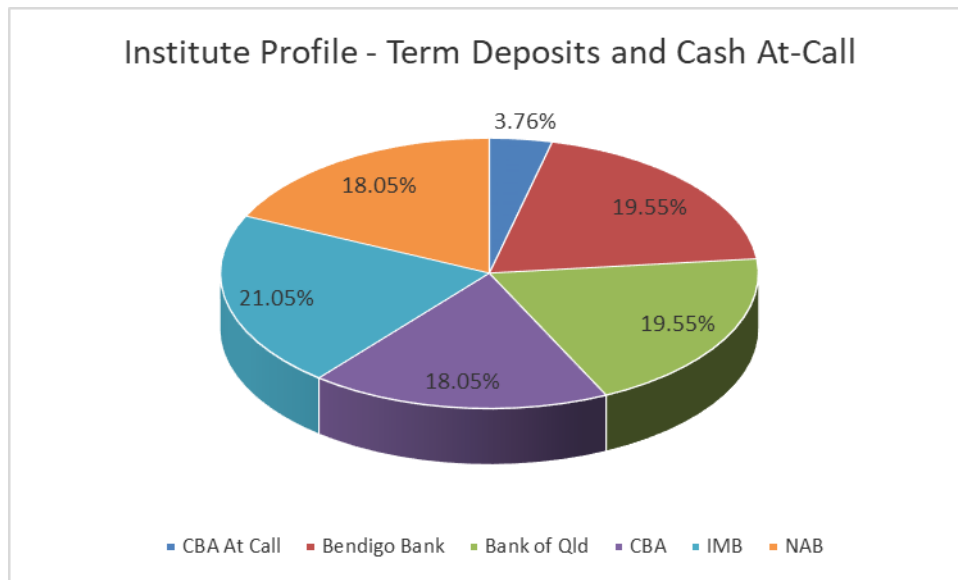
Average market interest rate (90 day BBSW)	4.23%
Average return on all investments	4.59%

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

FINANCIAL INSTITUTION INVESTMENTS PROFILE AS AT 30 JUNE 2023

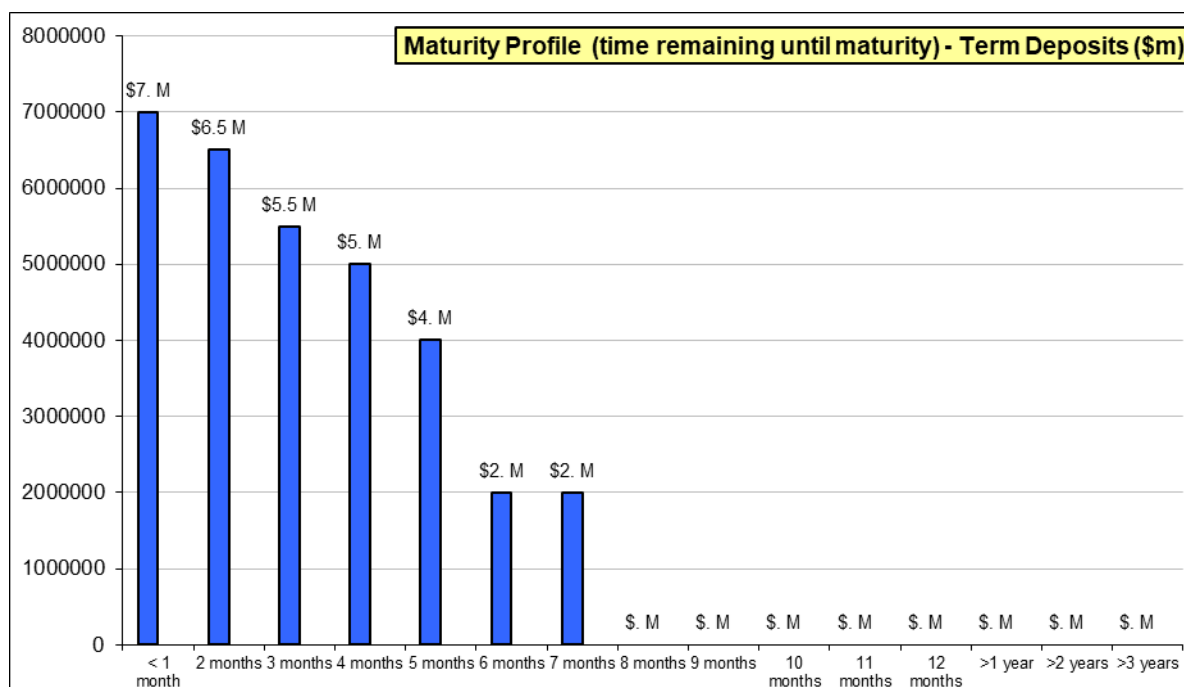
The following chart shows the current distribution of Council's investment portfolio between the authorised financial institutions used. The current distribution of funds between institutions complies with Council's Investment Policy which states:-

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



INVESTMENTS - MATURITY PROFILE AS AT 30 JUNE 2023

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



SUMMARY OF AVAILABLE CASH AT 30 JUNE 2023

TOTAL INVESTMENTS: - \$ **33,250,000**

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

General Fund Reserves	\$	21,315,415
Water Supply Fund Reserves	\$	3,605,732
Sewerage Fund Reserves	\$	6,244,154
Domestic Waste Management Fund Reserves	\$	2,076,078
Trust Fund Reserves	\$	8,621

POLICY IMPACT

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

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 20 July 2023

ITEM 10.4 **Bank Balance and Reconciliation - June 2023**

FILE REFERENCE **I23/212**

AUTHOR **Director of Finance and Administration**

ISSUE

Statement of Bank Balance and Reconciliation as at 30 June 2023.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

STATEMENT OF BANK BALANCE & RECONCILIATION

General Ledger Balance brought forward 31 May 2023	1,236,655.78
Add: Receipts for June 2023	<u>11,270,017.80</u>
	12,506,673.60
Deduct: Payments for June 2023	<u>12,180,082.56</u>
Balance as at 30 June 2023	<u>839,944.98</u>
Balance as per Bank Statement 30 June 2023	845,270.82
Add: Outstanding Deposits	<u>3,783.25</u>
	849,054.07
Less: Unpresented Cheques/ EFTs	<u>9,109.09</u>
Balance as at 30 June 2023	<u>839,944.98</u>

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 20 July 2023

ITEM 10.5 **Rates and Charges Outstanding for the month of June 2023**

FILE REFERENCE **I23/213**

AUTHOR **Director of Finance and Administration**

ISSUE

Rates and Charges Outstanding Report to 30 June 2023.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

A Summary report of the Rates and Charges outstanding at 30 June 2023 is detailed.

REPORT

There is an attached report titled "Rate Collection Year 2023" for the 2022/2023 financial year. A comparison of the rates and charges outstanding percentage to previous financial years is highlighted in the below table:-

Description	30/06/2023	31/05/2022	31/05/2021
Total % Rates and Charges Outstanding	3.64%	3.18%	2.29%
Total \$ Amount Rates and Charges Outstanding	\$515,575	\$403,076	\$289,671

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Rate Collection by Year - July 2023	Attachment
----------------------	-------------------------------------	------------

Rate Collection 2023 Year

Rating Categories	Levy Raised to date	Rates Received to 30 June 2023	Rates Outstanding to 30 June 2023	% Rates Outstanding 30 June 2023
Farmland	5,440,094.54	5,316,285.31	123,809.23	2.28%
Residential	1,453,045.16	1,383,263.14	69,782.02	4.80%
Rural Residential	811,503.49	780,669.28	30,834.21	3.80%
Business	604,841.54	599,553.85	5,287.69	0.87%
Mining	2,083.54	2,083.54	-	0.00%
Water	1,117,595.84	1,069,576.17	48,019.67	4.30%
Sewerage	1,795,627.73	1,721,212.89	74,414.84	4.14%
Domestic & Comm Waste	1,523,907.48	1,460,589.61	63,317.87	4.15%
Rural Waste	824,964.61	794,012.40	30,952.21	3.75%
Storm Water	48,965.74	46,843.26	2,122.48	4.33%
**Arrears	528,300.56	461,265.77	67,034.79	12.69%
Overall Total Rates	14,150,930.23	13,635,355.22	515,575.01	3.64%

Prepared by McLennanDate 3/7/23Authorised by Andrew G. GokeDate 3/7/2023

I:\2022-2023\Rates\Recs\%oust_June 30 - 2023 update Council

Information Only - 20 July 2023

ITEM 10.6 **Grants Report**

FILE REFERENCE **I23/214**

AUTHOR **Chief Executive Officer**

ISSUE

This report advises Council of grants available, grant applications in progress, submitted or unsuccessful applications and grant projects funded.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

The Grants Report is an attachment to this report for Councillors information.

A list of grants available and ongoing grants listed on Council's website can be accessed by the following link:

<https://www.upperlachlan.nsw.gov.au/community/grants>

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. Download	Grants and Projects Report for Council June 2023_FINAL	Attachment
-----------------------------	--	------------

Grants and Projects Report to Council - June 2023**Grant Applications in progress**

Grantee	Due or Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
LGP Procurement Capability Grant Program	28-Apr-23	Procurement Working Group - attend LGP Conference & network			\$ 3,500	\$ 3,500	\$ 3,500	Application lodged - Outcomes to be announced late June 2023.
		Professional Development - Training			\$ 25,000	\$ 25,000	\$ 25,000	Application lodged - Outcomes to be announced late June 2023.
		Spent Analysis - third party analysis			\$ 15,000	\$ 15,000	\$ 15,000	Application lodged - Outcomes to be announced late June 2023.
Regional Youth Holiday Break Program	12-May-23	Winter Holiday Break	\$ 483		\$ 6,968	\$ 7,451	\$ 7,451	Application lodged
EPA	19-Apr-23	Illegal Dumping and Flood Waste Recovery Program			\$ 516,442	\$ 516,442	\$ 516,442	Application lodged
Regional Road Repair Program 23/24	30-Apr-23	MR241 Dalton Road Rehabilitation	\$ 332,000		\$ 332,000	\$ 664,000	\$ 664,000	Application lodged
Floodplain Management Program	17-Apr-23	Flood Warning Systems Construction	\$ 47,400		\$ 189,600	\$ 237,000	\$ 237,000	Application lodged, announcements in Nov 2023.
Community Heritage Grants	2-Dec-22	ULSC Oral Aboriginal History Project	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	Successful Applications yet to be notified.

Grant Projects Funded

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Disaster Ready Fund - Round 1	14-Feb-23	Gunning Flood Mitigation Works	\$ 350,000		\$ 2,400,000	\$ 2,750,000	\$ 2,750,000	Successful Application, Implementation plan due in 2 weeks
Local Roads and Community Infrastructure Grant - Round 4 (Road)		Part B funding - allocation for road only projects			\$ 693,945	\$ 693,945	\$ 693,945	Councils will be able to access their Phase 4 funding allocations from July 2023, with projects to be delivered by June 2025.
Veolia	22-Feb-23	Lin Cooper Sport Amenities Upgrade (demolition and finishings)			\$ 90,900.00	\$ 90,900.00	\$ 90,900.00	Demolition work completed and footings installed. Anticipate building to be delivered to site on 11 July 2023.
Regional Youth - Children and Young People Wellbeing Recovery Initiative	31-Mar-22	Regional Youth - Small Grant (Dungeons and Dragons activities in the Library)			\$ 5,563	\$ 5,563	\$ 5,563	Activities are going well, with plans to provide a write-up to the funding body in the next month.
OLG NSW Severe Weather and Floods - AGRN 1025		Natural Disaster Funding - various programs			\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	Application successful. Funds received. Rob to update SmartyGrants Portal with projects.
Fixing Country Roads Round 6	14-Oct-22	Peelwood Road (co funded by Heavy vehicle safety and productivity program)	\$ 60,000	\$ 432,000	\$ 650,180	\$ 1,142,180	\$ 1,142,180	Funds to supplement ongoing project and all works to be completed by end FY24.
	14-Oct-22	Wheeo Road (co funded by Heavy vehicle safety and productivity program)	\$ 85,000	\$ 573,288	\$ 797,012	\$ 1,455,300	\$ 1,455,300	Funds to supplement ongoing project and all works to be completed by end FY24.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Fixing Local Roads - Round 4 - Region South	9-Sep-22	Breadalbane Road	\$ 150,857	\$ -	\$ 1,005,712	\$ 1,156,568	\$ 1,156,568	Surveyors engaged, design to be completed prior to Sep 23 and construction to start Sep 23 and complete end of FY24.
Regional Airport Program Round 3		Safety Upgrade Crookwell Aerodrome: smoothing ruts on airstrip, laying gravel base and sealing access road and pads for hangar construction and fencing	\$ 124,000	\$ -	\$ 124,000	\$ 248,000	\$ 248,000	Survey completed and design finalised for access roads and gravel pads. Council will do work in house. A contractor is tentatively booked to do the fence.
Local Roads and Community Infrastructure Grant - Phase 4		Council's Contribution for MAAC Stage 2 Heated Pool, Running/Walking Track and Exercise Bikes		\$ -	\$ 1,203,040	\$ 1,203,040	\$ 1,203,040	Application Successful
Regional and Local Roads Repair Program		Corrective Maintenance and Rehabilitation Works in the Shire between 1 January 2023 and 29 February 2024			\$ 3,482,373	\$ 3,482,373	\$ 3,482,373	Work plan has been lodged to TfNSW.
Female Friendly Community Sports Facilities		Female Friendly and Safe Gunning Pool Change Facilities and Amenities	\$ 15,000	\$ -	\$ 500,000	\$ 515,000	\$ 515,000	Application Successful, Building scope of works to engage RFT
Creative Capital Grant		Gunning Shire Hall Rejuvenation	\$ 12,299	\$ 2,000	\$ 92,623	\$ 106,922	\$ 106,922	Grey chairs have been ordered. Curtains ordered. Installation of lighting upgrades scheduled for July 2023. Ramp construction to be packaged with Gunning Court House and Crookwell Admin ramps to be more appealing to contractors.
Local Government Heritage NSW Grants	2-Dec-22	Local Heritage Advisor, Local Government Heritage Grants (Book Keepers Cottage)	\$ -	\$ 25,000	\$ 25,000	\$ 50,000	\$ 50,000	Book Keepers Cottage work is ongoing
Fixing Local Roads Pothole Repair Program Round 1	8-Nov-22	Pothole Repair in the Shire between 1 December 2022 and 1 January 2024	\$ -	\$ -	\$ 655,884	\$ 655,884	\$ 655,884	Works ongoing, funds to be spent by end of 2023.
Stronger Country Communities Fund (Round 5)	23-Sep-22	Program 1 Sustainable fit out for Crookwell Multi Aquatic Activity Centre - includes solar	\$ -	\$ -	\$ 829,915	\$ 829,915	\$ 829,915	Application Successful
Crown Reserves Improvement Fund	3-Jun-22	Power Upgrade Gunning Showground	\$ 39,350	\$ -	\$ 189,860	\$ 229,210	\$ 229,210	Application Successful. Concept designs for review.
Regional Reconnecting Grant	15-Jul-22	Upper Lachlan Christmas Fair 3 December 2022. Country Weekend 2023	\$ -	\$ -	\$ 239,651	\$ 239,000	\$ 239,000	Events complete. Aquittal due 30 June 2023.
2022/23 Walking & Cycling Program	28-Feb-22	Get NSW Active Program 2022/23 Gunning Saxby & Warrataw Street Footpath	\$ -	\$ -	\$ 150,000	\$ -	\$ 150,000	Works complete
		Get NSW Active Program 2022/23 Crookwell Carrington & Northcott Street Footpath	\$ -	\$ -	\$ 185,000	\$ -	\$ 185,000	Works ongoing and scheduled to be complete by August 2023.
Regional Road Repair Program	29-Apr-22	MR248 Laggan Road. Widen shoulder 1m both side, 200mm overlay total width, Lime stabilization for soft patches, pipe culvert extension and replacement, installation of traffic signage and guide post, double coat of bitumen sealing, line marking	\$ 332,000	\$ -	\$ 332,000	\$ 664,000	\$ 664,000	Survey & Design Works Complete. Construction works ongoing and scheduled to be complete by June 2023.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Road Safety Program, School Zone Infrastructure Sub Program	21-Mar-22	Various Roads - Upper Lachlan - Dragons Teeth, patches and signs.	\$ -	\$ -	\$ 263,000	\$ 263,000	\$ 263,000	Signage works are complete, delay with line marking contractor, new contractor engaged and works are 90% complete.
Department of Industry, Science and Resources	13-Oct-22	Wombeyan Caves Road - Slope Stabilisation	\$ -	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	Project delayed due to NPWS project at the caves, additional funding received from NPWS. Currently waiting for a programme from the contractor.
Transport NSW (TfNSW)	13-Oct-22		\$ -	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	
Multi Sport Community Facility Fund	25-Feb-22	MAAC Stage 2 Heated Pool, Running/Walking Track and Exercise Bikes	\$ 1,188,366	\$ -	\$ 1,188,366	\$ -	\$ 2,376,732	Project commenced. Slab has been poured and walls formed. Exercise bikes purchased.
NSW Planning Portal API Grant Program	9-Jun-22	ULSC Planning portal API augmentation. Integrating documents submitted over the planning portal into Council's records management system	\$ -	\$ -	\$ 80,000	\$ 80,000	\$ 80,000	Project progressing. Completion date 30 September depending on Department of Planning.
Open Space Program - Places to Play	4-Mar-22	Wattle Glen Adventure Park Grabben Gullen	\$ -	\$ -	\$ 500,000	\$ -	\$ 500,000	Landowner has withdrawn from this project.
Psychosocial Community Grants	24-Apr-22	Staff Wellbeing Program	\$ -	\$ -	\$ 24,300	\$ 24,300	\$ 24,300	April content delivered. May and June to come. Very successful when delivered face to face with the workforce.
NSW State Library's Public Library Infrastructure Grant	22-Oct-21	Upper Lachlan Shire Libraries Refurbishment	\$ -	\$ -	\$ 189,564	\$ 189,564	\$ 189,564	Final joinery has been delivered and installed. Still waiting for circulation desk to be delivered, this is currently in production. No date available at this stage.
Preparing Australian Communities Local Stream	6-Jan-22	Upgrade to Crookwell Emergency Operations Centre	\$ 20,920	\$ -	\$ 67,480	\$ 88,400	\$ 88,400	Emily Chalker - Additional screen ordered. Delivery & install expected in the coming weeks. Council Chambers - Camera & Microphone system ordered. Delivery and install expected in the coming weeks.
Black Summer Bushfire Recovery Grant	6-Oct-21	Taralga Dam: Preliminary assessments and design	\$ 20,000	\$ -	\$ 875,000	\$ 895,000	\$ 895,000	Scope of works for the project complete. Tender prepared and awarded. Preliminary study to qualify location has been complete. Investigations and Assessments to commence shortly. Land evaluation has been ordered and paid for and we are awaiting a report.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Local Roads and Community Infrastructure Grant - Phase 3	5-Oct-21	Stage 2 MAAC Multi Purpose Aquatic and Activity Centre: Toddlers pool and amenities	\$ 1,200,000	\$ -	\$ 1,206,096	\$ 2,406,096	\$ 2,406,096	Pipework and clayform installed to Toddler pool then base was prepped and poured. Portion of the structural steel and purlins were delivered to site. Steel cutters onsite prepping amenities building for steel installation
		Stormwater in North St, Gordon St, Soudan Rd, Wolseley Rd in Crookwell and Warrataw and Yass St in Gunning	\$ -	\$ -	\$ 650,000	\$ 650,000	\$ 650,000	Crookwell stormwater is now complete. Gunning stormwater project is in preliminary investigation stage. Council applied for further funding under Disaster Ready Fund Round 1, which was successful. Project will now proceed once investigations are finalised.
Regional Sport Facilities Fund (Round 2)	8-Oct-21	Lin Cooper Sport Amenities Upgrade	\$ 120,000	\$ -	\$ 978,601	\$ 1,098,601	\$ 998,601	Demolition work completed and footings installed. Anticipate building to be delivered to site on 11 July 2023.
Veolia Mulwaree Trust	15.09.21	Equipment for Coleman Park Inclusive Play space	\$ -	\$ -	\$ 45,455	\$ 45,455	\$ 45,455	Playground Concept design complete. Contract awarded to ModuPlay. Final design to be approved. Contractor to commence works in July 2023.
Council Litter Prevention Grant	8-Nov-21	Just Bin it - Big Belly bins and cigarette bins in Crookwell, Taralga and Gunning	\$ 2,500	\$ -	\$ 57,217	\$ 59,717	\$ 59,717	Bins installed and final remit returned to the NSW to finalise project.
Creative Capital Grant	11-Apr-22	Gunning Picture House Gallery Roof Restoration	\$ 5,150	\$ 11,000	\$ 498,522	\$ 514,672	\$ 514,672	Preparing tender documents with draft documents completed.
	26-Oct-21	Gunning Court Room upgrade	\$ -	\$ 10,000	\$ 65,559	\$ 75,559	\$ 75,559	Equipment purchased. Grand Piano Performance and Opening Day was successful. Ramp project to be packaged with Gunning Hall and Crookwell Admin ramps to be more appealing to contractors. Review completion due date and request extension if required.
Fixing Local Roads Round 3		Julong Road	\$ 75,000	\$ -	\$ 925,000	\$ 1,000,000	\$ 1,000,000	95% Complete. Further work has been delayed due to the current bridge works and the inability to get required heavy machinery across the other side until bridge has been completed.
		Middle Arm Roads						Work has been delayed. Due to commence June 2023
Integrated Water Cycle Management	9-Jun-21	Delivery of an Integrated Water Cycle Management (IWCN) Strategy for Upper Lachlan Shire Council.	\$ -		\$ 287,523	\$ 287,523	\$ 383,364	The IWCN Project has commenced. Delivery of IWCN Strategy - Re-evaluating Taralga Secure Yield to incorporate bore water production. Issues Paper under review with expectation to have comments returned to PW 28/4/2023.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Bushfire Local Economic Recovery Fund (BLERF)	28-Jan-21	Visitors Information Centre	\$ 150,000	\$ -	\$ 2,462,947	\$ 2,612,947	\$ 2,612,947	All in ground hydraulics and stormwater has been completed for the building. All reinforcement and formwork has been completed and the slab has now been poured. This includes all the structural steel cast-ins. The slab will now sit to be cured and then the structural steel will be installed.
Regional Connectivity Program	17-Nov-20	Upper Lachlan Rural Connectivity Solution	\$ 15,000	\$ 90,000	\$ 298,405	\$ 403,405	\$ 403,405	23 of the 35 sites have been completed with AAA status on 26 sites. The remaining sites have had the landowners identified and on target to complete over the next 3 months.
Everyone Can Play	3-Nov-20	Coleman Park Inclusive Play Space	\$ 150,000	\$ 150,000	\$ 300,000	\$ 600,000	\$ 600,000	Final design complete. Equipment ordered. Expected delivery April 2023
Crown Reserves Improvement Fund	8-Jul-20	Crookwell Caravan Park Improvements	\$ 30,000	\$ -	\$ 117,818	\$ 147,818	\$ 147,818	Digital signage installed and operational. Final steps are fencing around entrance to be ordered and installed as well as the signage to go on both buildings.
Local Roads and Community Infrastructure Grant - Phase 1	1-Jul-20	Multipurpose Aquatic and Activity Centre Stage 1 (25m pool and demolition); In addition Coleman Park Playground \$150,000	\$ 770,000		\$ 1,203,040	\$ 2,836,918	\$ 2,836,918	Inground plumbing to the plantroom complete and blockwork partially complete. Backfilling complete around the outdoor pool. Footings for plantroom have been installed and poured. Plantroom slab has been prepped and poured. Steel columns erected around the plantroom and upper deck slab for service vehicle access has been poured. Detail excavation has been completed, formwork and steel cages have commenced.
Local Roads and Community Infrastructure Grant - Phase 2	7-Oct-20				\$ 863,878			
Fixing Local Roads - Phase 2	11-Dec-20	Various Reseals - Cullerin, Bigga, Fullerton, Jerrawa, Peelwood, Collector, Roslyn Roads.	\$ 228,016	\$ -	\$ 4,332,280	\$ 4,560,296	\$ 4,560,296	Peelwood , Fullerton, Jerrawa and Collector are completed. Roslyn and Bigga Roads are completed. Cullerin is yet to be started.
Heavy Vehicle Safety and Productivity Program Round 7	29-May-20	Peelwood road Upgrade 3km	\$ 60,000	\$ 650,180	\$ 432,100	\$ 1,142,280	\$ 1,142,280	Project Extension obtained, works to recommence next financial year.
Heavy Vehicle Safety and Productivity Program Round 7	29-May-20	Wheeo Road Upgrade 5km	\$ 85,000	\$ 797,012	\$ 573,288	\$ 1,455,300	\$ 1,455,300	Upgrade currently in progress/ Due for completion.
Bridges Renewal Program Round 5	29-May-20	Crookwell River Bridge - Julong	\$ 76,860	\$ -	\$ 768,600	\$ 1,537,200	\$ 1,537,200	Construction underway. Latent site conditions encountered, foundation redesign required. Commencement of works has been delayed. Updated 23/05/2023
Fixing Country Bridges	9-Oct-20				\$ 691,740			
Bridges Renewal Program Round 5	29-May-20	Burra Burra Creek Bridge - Blue Hill Road	\$ 47,973	\$ -	\$ 479,726	\$ 959,452	\$ 959,452	New construction works complete, demolition of existing bridge outstanding. Updated 23/05/2023
Fixing Country Bridges	9-Oct-20				\$ 431,753			

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Bridges Renewal Program Round 5	29-May-20	Peelwood Creek Bridge - Cooksvale Rd	\$ 55,262	\$ -	\$ 552,614	\$ 1,105,228	\$ 1,105,228	New construction works complete, demolition of existing bridge outstanding. Updated 23/05/2023
Fixing Country Bridges	9-Oct-20				\$ 497,352			
Showground Stimulus Funding Program Tranche 2 19/20	25-Apr-20	Gunning Showground Amenities Fit out	\$ -	\$ -	\$ 37,400	\$ 37,400	\$ 37,400	Project Commenced. Updated 23/05/2023
Country Passenger Transport Infrastructure Grant	27-Aug-19	Gunning and Dalton Bus Stops	\$ 20,000	\$ -	\$ 22,000	\$ 42,000	\$ 42,000	Not required. Council to return initial funding received.
Fixing Local Roads	2-Dec-19	Collector Road Upgrade 3km	\$ 495,300	\$ -	\$ 1,485,900	\$ 1,981,200	\$ 1,981,200	Majority of the works have been completed, all works will be completed by end of FY.
Stronger Country Communities Fund (Round 3)	18-Sep-19	Gunning Showground Amenities Construction	\$ 50,000	\$ -	\$ 672,747	\$ 722,747	\$ 722,747	Project Commenced. Updated 23/05/2023
Regional Growth Growing Local Economies Fund	5-Jul-18	Grabine Road Upgrade	\$ 200,000	\$ -	\$ 3,300,000	\$ 3,500,000	\$ 3,500,000	Issue to be resolved on project scope completed prior to lodging PCR.
Growing Local Economies Fund	2019	Tablelands Way	\$ 329,215	\$ -	\$ 6,255,079	\$ 6,584,294	\$ 6,584,294	Bridge successful tender engaged, roadworks redesign nearing completion.

Information Only - 20 July 2023

ITEM 10.7 Action Summary - Council Decisions

FILE REFERENCE I23/215

AUTHOR Chief Executive Officer

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 April 2022

84/22	1. That the Upper Lachlan Shire Council move to reinstitute a Youth Council committee."	CEO	Policy to be reviewed and A further meeting be convened with relevant councillors
88/22	1. The General Manager provides a report to Council at the June 2022 meeting detailing a path forward for council to explore the economic development opportunities and the creation of independent income streams."	CEO	Workshop held in September 2022. Draft REDS to be adopted & surveys to be completed by councillors prior to the development of the new ED strategy.

Council Meeting: 16 June 2022

115/22	1. Council defer decision on the draft Nature Strips and Trees Policy.	Acting DEP	Policy to come back to future Council meeting after workshop occurs
--------	--	------------	---

Council Meeting: 18 August 2022

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

182/22	1. Item 11.1 Adoption of Upper Lachlan Shire Heritage Review be deferred to a future Council meeting.	Acting DEP	Workshop is being held on the 27 June 2023.
--------	---	------------	---

Council Meeting: 20 October 2022

229/22	<ol style="list-style-type: none">1. Council resolve to close as public road the Council roads located shown as Lot 1 DP 1224882 and Lot 2 DP 1224882 in the vicinity of Laggan Road.2. Council resolve that upon closure, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening on Laggan Road	DOI	Referred back to Council June 2023 for plans for notice. Adjoining Landowners notified of plan registration
--------	--	-----	---

Council Meeting: 16 February 2023

16/23	1. That Council review Model Media Policy after workshop within the next three months.	CEO	Workshop was held on the 27 June 2023
-------	--	-----	---------------------------------------

Council Meeting: 16 March 2023

38/23	<ol style="list-style-type: none">1. Wombeyan Caves Road remains closed between Langs Road and the Wombeyan Caves Reserve until additional funds are secured to complete the works required to provide a safe road for road users.2. Council seeks further grant funding in order to carry out the additional works required to address the safety issues which prevent the Wombeyan Caves Road from being open for public use.3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with the preferred tenderer once the additional funds are secured to complete the Slope Stability Works.	DOI	Ongoing process and negotiations.
-------	---	-----	-----------------------------------

Council Meeting: 20 April 2023

44/22	1. Council call a meeting with RFS, SES and Bushfire Management Council to discuss how to advocate on their behalf for better recruitment and support services.	CEO/ Mayor	CEO met with RFS who indicated they did not require further volunteers at this time. Meeting to be arranged with SES at later date.
48/22	<ol style="list-style-type: none"> 1. Council endorse the draft policy Council-related Development Application Conflict of Interest; 2. Council exhibit the draft policy for a minimum of 28 days in accordance with the provisions of Council's Community Participation Plan; 3. A further report be presented to Council if there are any substantial changes to the draft policy arising from the public exhibition; 4. Where no substantial changes arise from the public exhibition, the draft policy be considered adopted and published to Council's website; and 5. That Council amend the Community Participation Plan to reflect the exhibition period for Council-related development applications, being 28 days. 	Acting DEP	<p>Draft policy placed on public exhibition on 25 May 2023.</p> <p>Further report to come back to Council.</p>
49/23	<ol style="list-style-type: none"> 1. Council resolve to close two sections of public road of approximately 6991 m² near Devil's Elbow on Grabben Gullen Road, Merrill. 2. Council resolve that upon closure of the two sections of road, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening at this location on Grabben Gullen Road, Merrill. 	DOI	Road Closing process currently being prepared Council's Legal team R J McCarthy
60/23	<ol style="list-style-type: none"> 1. Council discontinues the current tender process; and that 2. Council decline to accept all tenders received due to the lack of any commercially advantageous submissions; and that 3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with both Bridge and Marine Engineering 	DOI	Negotiations currently in progress

	and Saunders Civilbuild Pty Limited with the intent to enter a contract with one supplier for construction of a new Bridge over Curaweela Creek as their alternative submissions are within budget and meets Council's requirements.		
--	--	--	--

Council Meeting: 18 May 2023

73/23	<ol style="list-style-type: none"> 1. Council exhibits the Draft Liquid Trade Waste Policy (the Policy) for public exhibition and comment for 28 days; and 2. Council considers a further report on the outcome of the exhibition and for adoption of the policy. 	Acting DEP / Manager WWS	Draft Liquid Trade Waste Policy placed on public exhibition. Public Notice in Upper Lachlan Gazette and Gunning Lions Newsletter and documents on Council website. Public Notice advertised from 23 May 2023.
76/23	<ol style="list-style-type: none"> 2. The CEO will produce and present a full report based on the operational KPI's from the Tourism and Promotion business unit that has occurred during the 2022/2023 financial year by July 2023 Council meeting. 	CEO	Report to come back to July 2023 Council meeting.
77/23	<ol style="list-style-type: none"> 1. Council adopts the reviewed Volunteers Policy. 	EA/CEO	<p>Policy published on Council website on 19 May 2023</p> <p>Policy shared with relevant teams.</p>
78/23	<ol style="list-style-type: none"> 1. Council delegate the General Manager to allocate funds from developer contributions to negotiate and register easements for the existing and future stormwater discharges onto private property in the north Crookwell stormwater catchment. 2. Council delegate the General Manager to allocate funds from developer contributions for the construction of a stormwater culvert at Gordon Park, Crookwell. 	CEO	Funds Allocated.

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

85/22	1. That the residual amount of \$2152.83 from the Office of Regional Youth, Regional Youth Network funding for RUOK be transferred to Crookwell High Student Representative Committee for relevant future initiative"	DFA / Cr Marshall	Invoice received from Crookwell High School sent to accounts for payment 04 June 2023.
-------	---	-------------------	--

Council Meeting: 15 June 2023

92/23	<ol style="list-style-type: none">1. Council submit the planning proposal for a gateway determination to amend the <i>Upper Lachlan Local Environmental Plan 2010</i> by rezoning Lot 24 DP 119250 from <i>RU1 Primary Production</i> to part <i>R2 - Low Density Residential</i> and <i>R5 - Large Lot Residential</i> and reduce the minimum permissible lot size from 40Ha to part 800m² and part 2,000m² respectively.2. Council request the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the <i>Environmental Planning and Assessment Act 1979</i>.3. Council delegate authority to the Chief Executive Officer to undertake any required changes.4. Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time.	DEP	Planning Proposal submitted for Gateway Determination and returned due to insufficient information in DoP.
93/23	<ol style="list-style-type: none">1. Council submit the planning proposal for a Gateway Determination to amend the <i>Upper Lachlan Local Environmental Plan 2010</i> by;<ul style="list-style-type: none">- changing the Zone and Minimum Lot Size Provisions of Lot 2 DP 1233492 (part) from <i>RU2 Rural Landscape</i> zone to <i>RU5 Village</i> zone and reduce the minimum lot size from 80ha to 4,000m² to enable the development of dwelling houses on lots to be created under the <i>Upper Lachlan Local Environmental Plan 2010 (LEP 2010)</i>; and- changing the Zone and Minimum Lot Size Provisions of Lot 2 DP 1233492 (part), Lot 1 DP 239858	DEP	Planning Proposal submitted for Gateway Determination and with DoP.

	<p>and Lot 1 DP 1253980 and roads proposed to be closed from RU2 Rural Landscape zone to C3 Environmental Management zone and reduce the minimum lot size from 80ha to 10ha to enable permissible uses to be undertaken on the lots under the <i>Upper Lachlan Local Environmental Plan 2010 (LEP 2010)</i>.</p> <ol style="list-style-type: none"> 2. Council requested the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979. 3. Council delegate authority to the Chief Executive Officer to undertake any required changes. 4. Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time. 		
94/23	<ol style="list-style-type: none"> 1. Council fund the outstanding works to enable the building to be finalised by allocating \$100,000.00 to cover the current shortfall; and 2. Council allocate the required funding for the Section 7.11 Reserves allocated to 'Community Facilities'. 	DFA	Funds allocated and included in 2022/2023 budget.
95/23	<ol style="list-style-type: none"> 1. Council notes the determination of annual fees by the Local Government Remuneration Tribunal for Councillors and Mayors and resolves to set a Rural Category fee structure for the period 2023/2024 being, Councillors Annual Fee of \$13,030 and a Mayoral Fee of \$28,430. 	DFA	Council staff advised of new Councillor and Mayoral Fees which take effect in July.
96/23	<ol style="list-style-type: none"> 1. Council adopts the reviewed Code of Business Practice. 	EA	Placed on Councils Website 28/06/2023
97/23	<ol style="list-style-type: none"> 1. Council, in accordance with Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 resolve to adopt the following Strategic Plans:- <ol style="list-style-type: none"> 1. Operational Plan 2023/2024; 2. Delivery Program 2023/2024 – 2026/2027; 3. Long Term Financial Plan 2023-2032; 	DFA	Council IPR plans placed on Council website 4 July 2023.

	<p>4. Infrastructure Plan 2023-2032; and</p> <p>5. Workforce Plan 2023/2024 – 2026/2027.</p>		
98/23	1. Council resolves to adopt the delegation to the Chief Executive Officer, Alexandra Waldron. The Council Mayor signs the delegation and affixes the Common Seal of the Upper Lachlan Shire Council to this delegation.	CEO/EA	Delegation signed on 27 June 2023 by Mayor
99/23	<p>1. Council adopt that all references in Council policies, procedures, contracts, Code of Practices, Code of Conduct and all other legal documentation (including legislation) that refers to General Manager shall be taken to be replaced with the title known as Chief Executive Officer of the Upper Lachlan Shire Council.</p> <p>2. Council will progressively update and remove all references to General Manager in Council documents.</p>	CEO/EA	Ongoing
100/23	<p>1. Adopts the Section 355 Economic Development Advisory Committee Charter.</p> <p>2. Advertise an 'Expression of Interest' to invite members of the community to join the Upper Lachlan Shire Council Economic Development Advisory Committee.</p>	CEO/EA/ MO	EOI advertised on 28 June 2023
102/23	1. Cllrs M McDonald, J Searl and S Reynolds be appointed to the Economic Development Advisory Committee, with Cllr Woodbridge as the alternate.	CEO/EA	
103/23	<p>1. Adopts the Section 355 Tourism and Event Management Advisory Committee Charter.</p> <p>2. Advertise an 'Expression of Interest' to invite members of the community to join the Upper Lachlan Shire Council Tourism and Event Management Advisory Committee.</p>	CEO/EA/ MO	EOI advertised on 28 June 2023
104/23	1. Cllrs M McDonald, J Searl and S Reynolds be nominated and appointed to the Tourism and Event Management Advisory Committee with Cllr Woodbridge as the alternate.	CEO/EA	

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

106/23	1. That Council accepts the elected office bearers and Committee members contained in the Minutes of the Gunning Arts Festival Annual General Meeting held 4 December 2022.	EA	Correspondence sent on 11 July 2023																
107/23	1. That funds to the total of \$21,928.00 be forwarded to the Gunning Early Learning Centre as per Committee recommendation item 4.1 of the minutes.	DEP	Correspondence sent on 15 June 2023 to Gunning Early Learning Centre																
108/23	<div>1. That funds to the total of \$72,399.54 be forwarded as per list below as per recommendation 4.1 of the minutes.</div> <table><tr><td>Australian Agricultural Centre</td><td>\$10,000.00</td></tr><tr><td>Anglican Church Parish of Crookwell – St George's Church</td><td>\$7,282.00</td></tr><tr><td>Breadalbane Hall Committee</td><td>\$1,100.00</td></tr><tr><td>Upper Lachlan Landcare Inc</td><td>\$11,121.00</td></tr><tr><td>Anglican Church Parish of Crookwell – St Bartholomew's Church</td><td>\$24,847.00</td></tr><tr><td>International Women's Day 2024</td><td>\$3,500.00</td></tr><tr><td>Southern Tablelands Group 12</td><td>\$14,549.54</td></tr><tr><td>TOTAL</td><td>\$72,399.54</td></tr></table>	Australian Agricultural Centre	\$10,000.00	Anglican Church Parish of Crookwell – St George's Church	\$7,282.00	Breadalbane Hall Committee	\$1,100.00	Upper Lachlan Landcare Inc	\$11,121.00	Anglican Church Parish of Crookwell – St Bartholomew's Church	\$24,847.00	International Women's Day 2024	\$3,500.00	Southern Tablelands Group 12	\$14,549.54	TOTAL	\$72,399.54	DEP	Correspondence sent to recipients on 15 June 2023.
Australian Agricultural Centre	\$10,000.00																		
Anglican Church Parish of Crookwell – St George's Church	\$7,282.00																		
Breadalbane Hall Committee	\$1,100.00																		
Upper Lachlan Landcare Inc	\$11,121.00																		
Anglican Church Parish of Crookwell – St Bartholomew's Church	\$24,847.00																		
International Women's Day 2024	\$3,500.00																		
Southern Tablelands Group 12	\$14,549.54																		
TOTAL	\$72,399.54																		
109/23	<div>1. That funds to the total of \$255,108.90 be forwarded as per list below as per recommendation 4.1 of the minutes.</div> <table><tr><td>Collector Public School – Enhancing Aboriginal Culture</td><td>\$3,623.00</td></tr><tr><td>Collector Public School – “Our Land Our Stories” Resource Kits</td><td>\$2,259.70</td></tr><tr><td>Collector Public School – Native Memorial Garden</td><td>\$2,250.00</td></tr><tr><td>Collector Bushranger's Reserve Trust – Pump Track</td><td>\$146,410.00</td></tr><tr><td>Collector Community Association – Youth Program</td><td>\$7,474.60</td></tr><tr><td>Collector Community Association – Strategic Project</td><td>\$88,000.00</td></tr><tr><td>Collector Oval Committee – Amenities Enhancement</td><td>\$5,091.60</td></tr><tr><td>TOTAL</td><td>\$255,108.90</td></tr></table>	Collector Public School – Enhancing Aboriginal Culture	\$3,623.00	Collector Public School – “Our Land Our Stories” Resource Kits	\$2,259.70	Collector Public School – Native Memorial Garden	\$2,250.00	Collector Bushranger's Reserve Trust – Pump Track	\$146,410.00	Collector Community Association – Youth Program	\$7,474.60	Collector Community Association – Strategic Project	\$88,000.00	Collector Oval Committee – Amenities Enhancement	\$5,091.60	TOTAL	\$255,108.90	DEP	Correspondence sent to recipients on 15 June 2023.
Collector Public School – Enhancing Aboriginal Culture	\$3,623.00																		
Collector Public School – “Our Land Our Stories” Resource Kits	\$2,259.70																		
Collector Public School – Native Memorial Garden	\$2,250.00																		
Collector Bushranger's Reserve Trust – Pump Track	\$146,410.00																		
Collector Community Association – Youth Program	\$7,474.60																		
Collector Community Association – Strategic Project	\$88,000.00																		
Collector Oval Committee – Amenities Enhancement	\$5,091.60																		
TOTAL	\$255,108.90																		
112/23	1. Council purchase one MAN TGS 26.540 for the sum of \$291,380.91 ex GST from Hartwigs.	DOI	Successful tenderer notified on 20 June 2023.																

Information Only

ACTION SUMMARY - COUNCIL DECISIONS cont'd

	2. Council trade in existing truck (plant 713) with Hartwigs.		
--	---	--	--

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

11 ENVIRONMENT AND PLANNING

The following items are submitted for consideration -

11.1	Revocation of Dangerous Dog Orders 6630 Abercrombie Road Tuena	90
11.2	Adoption of Council related Development Application Conflict of Interest Policy	101

Environment and Planning - 20 July 2023

ITEM 11.1 **Revocation of Dangerous Dog Orders 6630 Abercrombie Road Tuena**

FILE REFERENCE **I22/172**

AUTHOR **Coordinator Parks & Biosecurity**

ISSUE

This report is to provide Council with all available information in order that it may be able to make a determination on an application for the revocation of two Dangerous Dog Orders.

RECOMMENDATION That –

1. Council revoke the dangerous dog declaration as issued by Liverpool City Council issued against the Female Border Collie (Microchip No. 943094320461950) and the Female Beagle/Pointer (Microchip No. 953010001334833).

BACKGROUND

It was alleged by Liverpool City Council, that on the 18 September 2018, that two dogs (described below) entered a property at 69 Derna St Holsworthy NSW, and attacked and killed a cat. Liverpool City Council issued two Dangerous Dog Orders for these dogs, which were confirmed on the 30 October 2018. The owners of the dogs Ms Lana Kuipers and Hayden Falkenberg, 6630 Abercrombie Rd, Tuena NSW, 2583, are now applying to Upper Lachlan Shire Council for these orders to be revoked, as the dogs are now ordinarily kept in this LGA.

REPORT

A Dangerous Dog Order may only be revoked by Council. An application may be made to the Council where the dogs are ordinarily kept (Companion Animals Act 1998). Please see below regarding the Section

- **Sect 39 Companion Animals Act 1998**
- (1) *The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*
- (1A) *An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*
- (2) *The council to which the application is made may revoke the declaration but only if satisfied that—*

- *(a) it is appropriate to do so, and*
- *(b) if the council determines that it is necessary—the dog has undergone appropriate behavioural training.*
- *(2A) In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*
- *(3) The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

Upper Lachlan Shire Council has received an application to revoke two Dangerous Dog Orders. The dogs to which these Orders apply are now currently kept at 6630 Abercrombie Rd, Tuena, NSW, 2583, which is located in the LGA of Upper Lachlan Shire Council. The two dogs are identified as follows:

- “Bonnie” Microchip No. 943094320461950 Female Border Collie
- “Maggie” Microchip No. 953010001334833 Female Beagle/Pointer X

The two dogs, the subject of this report, have been recorded by Liverpool City Council, as having on the 18 September 2018, escaped from 67 Derna Rd, Holsworthy NSW and entered 69 Derna Rd Holsworthy. Whilst at that address have attacked and killed a cat. Liverpool City Council declared the dogs dangerous on the 30 October 2018. The owner of the dogs appealed this decision, however, Liverpool City Council dismissed this appeal and the Orders confirmed. Information has been received by this office, that Liverpool City Council issued a Penalty Notice in regards the attack. The owners prepared to defend that matter at Local Court and a date was set for hearing, however a week before the matter was to be heard, Liverpool City Council withdrew the action. This has been confirmed by the owner of the dogs Ms Lana Kuipers, who has supplied an e-mail from Liverpool City Council, that the matter was withdrawn for lack of evidence.

A search of the Companion Animals Registry records for these dogs was completed and there were no reports of these dogs attacking prior to or since this incident.

Council Officers are not qualified as a Temperament Assessor, and therefore cannot provide a qualified opinion as to the potential danger these dogs may present.

The owners of the dogs, have supplied two Temperament Assessment Reports for the dogs in question. Ms Debra Coleman, who is a qualified Temperament Assessor, has supplied the reports. Ms Coleman recommends that in both cases that the Dangerous Dog Orders be revoked.

A request was sent to Liverpool City Council for all documents, reports, witness statements etc., regarding the matter, to be forwarded to this Council. Liverpool City Council were only able to forward on the Dangerous Dog Orders, which hold scant information regarding the alleged attack.

**REVOCATION OF DANGEROUS DOG ORDERS 6630 ABERCROMBIE ROAD
TUENA cont'd**

As staff are not qualified as a Temperament Assessor and the information relating to the alleged attack is minimal at best, Council Officers are relying on the Temperament Assessment Reports to formulate a determination. However, the following facts are presented for Council's consideration;

- There were no recorded witnesses to the alleged attack;
- There are no records of the attack other than the Dangerous Dog Orders;
- A Penalty Notice issued by Liverpool City Council was withdrawn for lack of evidence;
- Liverpool City Council have not offered a recommendation in relation to the application;
- A qualified Temperament Assessor has recommend that in both instances, the Dangerous Dog Orders be revoked; and
- There are no recorded reports of these dogs attacking either prior to or since this incident.

POLICY IMPACT

NIL

OPTIONS

- Option 1: Council revoke the dangerous dog order in accordance with Section 39 of the Companion Animals Act 1989; or
- Option 2: Council not support the application to revoke the dangerous dog order.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That –

1. Council revoke the dangerous dog declaration as issued by Liverpool City Council issued against the Female Border Collie (Microchip No. 943094320461950) and the Female Beagle/Pointer (Microchip No. 953010001334833).

ATTACHMENTS

1. ↓	Temperament Assessment Lana Kuipers (Maggie)	Attachment
2. ↓	Temperament Assessment Lana Kuipers (Bonnie)	Attachment



Debra Coleman T/A The Dog Lady
46 Shadforth Drive Shadforth NSW 2800
Phone: 0408 955 346 Email: debidogladylady@gmail.com
www.dogladylady.com.au

Temperament Assessment

Supplied in confidence to:

Client name: Lana Kuipers
Address: 6630 Abercrombie Rd, Tuena NSW 2583
Dog's name: Maggie
Microchip number: 953010001334833
Breed: Beagle x Pointer
Date of Evaluation: 07/01/2021

Assessor's Experience:

I am a professional, nationally, and internationally accredited dog trainer with 18 years' experience helping dog owners train their dogs and address dog behaviour issues throughout Central West NSW. I have been assessing Therapy Dogs since 2004 involving training and assessing dogs to visit nursing homes, hospitals, and schools. I am a qualified TAFE teacher teaching subjects including dog behaviour – and other animal behaviour - to both adult and school age students from 2010-2020. I was the Coordinator of the SPOT (Safe Pets Out There) Program from 2007 – 2009 teaching dog bite prevention to junior school students and the inaugural head trainer for the Dogs for Diggers Program at the Bathurst Correctional Facility assessing rescue dogs, training, and rehoming for retired ex-servicemen. I was on committee for creating the international Pet Dog Ambassador Program for Pet Professional Guild. I am internationally accredited with CPDT-KA – Certified Council for Professional Dog Trainers and a Certified Professional Dog Trainer with Delta Society Australia. I am an approved Temperament Assessor with Dogs NSW and was voted Australian Pet Dog Trainer of the Year 2017. I am an accredited professional fear free trainer. I consult with a major international pet food company where I am responsible for implementation of behaviour modification plans and training both puppies and adult dogs. I ensure currency by attending conferences and webinars - both overseas and in Australia – on a regular basis. I use modern and scientifically proven techniques in my positive reinforcement training.

Qualifications/Memberships:

- Certificate IV in Dog Behavioural Training
- Certificate IV in Training and Assessment
- Certified Professional Dog Trainer - CPDT- KA (USA)
- Certified Professional Dog Trainer – Delta Society Australia
- Accredited Canine Temperament Evaluator for Delta Society Australia
- Accredited Temperament Assessor Dogs NSW
- Accredited Assessor for (CGC) Canine Good Citizen Award
- Accredited Assessor Mind Dogs Australia
- Accredited Fear Free Professional
- Member (APDT) Australian Pet Dog Trainers Association
- Member (PPGA) Pet Professional Guild Australia

Basis of Evaluation:

Mr Falkenberg and Ms Lana Kuipers currently reside together in Moorebank NSW with their children. Their dogs, Bonnie and Maggie are residing in Tuena NSW.

Family was living in Holsworthy on 18th September 2018 when the dogs are alleged to have jumped the fence into a neighbouring yard and attacked a cat. Cat subsequently died from injuries received. Bonnie and Maggie were declared to be Dangerous Dogs on 30th October 2018. Dogs were relocated to family property in Tuena after the alleged attack.

Mr Falkenberg and Ms Kuipers have engaged me to complete an independent Temperament Assessment of both dogs with the view to having the Dangerous Dog declarations revoked and bringing the dogs back to their new premises at Moorebank to live with the family.

Evaluation Results:

I spent 60 mins with Maggie on 7th January 2021. This evaluation was modelled on the ASPCA Safer™ Assessment developed by Dr Emily Weiss.

The assessment was conducted at The Haven, 46 Shadforth Dr Shadforth NSW 2800. An assistant Renai Lawson was in attendance.

Maggie was assessed on the following:

- Response to direct eye contact
- Desire for interaction with people
- Play behaviour
- Being handled gently and firmly
- Behaviour towards people around food and toys
- Behaviour around other dogs

Maggie scored '1's and '2's on all assessments.

The Safer™ Assessment determines that scores correlate with probability of aggression. Dogs that score 1s and 2s are less likely than dogs that score 3s, 4s or 5s to bite when handled in a mildly stressful or moderately awkward manner under ordinary living situations. Dogs that score 4s may have serious fear or intolerance issues. These dogs should receive behaviour modification training and then be reassessed.

Observations:

Maggie is an unconfident dog. She was scanning her environment constantly during this assessment and was not comfortable being handled by Assessor and Assistant. Maggie did not however show any aggression to Assessor, Assistant or Assessor dogs during this assessment.

Conclusions:

Both dogs are alleged to have escaped from their property in Holsworthy, attacked a cat in the neighbouring property and returned to their home environment.

The family was at home at the time. They advise they were not aware of any incident but checked on dogs immediately. Dogs were both safely contained in their back yard with no evidence of escape or any altercation with another animal.

The dogs have been appropriately contained at the family property in Tuena since the alleged event without incident. The family has followed relevant guidelines to ensure dogs will be suitably contained at their new Moorebank property.

The family comprises of two adults and two children and interactions between the children and dogs are appropriate. Dogs also reside with a pet goat currently at Tuena.

Recommendation:

Dangerous Dog Order be revoked so dogs can interact freely with family in the back yard and family home in Sydney.

Dogs continue to be suitably contained in back yard when at home (and when visiting Tuena), as per requirements of Companion Animals Act 1998, 12A *Preventing a Dog from Escaping: (1) The owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is being kept.*

Dogs are to remain on lead when in public and in any unfenced areas when visiting Tuena.

Limitations:

It is not possible to assess Maggie in every circumstance that she may encounter or that has already occurred. The value in this report is to identify any temperament flaws that may be evident under **normal** stimuli. This report has been compiled from the tests that I believe can give me the ability to report accurately on a dog's temperament and is without prejudice or bias. The assessment is my professional opinion based on my observations on the date and at the time.

Please do not hesitate to contact me if I can be of any further assistance.

Yours Faithfully



Debra Coleman
The Dog Lady



Debra Coleman T/A The Dog Lady
46 Shadforth Drive Shadforth NSW 2800
Phone: 0408 955 346 Email: debidogladylady@gmail.com
www.dogladylady.com.au

Temperament Assessment

Supplied in confidence to:

Client name: Hayden Falkenberg
Address: 6630 Abercrombie Rd, Tuena NSW 2583
Dog's name: Bonnie
Microchip number: 943094320461950
Breed: Border Collie x
Date of Evaluation: 07/01/2021

Assessor's Experience:

I am a professional, nationally, and internationally accredited dog trainer with 18 years' experience helping dog owners train their dogs and address dog behaviour issues throughout Central West NSW. I have been assessing Therapy Dogs since 2004 involving training and assessing dogs to visit nursing homes, hospitals, and schools. I am a qualified TAFE teacher teaching subjects including dog behaviour – and other animal behaviour - to both adult and school age students from 2010-2020. I was the Coordinator of the SPOT (Safe Pets Out There) Program from 2007 – 2009 teaching dog bite prevention to junior school students and the inaugural head trainer for the Dogs for Diggers Program at the Bathurst Correctional Facility assessing rescue dogs, training, and rehoming for retired ex-servicemen. I was on committee for creating the international Pet Dog Ambassador Program for Pet Professional Guild. I am internationally accredited with CPDT-KA – Certified Council for Professional Dog Trainers and a Certified Professional Dog Trainer with Delta Society Australia. I am an approved Temperament Assessor with Dogs NSW and was voted Australian Pet Dog Trainer of the Year 2017. I am an accredited professional fear free trainer. I consult with a major international pet food company where I am responsible for implementation of behaviour modification plans and training both puppies and adult dogs. I ensure currency by attending conferences and webinars - both overseas and in Australia – on a regular basis. I use modern and scientifically proven techniques in my positive reinforcement training.

Qualifications/Memberships:

- Certificate IV in Dog Behavioural Training
- Certificate IV in Training and Assessment
- Certified Professional Dog Trainer - CPDT- KA (USA)
- Certified Professional Dog Trainer – Delta Society Australia
- Accredited Canine Temperament Evaluator for Delta Society Australia
- Accredited Temperament Assessor Dogs NSW
- Accredited Assessor for (CGC) Canine Good Citizen Award
- Accredited Assessor Mind Dogs Australia
- Accredited Fear Free Professional
- Member (APDT) Australian Pet Dog Trainers Association
- Member (PPGA) Pet Professional Guild Australia

Basis of Evaluation:

Mr Falkenberg and Ms Lana Kuipers currently reside together in Moorebank NSW with their children. Their dogs, Bonnie and Maggie are residing in Tuena NSW.

Family was living in Holsworthy on 18th September 2018 when the dogs are alleged to have jumped the fence into a neighbouring yard and attacked a cat. Cat subsequently died from injuries received. Bonnie and Maggie were declared to be Dangerous Dogs on 30th October 2018. Dogs were relocated to family property in Tuena after the alleged attack.

Mr Falkenberg and Ms Kuipers have engaged me to complete an independent Temperament Assessment of both dogs with the view to having the Dangerous Dog declarations revoked and bringing the dogs back to their new premises at Moorebank to live with the family.

Evaluation Results:

I spent 60 mins with Bonnie on 7th January 2021. This evaluation was modelled on the ASPCA Safer™ Assessment developed by Dr Emily Weiss.

The assessment was conducted at The Haven, 46 Shadforth Dr Shadforth NSW 2800. An assistant Renai Lawson was in attendance.

Bonnie was assessed on the following:

- Response to direct eye contact
- Desire for interaction with people
- Play behaviour
- Being handled gently and firmly
- Behaviour towards people around food and toys
- Behaviour around other dogs

Bonnie scored '1's and '2's on all assessments.

The Safer™ Assessment determines that scores correlate with probability of aggression. Dogs that score 1s and 2s are less likely than dogs that score 3s, 4s or 5s to bite when handled in a mildly stressful or moderately awkward manner under ordinary living situations. Dogs that score 4s may have serious fear or intolerance issues. These dogs should receive behaviour modification training and then be reassessed.

Observations:

Bonnie is a calm and placid dog. Bonnie did not show any aggression to Assessor, Assistant or Assessor dogs during this assessment.

Conclusions:

Both dogs are alleged to have escaped from their property in Holsworthy, attacked a cat in the neighbouring property and returned to their home environment.

The family was at home at the time. They advise they were not aware of any incident but checked on dogs immediately. Dogs were both safely contained in their back yard with no evidence of escape or any altercation with another animal.

The dogs have been appropriately contained at the family property in Tuena since the alleged event without incident. The family has followed relevant guidelines to ensure dogs will be suitably contained at their new Moorebank property.

The family comprises of two adults and two children and interactions between the children and dogs are appropriate.

Dogs also reside with a pet goat currently at Tuena.

Recommendation:

Dangerous Dog Order be revoked so dogs can interact freely with family in the back yard and family home in Sydney.

Dogs continue to be suitably contained in back yard when at home (and when visiting Tuena), as per requirements of Companion Animals Act 1998, 12A *Preventing a Dog from Escaping: (1) The owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is being kept.*

Dogs are to remain on lead when in public and in any unfenced areas when visiting Tuena.

Limitations:

It is not possible to assess Bonnie in every circumstance that she may encounter or that has already occurred.

The value in this report is to identify any temperament flaws that may be evident under **normal** stimuli.

This report has been compiled from the tests that I believe can give me the ability to report accurately on a dog's temperament and is without prejudice or bias.

The assessment is my professional opinion based on my observations on the date and at the time.

Please do not hesitate to contact me if I can be of any further assistance.

Yours Faithfully

A handwritten signature in cursive script, appearing to read 'Debra Coleman'.

Debra Coleman
The Dog Lady

Environment and Planning - 20 July 2023

ITEM 11.2 **Adoption of Council related Development Application Conflict of Interest Policy**

FILE REFERENCE I23/186

AUTHOR **Acting Director of Environment and Planning**

ISSUE

Following amendments to the *Environmental Planning and Assessment Regulation 2021* Councils were required to develop and introduce a policy to address potential conflicts of interest for Council related development applications. The draft policy was placed on public exhibition with no submissions received.

This report is recommending that Council adopt and implement the Council related Development Application Conflict of Interest Policy.

RECOMMENDATION That –

1. Council adopt the draft policy for Council-related Development Application Conflict of Interest.

BACKGROUND

At its meeting of 20 April 2023, Council considered a report with respect to the development and implementation of a draft policy for Council-related Development Application Conflict of Interest to ensure compliance with the *Environmental Planning and Assessment Regulation 2021*.

Council resolved that:

1. Council endorse the draft policy Council-related Development Application Conflict of Interest;
2. Council exhibit the draft policy for a minimum of 28 days in accordance with the provisions of Council's Community Participation Plan;
3. A further report be presented to Council if there are any substantial changes to the draft policy arising from the public exhibition;
4. Where no substantial changes arise from the public exhibition, the draft policy be considered adopted and published to Council's website; and
5. That Council amend the Community Participation Plan to reflect the exhibition period for Council-related development applications, being 28 days.

The draft policy was placed on public exhibition for the required period and a further report is now being presented to Council that will enable the policy to be adopted and implemented.

REPORT

Conflicts of interest can occur when Council is a developer, landholder or holds a commercial interest in the land they regulate. The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation* was notified on 30 September 2022 and the following changes will come into effect on 3 April 2023:

- Council must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled;
- Council-related development applications must be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that council has no management strategy for the application
- Councils must record conflict of interest in connection with each council-related development application and the measures taken to manage the conflicts, in their existing development application register
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process

The Department of Planning and Environment (DPE) has published the '*Council-related Development Application Conflict of Interest Guidelines*'. The guidelines require that a council conflict of interest policy concerning council-related development applications must:

- establish management controls and/or a management strategy to address potential conflicts of interest at the different stages of the development assessment process for council-related development applications;
- outline the process through which potential conflicts of interest will be identified, the risks assessed, and appropriate management controls determined, and
- outline the process to be followed to publicly communicate the management approaches for each development subject to the policy.

The guidelines recommend as best practice that the conflict of interest policy should also address conflicts that may occur after development consent has been granted to council-related development applications, including regulation and enforcement functions. Provision is also made for low-risk development where no specific controls are warranted.

In accordance with the legislative requirements at its meeting of 20 April 2023, Council considered a report in relation to a draft policy for Council-related Development Application Conflict of Interest. Council resolved notify this policy to enable community members and/or stakeholders to have input into its development.

The draft policy was notified for 28 days with the exhibition period closing on 21 June 2023 and there were nil submissions received during this period.

As there were no submissions received during the notification period and that the draft policy was developed in accordance with the *Council-related Development Application Conflict of Interest Guidelines* it is proposed that the draft policy be adopted.

Environment and Planning

ADOPTION OF COUNCIL RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY cont'd

POLICY IMPACT

The adoption of the Conflict of Interest policy for Council-related development applications will ensure Council meets its legislative requirements in accordance with the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*.

OPTIONS

- Council can resolve to adopt the draft policy included at Attachment 1 to this report, this being the preferred option; or
- Council can resolve not to adopt the draft policy, this option being in breach of the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*; or
- Council can resolve the draft policy, which may require the recommencement of the notification process.

FINANCIAL IMPACT OF RECOMMENDATIONS

The drafting of the policy and proposed exhibition are part of Council's regular work program and within the adopted budget.

RECOMMENDATION That -

Council adopt the draft policy for Council-related Development Application Conflict of Interest;

ATTACHMENTS

1. <u>↓</u>	Attachment - Managing Conflicts of Interest for Council Related Development Policy - 20 July 2023	Attachment
-----------------------------	---	------------

POLICY:-	
Policy Title:	Managing Conflicts of Interest for Council Related Development
File reference:	F17/241-07
Date Policy was adopted by Council initially:	20 July 2023
Resolution Number:	XXX/23
Other Review Dates:	
Resolution Number:	XXX/23
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

Managing Conflicts of Interest for Council Related Development
Date Adopted: 20 July 2023**Part 1 - PRELIMINARY****1.1 Objective**

This policy aims to manage potential conflicts of interest for Council-related development and increase transparency at all stages of the development process.

1.2 Scope

This policy applies to all Council-related development.

1.3 Definitions

A word or expression used in this policy has the same meaning as it has in the *Environmental Planning and Assessment Act 1979* (the Act), and any instruments made under the Act, unless it is otherwise defined in this policy.

- **Application** means an application for consent under **Part 4** of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent.
- **Council** means Upper Lachlan Shire Council.
- **Council-related development** means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority. This Policy may apply to certain State Significant or Regionally Significant Developments which are defined under the Act. The Act specifies how these applications are to be determined.
- **Development process** means application, assessment, determination, and enforcement
- **The Act** means the Environmental Planning and Assessment Act 1979.

PART 2 PROCESS FOR IDENTIFYING AND MANAGING POTENTIAL CONFLICTS OF INTEREST**2.1 Council-related Development Applications**

The Act defines a **council-related development application** as:

a development application for which council is the consent authority, that is:

- (a) made by or on behalf of the council, or
- (b) for development on land:
 - (i) of which council is the owner, a lessee, or a licensee, or
 - (ii) otherwise vested in or under the control of the council.

NOTE: This specifically excludes applications made by a private developer where the only aspects of the proposal that relate to council-owned land involve connection of driveway to a public road and/ or connection of stormwater to council infrastructure or drainage reserve.

Managing Conflicts of Interest for Council Related Development
Date Adopted: 20 July 2023

Other than applications for the kind of development referred to in Section 2.3.2 (below), a council-related development application must be accompanied by a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority.

That statement must reflect the terms and requirements of this policy.

An application for development of the kind of development referred to in Section 2.3.2 (below) must include a statement that no management controls are required, in accordance with this policy.

2.2 Conflict of Interest Risk Assessment

2.2.1 Prior to the finalisation of submission of a council-related development application, the proposal is to be referred to the General Manager, or their delegate, to undertake a conflict of interest risk assessment.

2.2.2 In reviewing the development application, the General Manager or their delegate will:

- assess whether the application is one in which a potential exists for conflict of interest.
- identify which phases of the development process at which the identified conflict of interest arises.
- assess the level of risk involved at each phase of the development process.
- determine what (if any) management controls should be implemented to address the identified conflict of interest having regard to the controls and strategies outlined below and the level of risk identified.
- document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal with the lodgement of the DA (see Sample Statement in Appendix 1).

2.3 Management Controls and Strategies

2.3.1 The management control options below may be applied to:

- the assessment and determination of an application for council-related development – Refer to Table 1 (below)
- post development applications and processes such as subdivision works certificates and construction certificates.
- the regulation and enforcement of approved council-related development.

Management control options include:

- use of independent consultants and/or private certifiers,
- shared services arrangements with a neighbouring council,
- public reporting on key milestones, such as construction and occupation certificates.

2.3.2 No management controls need to be applied to the following kinds of development:

- commercial fit outs and minor changes to building façade
- internal alterations and additions to buildings that do not affect the heritage value of a listed heritage item.
- advertising signage

Managing Conflicts of Interest for Council Related Development
Date Adopted: 20 July 2023

- minor building structures projecting from a building façade over public land (such as awnings, verandahs, bay windows, flagpoles, pipes, and services)
- development where the council might receive a small fee for the use of land.
- minor modifications to an existing development approval.

Table 1: Assessment & determination criteria

Category of DA	Assessment options	Determination
Minor DA Refers to development that is small-scale, routine operational, and/or noncontroversial ¹	Assessment by staff not involved in the preparation of the application and peer review by manager or coordinator.	Determination under delegated authority, other than for development on community land under section 47E of the Local Government Act 1993
Standard DA Refers to development proposed on council-owned or managed land that substantially complies with zoning, landuse provisions and council policies, with no substantial or numerous submissions ²	Assessment by staff not involved in the preparation of the application and peer reviewed by Department Director or Manager. OR Assessment by external independent town planning consultant.	Determination under delegated authority by Director, Planning and Environmental Health or Manager Development Services, other than for development on community land under section 47E of the Local Government Act 1993.
Major DA Refers to large-scale, significant and/ or controversial DAs ³ Includes Regionally Significant Development as defined in State Environmental Planning Policy (Planning Systems) 2021	Assessment by staff not involved in the preparation of the application and peer reviewed by Department Director or Manager, OR Assessment by external independent town planning consultant, or Assessment by neighbouring council planning staff.	Determination by elected council, or Referral to Regional Planning Panel for determination (regionally significant development).

Notes:

V1 – 20.07.2023

Managing Conflicts of Interest for Council Related Development

Date Adopted: 20 July 2023

1. Designation as **Minor DA** is to be made based on project-specific assessment of criteria, including, but not limited to:
 - the estimated value of the works to be undertaken,
 - the potential impact on surrounding residential amenity and/or environmental values of the site and locality,
 - whether the proposal will lead to any financial benefit for council
- 1 Examples of a **Standard DA** include alterations and additions to an existing building, new community infrastructure, subdivision of land.

The Director Environment & Planning, or delegate, shall determine which assessment option is to be pursued and whether the application is to be referred to Council
1. For each **Major DA**, the Director Environment & Planning, in consultation with the General Manager, shall determine which assessment and determination options are to be pursued and whether application is to be referred to Council.

PART 3 INFORMATION AND REVIEW

3.1 Background

Council is the development regulator within Upper Lachlan Shire. In some circumstances, Council can also be a developer, landowner, or hold a commercial interest in the land we regulate.

Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

Recent changes to the *Environmental Planning and Assessment regulation 2021* have introduced a requirement for councils to assess, identify, and manage potential conflicts of interest where they are both a proponent and a regulator for a development proposal.

This policy has been developed to ensure that Council meets its statutory requirements in relation to the potential for conflicts of interest.

3.2 Related Documentation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
Local Government Act 1993 3.3

3.3 Review

The Conflicts of Interest Policy is to be reviewed within one year of the election of a new Council.

Managing Conflicts of Interest for Council Related Development
Date Adopted: 20 July 2023

Appendix 1 – Example of Management Statement

Upper Lachlan Conflict of interest management statement

Project name	{Name of project}
DA number	{DA XX/XXXX}
Potential conflict	{Clearly identify potential conflicts that may arise as a result of this Council-related development application}
Management strategy	Upper Lachlan Sire Council is managing potential conflicts of interest in this matter as follows: <ul style="list-style-type: none"> - Clearly distinguish strategies which will be implemented to mitigate the potential Conflict that has been identified
Contact	Anyone who has concerns about Council fulfilling its obligations should report their concerns to Council. E: Council@upperlachlan.nsw.gov.au T: (02) 4830 1000

12 INFRASTRUCTURE DEPARTMENT

The following item is submitted for consideration -

12.1	Review of Gravel Quarries Policy	113
------	----------------------------------	-----

Infrastructure Department - 20 July 2023

ITEM 12.1 **Review of Gravel Quarries Policy**

FILE REFERENCE **I23/203**

AUTHOR **Works Technical Officer/Quarry Manager**

ISSUE

Council's Gravel Quarries Policy is due for review and the updated policy is presented for Council's consideration.

RECOMMENDATION That -

1. Council adopts the Gravel Quarries Policy.

BACKGROUND

Nil

REPORT

This report details the review of Council's Gravel Quarries Policy. This policy was due for review in 2019. Council have implemented the Quarry Safety Management Plan (QSMP) and have a designated Quarry Manager. This updated policy reflects changes to relevant legislation and the inclusion of the QSMP since the last adopted policy in 2016. The Policy is attached with amendments highlighted in yellow.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Gravel Quarries Policy.

ATTACHMENTS

1. Download	Gravel Quarries Policy - Date Adopted 15 June 2023 - Resolution XX-23 - Review 2026	Attachment
-----------------------------	---	------------

POLICY:-	
Policy Title:	Gravel Quarries Policy
File reference:	F10/618-06
Date Policy was adopted by Council initially:	21 July 2011
Resolution Number:	281/11
Other Review Dates:	21 April 2016
Resolution Number:	281/11, 86/16
Current Policy adopted by Council:	15 June 2023
Resolution Number:	XX/23
Next Policy Review Date:	2026

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Director of Infrastructure
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	Director of Infrastructure
Responsibility for review of Policy:	Manager of Infrastructure Delivery

ULSC GRAVEL QUARRY POLICY

Adopted: 15 June 2023

Introduction

Upper Lachlan Shire Council operates approximately 30 quarries that are located on privately owned land. The quarries are used to provide gravel used in the construction and maintenance of the State, Regional and local roads network. This policy is intended to provide a basis for the fair conduct of business between Council and landowners.

Policy Conditions and Guidelines

The following points will apply to the relationship between Council and private quarry owners.

- Council will negotiate with land owners to access and obtain gravels from their properties to be used in the construction and maintenance of roads and other structures.
- Title to all sand, gravel and other aggregates from the Quarry shall vest in the Council free from every encumbrance and lien.
- Council shall pay all owners of gravel quarries a licence fee of \$100 per annum where a licence agreement has been entered into between the two parties. This payment will be shown in Council's Schedule of Fees and Charges and be reviewed at the renewal of each licence.
- The Council shall pay all owners of gravel quarries for gravel extracted from their property each six monthly period. The compensation payable in respect of gravel extracted during such six month period not later than the last days of January and July in each calendar year and shall deliver to the Owner a Recipient Tax Invoice detailing the dates of extraction and quantities extracted.
- Compensation payable will be paid on the basis of all quarry owners being paid the same amount with Council undertaking to carry out restoration of the quarry. Compensation will be set at \$1.60 excluding GST per cubic metre with this figure being adjusted annually (at 30 June) using the Australian Bureau of Statistics All Groups Consumer Price Index. The compensation rate will be published annually in Councils Schedule of Fees and Charges.
- Council is the Owner of the Quarry in terms of the Mines Inspection Act. The Council covenants to comply with and observe all terms and conditions of a Mine with respect to the Quarry as determined by the Department of Mineral Resources and as stipulated in the Mines Inspection Act 1901 and the Mines Inspection Regulation 1999.
- At the termination of the licence, there shall be no obligation on the part of Council to level and reinstate the Quarry to its natural state.
- Council will reserve an amount of money each year to finance a quarry maintenance and rehabilitation reserve at the rate of \$0.10 per cubic metre with this figure being adjusted annually (at 30 June) using the Australian Bureau of Statistics All Groups Consumer Price Index. The compensation rate will be published annually in Councils Schedule of Fees and Charges.
- The Owner will agree that no gravel shall be removed from the quarry by the owner during the term of the licence without permission from Council. Also no person, employee, servant or agent of the owner shall be granted access to the Quarry in breach of the Mines Safety Management Plan.
- The Council shall be permitted to transport store and crush for the purposes of sample testing gravel from other quarries and sources under the control of Council provided that the consent of the Owner has been obtained by Council with such consent not to be unreasonably withheld.

Procedures

V3 15 June 2023

Page 2

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

Quarry Agreement (See Annexure 1)

Relevant Legislation

The following Legislation effects the operation of this Policy:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment Act 1979;
- Roads Act 1993
- Upper Lachlan Shire Council Quarry Safety Management Plan
- Workers Compensation Act
- Workplace Health and Safety Act N.S.W. 2011
- Workplace Health and Safety Act (Mines and Petroleum Sites) 2013
- Mining Act 1992
- Work Place Health and Safety Regulation 2017
- Work Health and Safety Regulation (Mines and Petroleum Sites) 2022

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Code of Conduct for Councillors, staff and delegates of Council;
- Internal Controls and Procedures Manual;
- Statement of Ethical Principles;
- Purchasing - Acquisition of Goods and Services Policy and Procedures;
- Delegations of Authority Procedure;
- Code of Business Practice;
- Bribes, Gifts and Benefits Policy;

Variation:

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

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

ANNEXURE 1

QUARRY AGREEMENT

PIT No. : **Quarry Name :**

THIS AGREEMENT is made this day of 20XX

Between:

And UPPER LACHLAN SHIRE COUNCIL of Spring Street, Crookwell
(with its successors and permitted assigns called '**Council**').

RECITALS:

- A. The Owner is the owner of the land described in **Item A** of the Schedule upon which land is located a Quarry (called 'the Quarry') the approximate location of which is indicated on the topographical map annexed hereto and marked '**A**'
- B. The Owner has agreed to grant a licence of the Quarry to the Council on the terms and conditions contained in this agreement.

THE PARTIES AGREE:

1. Interpretation

- a. Words importing the singular or plural number shall include the plural or singular number respectively, and the masculine gender only shall include the feminine or neuter and vice versa, and words importing persons include corporations and vice versa.
- b. Reference to an Act includes all regulations under and amendments to that Act whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to or incorporating any of its provisions
- c. Headings have been inserted for guidance only, and shall not form any part nor affect the construction of this licence.
- d. Reference to a 'month' shall where the context so permits mean calendar month.
- e. Reference to the map annexed and marked "**A**" shall include any map bearing the signatures of both parties as being a further or more detailed map of the Quarry
- f. Where under or pursuant to this licence, the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in New South Wales, the act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or a public holiday.

Page 4 of 12

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

2. Term

The Owner licences the Quarry to the Council on the terms and conditions contained in this licence, and for the term specified in **Item B** of the Schedule the commencement date and termination date of which term are specified in **Item C and D** of the Schedule:

3. Licence Fee

The Council agrees to pay the licence fee referred to in **Item E** of the Schedule to the Owner as the Owner may from time to time in writing direct, without any deduction.

4. Licences

- a. The Owner licences the Council and any authorised clerk, servant, workman, licensee, invitee, employee, agent, of the Council to enter the Quarry and for that purpose to travel to and from the Quarry from the nearest Public road on the access road (called 'the access road') the approximate location of which is indicated on the map annexed "A", for the purposes of extracting gravel and other extractive material from the Quarry for use by the Council on its road construction and maintenance program and other associated purposes.
- b. If it is necessary, during the currency of the Quarry, to obtain any licence, permit, lease or other authority in order that the works contemplated in the licence may be carried on, then the Council will apply for such renewal, licence, permit, lease or authority and shall execute such documents and do all things reasonably necessary for such purposes.
- c. To carry out such improvements, enhancements or modifications to the Quarry as are necessary to comply with Council's or the Owner's obligations under the Mining Act 1992, Work Health and Safety (Mines and Petroleum Sites) Act 2013, Work Health and Safety (Mines and Petroleum sites) Regulation 2022, Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.
- d. The Owner will execute such documents and do all things required by any Act or statutory or governmental authority to ensure that the activities contemplated in the licence may be carried out upon the Quarry during the currency of the term of the Licence.

5. Compensation

- a. The Council shall pay to the Owner, in respect of each six monthly period, the compensation payable in respect of gravel extracted during such six month period not later than the last days of January and July in each calendar year and shall deliver to the Owner a Recipient Tax Invoice detailing the dates of extraction and quantities extracted.
- b. The compensation referred to in Cl 5(a.) shall commence at the Compensation price specified in Item F of the Schedule hereto
- c. In the event that the Council defaults in its obligations to pay the compensation payable pursuant to Cl. 5(a.) at any time, and such default

ULSC GRAVEL QUARRY POLICY

Adopted: 15 June 2023

continues for a period of thirty (30) days after written notice of such default requiring the Council to remedy the same, the owner shall be entitled by notice in writing to the Council to require the Council to suspend all operations carried out by or on behalf of the Council upon the area until payment is resumed.

- d. The Compensation herein before provided for shall be adjusted annually at 30 June in accordance with the Australian Bureau of Statistics All Groups Consumer Price Index .

6. Right of inspection

The Owner shall be entitled to inspect the books and records of the Council upon reasonable notice of the Owner's desire to do so but such right shall be limited to the purpose of ascertaining and verifying the amounts of compensation payable under this deed.

7. Council's commitment

- a. The Council agrees to pay all assessments, impositions and other charges which may at any time during the continuance of this licence become due, owing or payable in respect of the Quarry, including all royalties payable to the owner provided however the Owner shall continue to be liable for the payment of Council rates charges and assessments as the Owner of the Land.
- b. The Parties acknowledge that the Council is the Owner of the Quarry in terms of the Mining Act 1992 Inspection Act. The Council agrees to comply with and observe all terms and conditions of a the Quarry as determined by the NSW Resources Regulator and as stipulated under the Work Health and Safety (Mines and Petroleum Sites) Act 2013 , Work Health and Safety (Mines and Petroleum sites) Regulation 2022, Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.
- c. The Council shall duly and punctually comply with and observe at its own cost all statutes now or from here on in force and all ordinances, regulations and by-laws thereunder, and all requirements and orders of any relevant authorities or public bodies relating to the Quarry or to the business of the Council carried on at the Quarry, and also to observe, perform, fulfil and comply with all requisitions and requirements of the NSW Resources Regulator or of any other public body properly authorised or of any official duly authorised under any public Act, rule or regulation or by-law, and pay all the costs, charges and expenses of all or any works necessary to comply with any such requirement or requisition or the provisions of any such Act.
- d. The Council shall within twelve (12) months after the determination of this licence, remove at its own cost the works and structures erected upon the Quarry. Any such property not so removed at the expiration of such twelve (12) month period shall immediately vest in the Owner absolutely, unless the Owner declines title, in which case the property remains the responsibility of the Council, and the Owner may remove and store such property as the Council has failed to remove and may make good the land, and the Council shall repay to the Owner on demand all costs and expenses in so doing.

ULSC GRAVEL QUARRY POLICY

Adopted: 15 June 2023

- e. At the termination of the licence, there shall be no obligation on the part of Council to level and reinstate the Quarry to its natural state. The party required to carry out any rehabilitation of the Quarry both during the term of this agreement or the conclusion thereof is stipulated in **Item I** of the Schedule
- f. The Council indemnifies and keeps indemnified the Owner from and against all loss and damage to the Quarry and all property therein, caused by any act or omission of the Council or of any clerk, servant, workman, licensee, invitee, employee, agent, client, customer or visitor of the Council.
- g. The Council indemnifies and keeps indemnified the Owner from and against all damages, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Owner by any person, for any injury which such person may sustain when using or entering or near any portion of the Quarry, whether in the occupation of the Owner or of the Council or of any other person, where the injury arises or has arisen as a result of any act or omission of the Council or of any clerks, servant, workman, employee or agent of the Council.

8. Owner's commitment

- a. The Owner agrees with the Council that upon the Council punctually paying the Compensation and other moneys due at the times and in the manner contained in this licence and appointed for the time of payment, and duly and punctually performing and observing the several, conditions, agreements, restrictions and stipulations expressed or implied, and on the Council's part to be kept performed or observed to permit the Council peaceably to hold and enjoy the Quarry during the term of the licence without any interruption or disturbance by the Owner or any person or persons lawfully claiming by, through, under or in the trust for the Owner.
- b. The Owner agrees that no gravel shall be removed from the Quarry by the owner during the term hereof and that no person, employee, servant or agent of the owner shall be granted access to the Quarry in breach of the Safety Management System provided for herein.

9. Default

The agreement to pay compensation expressed in Cl. 5(a) is an essential and fundamental term of this licence, and in the event that the Owner determines this licence pursuant to the powers conferred on it by this licence or at law in consequence of the breach by the Council of the covenant to pay compensation, the Owner is (without prejudice to any other action or remedy) entitled to recover from the Council as and by way of liquidated damages a sum equal to the total compensation and any other sum payable by the Council to the Owner which would have been payable by the Council to the Owner during the balance of the term of this licence but for such determination by the Owner.

10. General

- a. No consent or waiver, express or implied by the Owner to, or of, any breach of any covenant, condition or duty of the Council shall be construed as a

ULSC GRAVEL QUARRY POLICY

Adopted: 15 June 2023

consent or waiver to or of any other breach of the same or any other covenant, condition or duty.

- b. The Owner does not expressly or impliedly warrant that the Quarry is or will remain suitable or adequate for all or any of the purposes of the Council, and all warranties (if any) as to suitability and adequateness of the Quarry implied by law are expressly negated.
- c. Unless otherwise provided in this agreement, any notice or demand given or made by the Owner or Council shall be deemed to be duly served on the addressee if delivered to any person at or near the registered office of the addressee who appears to be a servant of them or sent to the addressee through the post addressed to its/registered office, and in the latter case service shall be deemed to have been effected on the day following the posting of it. Any notice or demand served or given by the Owner or Council shall be valid and effectual if served or given under common seal or under the hand of any director or manager or secretary of the Owner or Council (as the case may be) or of its duly authorised agents.
- d. The failure, for any period whatsoever, of the Owner to exercise any right or presents in the event of a breach of any covenant on the part of the Council contained or implied in this agreement shall not be deemed at law to be an abandonment or waiver of any rights or remedies for damage, forfeiture, injunction or otherwise which the Owner may have or could put in force against the Council in respect of any such breach.
- e. The Council shall pay all stamp duty and all costs incidental to the preparation, completion, stamping and registration of the licence, and of any surrender or other termination made under this agreement otherwise than by effluxion of time, but the Council and Owner shall in all other respects bear their own costs.

11. Termination by Council

Where, in the opinion of the Council, there are no economically recoverable reserves of sand, gravel or other aggregates on the Quarry, the Council may determine this licence by giving to the Owner three (3) months prior notice in writing to that effect, and, in consequence of that, provided the Council shall up to the time of such determination pay the compensation hereby reserved and perform and observe the agreements and provisions on the part of the Council contained in this **Agreement**, this licence shall immediately after that determine save in respect of anything which ought to be performed or observed by the Council upon the determination of the licence.

12. Use of the Quarry

- a. The Council may use the Quarry for all purposes associated with the recovery, treatment and stockpiling of gravel and other aggregates and all associated activities.
- b. The Council may at its own expense and risk construct and erect upon the Quarry and in accordance with the regulations and by-laws of any relevant authority in force from time to time, any fixture, structure or improvement which the Council requires for the conduct of its business upon the Quarry

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

and every such fixture, structure and improvement shall be deemed to remain the property of the Council as if it were severed from the Quarry.

- c. Title to all sand, gravel and other aggregates from the Quarry shall vest in the Council free from every encumbrance and lien.
- d. The Council shall be permitted to transport, store and crush for the purposes of sample testing gravel from other quarries under the control of Council provided that the consent of the Owner has been obtained by Council with such consent not to be unreasonably withheld.
- e. The Council shall give the Owner 48 hours notice of its intention to access the Quarry provided however if the Council requires emergency access to the Quarry reduced notice of less than 48 hours may be given and in the event of Council being unable to contact the Owner, the Council shall be entitled to enter the Quarry and shall advise the Owner of such entry as soon as reasonably practicable.
- f. The Council shall not permit access to the Quarry by any Contract Truck without Council approval.
- g. The Council shall carry out, in consultation with the Owner, dust suppressant procedures such as the application of water to the access road or other approved measures, so as to ensure so far as is reasonably practicable that any dust generated by the activities of the Council and its servant, workman, licensee, invitee, employee or agent is minimised.
- h. The Council shall not be required to bitumen seal such access road during the term hereof.
- i. The Council shall, at its expense, carry out in a proper and workmanlike manner and in compliance with all regulations and by-laws of any relevant authority the additional works referred to in **Item G** of the Schedule.
- j. The Council shall prepare a Mine Safety Management Plan (called "MSMP") as soon as reasonably practicable and shall provide a copy of such MSMP to the Owner. The Owner agrees for himself, his agents and employees that no action shall be carried out by the Owner his agents or servants in breach of such MSMP.
- k. During the period of active use of such access road by the Council, the Council shall maintain the access road in an all weather trafficable condition.
- l. The Council in the treatment of gravel as defined by the Mines Inspections Act shall be entitled to carry out all processes necessary to meet the requirements of Single Invitational Maintenance Contracts (called "SIMC") issued by the Road and Traffic Authority or any other Statutory authority. The permitted treatment processes are stipulated in **Item J** of the Schedule.

13. Goods & Services Tax

a. Definitions

In this clause the expressions "GST", "supply" and "taxable supply" have the meanings given to those expressions in the A New Tax System (Goods and Services Tax) Act 1999.

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

b. Amounts GST Exclusive

With the exception of any amount payable under this clause, unless otherwise expressly stated all amounts stated to be payable under this Licence are exclusive of GST

c. Responsibility for GST

i. Despite any other provision in this Licence, GST is imposed on any supply made under this Licence, the recipient must pay to the supplier an amount equal to the GST payable on the taxable supply.

ii. The recipient must pay the amount referred to in subclause (c) (i) in addition to and at the time payment for the taxable supply is required to be made under this Licence.

14. Enforceability

The parties covenant that this agreement is intended to irrevocable apply to and bind their respective heirs successors and assigns during the term hereof or any extension hereof.

15. Registration of caveat

The parties acknowledge that the Council shall be empowered to attend to the registration of a caveat against the title to the land to protect its interest pursuant to the terms of this agreement. All costs and registration fees related to the registration or removal of such caveat shall be payable by the Council

16. Governing law

This agreement shall be governed by and with the law of the State of New South Wales and the parties agree to and in this agreement submit themselves to the non-exclusive jurisdiction of the courts of that State in relation to all matters concerning the operation and interpretation of this agreement.

17. Severance

Should any part of the Agreement be void or unenforceable for any reason that part shall be severed from the Agreement without in any way affecting the validity or enforceability of the remainder, which shall be construed with such additions deletions and modifications of language as shall be necessary to enable it to be given effect after severance.

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

SCHEDULE

Item No	Clause	Description	Details
A	A	THE LAND	Area of Quarry on: Lot: DP: known as
B	2	TERM:	X Years
C	2	COMMENCEMENT DATE:	/ /XXXX
D	2	TERMINATION DATE:	/ /XXXX
E	3	LICENCE FEE:	\$ as required by the legislation
F	5(b)	COMPENSATION PAYMENT:	\$ 1.60 per m3 + GST to be indexed on 30 June annually by the CPI (all groups)
G	12(i)	ADDITIONAL WORKS:	Council will stockpile in the quarry 100 cubic metres of gravel per year for your usage on farm maintenance;
H	13	OPTION TERM:	Option to be negotiated and resolved 1 month prior to Termination date
I	7(e)	PARTY RESPONSIBLE FOR REHABILITATION	Upper Lachlan Shire Council
J	12(l)	PERMITTED TREATMENT PROCESSES	The crushing, grinding, classifying, reducing, concentrating, precipitating or separating of any product of the Quarry or any other part of a process for obtaining any product from a quarry

ULSC GRAVEL QUARRY POLICY
Adopted: 15 June 2023

SIGNED

by the Upper Lachlan Shire Council)

.....

NAME (Print))

.....

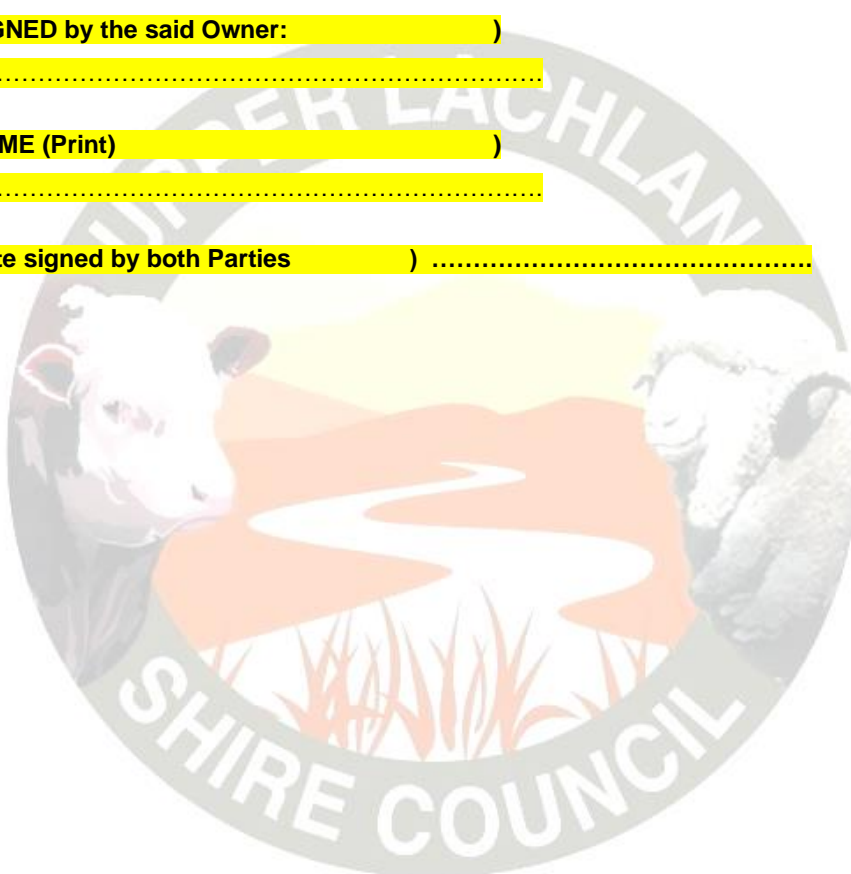
SIGNED by the said Owner:)

.....

NAME (Print))

.....

Date signed by both Parties)



13 FINANCE AND ADMINISTRATION

The following items are submitted for consideration -

13.1	Review of Complaints Policy and Procedure	128
13.2	Delivery Program review 2022/2023	158
13.3	Review of Media Policy	176
13.4	Review of GIPA Agency Information Guide	192
13.5	Review of Government Information Public Access Policy	211
13.6	Integrated Planning and Reporting - Update of Upper Lachlan Community Strategic Plan after community engagement	220
13.7	2022/2023 Library Asset Replacement from Internal Restricted Reserve	224
13.8	Review of Preparation of Meeting Agendas Policy	226
13.9	Review of Presentations to Council Policy	231

Finance and Administration - 20 July 2023

ITEM 13.1 **Review of Complaints Policy and Procedure**

FILE REFERENCE I23/148

AUTHOR **Director of Finance and Administration**

ISSUE

Providing a review of the Council Complaints Policy and Procedure.

RECOMMENDATION That -

1. Council adopts the reviewed Complaints Policy and Procedure.

BACKGROUND

Nil

REPORT

This report details the review of the Complaints Policy and Procedure. The Policy is attached with amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Complaints Policy and Procedure.

ATTACHMENTS

1. 	Complaints Policy and Procedure - Date Adopted 20 July 2023 - Resolution XXX-23 - Review 2026	Attachment
--	---	------------

POLICY:-	
Policy Title:	Complaints Policy and Procedure
File Reference:	F10/618-013
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	84/05
Other Review Dates:	18 June 2009, 21 October 2010, 17 March 2011, 19 July 2012, 20 September 2012, 17 December 2015
Resolution Numbers:	244/09, 402/10, 99/11, 243/12, 317/12, 370/15
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Review date:	2026

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	17 March 2011
Procedure/guideline reference number:	N/A

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

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

CONTENTS

1	PURPOSE	3
2	STATEMENT	3
2.1	Scope	3
2.2	Organisational Commitment	4
2.3	Definitions	5
2.4	Actions of Staff and Councillors	7
2.5	Competitive Neutrality under the National Competition Policy	7
2.6	Service Delivery	8
2.7	Other Related Documents	8
3	COMPLAINT MANAGEMENT SYSTEM	9
3.1	How to Lodge a Complaint	9
3.2	Where to Lodge a Complaint	10
3.3	When to Lodge a Complaint	10
3.4	Recording of Complaints	10
3.5	Acknowledgement of Complaints	11
3.6	Handling of complaints	11
4	IMPLEMENTATION	12
4.1	Complaints against staff and councillors	12
4.2	Competitive Neutrality Complaints	13
4.3	Management of Public Interest Disclosures	15
4.4	Management of Corrupt Conduct	15
4.5	Three Tiered Approach to Managing Complaints Against Service	15
4.6	Remedies	16
4.7	Anonymous Complaints	16
4.8	Other Complaints	16
5	IMPLEMENTATION UNRESOLVED COMPLAINTS	16
5.1	Customers with demands that cannot be satisfied	16
5.2	Customers with vexatious complaints	19
5.3	Rude, Abusive or Aggressive Customers	21
5.4	Banning Notice	
6	GENERAL	21
7	ROLE OF INVESTIGATING AUTHORITY	22
7.1	NSW Ombudsman	22
7.2	Independent Commission Against Corruption (ICAC)	22
7.3	Office of Local Government	22
7.4	Pecuniary Interest and Disciplinary Tribunal	23
8	PERFORMANCE STANDARDS	23
9	REVIEW	23
10	VARIATION	23
	ANNEXURE 1	
	FORM A	
	APPENDIX 1 – Flowchart - Complaints against Staff Member	
	APPENDIX 2 – Flowchart - Complaints against Councillor	
	APPENDIX 3 – Flowchart – National Competition Policy Complaint	
	APPENDIX 4 – Procedures Flowchart - Complaints against Chief Executive Officer	

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

1. PURPOSE

The objectives of this policy and procedures are as follows:-

- To handle all complaints in a fair, consistent, timely and effective manner;
- To provide a policy framework that gives Council's community / stakeholders a degree of certainty that their complaints will be handled in an equitable and efficient manner;
- To define a complaints management system that incorporates the provisions of the Public Interest Disclosures Act 2022 and meets those requirements;
- To obtain maximum information from complainants and to use complaints as a means to enhance Council's service and activity quality, policies and procedures;
- Provide an opportunity to strengthen public relations in regard to the integrity of the Council by demonstrating Council's commitment to dealing with complaints in a positive manner.

This policy provides guidance to Council staff and people who wish to make a complaint on the key principles and concepts of Council's complaint management system.

2. STATEMENT

2.1 Scope

This policy deals with complaints made by members of the public, government agencies, Councillors, Council staff and others.

This policy applies to all staff receiving or managing complaints from the public made to or about Council, regarding Council operations, services, staff and complaint handling.

Staff grievances, code of conduct complaints, service requests, GIPA Access to Information requests, and public interest disclosures are dealt with through separate legislation, mechanisms, and separate Council policies.

This Policy deals with the procedure to make a complaint and how complaints will be investigated and managed by Council.

Statement of Intent

A key component of service delivery for Upper Lachlan Shire Council is the handling of complaints from its community / stakeholders in an efficient, effective and proper manner. This will occur only if a readily understood and responsive complaint management system is in place. The system must be understood by Council, staff and the public, and also be responsive to complaints within a timeframe that is acceptable and commensurate with the nature of the complaint.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

In addition, the complaints management system must recognise the role of statutory bodies such as the Ombudsman and Independent Commission against Corruption.

2.2 Organisational Commitment

The following table outlines the nature of the commitment expected from Council staff and the way that commitment shall be implemented:-

Who	Commitment	How
Chief Executive Officer of Upper Lachlan Shire Council	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for complaint handling and system improvements arising from the analysis of complaint data.</p>
Complaints Coordinator – The Manager Governance is responsible for complaint handling	Establish and manage Council complaint management system.	<p>Provide reports to the Chief Executive Officer on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are implemented where appropriate.</p> <p>Train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise good complaint handling by staff.</p>

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

Alternate Complaints Coordinator is the Director of Finance and Administration – and designated staff whose duties include complaint handling; including the Manager Human Resources	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

2.3 Definitions

- (a) Service Request: situation in which a person requires information on certain issues or requests works/actions to be taken in regard to a service or function provided by Council. Includes routine inquiries about the organisation's business and requests for the provision of assistance, these requests are dealt with by way of referral to appropriate management staff (for follow-up action as necessary).
- (b) Minor Complaint: refers to a complaint in respect to service delivery / operational matters which is not of a substantive or complex nature. The complaint may be verbal or in writing and can generally be resolved immediately or within a short period of time, (i.e. by reference to Council policy, practice, resolution, determination by Supervisors,

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

etc.). It is important that details and records of minor complaints be maintained for future reference (as required).

- (c) Serious Complaint: refers to a complaint which alleges a breach of law, misconduct or the like. The complaint cannot be resolved immediately due to its complexity and/or the need for resources to investigate / resolve the matter. Such complaints are to be “managed” in accordance with the requirements of the policy.
- (d) Feedback: opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to Council, about services or complaint handling where a response is not explicitly or implicitly expected or legally required.
- (e) Dispute: an unresolved complaint escalated either within or outside of our organisation.
- (f) Grievance: a clear, formal written statement by an individual staff member about another staff member or a work related problem.
- (g) Complaint Management System: all policies, procedures, practices, staff, hardware and software used in the management of complaints.
- (h) Public Interest Disclosures: is made in accordance with the Public Interest Disclosures Act 2022, a disclosure may be made by a public official to the following:-
 - An investigating authority; or
 - The principal officer of a public authority or investigating authority or officer who constitutes a public authority; or
 - To another officer of the public authority or investigating authority to which the public official belongs; or
 - To a Member of Parliament or to a journalist.

Disclosures must be made voluntarily and may relate to corrupt conduct, maladministration, or serious and substantial waste of public money.
- (i) Competitive Neutrality Complaint: refers to a complaint lodged on the grounds that Council:-
 - Has not established an effective complaint handling mechanism;
 - Is not abiding by the spirit of competitive neutrality in its conduct of a business activity.

(Note: Complaints about the level of service or cost of services are not competitive neutrality complaints unless it can be shown that Council has omitted costs associated with the service.)

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

This Policy and Procedures is to cover all complaints made by the public in areas such as:-

2.4 Actions of Staff and Councillors

A complaint concerning a member of staff or councillor received from a member of the public will generally fall into the following categories:-

- Personal offence to a person;
- Failure to perform satisfactorily;
- Corrupt conduct or failure to declare pecuniary interest/conflict of interest;
- Wrong or misleading advice; or
- Breach of the Code of Conduct.

2.5 Competitive Neutrality under the National Competition Policy

Competitive neutrality is based on the concept of the “level playing field” for all competitors in the market regardless of the business they operate. Council should operate without net competitive advantage over other businesses as a result of the public ownership.

A competitive neutrality complaint is:-

- A complaint that Council has not met its requirements under the National Competition Policy.
- A complaint about Council’s pricing and costing for its businesses, which are Category 2 Businesses:
 - Water Supplies – Crookwell, Gunning, Taralga and Dalton;
 - Sewerage Services – Crookwell, Gunning and Taralga;
 - Domestic Waste Services – Crookwell, Gunning, Taralga and various villages;
- A complaint that Council has not established an effective complaints handling mechanism;
- A complaint that Council has not abided by the spirit of competitive neutrality in the conduct of its business activities.

A competitive neutrality complaint is **not**:-

- A complaint regarding the level of service provided by a business activity (e.g. water quality inadequate, garbage bin not collected).
- A complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account.
- A complaint regarding the trade practices laws and their application to Councils. Complaints which centre on the Trade Practices Act, 1974 and related issues can be dealt with by the Council but are not competitive neutrality complaints. They may also be referred to the Australian Competition and Consumer Commission.
- A complaint relating to the provision of not-for-profit community services that are not significant business activities.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

2.6 Service Delivery

Complaints which fall into this category are generally those which relate to:-

- The quality of service provided by Council;
- The Council failing to act upon a request from the public; or
- The policies and procedures adopted by Council.

An initial request for a service is not deemed a complaint, and the matter should only be considered a complaint where there has been an opportunity to rectify an oversight and it has not been resolved.

Council will use service complaints for the following purposes:-

1. Creating a second opportunity to have the matter reviewed;
2. Identifying areas that need improvement;
3. Provide opportunities to strengthen public support for the Council; and
4. Assisting in planning and allocation of resources.

Code of Conduct

This policy shall be read in conjunction with the Code of Conduct which sets the standards of behaviour for staff and Councillors in dealing with the public and others.

2.7 Other Related Documents

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Division of Local Government - *Practice Note 9 – Complaints Management in Councils*;
- Division of Local Government - *Guidelines on the Management of Competitive Neutrality Complaints*;
- ICAC - *Practical Guide to Corruption Prevention*;
- *Inclosed Lands Protection Act 1901*
- Australian and New Zealand Standard *Guidelines for complaint handling in organizations* AS/NZS 10002:2014;
- NSW Ombudsman – *Complaint Management Framework* June 2015;
- NSW Ombudsman - *Good Conduct and Administrative Practice*;
- NSW Ombudsman – *Effective Complaint Handling Guidelines* February 2017;
- NSW Ombudsman – *Managing Unreasonable Complainant Conduct Practice Manual* 2012;
- NSW Ombudsman *Public Interest Disclosures Guidelines* (April 2009);
- *Government Information (Public Access) Act 2009*;
- *Independent Commission Against Corruption Act 1988*;
- *Inclosed Lands Protection Act 1901*;
- *Local Government Act 1993*;

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

- *Local Government (General) Regulation 2021;*
- *Privacy and Personal Information Protection Act 1998;*
- *Public Interest Disclosures Act 2022;*
- *Work Health and Safety Act 2011 and Regulations;*
- *State Records Act 1998;*
- Code of Business Practice;
- Code of Conduct;
- Code of Meeting Practice;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Policy (GIPA);
- Public Interest Disclosures Policy;
- Grievance Policy;
- **ULSC Service Delivery Policy;**
- Customer Service Charter;
- **ULSC Statement of Ethical Principles; and**
- ULSC Internet and Email Policy.

3 COMPLAINT MANAGEMENT SYSTEM

When responding to complaints, Council staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

Upper Lachlan Shire Council actively investigates and responds to complaints from the public. Complaints serve to highlight the level of satisfaction with Council's policies, procedures, charges, staff and the quality of service and thus provide opportunities for improvement that may not otherwise come to Council's notice.

Council will continually monitor our complaint management system to:-

- Ensure its effectiveness in responding to and resolving complaints;
- Identify and correct deficiencies in the operation of the system;
- Monitoring may include the use of audits.

3.1 How to Lodge a Complaint

A complaint may be lodged in the following ways:-

- By letter;
- In person;
- By e-mail;
- **By facsimile;**
- **By Facebook;**
- By telephone; or
- Anonymously (for serious complaints only).

Where a complaint is lodged verbally, full details should be provided to enable a thorough and fair investigation.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

3.2 Where to Lodge a Complaint

A complaint can be lodged:-

In person, at the offices of the Council, either at:-

Crookwell Administration Offices,

44 Spring Street,
Crookwell 2583

Gunning Administration Offices,

123 Yass Street
Gunning 2581

Taralga Community Service Centre

29 Orchard Street
Taralga 2580

By telephone/fax on: Telephone (02) 4830 1000
Fax (02) 4832 2066

By E-mail: council@upperlachlan.nsw.gov.au

By letter: Private and Confidential
Attention of the Chief Executive Officer
Upper Lachlan Shire Council
PO Box 42
Gunning NSW 2581

3.3 When to Lodge a Complaint

A complaint may be lodged when an individual, group or organisation is dissatisfied with Council. That dissatisfaction may be as a result of work done or service provided, the actions of staff or a Councillor or as a result of a Council policy, procedure or practice.

3.4 Recording of Complaints

Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information. The record of the complaint will document:-

- The contact information of the person making a complaint;
- Issues raised by the person making a complaint and the outcome/s they want;
- Any other relevant and additional support the person making a complaint requires.

Where appropriate, complaints and service requests from the public shall be recorded in the Civica Customer Request Management System (CRM) except those relating to members of staff and Councillors where privacy and confidentiality issue

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

must be considered. Separate files in **HP Content Manager electronic records management system** are prepared for each complaint.

3.5 Acknowledgement of Complaints

All complaints shall be acknowledged within seven (7) days of receipt. Such acknowledgment to the complainant shall include:-

- Advice of the estimated period that will be required to deal with the matter and for them to have a substantive reply.
- CRM Reference ID/Number (where appropriate) and contact person.

3.6 Handling of Complaints

Where a substantive reply is not provided within 20 business days, further advice shall be given to the complainant (within the this period) on when the matter is expected to be resolved.

Depending on the nature of the complaint, minor variations to the procedures may apply to take account of various legislative requirements or practical application.

Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them:-

- The outcome of the complaint and any action taken;
- The reason/s for Council's decision;
- The remedy or resolution/s that Council have proposed or put in place; and
- Any options for review that may be available to the complainant, such as an internal review, external review or appeal.

Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:-

- How the complaint was managed;
- The outcome/s of the complaint (including whether it or any aspect of it) was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations; and
- Any outstanding actions that need to be followed up.

Council will ensure that outcomes are properly implemented, monitored and reported to the **Chief Executive Officer** and senior management.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

4 IMPLEMENTATION TYPES OF COMPLAINTS**4.1 Complaints Against Staff and Councillors**

- a) Each complaint shall be recorded on a separate file relating to the individual(s) and these shall be maintained in a confidential filing system.
- b) Unless there are legal constraints, such as privacy, the councillor(s) or staff member(s) must be informed of the complaint and be given the opportunity to respond.
- c) All complaints will be dealt with confidentially.
- d) The cause of the complaint will be investigated and, where appropriate, changes will be made in procedures, processes or training.

4.1.1 Complaints Against Members of Staff

The attached flowchart (Appendix 1) shows the procedure for dealing with complaints against staff members. Complaints against members of staff will be referred to the **Chief Executive Officer**. The **Chief Executive Officer** will be responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the Code of Conduct by members of staff. Where a complaint against a staff member involves a possible breach of Council's Code of Conduct, outcome options include:-

- Disciplinary action, in accordance with staff disciplinary policy;
- Reporting the matter to the Police;
- Reporting the matter to the Office of Local Government – **Department of Planning and Environment**, ICAC or the Ombudsman.

4.1.2 Complaints Against the **Chief Executive Officer or Senior Staff**

A complaint against the **Chief Executive Officer** shall be referred to the Mayor for assessment and where the matter is considered to be a breach of the Code of Conduct, the Mayor may refer the matter to the Conduct Reviewer. The Conduct Reviewer shall consider the matter and provide a report to Council. Council shall decide on any appropriate action to take.

Any complaints against Directors shall be sent to the **Chief Executive Officer**, who shall investigate and take appropriate action.

4.1.3 Complaints Against Councillors

The attached flowchart (Appendix 2) shows the procedure for dealing with complaints against Councillors. A complaint against a Councillor shall be referred to the **Chief Executive Officer** for initial assessment. The **Chief Executive Officer** in accordance the Code of Conduct must determine to:-

- Take no further action and give the complainant the reason(s) in writing;

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

- Resolve the complaint and give the complainant advice on the resolution of the matter(s) in writing;
- Discontinue the assessment in the circumstances where it has become evident that the matter should be referred to another body or person and advise the complainant in writing;
- Refer the matter to the Conduct Reviewer;
- Refer the matter to the Office of Local Government.

Council's Conduct Reviewer must decide whether the conduct reported to it comprises a breach of the Code of Conduct. The Conduct Reviewer will report the findings to the Council, the complainant and the person the subject of the complaint. The Conduct Reviewer may, in their report, recommend that Council take any action it considers reasonable in the circumstances.

4.2 Competitive Neutrality Complaints

All complaints received are to be treated in a confidential manner (by staff and Council). In addition, all complaints should be investigated and treated in an objective and impartial manner. Complete documentation of all actions and finding is to be maintained. In this respect an "Internal Investigations" booklet published by the ICAC should be consulted.

On receipt of complaints the following action is to be taken:-

(i) Verbal Complaints

The complainant will be referred to the Complaints Coordinator. The person receiving the complaint is to record sufficient details of same to enable the matter to be followed up. This includes the name and contact details of complainant, specific nature of complaint (what/who involved, time, location, etc.). Form A (as attached) to be utilised for that purpose.

The complainant is to be advised that the matter will be investigated and further contact made with them i.e. for further details and/or result of investigation. A response to the complaint will be provided within **four (4)** weeks of lodgement (except in exceptional or complex circumstances).

Following receipt of the complaint, the Form A is to be sent to the Complaints Coordinator. The Complaints Coordinator will undertake appropriate investigations of the matter and record details of same. This process will involve referral to appropriate staff and an objective assessment of the issues involved. In the case of a competitive neutrality complaint, the investigation will be undertaken by the Complaints Coordinator or their nominee (independent of the business activity). Where necessary, independent assistance may be sought and an investigatory panel consisting of staff and/or Councillors established.

Depending on result of investigations, action is to be taken to alleviate any future recurrence; refer to Council/Ombudsman/ICAC guidelines (as

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

appropriate) and/or disciplinary action. Details of action taken to be recorded on Form A and advice forwarded/given to complainant. On completion of action, Form A is to be signed by **Chief Executive Officer**. In the case of competitive neutrality complaints where the complainant is dissatisfied with the determination by the **Chief Executive Officer**, the matter will be referred to the Office of Local Government. Remedies to resolve a Competitive Neutrality Complaint include the following:-

- Provide more information to the complainant for a more accurate understanding of competition policy;
- Investigate and review Council's business activity if a legitimate complaint is made;
- Change Council's business practice where a complaint is justified. (This may require Council's consent before the change can be approved).

(ii) Written Complaints

On receipt of a written complaint the matter is to be referred immediately to the Complaints Coordinator. The person receiving the complaint is to initiate a Form A for the complaint and the process listed for verbal complaints (see above) followed. All complaints will be properly reviewed and an appropriate course of action taken.

The Conduct Reviewer will act as an independent review body. Independent persons **or suppliers** are appointed as approved by a Council Resolution.

The Conduct Reviewer **will be engaged in accordance with the Code of Conduct** whenever there is a complaint against the Mayor, a Councillor or the **Chief Executive Officer**. This Conduct Reviewer is responsible for initiating, recording and acting on the complaint.

The attached flow chart (Appendix 3) outlines the procedure for dealing with competitive neutrality complaints.

All such complaints must be directed to the Complaints Coordinator, who will deal with competitive neutrality complaints in accordance with the Council's policy and procedures.

The National Competition Policy requires that the person responsible for handling such complaints should not be involved in the Council's business activity thus maintaining accountability, independency and probity.

If the matter cannot be resolved within the Council, the complainant, where required, will be referred to an external agency such as the Ombudsman or Office of Local Government – **Department of Planning and Environment**.

Where a competitive neutrality complaint is lodged, investigated and deficiencies identified, Council will review such practices or deficiencies and remedy them as quickly as possible.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

4.3 Management of Public Interest Disclosures

The Public Interest Disclosures Act 2022 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.

The management of Public Interest Disclosures does not form part of this Policy.

4.4 Management of Corrupt Conduct

Where, on the Councils' assessment, complaints may concern alleged corrupt conduct, these shall be reported to the ICAC immediately or NSW Police.

The management of Corrupt Conduct complaints does not form part of this Policy.

4.5 Three Tiered Approach to Managing Complaints against Service

Council has established a three tier approach to managing service complaints.

Tier 1 Complaints falling into this category shall be dealt with by the frontline staff who shall be empowered to deal with initial complaints with an aim to resolving complaints at first contact. This obligation will progressively be included into the relevant staff members Job Description. Staff are required to record the complaint in HP Content Manager for later use if required. If the complaint is not satisfied at this stage it is then referred to a responsible officer in the relevant Section within the organisation that shall deal with the matter in accordance with this policy.

Tier 2 Where that complaint has not been resolved, it shall be referred to the relevant Manager within the Section. If the complaint remains unresolved, or the person wishes to appeal the determination of the relevant Manager, the appeal is referred to the Complaints Coordinator for investigation/review. If it is found that, following review/investigation by the Complaints Coordinator, that the complaint is vexatious or cannot be satisfied, Clause 4.10 of this policy shall apply.

Tier 3 If the complaint is still unresolved, the complainant will be advised of avenues of redress. This may include:-

- Referral to external bodies such as the Ombudsman, Office of Local Government or the Independent Commission against Corruption (ICAC) depending on the nature of the complaint.
- Dispute resolution procedure (mediation).
- Complainant informed of appeal procedure or other legal remedy that may apply.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

4.6 Remedies

If it is found that a complaint is justified, where practicable, complainants should be put back into the position that they would have been if the problem had not arisen.

In making any decision it is paramount that the remedy is consistent and fair to both Council and the complainant. This may involve reversing a decision or providing a service or some other form of redress that may be considered appropriate by the relevant staff member.

If a remedy to a complaint is proposed by the Complaints Coordinator, the comments from the relevant Section Manager or Director may, depending on the circumstances, be obtained before its implementation.

4.7 Anonymous Complaints

Details of anonymous complaints should be recorded on a file note and referred to the Complaints Coordinator who will determine whether further investigation is warranted based on the merit, seriousness and nature of the complaint and the information provided.

4.8 Other Complaints

Reporting breaches under the Code of Conduct – will be dealt with under Part 4 of the **Procedures for the Administration of the Code of Conduct for Local Councils**.

Complaints under Public Interest Disclosures – will be dealt with under the Public Interest Disclosure Policy.

Complaints about privacy breaches – will be dealt with under the Privacy Management Plan.

Complaints about Harassment - will be dealt with under the Harassment Policy.

Complaints about Grievances (meaning work-related disagreement, complaint or matter which someone thinks is unfair or unjustified and which is causing that person concern or distress) - will be dealt with under the Grievance Policy.

5 UNRESOLVED COMPLAINTS

5.1 Customers with Demands that Cannot be Satisfied

Customers with who make demands upon Council that cannot be satisfied, include members of the public or groups who by correspondence, counter enquiries or telephone calls:-

- make unreasonable demands upon Council;
- are unreasonably persistent;
- provide an unreasonable lack of cooperation;

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

- provide unreasonable arguments; or
- The behaviour is unreasonable.

Vexatious complaints include complaints that are intended to provoke irritation or anxiety and can be frivolous. Such requests may lack intellectual substance and may not merit serious consideration or proceedings being undertaken, as the complaint is likely to have been generated to cause annoyance.

These complaints can take the form of information requested or the nature or scale of the services sought.

Sometimes Council receives demands that, based on the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service on the same matter, may result in a diversion of resources.

Examples of Unreasonable Demands include but are not limited to:

- Complainant insists on outcomes that cannot be achieved;
- Insist on a 'moral' outcome;
- Demanding an apology/explanation when no reasonable basis exists;
- Consistently creating complexity when there is none;
- Making unreasonable resource demands.
- Demands placed on Council which are significant or unreasonable thus diverting Council's resources away from other functions,
- Constantly raising the same issue with different staff, or
- Creating inequitable allocation of resources from other customers.

Strategies for Dealing with Unreasonable Demands:

- Managing expectations from the outset;
- Adopting a firm, clear and authoritative communication style both in writing and orally;
- Making sure the communication style is appropriate to the specific complainant;
- Making sure the complainant understands the Council's role;
- Defining the key issues and keeping the focus on them;
- Keeping the complainant informed of progress, and
- Providing clear reasons for decisions.

Examples of being Unreasonably Persistent include but are not limited to:

- Persisting with a complaint even though it has been comprehensively examined and avenues of internal review within Council have been exhausted;
- Persisting with an interpretation of the law that is not in accordance with generally accepted or expert views;
- Showing an inability to accept the final decision;

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

- Reframing a complaint with a view to it being investigated again; or
- Making excessive and regular contact with the case officer.

Strategies for Dealing with Unreasonable Persistence include but are not limited to:

- Communicating clearly and transparently, (e.g. telling complainants firmly that something is 'not going to happen');
- Requiring complainants who want an internal review to provide an argument for one, (i.e. to explain how the complaint handler has erred or provide new information; if they don't, their file will remain closed);
- Making it clear following internal review that, for better or worse, Council has made its decision and advising the complainant that if they remain dissatisfied, they should seek an independent external review of that decision to an external agency, and maintaining a 'no means no' stance following internal review;
- Adopting, when appropriate, a firm "no further correspondence/contact" stance and requiring any variation from this to be authorised at a high level;
- Not allowing complainants to reframe the complaint, unless they raise new and important issues;
- Ending telephone calls that are unproductive;
- Asserting the Council's position, acknowledging their position, but stating that the Council decision is final;
- Managing expectations from the outset, including ensuring initial expectations are realistic;
- Adopting a firm and authoritative communication style both in writing and verbally; and
- Defining key issues and keeping the focus on them.

Examples of Unreasonable Lack of Cooperation include but are not limited to:

- Presenting a large quantity of information that is not coordinated;
- Refusing to present all available information at the outset;
- Focussing on principles rather than issues; and
- Raising new issues in the process of considering a matter.

Strategies for Dealing with Lack of Cooperation include but are not limited to:

- Requiring complainants to organise or summarise the information they have provided before you look at the complaint;
- Requiring complainants to clarify what their issues are before you will look at the complaint;
- Telling complainants that you will not look at their complaint until all the information has been presented;
- Ending your involvement in the complaint where it is discovered that the complainant has been wilfully misleading or untruthful in a significant way

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

- and inviting them to raise their concerns with the appropriate external agency;
- Managing expectations from the outset, including ensuring initial expectations are realistic;
- Adopting a firm and authoritative communication style both in writing and verbally; and
- Defining key issues and keeping the focus on them.

Examples of Unreasonable Arguments include but are not limited to:

- Irrational beliefs;
- Unsupported 'conspiracy theories';
- Insisting that one solution is the only correct one contrary to alternative argument;
- Irrational interpretation of facts; or
- Overemphasising a trivial issue.

The strategy for dealing with unreasonable arguments is that they need to be declined and the complainant disengaged at the earliest opportunity after it becomes clear that the argument is groundless. If the complainant persists they can be invited to raise their concerns with an external agency.

Examples of Unreasonable Behaviour include but are not limited to:

- Confronting behaviour, rude, aggressive, threatening either in person or through the mail;
- Making threats of self harm or harm to others; or
- Manipulative behaviour – (tears, veiled threats).

Strategies for Dealing with Unreasonable Behaviour include but are not limited to:

- Request the complainant to address the issues in more moderate language;
- End telephone calls and interviews if the complainant is abusive and record the tone of the complainant; or
- Indicate that you need to make further inquiries and if appropriate obtain support from the Director of the Section.

5.2 Customers with Vexatious Complaints

If in the opinion of the relevant Director or Complaints Coordinator, the complaint is:-

- Vexatious;
- Unreasonable; or
- Cannot be satisfied.

This means that the above strategies and appropriate avenues of internal review or appeal have been exhausted and the customer continues to contact Council. In such

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

situations the Director shall contact the customer restating Council's position on the matter and advise that if the customer continues to contact Council regarding the matter he/she may determine:-

- Not to accept any further phone calls from the customer;
- Not to grant any further interviews;
- Require all further communication to be put in writing; or
- Continue to receive, read and file correspondence but only acknowledge it.

If the customer provides in the opinion of the Director, significant new information relating to their complaint or concern; or the customer raises new issues which warrants further investigation the customer shall be given one opportunity to make representations on that/those issue(s) only.

In respect of counter enquiries and telephone calls where the customer is clearly unsatisfied with the response or reverts to an argumentative position where the staff member is unable to address the matter at hand, the customer is to be referred as follows:-

- To the most senior person available;
- To the professional staff member responsible for that work area;
- To the manager responsible for that work area; or
- If the matter cannot be resolved at that level, the person is to be encouraged to submit their dispute or issue in writing.

In those circumstances, the strategies outlined previously are to be used by the staff member dealing with the matter.

In the case of complaints or requests that are irrelevant in a Local Government context, lack intellectual substance or do not merit serious consideration of Council, the correspondence is to be placed on file and no further action taken.

The **Chief Executive Officer** may, depending on the nature of the issue, advise Councillors of any correspondence issued in accordance with this clause. If the customer continues to make unreasonable demands upon Council after being advised of Council's proposed course of action, the **Chief Executive Officer** may, after considering any representations from the customer, advise the customer that following will apply:-

- Require all further communication to be put in writing; or
- Continue to receive, read and file correspondence but only acknowledge it.

5.3 Rude, Abusive or Aggressive Customers

In all the above situations, customers may become rude, abusive or display aggressive behaviour. This may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

offensive behaviour, physical violence against property or physical violence against a person. This is not considered to be classified under complaints or demands.

If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member is to:-

- a) Warn the caller that if the behaviour continues the conversation or interview will be terminated; and
- b) Terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.

Where a conversation or interview is terminated, the staff member must notify the relevant Director of the details as soon as possible.

Any correspondence which, in the opinion of the relevant Manager, contains personal abuse, inflammatory statements or material clearly intended to intimidate will be returned to the sender requesting that they reframe their concerns in more moderate language.

5.4 Banning Notice

As part of Council's duty of care commitment to promote a culture where harm to our staff and the community is unacceptable, Council reserves the right to revoke the right of a person to enter a premise under Council's control and if appropriate will issue a banning notice in accordance with the *Inclosed Lands Protection Act 1901* to any person who is assessed as follows:-

- a) Having engaged in unlawful and/or antisocial behaviour and is likely to repeat such behaviour; or
- b) A credible threat to the safety and/or wellbeing of any other person on Council premises; or
- c) Being unable to demonstrate a legitimate reason for being on Council premises.

Council also reserves the right to ban or block any person from electronic communications with Council including but not limited to email, website and Facebook.

6 GENERAL

In all of the situations referred to in this policy, adequate documentation must be created and recorded on the appropriate file within HP Content Manager record management system.

Where the Chief Executive Officer determines to limit a customer's access to Council in any of the ways specified in this policy, the Chief Executive Officer must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Office of Local Government and the NSW Ombudsman for information.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

A Council staff member will be notified of a complaint when an issue is seen to have some validity. If there are no substantiated issues the staff member or Councillor will not be contacted.

Council staff can request information from the **Manager Human Resources** on whether any complaints have been received relative to themselves or their role.

7 ROLE OF INVESTIGATING AUTHORITIES

7.1 NSW Ombudsman

The Ombudsman is responsible for safeguarding the public interest by providing for the redress of justified complaints and promoting fairness, integrity and practical reforms in public administration in NSW. The Ombudsman is a neutral investigator. The NSW Ombudsman should be viewed as an office of last resort in dealing with a complaint.

If, after investigation, a complaint is considered to be justified, the Ombudsman will recommend action to remedy the problem. This may involve some action that will help the individual who complains, but more often will focus on fixing deficiencies in the law or procedures.

In relation to Local Government, the Ombudsman's job is to make sure local councils act fairly and reasonably. The Ombudsman's jurisdiction is very broad and largely concerns conduct which can be described as "maladministration" or "wrong conduct". This includes any action or inaction or alleged action or inaction, relating to a matter of administration, i.e. contrary to law, unreasonable, unjust, improperly discriminating.

7.2 Independent Commission Against Corruption (ICAC)

The ICAC is concerned with "corrupt conduct". Corrupt conduct can be summarised as the dishonest or partial exercise of official functions by a public official.

This is conduct at the more serious end of the "maladministration" or "wrong conduct" spectrum as it must also involve a criminal offence or conduct serious enough to warrant dismissal or disciplinary action, e.g. taking or offering bribes, public official dishonestly using their influence, blackmail, fraud and election bribery.

7.3 Office of Local Government

The Office of Local Government provides and manages a policy and legislative framework for local government. The Local Government Act 1993 significantly increases the ability of the Minister and the Chief Executive of the Office to oversee and monitor the performance and activities of Councils.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

The Chief Executive has generally wide powers of investigation into Council activities. Formal investigations of councils are undertaken by persons appointed by the Chief Executive as departmental representatives. The Minister has powers to direct a Council in terms of any recommendation made by a departmental representative arising out of an investigation.

7.4 Pecuniary Interest

Local Government Pecuniary Interest requirements are managed under Part 4 of the Council Code of Conduct.

8 PERFORMANCE STANDARDS

The Performance Standards are set out in the Flowcharts outlined in the appendices. Generally an acknowledgement is to be provided within seven days and the complaint resolved within four weeks. It is important that the complainant is kept informed of progress with the complaint if it is expected that resolution cannot be achieved within that timeframe.

The Council Officers involved in managing complaints will ensure all effort is made in maintaining confidentiality throughout the process in relation to the complainant and the person who is the subject of the complaint to:

- Minimise the risk of harm to these parties including any potential harassment;
- Ensure the integrity of the investigation;
- Maximise the information provided to assist the review;
- Reduce the risk of contamination of information or evidence; and
- Meet statutory requirements in cases of public interest disclosures.

Witnesses interviewed in the course of an investigation will be asked not to discuss the matter with other witnesses or third parties.

Notwithstanding the above, confidentiality of the complainant or other sources of information cannot be guaranteed.

9 REVIEW

This Policy and Procedures will be reviewed within one year of the election of a new Council, or earlier if circumstances change to warrant a review.

10 VARIATION

Council reserves the right to vary or revoke this policy.

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

Annexure 1

A. How to Make a Complaint to Council?

In writing and/or on Form A and marked/addressed as follows:-

Private and Confidential

Attention of the Chief Executive Officer

Upper Lachlan Shire Council

PO Box 42

GUNNING NSW 2581

In person: by making an appointment to see the Chief Executive Officer. This can be arranged by telephone on (02) 4830 1000. The appointment can be arranged either at Council premises or at the person's home/place of business place.

By telephone: by contacting the Chief Executive Officer on the above telephone number.

B. How to make a complaint to an external agency?

Independent Commission Against Corruption (ICAC)

ICAC may investigate allegations of Corrupt Conduct of Councils, Councillors and Officers. ICAC may be contacted on (02) 8281 5999, 1800 463 909 or by writing to:-

ICAC

GPO Box 500

Sydney NSW 2001

Office of Local Government (OLG)

The OLG may investigate complaints concerning the conduct and management of Councils. They may also investigate complaints concerning the disclosure or nondisclosure of pecuniary interest matters. The Office may be contacted on (02) 4428 4100, olg@olg.nsw.gov.au or by writing to:-

The Chief Executive

Office of Local Government

Locked Bag 3015

NOWRA NSW 2541

NSW Ombudsman

The Ombudsman may be contacted on 1800 451 524, info@ombo.nsw.gov.au or by writing to:-

T

he Office of the Ombudsman

Level 24

580 George Street

SYDNEY NSW 2000

V8 20.07.23

Page 24

ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

Form A

**Upper Lachlan Shire Council
COMPLAINTS MANAGEMENT**

Date Received: _____

Name/Contact Details of Complainant:

**Details of
Complaint:** _____

Signature of Receiver: _____

Action Taken:

(including discussions/referral of matter) _____

Note: Acknowledgement to applicant required within seven (7) days of lodgement

Result of Action:

(Including advice of action to Applicant) _____

Signature of **Chief Executive Officer**

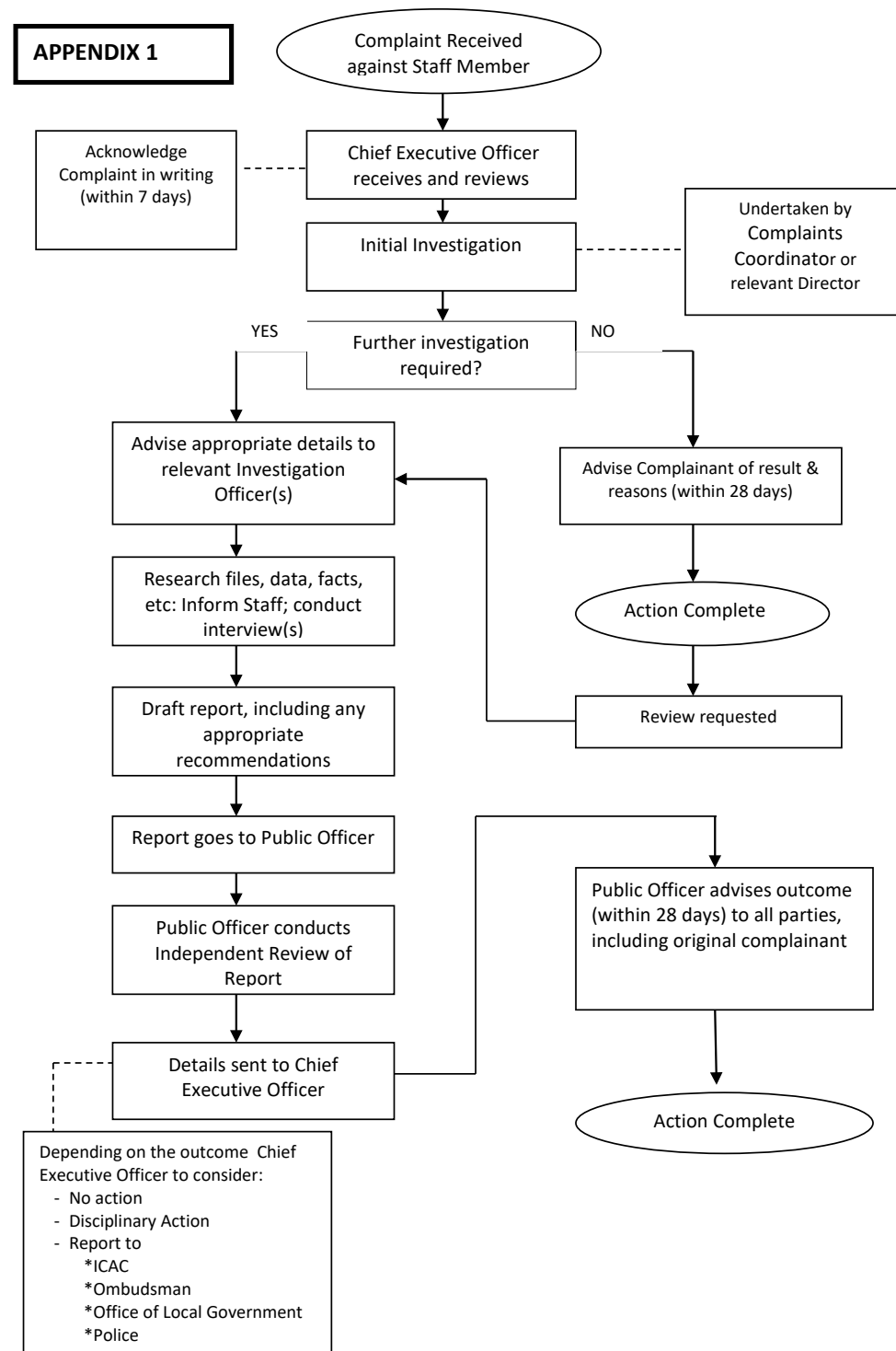
_____ **Date** _____

V8 20.07.23

Page 25

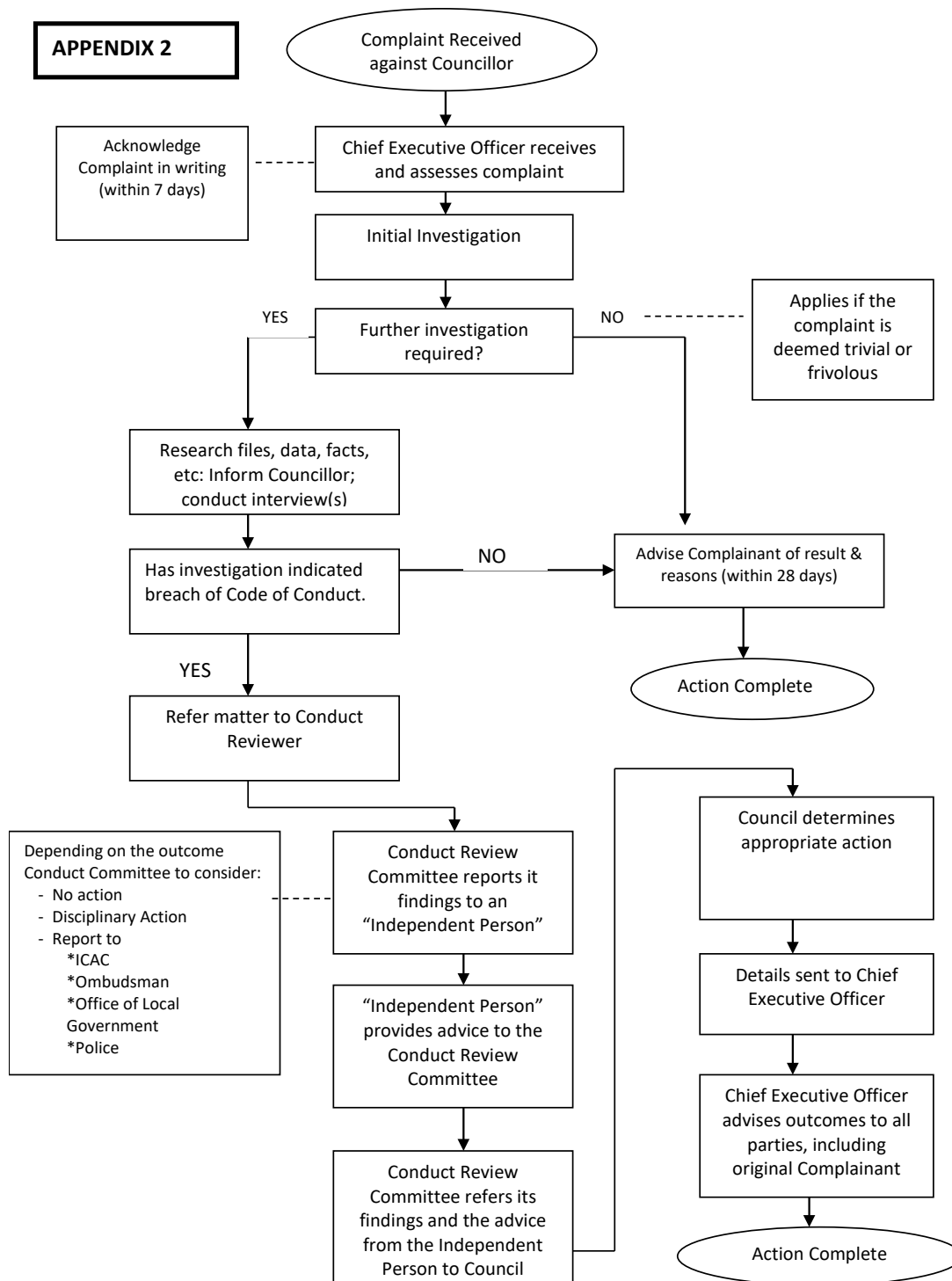
ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023



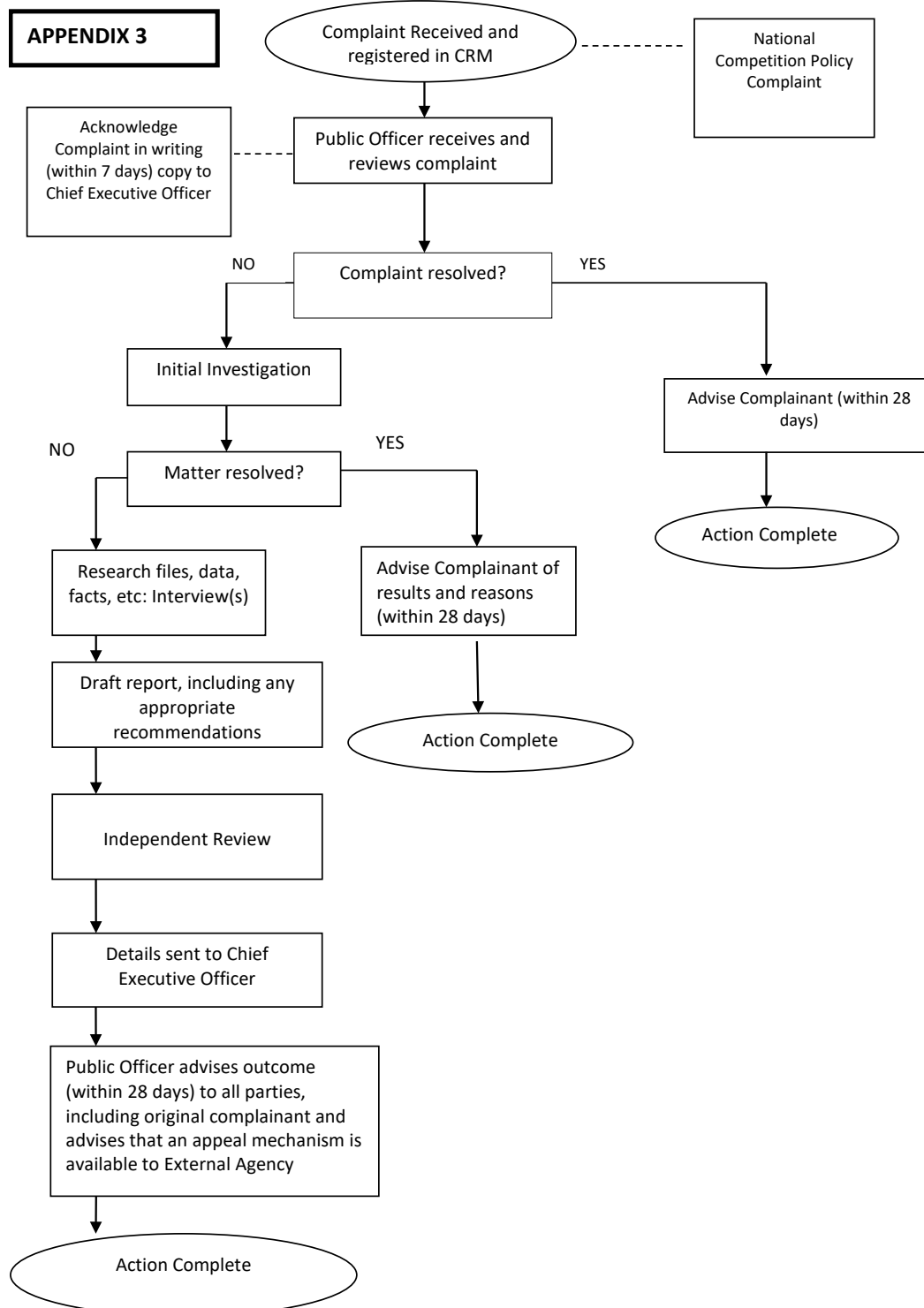
ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023



ULSC COMPLAINTS POLICY AND PROCEDURE

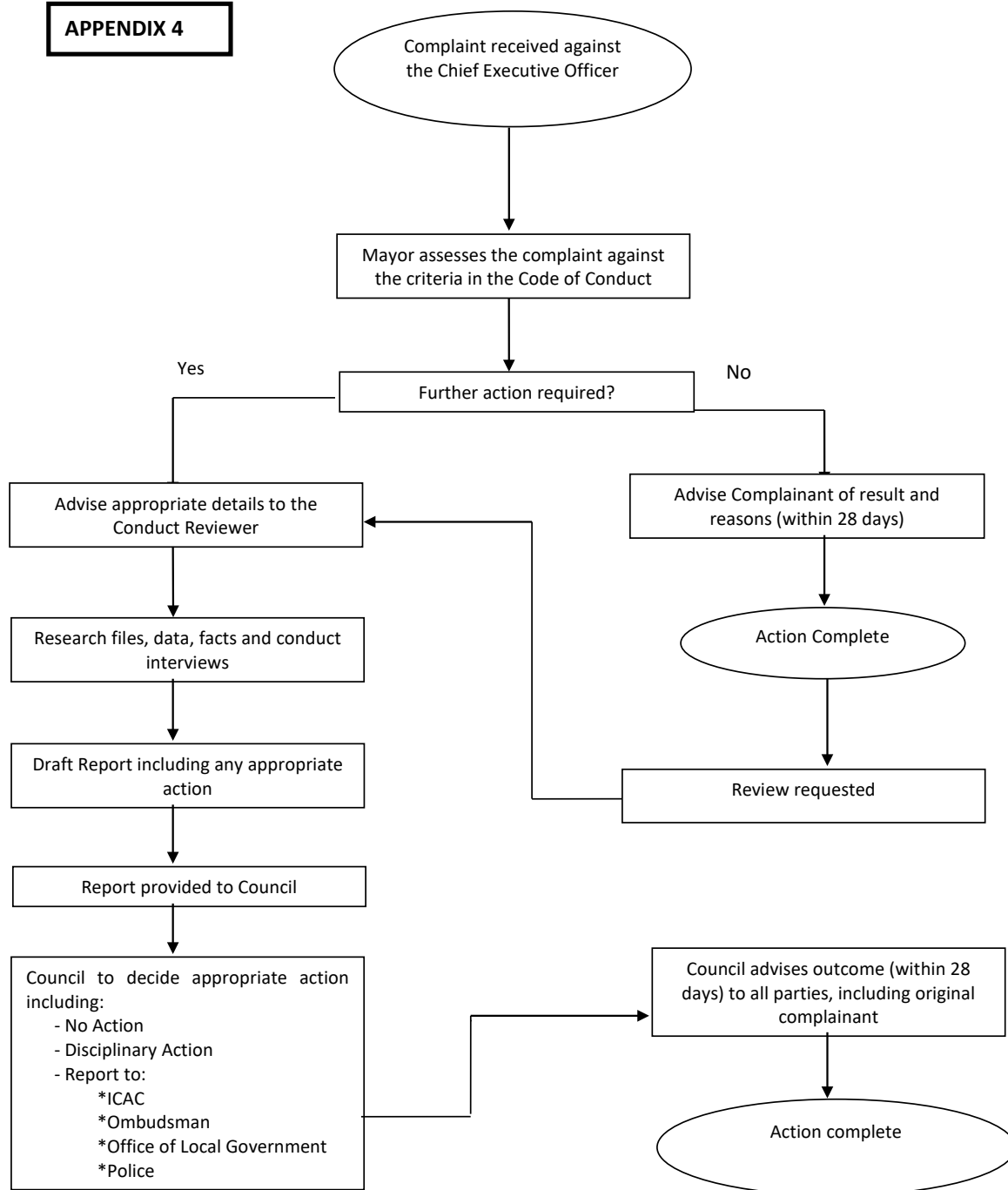
Adopted: 20 July 2023



ULSC COMPLAINTS POLICY AND PROCEDURE

Adopted: 20 July 2023

APPENDIX 4



Finance and Administration - 20 July 2023

ITEM 13.2 **Delivery Program review 2022/2023**

FILE REFERENCE **I23/209**

AUTHOR **Director of Finance and Administration**

ISSUE

Delivery Program – Principal Activities and Program Actions Report for 2022/2023.

RECOMMENDATION That -

1. Council adopt the Delivery Program Review for the six-month period ended 30 June 2023.

BACKGROUND

The Delivery Program is a four-year plan, accompanied by a complete four-year budget program of works that details what Council will do to implement the Community Strategic Plan Towards 2042!.

Council adopted the Delivery Program on 16 June 2022. The Delivery Program is reviewed annually by Council to ensure the program evolves and remains aligned to Council priorities

REPORT

Upper Lachlan Shire Council has implemented the Office of Local Government, Integrated Planning and Reporting (IP&R) legislation. Section 404 (5), of the Local Government Act 1993, states “The General Manager must ensure that progress reports are provided to the Council, with respect to the Principal Activities detailed in the Delivery Program, at least every 6 months.”

Attached to this report is a progress review report on Council's Delivery Program activities in accordance with the IP&R guidelines for the period of January to June 2023.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopt the Delivery Program Review for the six-month period ended 30 June 2023.

ATTACHMENTS

1. 	Quarterly Review 2022-2023 - Delivery Program 30 June 2023	Attachment
--	--	------------

The Delivery Program Actions are integrated with the Community Strategic Plan Towards 2042 (CSP) Strategies and referenced to a Community Aspiration. Each six month period the General Manager is to provide a progress report with respect to the Delivery Program Actions.

CSP STRATEGIC PILLAR NO.1 – OUR COMMUNITY

Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
1.1 - Support the retention of medical and health care facilities in the towns.	Support medical practitioners by providing available community buildings to facilitate health care service provision.	Director of Infrastructure and General Manager	Strategy A.3 - Advocate State and Federal Government agencies for infrastructure and services that meet the health and wellbeing needs of the community. 5. People attaining health and wellbeing.	Achieved – community buildings leased to facilitate health care services and in-kind contributions provided to service providers.
1.2 - Support provision of ageing population services and aged accommodation.	Liaise with government agencies and associated community groups in advocating for adequate aged care services and accommodation.	Director of Environment and Planning	Strategy A.1 - Our community has access to health and community services that support physical health and mental wellbeing through all life stages. 2. Community liaison to preserve and enhance community facilities.	Not achieved - Disability Inclusion Action Plan requires review and update. Being achieved - Access Committee reconstituted in 2023.
1.3 - Community services for young, aged, disabled, and people from diverse cultural backgrounds.	Implementation of actions identified in the Social and Community Plan, Disability Inclusion Plan, Cultural Plan and Ageing Strategy.	Director of Environment and Planning	Strategy A.6 - Support the community by encouraging creative expression through arts and culture. 6. Resilient and adaptable communities.	Not achieved - review of Social and Community Plan will be undertaken following adoption of LSPS and CPP. Not achieved - Cultural Plan and Ageing Strategy requires reviewing in 2023.

Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
1.4 - Retain the youth population demographic and provide appropriate facilities.	Number of consultations held with youth groups. Continue support of the Youth Committees.	Director of Environment and Planning	Strategy A.7 - Support participation in a broad range of activities to foster community connectivity and informal support networks. 2. Community liaison to preserve and enhance community facilities.	Not achieved – Youth Policy not developed. Being Achieved – Youth Committee established and Council support provided for youth events held in towns.
1.5 - Lobby for retention of education facilities.	Advocate for education facilities from pre-school to high school to be retained in the Shire's towns.	General Manager	Strategy A.8 - Support and promote services, community groups and local initiatives as a way of supporting residents and welcoming and including new residents. 2. Community liaison to preserve and enhance community facilities.	Achieved - assisted grant application for pre-school services. Achieved – Council provide support to school grant applications and provide donations for learn to swim programs.

Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
1.6 - Protect significant heritage sites to preserve the diverse history of the Shire.	Heritage sites receiving funding over three year program.	Director of Environment and Planning	Strategy A.5 - Events celebrate the identity of our towns, produce, heritage and culture. 1. A built environment enhancing the lifestyle of a diverse community.	Achieved – heritage projects received funding in 2022/2023.
1.7 - Social inclusion for all disparate communities.	Provision of recreational opportunities and upgrade to existing public recreational facilities within the Shire towns.	Director of Environment and Planning	Strategy A.2 - Our community driven sports and recreation groups are supported. 6. Resilient and adaptable communities.	Being achieved – new inclusive playground designed for Coleman Park Crookwell. New sport amenities under construction at Lin Cooper sports grounds and new amenities under construction at Gunning showground.
1.8 - Manage and upgrade Council's public buildings and community centres.	Preparation and review of Council buildings and strategy on future arrangements in consultation with Section 355 Committees.	Director of Infrastructure	Strategy A.7 - Support participation in a broad range of activities to foster community connectivity and informal support networks. 2. Community liaison to preserve and enhance community facilities.	Achieved – support to Section 355 Committees is provided. Not achieved - Plans of Management yet to be completed.

Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
1.9 - Encourage recreational, cultural and leisure activities while maintaining public safety standards.	Provide funding for existing library and swimming pool facilities. Also, manage animal control and sporting grounds activities.	All three Council Department Directors	Strategy A.2 - Our community driven sports and recreation groups are supported. 2. Community liaison to preserve and enhance community facilities.	Achieved – animal control activities undertaken. Achieved - Gunning pool open in 2022/2023. Sports groups were consulted during the design of Lin Cooper change rooms and amenities. Achieved - Crookwell and Gunning Library refurbishment funded by a grant were completed.

CSP STRATEGIC PILLAR NO.2 – OUR ENVIRONMENT

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
2.1 - Address environmental degradation issues, i.e. noxious weeds control.		Review of Biosecurity Management Strategy.	Director of Environment and Planning	Strategy C.1 - Protect and enhance the existing natural environment, including flora and fauna native to the region. Strategy C.2 - Implement effective integrated weed and pest animal management. 3. A healthy natural environment.	Not achieved - Biosecurity Management Strategy to be developed.
2.2 - Promote environmentally sustainable developments (ESD).		Review, update and implementation of Upper Lachlan Local Environmental Plan (LEP) and Development Control Plan (DCP).	Director of Environment and Planning	Strategy C.6 - Maintain a balance between growth, development, environmental protection agriculture through sensible planning. Strategy C.7 - Consider community feedback, local character and identity, economic factors and social impact in planning decisions. 4. A prosperous economy with the balanced use of our land.	Being achieved – work completed with respect to amending the LEP land use tables and updating to reflect State Government legislative changes.
2.3 - Promote use of green and renewable energy.		Council promote alternate energy initiatives. Review Climate Change Adaption Strategy and development of Resilience Framework.	Director of Environment and Planning	Strategy C.4 - To investigate and implement approaches to reduce our carbon footprint. 3. A healthy natural environment.	Not achieved – Environmental Sustainability Strategy not commenced.

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
2.4 - Pursue Section 7.12 Development Contributions (former Section 94A) payments for all State Significant - Designated Developments.		Council is to manage and distribute the funds through a Community Enhancement Program (CEP) for each wind farm committee.	Director of Environment and Planning	Strategy C.8 - Encourage positive social and environmental contributions from developers. Strategy B.2 - Foster a diverse and resilient agricultural industry. 1. A built environment enhancing the lifestyle of a diverse community.	Achieved - Community Enhancement Funds operate as Committees of Council distributing funds to community groups annually.
2.5 - Support land care initiatives to restore and beautify natural resources.		Continued partnership working to protect our environment by enhancing land and waterways to sustain natural ecosystems.	Director of Environment and Planning	Strategy C.3 - Protect and rehabilitate waterways and catchments. 2. Community liaison to preserve and enhance community facilities.	Achieved – support provided for land care groups and Section 355 Committees within the Shire.
2.6 - Provide waste pickup service for towns and villages and reduce the amount of waste going to landfills.		Council provide a strategy for future waste service provision. Implement improvement works to Crookwell landfill/waste centre and the village waste transfer stations to ensure compliance with EPA guidelines.	Director of Environment and Planning	Strategy D.12 - Our recycling and waste management practices are accessible and efficient. 7. Responsible and efficient use of resources.	Not achieved – waste strategy not commenced

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
2.7 - Improve water supply and sewerage facilities to towns.		Implement town water supply and sewerage improvement programs and include within Long Term Financial Plan (LTFP).	Director of Environment and Planning	Strategy D.10 - Provide high quality reliable water supply to communities. Strategy D.11 - Provide safe and efficient sewerage services to communities. 2. A healthy natural environment.	Being achieved – IWCM development is ongoing and will identify priority areas. Being achieved – preliminary design works associated with the Taralga off stream (dam) being completed to assist in providing further water security to the village. Lobbying for full funding to build new water storage dam.

CSP STRATEGIC PILLAR NO. 3 – OUR ECONOMY

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
3.1 - Ensure financial viability of Council.		Long-term Financial Planning (LTFP) model implemented.	Director of Finance and Administration	Strategy E.5 - Manage resources in a responsible manner that supports the ongoing viability of Council. 7. Responsible and efficient use of resources.	Being achieved - LTFP was adopted by Council on 16 June 2022. The LTFP was reviewed and readopted by Council on 15 June 2023.
3.2 – Prudent financial management.		Achieve key financial benchmarks and receive unqualified audit report each year.	Director of Finance and Administration	Strategy E.6 - Seek out and pursue income generating opportunities for Council. 8. Transparent and accountable governance.	Being achieved – 4 benchmarks achieved of 7. Not achieved - qualified audit report issued for 2021/2022 Financial Statements due to non-recognition of RFS assets.
3.3 - Encourage sustainable population growth and provision of associated infrastructure.		1. Implementation of Southern Tablelands Regional Economic Development Strategy (REDS). 2. Implementation of local Business and Economic Development Strategic Plan dovetails into REDS priorities.	General Manager	Strategy B.6 - Support and encourage the growth of tourism infrastructure such as accommodation, visitor facilities and restaurants. 4. A prosperous economy with the balanced use of our land.	Achieved - REDS implemented and review of REDS finalised. ED strategies being reviewed, formation of new S355 committee to provide input to strategic document. Planning and development control principals applied to assessing subdivision applications. IWCM under way to assist future population planning for water and sewer infrastructure.

Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
3.4 - Assist facilitation of employment opportunities.	Number of contacts with existing businesses and grant application preparation resources provided to assist businesses.	General Manager	Strategy B.7 - Support our young people to access surrounding education, training and employment pathways. 7. Responsible and efficient use of resources.	Achieved – Grant Report provided monthly to Council. Council has been successful in securing grant funding for numerous projects.
3.5 - Encourage and support viable local businesses.	Deliver on tourism member and non-member benefits program. Tourism section is to prepare two business promotions annually.	General Manager	Strategy B.6 - Support and encourage the growth of tourism infrastructure such as accommodation, visitor facilities and restaurants. Strategy B.1 - Promote the region as an ideal location for businesses and industry. 4. A prosperous economy with the balanced use of our land.	Not achieved – Industry e-news emails and information providing a supply of relevant/ timely information and potential opportunities. Sharing business successes through social media campaigns. New Section 355 Committee will be formed to encourage further collaboration with local businesses and promote idea sharing.
3.6 - Promote tourism opportunities and community events.	Marketing and promotion is timely, professional, informative and responsive to user needs. Capitalise on Canberra Region brand opportunities.	General Manager	Strategy B.5 - Foster strategic partnerships with tourism authorities to harness marketing and attraction opportunities. 2. Community liaison to preserve and enhance community facilities.	Being achieved – events held in 2022/2023 from Reconnecting Regional NSW grant. Distributed Destination Guide as part of “Discover the Shire of Villages” campaign.

CSP STRATEGIC PILLAR NO. 4 – OUR INFRASTRUCTURE

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
4.1 - Improve local road and regional road transport networks.		Manage road assets to ensure public safety. Road Hierarchy reviewed and reported to Council. Pavement rehabilitation on regional roads.	Director of Infrastructure	Strategy D.1 - Plan for, maintain and improve road corridor networks. 7. Responsible and efficient use of resources.	Being achieved – capital and maintenance works undertaken on Regional and Local Roads and updated Infrastructure Plan adopted by Council on 15 June 2023.
4.2 - Infrastructure Plan is implemented for new capital works, asset renewal and upgrades covering a 10 year period.		Asset Management Plans and Asset Strategies by each Asset Class are developed and recommendations implemented.	Director of Infrastructure	Strategy D.8 - Management of community infrastructure is supported by strong relationships between Council and community groups and used to the maximum extent possible. 2. Community liaison to preserve and enhance community facilities.	Not achieved – asset data is required to be collated, along with condition rating to update the asset register and develop forward year works plans.
4.3 - Bitumen sealing all urban streets in towns.		Prepare 4 year road capital works program budget and review works priorities annually.	Director of Infrastructure	Strategy D.1 - Plan for, maintain and improve road corridor networks. 1. A built environment enhancing the lifestyle of a diverse community.	Being achieved - four year capital road works program budget and works was developed and included in Delivery Program adopted by Council 15 June 2023.
4.4 - Develop town main street and CBD beautification programs.		Town's main street beautification, improvement programs and street cleaning. Streetscape Plan development and implementation in coordinated manner.	Director of Infrastructure	Strategy D.4 - Encourage community pride through the beautification of our towns and rural areas. 2. Community liaison to preserve and enhance community facilities.	Achieved - town and village streetscape project of installation of bins, noticeboards and seating is completed.

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
4.5 - Lobby for improved mobile telephone and broadband services.		To ensure regional and rural areas are included in the roll out of Federal Government technological initiatives.	Director of Infrastructure	Strategy D.13 - Advocate for servicing of mobile telephone blackspot areas. Strategy D.14 - Advocate for a more stable communication network. 1. A built environment enhancing the lifestyle of a diverse community.	Being achieved – new mobile phone towers now installed at Tuena and Wombeyan Caves. Lobbying for towers at Snowy Mount and Curraweela have been unsuccessful to date. NBN services provided.
4.6 – Actively seek funding for the Goulburn to Crookwell Rail Trail concept.		Joint Goulburn Mulwaree and Upper Lachlan Shire Councils Committee formed. Feasibility Study completion. Project estimates completion. Council to pursue grant and other funding options to facilitate the development of a rail trail.	Director of Infrastructure	Strategy D.5 - Develop infrastructure and attractions that emphasise the natural and heritage features of the region. Strategy D.9 - Advocate to State and Federal Government agencies for infrastructure that meets the needs of all people in our communities and our visitors. 4. A prosperous economy with the balanced use of our land.	Not achieved – Council has officially withdrawn support for the Goulburn to Crookwell Rail Trail concept.
4.7 - Develop new and upgrade existing footpaths and cycleway networks.		Implementation of the Pedestrian Access and Mobility Plan (PAMP) to create links to community services in conjunction with NSW Government Stronger Country Communities Fund program.	Director of Infrastructure	Strategy D.6 - Our community infrastructure is accessible and fosters inclusive, healthy and active recreation. 1. A built environment enhancing the lifestyle of a diverse community.	Achieved - grant funding for footpath construction projects received for Crookwell and Gunning.

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
4.8 - Upgrade stormwater and kerb and guttering in towns.		Stormwater Management Plans created and recommendations progressively implemented in a 4 year capital works budget.	Director of Infrastructure	Strategy D.7 - Infrastructure improvements and additions support our communities and enhance visitor experiences. 2. A healthy natural environment.	Being achieved – Flood studies for Collector, Crookwell, Gunning and Taralga have been completed and potential upgrades identified which will require significantly more funding than currently available. Minor stormwater upgrade works have been completed in Crookwell in 2022 minor upgrade works scheduled for construction in Gunning are currently on hold until further funding is received
4.9 - Replace timber bridges on local and regional roads.		Implementation of the timber bridge replacement program with funding model in Long Term Financial Plan.	Director of Infrastructure	Strategy E.7 - Manage assets in a proactive way across their lifespan within resources limitations. 7. Responsible and efficient use of resources.	Achieved - Julong Road 1, Kiamma Creek MR248E, Wilcox Road, Jeffreys Road, Arthursleigh Road, Reids Flat Road, Woodville Road, Peelwood Road /Unknown, Kangaloolah Road, Bigga Road, Peelwood Road/Peelwood Creek, Cooksvale Road and Blue Hill Road bridges. Being achieved – Construction underway Julong Road 2 bridge.

				Latent site conditions encountered, foundation redesign required. Completion of works has been delayed.
Delivery Program Actions	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
4.10 - Flood Risk Management Plans created for Crookwell, Gunning, Taralga and Collector.	Implementation of Flood Risk Management Plan recommendations.	Director of Environment and Planning and Director of Infrastructure	Strategy C.5 – To investigate and adopt environmental sustainability practices and purchasing across the organisation. 4. A prosperous economy with the balanced use of our land.	Being achieved – Measures 1 to 4 identified in the Floodplain Risk Management Study and Plan have been completed. Measures 5 to 7 are yet to be implemented depending on budget allocation.
4.11 - Transport link priority projects to State Parks including the Wombeyan Caves Road, Tablelands Way and Grabine Road reconstruction and upgrade to facilitate economic benefits to the region.	Pursue grant funding opportunities that deliver on the pursuit of regional economic growth benefits. Deliver grant projects and improve road infrastructure assets with potential to stimulate the local economy and grow businesses.	Director of Infrastructure	Strategy D.2 - Advocate for funding to improve road corridor conditions and connectivity. Strategy B.4 - Enhance economic resilience to adapt and respond to shocks like COVID 19 and natural disasters. Strategy B.6 - Support and encourage the growth of tourism infrastructure such as accommodation, visitor facilities and restaurants. 4. A prosperous economy with the balanced use of our land.	Achieved – Wombeyan Caves Road project has been completed, left over funding to be used for slope stability works. Construction works have been completed on the seal extension component of Grabine Rd works including the construction of box culverts at Sandy Creek. Being achieved – grant funding for Tablelands Way safety improvements has been secured, 80% of detailed road design is completed on all sections.

				Construction of road works to commence end of 2023. The bridge replacement works at Curraweela on Taralga Road is underway with expected completion by end of 2023.
--	--	--	--	---

CSP STRATEGIC PILLAR NO.5 – OUR CIVIC LEADERSHIP

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
5.1 - Participate in resource sharing initiatives.		Report projects to Council every year. Achieve annualised \$ savings through participation in Canberra Region Joint Organisation (CRJO) projects.	General Manager	Strategy E.4 - Council actively participates in regional bodies such as CRJO to identify innovations and opportunities for our region. Strategy E.1 - Council practices and processes are undertaken in an efficient manner that meets legislative requirements. 7. Responsible and efficient use of resources.	Being achieved - participation in CRJO; Regional Community Strategic Plan and NSW Resilience Blueprint project. Central West JO contracts; Copyright Licencing and Bulk Fuel purchase contract.
5.2 - Lobby peak industry bodies and other levels of government for increased share of grant funding distribution.		NSW Government implement a Grants Commission review and amendment to financial assistance grants (FAG) distribution to rural and regional councils.	General Manager	Strategy E.8 - Our community is empowered to access engagement opportunities and provide input into the future direction of the region. 8. Transparent and accountable governance.	Not achieved – despite lobbying continuing through Canberra Region JO and meetings with NSW Government Ministers. No changes legislated for FAG grant distribution.

Delivery Actions	Program	Performance Measures	Responsibility	CSP Strategy and Aspiration	Progress Report
5.3 - Promote community engagement and involvement in decision making processes.		Regular community meetings and Committees of Council outcomes achieved. Community Survey undertaken every four years.	General Manager and Director of Finance and Administration	Strategy E.9 - Council understands the aspirations of the community and seeks to work together to solve local issues. Strategy E.11 - We aim to engage 'hard to reach' parts of our community in decisions that affect them and our region. 6. Resilient and adaptable communities.	Achieved – community meetings held in March and June 2023 at 5 towns/villages. Achieved - Community Engagement Report completed in October 2021 as part of adopting the Community Strategic Plan Towards 2042!
5.4 - Leadership and commitment to integrated planning and reporting (IP&R).		Council's IP&R documents clearly articulate the Council's direction across all strategy platforms and performance management efficiency is evident to the community.	General Manager and Director of Finance and Administration	Strategy E.2 - Make doing business with Council easier. Strategy E.3 - Governance provides a sound basis for decision making. 8. Transparent and accountable governance.	Achieved - IP&R strategic plans completed for 2022/2023 and adopted by Council on 16 June 2022 and plans were reviewed and adopted by Council on 15 June 2023.

Finance and Administration - 20 July 2023

ITEM 13.3 **Review of Media Policy**

FILE REFERENCE **I23/223**

AUTHOR **Director of Finance and Administration**

ISSUE

Providing details of a review of the Media Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Model Media Policy.

BACKGROUND

Nil

REPORT

This report details a review conducted of the Council Media Policy. Following publication of the Office of Local Government's *Model Media Policy* Council has reviewed its Media Policy and recommends adoption of the Model Media Policy, with relevant amendments highlighted in yellow for Council's review.

POLICY IMPACT

The Model Media Policy will replace the existing Media Policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Model Media Policy.

ATTACHMENTS

1. ↓	ULSC Model Media Policy FINAL 30 June 2023	Attachment
----------------------	--	------------

POLICY:-	
Policy Title:	Media Policy
File Reference:	F10/618-013
Date Policy was adopted by Council initially:	25 May 2006
Resolution Number:	137/06
Other Review Dates:	20 August 2009, 16 December 2010, 16 May 2013 and 15 August 2019
Resolution Number:	340/09, 486/10, 138/13 and 215/19
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A
RESPONSIBILITY:-	
Draft Policy developed by:	Office of Local Government
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Chief Executive Officer
Responsibility for review of Policy:	Director of Finance and Administration



2022



MODEL MEDIA POLICY

2022

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact Client Services on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Department of Planning and Environment expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning and Environment 2022

Produced by the Department of Planning and Environment

Contents

Introduction	5
Model Media Policy	7
Part 1 – Principles.....	7
Part 2 – Administrative framework for engagement with the media.....	7
Part 3 – Who can engage with the media.....	9
Part 4 – Standards of conduct when engaging with the media.....	11
Part 5 – Use of media during emergencies	12
Part 6 – Media engagement in the lead up to elections.....	12
Part 7 – Records management requirements.....	12
Part 8 – Definitions	13
Part 9 – Variation.....	13
Part 10 – Associated documents.....	13

Introduction

Media – opportunities and challenges

The Model Media Policy has been developed to provide a framework to assist councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances the council's reputation.

Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.

The term "media" used in this policy means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.

The advancement of technology and the development of non-traditional media means that the media now has unprecedented reach and accessibility. Anyone with a computer or hand-held device can access media platforms and actively engage in content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

How a council is portrayed in the media impacts greatly on how the organisation is perceived. Media can be an effective tool to promote council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- maintaining the accuracy, reliability, and integrity of information
- ensuring confidential information is managed appropriately, and
- the increased exposure and risk to reputation where information is not managed appropriately

The development and intent of this policy

The Model Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

The Model Media Policy sets out an exemplar approach by incorporating examples of best practice from the media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Media Policy provides councils, county councils and joint organisations with a robust framework for the administration and management of their interactions with the media. It also sets standards of conduct for all council officials who are required to interact with media in their official capacity.

The Model Media Policy recognises that councils interact with media differently depending on factors such as a council's size and resources and the demographics of a local government area. For these reasons, the Model Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

Content of the Model Media Policy

At the heart of the Model Media Policy are the four 'principles' of media engagement. These are:

- Openness
- Consistency
- Accuracy
- Timeliness

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's media engagement and all councils and council officials should commit to upholding them.

This policy applies to engagement between council officials and the media. It does not

apply to social media use. OLG has developed a separate model policy for social media use.

The Model Media Policy is structured as follows:

- | | |
|---------------|--|
| Part 1 | Sets out the principles of media engagement for councils |
| Part 2 | Contains two administrative models that councils can adopt in relation to the management of media enquiries and dealing with the media. Upper Lachlan Shire Council has elected to use Option 2 - the Media Coordinator led model. |
| Part 3 | Details the council's authorised spokespersons when engaging with the media |
| Part 4 | Prescribes the standards of conduct expected of council officials when engaging with the media in an official capacity or in connection with their role as a council official |
| Part 5 | Prescribes who will be the spokesperson to the media during emergencies |
| Part 6 | Prescribes how councillors should engage with the media in the lead up to an election |
| Part 7 | Contains information about records management requirements relating to media |
| Part 8 | Definitions |

Adoption

While not mandatory, the Model Media Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Optional and adjustable provisions are marked in red.

Note: In adopting the Model Media Policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting

representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Media Policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

Concerns or complaints about the administration of a council's engagement with media should be made to the council official responsible for media management in the first instance and is to be addressed to Council's Chief Executive Officer.

Acknowledgements

The Office of Local Government wishes to thank the councils involved in drafting this Policy for their invaluable assistance.

Model Media Policy

Part 1 – Principles

1.1 We, the councillors, staff, and other officials of Upper Lachlan Shire Council, are committed to upholding and promoting the following principles of media engagement:

Openness	We will ensure that we promote an open exchange of information between our council and the media.
Consistency	We will ensure consistency by all councillors and staff when communicating with the media.
Accuracy	The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.
Timeliness	We will ensure that we respond to media enquiries in a timely manner.

Part 2 – Administrative framework for engagement with the media

Note: this Part contains two different models for media engagement. These models are:

➤ **Option 1 – the Chief Executive Officer led model**

➤ **Option 2 – the Media Coordinator led model**

Option 1 – The Chief Executive Officer led model

The role of the Chief Executive Officer

1.2 The role of the Chief Executive Officer is to

- a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph council staff, facilities or events for news and current affairs purposes
- b) be responsible for preparing all media statements prior to their release
- c) delegate to staff members to respond to media enquiries where appropriate
- d) maintain a register of delegated staff
- e) maintain effective oversight of delegated staff
- f) revoke a staff member's status as a delegated staff member when required
- g) ensure that media statements are approved by the Mayor prior to their release where appropriate

- h) develop and/or approve media training and/or induction to be provided to delegated staff and/or councillors
- i) maintain a record of all media enquiries and responses
- j) ensure that media organisations and their representatives are treated professionally, equally and without bias
- k) ensure that media enquiries are dealt with promptly
- l) provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- m) ensure that all media releases are published on the Council's website.

- d) ensure that all media statements are approved by the Mayor and/or Chief Executive Officer prior to their release
- e) develop and/or approve media training and/or induction to be provided to relevant staff and/or councillors as approved by the Chief Executive Officer
- f) maintain a record of all media enquiries and responses
- g) ensure that media organisations and their representatives are treated professionally, equally and without bias
- h) ensure that media enquiries are dealt with promptly
- i) provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- j) ensure that all media releases are published on the Council's website.

Option 2 –The Media Coordinator led model

Appointment and role of the Media Coordinator

- 1.3 The Chief Executive Officer will appoint a member of council staff to be the Council's Media Coordinator. The Media Coordinator should be a suitably qualified member of staff.
- 1.4 The Chief Executive Officer may appoint more than one Media Coordinator.
- 1.5 The Media Coordinator's role is to:
 - a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph council staff, facilities or events for news and current affairs purposes
 - b) be responsible for preparing all media statements prior to their release
 - c) liaise with relevant staff members within the organisation where appropriate.

Part 3 – Who can engage with the media

The Chief Executive Officer

- 1.6 The Chief Executive Officer is the official spokesperson for the Council on operational and administrative matters.
- 1.7 The Chief Executive Officer may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the Chief Executive Officer is unavailable). For the purposes of this Policy, the delegated officers are Departmental Director's.

The Mayor

- 1.8 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the Local Government Act 1993).
- 1.9 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 1.10 The Mayor may delegate their role as spokesperson to other councillors where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

Councillors

- 3.1 As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media, subject to the following subclauses and subject to adherence to Part 4 – Standards of conduct when engaging with the media;

3.2 When engaging with the media councillors:

- must not purport to speak for the Council unless authorised to do so
- must clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so)
- must uphold and accurately represent the policies and decisions of the Council
- must not disclose council information unless authorised to do so, and
- must seek information and guidance from the Chief Executive Officer/ Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks

3.3 In the interests of promoting a positive, safe and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.

3.4 Where councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the Chief Executive Officer/Media Coordinator.

Council Staff

- 3.5 Council staff must not speak to the media about matters relating to the Council unless authorised by the Chief Executive Officer/Media Coordinator to do so.
- 3.6 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they

must refer the enquiry to the **Chief Executive Officer**/Media Coordinator.

- 3.7 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 3.8 If authorised to speak to the media, Council staff:
- must uphold and accurately represent the policies and decisions of the Council
 - must not disclose Council information unless authorised to do so by the **Chief Executive Officer**/Media Coordinator, and
 - must seek information and guidance from the **Chief Executive Officer**/Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks
- 3.9 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the **Chief Executive Officer**/Media Coordinator.

Tone

- 3.10 All media engagement by council officials must be conducted in a professional, timely and respectful manner.

Induction and training

- 3.11 The Council must provide training to Council officials who engage or are authorised to engage with the media.
- 3.12 Media engagement training will be provided to councillors as part of their induction or refresher training or as part

of their ongoing professional development program.

Councillors' questions about media engagement

- 3.13 Councillors must direct any questions about their obligations under this policy to the **Chief Executive Officer**.

Media Release Proforma

- 3.14 All written media releases will be approved via the use of the Council's proforma media release template, which includes the signature of the approving delegate prior to the release of the information.

Part 4 – Standards of conduct when engaging with the media

4.1 Council officials must comply with the Council's code of conduct when engaging with the media in an official capacity or in connection with their role as a council official.

4.2 Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:

- a) are defamatory, offensive, humiliating, threatening, or intimidating to other council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e) contains content about the Council, council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information
- g) breaches the privacy of other council officials or members of the public
- h) contains allegations of suspected breaches of the Council's code of conduct or information about the

consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*

- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses, or solicits commercial products or business.

Part 5 – Use of media during emergencies

- 5.1 During emergencies, such as natural disasters or public health incidents and pandemics, the Mayor, the Chief Executive Officer and the Local Emergency Management Officer (LEMO) will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.2 Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.
- 5.3 Training on media engagement during emergencies will be provided to councillors and relevant staff and other Council officials.
- 5.4 Council will ensure that all media releases issued during an emergency will be accurate and timely and the media releases will be distributed by the Mayor to all councillors.
- 5.5 During emergencies, information about the emergency is managed via a Local Emergency Operations Controller and is managed on a confidential basis due to the sensitive nature of the communications.
- 5.6 During emergencies, internal communication with councillors and staff regarding the emergency will be managed in accordance with the Southern Ranges Upper Lachlan Local Emergency Management Plan (May 2023) and other relevant protocols that may be proscribed by relevant authorities.

Part 6 – Media engagement in the lead up to elections

- 6.1 This policy does not prevent the mayor or councillors who are candidates at a council or any other election from providing comment to the media in their capacity as candidates at the election.
- 6.2 Any media comment provided by the mayor or councillors who are candidates at a council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

Part 7 – Records management requirements

- 7.1 Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

Part 8 – Definitions

In this Model Media Policy, the following terms have the following meanings:

council official	<p>in the case of a council – means councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a county council – means members, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a joint organisation – means voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)</p>
Media Coordinator	means a person appointed under clause 1.3 of this policy, which for Upper Lachlan Shire Council is the Communications Officer
media	means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
personal information	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
social media	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

Part 9 – Variation

Council reserves the right to vary or revoke this policy.

Part 10 – Associated documents

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

- Access to Information Policy;
- Anti Discrimination Act 1977;
- Code of Business Practice;
- Complaints Management Policy;
- Code of Conduct;
- Code of Meeting Practice;
- Customer Service Charter;
- Digital Information Security Policy;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Policy;

- Government Information (Public Access) Regulation 2018;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Public Interest Disclosures Policy;
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Performance and Misconduct Policy;
- Privacy and Personal Information Protection Act 1998;
- Privacy Management Plan;
- Records Management Policy;
- Section 355 Committee Policy;
- Social Media Policy;
- State Records Act 1998;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Work Health and Safety Policy;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulations 2017.

Any other relevant legislation and guidelines as applicable.



Finance and Administration - 20 July 2023

ITEM 13.4 **Review of GIPA Agency Information Guide**

FILE REFERENCE **I23/228**

AUTHOR **Director of Finance and Administration**

ISSUE

Review of Council's Agency Information Guide published in accordance with the *Government Information (Public Access) Act 2009 (GIPA)*.

RECOMMENDATION That -

1. Council adopts the updated Agency Information Guide.

BACKGROUND

Nil

REPORT

It is a requirement under the *Government Information (Public Access) Act (GIPA) 2009* for all public agencies to provide the public with access to information and to prepare an Agency Information Guide, publish it on Council's website and review it at twelve-month intervals. The updated Agency Information Guide is attached, with amendments highlighted in yellow and deletions highlighted in red for Council's review.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the updated Agency Information Guide.

ATTACHMENTS

1. ↓	GIPA Agency Information Guide - Date Adopted 20 July 2023 - Resolution xx/23 - Review 2025	Attachment
----------------------	--	------------

UPPER LACHLAN SHIRE COUNCIL - AGENCY INFORMATION GUIDE

Prepared in accordance with the provisions of Section 20, of the NSW Government Information (Public Access) Act 2009 (GIPA).

Contents

STRUCTURE AND FUNCTIONS OF COUNCIL.....	3
Elected Council	3
Organisational Structure.....	4
Structure of Council – Appendix A.....	5
Council Functions.....	7
HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC.....	8
Impact of Council functions on the public	8
PUBLIC PARTICIPATION IN COUNCIL POLICY DEVELOPMENT	9
Representation	9
Council and Committee Meetings	9
Notice of Meetings	9
Agendas	9
Access by the Public at Council Meetings	9
Confidential Matters.....	10
Contacting Residents Involved.....	10
Addressing Council	11
Committees of Council	11
Consultation and Representation	11
Submissions.....	12
FOUR WAYS TO ACCESS GOVERNMENT INFORMATION	13
1. Open Access Information	13
2. Proactive Release of Information	13
3. Informal Release of Information	13
4. Formal GIPA Act Access Application	13
DOCUMENTS OPEN ACCESS INFORMATION HELD BY COUNCIL	14
Types of Information held by Council.....	14
1. Open Access Information about Council	14
2. Plans and Policies.....	15
Information about Development Applications (Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development	15
Approvals, Orders and Other Documents.....	15

Issued XXXX 2023

Page 1 of 18

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS	16
The Public Officer – Right to Information Officer.....	16
GIPA ACCESS APPLICATION REVIEW	17
Contacting the Information and Privacy Commission Office.....	18
Information and Privacy Commission	18

STRUCTURE AND FUNCTIONS OF COUNCIL

Upper Lachlan Shire Council is constituted under the Local Government Act 1993 and was proclaimed on 11 February 2004. Upper Lachlan Shire Council is located in the Southern Tablelands of New South Wales and the centre of population is Crookwell. There are three towns including Crookwell, Gunning and Taralga and ten villages within the local government area.

Elected Council

Upper Lachlan Shire Council is an elected body from the residents and ratepayers in the Shire and is not divided into wards. The elected Council is comprised of nine Councillors. Council elections are held every four years. Councillors biennially elect a Mayor and each year elect a Deputy Mayor.

The Councillors were elected on 4 December 2021. The next scheduled local government election is in September 2024. The Mayor presides at meetings of the Council and carries out the civic functions of the office.

The elected Councillors are available to represent the community views. The elected Councillors are detailed as follows:-

Mayor:	Clr Pam Kensit
Deputy Mayor:	Clr Mandy McDonald
Councillors:	Clr Paul Culhane
	Clr Jo Marshall
	Clr Nathan McDonald
	Clr Darren O'Brien
	Clr Susan Reynolds
	Clr John Searl
	Clr Lauren Woodbridge

The Council's Ordinary Meetings are held on the 3rd Thursday of each month from 1.30pm at the Crookwell Council Chambers at 44 Spring Street, Crookwell.

If the meeting scheduled is varied an advertisement is placed as a Public Notice in the Upper Lachlan Gazette newspaper. A public notice is also placed on council website www.upperlachlan.nsw.gov.au.

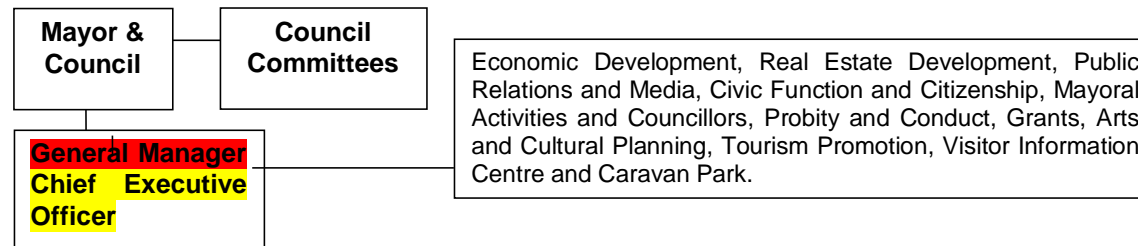
Organisational Structure

As Council's principal senior staff officer, the **General Manager** **Chief Executive Officer**, exercises overall management responsibilities for Council's operations and ensures implementation of Council Resolutions. The **General Manager** **Chief Executive Officer** is responsible for the day to day management of the Council and reviewing the Upper Lachlan Shire Council's organisation structure. The organisation structure is set out in Appendix A.

There are three Departments of Council. These Departments include Finance and Administration, Infrastructure and Environment and Planning. Council employs **152** full-time equivalent employees.

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:-

The **General Manager** **Chief Executive Officer**
PO Box 42
GUNNING NSW 2581
Email: council@upperlachlan.nsw.gov.au
Website: www.upperlachlan.nsw.gov.au
Telephone: (02) 4830 1000

Organisation Structure of Council – Appendix A

Director of Finance and Administration	Director Infrastructure	Director Environmental and Planning
<ul style="list-style-type: none"> • Governance • Legal Services • Customer Service • Payroll and Return to Work • Human Resources Management • Work Health and Safety (WHS) • Consultative and WHS Committees • Administration • Telephone/Switchboard • Records Management • Insurances • Rates and Annual Charges • Creditors and Debtors • Business Papers 	<ul style="list-style-type: none"> • Plant and Equipment (Workshop) • Plant Hire contractor management • Infrastructure Maintenance and Construction • Roads • Bridges • Footpaths and Cycleways • Kerb and Guttering • Bus Shelters • Public Conveniences and Amenities • Engineering, survey and design services • Emergency Management • State Emergency Services (SES) • Rural Fire Service (RFS) • Aerodrome 	<ul style="list-style-type: none"> • Health Services • Building Control • Environmental Planning Control (LEP) • Pollution Control • Development Control (DCP) • Heritage and Conservation • Regulatory Functions • Food and Health Inspections • Septic Tanks • Town Planning • Strategic Planning - Land use planning - Subdivision • Ordinance Control • Licence Monitoring • Section 7.11 and Section 7.12 - Development Contribution Plans

Issued XXXX 2023

Page 5 of 18

<ul style="list-style-type: none"> • Privacy Management • GIPA Management • External and Internal Audit • Loans/Borrowings Management • Investments • Revenue Policy • Community Strategic Plan • Long Term Financial Planning • Financial Management • Accounting • Taxation Compliance • Library Services (2 branch libraries) • Taralga Community Service Centre - Australia Post Services • Service NSW Agency Services - Crookwell • Business Continuity • Procurement and Stores (2 Works Depots) • Contract Management 	<ul style="list-style-type: none"> • Asset Management • Project Management • Forward Planning - Infrastructure • Traffic Management • Road Safety and Parking Areas • Public Cemeteries • Stormwater/Drainage Management • Street Cleaning • Private Works • RMCC State Road MR54 Contract • Roads to Recovery Program • Quarries/Gravel Pits • Risk Management • Service Request Management (CRM) • Compliance Framework • Public Hall Management • Medical Centres • Building and Offices Maintenance • Council Housing Management • Public Halls, Community Centres and Museum Management 	<ul style="list-style-type: none"> • Section 64 Development Contribution Plans • Wind Farm Community Enhancement Programs (CEP) • Floodplain Management • Tree Preservation Order • Social and Community Planning • Noxious Weeds Control • Water Supply Services • Sewer Services • Domestic Waste and Recycling Services • Waste Management Centres • Parks and Gardens • Recreation • Sportsgrounds • Swimming Pools (2 Pools) • Information Technology • Geographic Information System (GIS) • Rangers and Stock Impounding • Companion Animals • Rural Addressing
--	--	---

Council Functions

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
<p>Including:</p> <p>Community health, recreation and information services</p> <p>Environmental protection</p> <p>Waste removal and disposal</p> <p>Land and property</p> <p>Industry and Tourism development services</p> <p>Infrastructure, civil works and contract works</p> <p>Infrastructure Maintenance and Construction</p> <p>Water Supply and Sewer Services</p>	<p>Including:</p> <p>Approvals</p> <p>Orders</p> <p>Building and Planning Certificates</p> <p>Town Planning and Zoning</p> <p>Food Premises Inspections</p> <p>Governance and Civic Leadership</p>	<p>Including:</p> <p>Resumption of land</p> <p>Powers of entry and inspection</p> <p>Asset Management</p> <p>Engineering supervision and design</p>	<p>Including:</p> <p>Revenue Policy</p> <p>Rates and Annual Charges</p> <p>User Charges</p> <p>Fees and Charges</p> <p>Borrowings</p> <p>Investments</p> <p>Bank Reconciliation</p>	<p>Including:</p> <p>Workforce Planning - employment of staff</p> <p>Integrated Planning - Strategic and Operational Plans</p> <p>Financial Reporting</p> <p>Annual Reports</p> <p>Accounts Payable</p> <p>Inventory Control</p> <p>Financial Management</p> <p>Records Management</p> <p>Customer Service</p>	<p>Including:</p> <p>Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations</p> <p>Prosecution of offences</p> <p>Recovery of rates and charges</p> <p>Noxious Weeds control and inspections</p> <p>Land and Environment Court proceedings</p> <p>Enforce development consent conditions</p> <p>Enforce public and environmental safety requirements</p> <p>Animal Control</p>

Issued XXXX 2023

Page 7 of 18

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

Impact of Council functions on the public

- Council functions are outlined above. The Upper Lachlan Shire Council performs many functions in which it directly interacts with the community.
- As a customer service organisation the majority of activities undertaken by Upper Lachlan Shire Council have an impact on the public/community. The functions that have wide public effect are as follows:-
 - Council has the power to propose zonings for individual properties;
 - Community Planning and Development;
 - The development of land is controlled by Council;
 - Council will classify the way in which public land for which it is responsible is used;
 - Council does undertake to construct and/or provide infrastructure for the community e.g. public buildings, recreational facilities, roads, car parks, footpaths and drainage, water, sewer and waste facilities;
 - Council may make orders concerning certain public nuisances and other matters;
 - Council may enter into private land and/or cause certain works to be done in certain circumstances;
 - Council will provide and maintain the provision of public facilities;
 - Council shall levy rates and collect certain charges;
 - Council may regulate behaviour in certain public places;
 - Council may regulate certain matters relating to public health;
 - In certain circumstances a Council may seek to acquire private properties; and
 - Council may regulate traffic and parking within its area of control.

Council's Finance and Administration Department provides statutory, administrative, **governance**, revenue, customer service support functions to the community, Councillors and Council's other Departments.

Council's Infrastructure Department provides a broad range of services to construct, maintain and improve Council's assets and civil infrastructure, service and ancillary functions.

Council's Environment and Planning Department provides statutory, regulatory, service and enforcement functions and **waste, sewer and water supply** services to the community and have regard to sustainability, economic growth and heritage.

PUBLIC PARTICIPATION IN COUNCIL POLICY DEVELOPMENT

Representation

Local Government is based on the principle of representative democracy. This means that the elected Councillors represent the entire community and make decisions on their behalf. All residents of the local government area who are on the electoral roll are eligible to vote. Residents are able to raise issues with and make representation to the elected Councillors.

Eligibility for inclusion on the local government area electoral roll is available to non resident land owners, and land occupiers and rate paying lessees within Upper Lachlan Shire Council. For inclusion on the electoral roll an application or claim form is to be completed within designated timeframes before the local government election.

Council and Committee Meetings

In accordance with Chapter Four, of the Local Government Act 1993, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council.

Residents and ratepayers are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue and/or representation, may pursue the matter on the resident's behalf therefore allowing members of the public to influence the development of policy.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month at Crookwell. Council holds community outreach meetings at towns and villages including: Crookwell, Gunning, Taralga, Bigga, Collector and Big Hill, to facilitate community engagement, involvement and dialogue with Council. Notices of Extraordinary Council Meetings are advertised in the Upper Lachlan Gazette and on council website in the week prior to the meeting.

Agendas

Meeting agendas, with confidential items excluded, are made available to the public for perusal on the Friday preceding the meeting at the Administration offices in Crookwell, Gunning, as well as at the Taralga Community Service Centre. All meeting business paper agendas and related business paper correspondence, as well as the adopted Council Minutes are published and available on Council's website at www.upperlachlan.nsw.gov.au.

Access by the Public at Council Meetings

All Ordinary Council Meetings are open to the public except where the Council resolves to commence a Closed Session. All Ordinary Council Meetings are webcast live to the public.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local governance. Some matters, however, are of a sensitive nature and must be dealt with in the Closed Committee of Council.

Whilst Section 10 (1), of the Local Government Act 1993, requires that Council and Committee meetings be held open to the press and public, the Council or Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10A (2), of the Local Government Act 1993.

Section 10A (2), of the Local Government Act 1993, also specifies the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The items considered to be of a confidential nature include the following:-

- (a) Personnel matters concerning particular individuals (other than Councillors);
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudices the maintenance of law;
- (f) Matters affecting the security of the Council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land; and
- (i) Alleged contraventions of any code of conduct requirements applicable under Section 440.

Any reports, correspondence or documentation relating to such matters will be withheld from the press and public. The **General Manager** **Chief Executive Officer** reports to the open Council Meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting. All members of the press and public are asked if they object to Council convening to the Closed Committee and state their reasons for the objection.

Contacting Residents Involved

Every endeavour is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council Meeting.

Addressing Council

Upper Lachlan Shire Council is always willing to provide access to Councillors for the public, but must maintain the rules and conventions set down in the Code of Meeting Practice and Local Government Regulations. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairperson of the Meeting) has control of the meeting and of public access. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public access to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the Local Government Act or Regulations. Accusations or allegations of wrong doing against Council members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the **General Manager** **Chief Executive Officer**, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall not be eligible for a public presentation.

Committees of Council

There are avenues for members of the public to personally participate in the policy development and functions of Council. Many of Council's committees have considerable community and group representation. Committee membership is reviewed by Council on an annual basis. A full list of Council Committees is provided in Council's Annual Report.

Consultation and Representation

During the development of policies, plans and strategies, members of the community are encouraged to contribute. Opportunities for input include focus groups, surveys, public meetings and any methods appropriate to the topic.

There are avenues for members of the public to personally participate in the policy and procedures development of the Council. Several Council Committees comprise or include members of the public. Expressions of interest calling for members of the public to participate in and to join various committees are publicly advertised annually.

Some of these committees include:-

- Australia Day Committee;
- Crookwell Potato Festival Committee
- Local Traffic Committee;
- Access Committee;
- Crookwell and District Art Gallery;
- Gunning Arts Festival Committee;
- Various council owned and/or controlled Public Halls, Sportsgrounds, Showground and Public Cemetery Committees.

Submissions

Members of the public may influence Council decisions concerning matters such as the terms of Council's Operational Plan and Delivery Program, the granting of development and building approvals etc., by making submissions, including comments on, or objections to, proposals relating to those matters.

FOUR WAYS TO ACCESS GOVERNMENT INFORMATION

The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information from Upper Lachlan Shire Council. The means to access information include:-

1. Open Access Information

Council must publish open access information on its website, free of charge. Where it is not practical for Council to provide open access information on the website, the information will be made available free of charge in at least one other format. Please contact Council on (02) 4830 1000 to access information that is not currently available on Council's website.

Open access information such as Council policies, code of conduct, strategic plans and disclosure log are all available on our website.

2. Proactive Release of Information

Apart from open access information, Council will release as much other available information as possible either free of charge or at the lowest possible cost. There is a Mandatory Proactive Release and an Authorised Proactive Release of information.

Council has developed a Proactive Release Program for information it holds. This program is conducted once a year and a list of information proactively released is included in the Council Annual Report each year.

3. Informal Release of Information

Members of the public may contact Council and ask for information. This is known as an informal request. Council may release information informally, subject to reasonable conditions. Information may be disclosed through informal release where there is no third party personal information and consent involved.

4. Formal GIPA Act Access Application

If information cannot be accessed through any of the above ways, a formal GIPA Act Access Application may be necessary. This is generally a last resort under the GIPA Act 2009, and only necessary if the public are asking for a large volume of information, if providing access would involve an extensive search, or if the information you seek involves personal or business information about third parties who must be consulted before the information can be released.

GIPA Act Access Applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour may also be levied, depending on the type and amount of information sought. To make a formal GIPA Act Access Application please contact Council's Right to Information Officer on (02) 4830 1000 and email to council@upperlachlan.nsw.gov.au.

DOCUMENTS OPEN ACCESS INFORMATION HELD BY COUNCIL

Types of Information held by Council

Upper Lachlan Shire Council holds information which relate to a number of varying issues. This information includes; policy documents, general information, registers, files, guidelines, plans, reports and other information.

There are a number of documents that are available for inspection free of charge and/or available on Council's Website www.upperlachlan.nsw.gov.au.

Council holds documents in both hard copy and electronic form that relate to a number of different issues concerning the Upper Lachlan Shire area. The documents included below may be available to the public upon request unless there is an overriding public interest not to do so.

Council has a register of Policy documents which is maintained by Council's Executive Assistant to the **General Manager** **Chief Executive Officer**. The Government Information (Public Access) Regulation 2009, Schedule 1, requires the following open access information to be mandatorily disclosed on Council's website:-

1. Open Access Information about Council

- The model Code of Conduct prescribed under Section 440(1), of the Local Government Act 1993 and Code of Conduct adopted under Section 440(3), of the Local Government Act 1993;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Statements;
- Auditor's Report;
- Council Integrated Plans; including the Community Strategic Plan, Delivery Program, Operational Plan and Resource Strategy;
- Equal Employment Opportunity (EEO) Management Plan;
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors;
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees);
- Any Codes referred to in the Local Government Act 1993;
- Returns of the Interests of Councillors, Designated Persons and Delegates;
- Agendas, Business Papers and Minutes of Council/Committee Meetings (except meetings that are closed to the public);
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council in accordance with Section 433, of the Local Government Act 1993;
- Land Register;
- Register of Investments;
- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political Donations;
- Register of Voting on Planning Matters kept in accordance with Section 375A, of the Local Government Act 1993.

Issued XXXX 2023

Page 14 of 18

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders;
- Plans of Management for Community Land; and
- Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment Act 1979 applying to land in the local authority's area.

Information about Development Applications (Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications;
- Heritage Consultant Reports;
- Tree Inspection Consultant Reports;
- Acoustics Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals; and
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

Approvals, Orders and Other Documents

- Applications for Approvals under Part 1 of Chapter 7, of the Local Government Act 1993 and any associated documents received in relation to such an application;
- Applications for Approvals under any other Act and any associated documents received in relation to such an application;
- Records of Approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning Approvals;
- Orders given under Part 2 of Chapter 7, of the Local Government Act 1993, and any reasons given under Section 136, of the Local Government Act 1993;
- Orders given under the Authority of any other Act;
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979;
- Plans of land proposed to be compulsorily acquired by Council;
- Compulsory Acquisition Notices; and
- Leases and Licenses for use of Public Land classified as Community Land. In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Council will require a formal 'GIPA Access Application' form to be submitted where the information sought:-

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

Under the GIPA Act 2009 when deciding whether or not to release information, Upper Lachlan Shire Council shall consider whether there is an overriding public interest against releasing the information. Access to some documents and information held by Council may be restricted where it is determined that there is an overriding public interest against releasing the information or document.

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible to members of the public online on council website and at council offices during opening hours. Persons interested in obtaining access to documents or who wish to seek an amendment to the Council records concerning their personal affairs should contact Council's Public Officer/Right to Information Officer.

The Public Officer – Right to Information Officer

The functions of the Public Officer/Right to Information Officer, are appointed by the **General Manager Chief Executive Officer** in accordance with Section 342, of the Local Government Act 1993, are outlined in Section 343, of the Local Government Act 1993, as follows:

- May deal with requests from the public concerning the Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of the Council;
- May receive submissions made to the Council;
- May accept service of documents on behalf of the Council;
- May represent the Council in any legal or other proceedings;
- Make a Notice of Decision for a GIPA Act Access Application;
- Have such other functions as may be conferred or imposed on the Public Officer by the **General Manager Chief Executive Officer** or by or under the Act.

In addition to the above responsibilities the Public Officer/Right to Information Officer is responsible for ensuring Council compliance with the GIPA Act. The role includes responsibility for receiving, registering and co-ordinating the review of all GIPA Access Applications and maintaining a disclosure log of GIPA Access applications.

Upper Lachlan Shire Council delegate the role of Public Officer/Right to Information Officer to the Manager Governance located in the Administration Office at 44 Spring Street, CROOKWELL NSW 2583.

If an applicant wishes to obtain information held by Council please contact the Right to Information Officer during normal office hours. The Right to Information Officer is

responsible for determining applications for access to information or for the amendment of Council held records.

To make a formal request for access to information under GIPA Act, the 'GIPA Access Application' form is to be completed and the application fee of \$30.00 is to be paid. In addition, processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within five working days.

If a fee for photocopies and postage of documents provided under the GIPA Act is payable, it will be listed in Council's annual adopted Operational Plan Schedule of Fees and Charges.

DISCLOSURE LOG

Council maintain a disclosure log under Section 25, of the GIPA Act, which documents the information we release in response to access applications, and that may be of interest to members of the public. The disclosure log provides a mechanism to further proactively release information to the public.

A review of the disclosure log is undertaken each year. Increased disclosure of information from our disclosure log allows citizens greater opportunity to participate in policy formulation and service delivery, and identifies trends and documents that could be released proactively.

GIPA ACCESS APPLICATION REVIEW

Firstly, all applicants should try to resolve a complaint with Council. An applicant for access to information should contact Council directly to find out how to make a complaint.

If you are dissatisfied with the Council's decision with regard to a GIPA Access Application, there are a number of options available. These include:-

- Seek an internal review through the agency (Council) which you originally applied for the information,
- Approach the NSW Information and Privacy Commission (IPC) for an external review of the Council's decision,
- Request a review through NSW Civil and Administrative Tribunal (NCAT).

Contacting the Information and Privacy Commission Office

If you require any advice or assistance about access to information or information regarding the GIPA Act and GIPA Regulations you may contact the Information and Privacy Commission as follows:-

Information and Privacy Commission (IPC)

Postal Address:	GPO Box 7011 SYDNEY NSW 2001
Street Address:	Level 15, McKell Building 2-24 Rawson Place HAYMARKET NSW 2000
Telephone Number:	1800 472 679 (free call)
Email:	ipcinfo@ipc.nsw.gov.au
Website:	www.ipc.nsw.gov.au
Hours of Business:	9am to 5pm, Monday to Friday

Finance and Administration - 20 July 2023

ITEM 13.5 **Review of Government Information Public Access Policy**

FILE REFERENCE **I23/244**

AUTHOR **Director of Finance and Administration**

ISSUE

Providing details of a review of the Government Information (Public Access) Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Government Information (Public Access) Policy.

BACKGROUND

Nil

REPORT

This report details the review of the Government Information (Public Access) Policy (GIPA). The Policy is attached with relevant amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Government Information (Public Access) Policy.

ATTACHMENTS

1. ↓	Government Information (Public Access) Policy GIPA - Date Adopted 20 July 2023 - Resolution XX/23 - Review 2025	Attachment
----------------------	---	------------

POLICY:-	
Policy Title:	Government Information (Public Access) Policy
File Reference:	F10/618-013
Date Policy was adopted by Council initially:	15 July 2010
Resolution Number:	274/10
Other Review Dates:	20 January 2011, 21 July 2011, 19 July 2012, 20 August 2015, 17 August 2017, 19 September 2019 and 19 May 2022
Resolution Number:	20/11, 259/11, 234/12, 222/15, 254/17, 252/19 and 99/22
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

Government Information (Public Access) Policy

Objective

The objective of this policy is to describe principles regarding public access to information held by Upper Lachlan Shire Council and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines for Local Government.

Scope

This policy applies to all staff of Upper Lachlan Shire Council who are responsible for managing requests for access to information from members of the public, legal firms, and government and non-government agencies.

Principles

Upper Lachlan Shire Council is committed to the following principles regarding public access to documents and information:-

- Open and transparent government;
- Consideration of the overriding public interest in relation to access requests;
- Proactive disclosure and dissemination of information; and
- Respect for the privacy of individuals.

Implementation

Upper Lachlan Shire Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums.

Council publishes, for inspection, documents listed Section 18, of the *Government Information (Public Access) Act 2009*, and Schedule 1, of the *Government Information (Public Access) Regulation 2018*, and held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the Council website or by way of 'informal' applications. Such information is also available free of charge or at the lowest reasonable cost in accordance with the 'open access' principles advocated in the legislation.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act 2009 (GIPA)*. Council will assess all requests for access to documents and information in a timely manner and in accordance with relevant legislation.

Upper Lachlan Shire Council - Government Information (Public Access) Policy

Depending upon the nature of the request, and the form of access requested, charges may be applied in accordance with Council's adopted Operational Plan including the Schedule of Fees and Charges in accordance with relevant legislation.

Broad requests for access to a large number of unspecified documents, which, if processed, would divert substantial Council resources from dealing with other requests or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public, which is published on Council's website and updated after the Notice of Decision has been provided to the applicant.

Council often receives requests with respect to information about real estate and these requests are processed via the Property Information Request process in accordance with the Local Government Act 1993.

Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of each request pursuant to the 'open access' principles advocated in the legislation.

Distribution of Information to the Public

Council has prepared an Agency Information Guide, Open Access Information Checklist and Proactive Release of Information Program. Alternatively, further GIPA Act information can be accessed from the Information and Privacy Commission (IPC).

The contact details for the Information and Privacy Commission are as follows:-

Postal Address:	GPO Box 7011 SYDNEY NSW 2001
Street Address:	Level 15, McKell Building 2-24 Rawson Place HAYMARKET NSW 2000
Telephone Number:	1800 472 679 (free call)
Email:	ipcinfo@ipc.nsw.gov.au .
Website:	www.ipc.nsw.gov.au

GIPA Access Applications

There is a right of public access to certain documents held by Council unless there is an overriding public interest not to do so. A GIPA Access Application will be processed in accordance with the GIPA Act's requirements and a determination

Upper Lachlan Shire Council - Government Information (Public Access) Policy

made to release the documents or refuse access based on the relevant considerations under that Act.

The GIPA Act Access Applications are required by law to be completed in 20 working days. If consultation with a third party is required, a further 15 working day's extension is allowed. The applicant will receive a formal determination letter with the requested documents or reasons why a document has been withheld.

There will be a statutory \$30 application fee for all formal GIPA Act Access Applications. In some circumstances photocopying, postage and processing fees may also be applied. The GIPA Act Access Application form is provided as an attachment to this policy.

Responsibilities of the Right to Information Officer

The Public Officer within Council is assigned the role of the Right to Information Officer **and these roles are delegated to the Manager Governance.**

In order to ensure compliance with the GIPA Act, the Right to Information Officer will receive, register and coordinate the review of all GIPA Access Applications and ensure that Council complies with the GIPA requirements. Amongst other duties, the Right to Information Officer has the responsibility of assisting people to gain access to public documents of the Council.

The Right to Information Officer is delegated authority to issue a Notice of Decision to a GIPA Access Application after conducting reasonable searches for information in accordance with Section 58, of the *Government Information (Public Access) Act 2009*.

The **General Manager** **Chief Executive Officer** may assign an alternate designated Council Senior Officer as the "Internal Review Officer" to assess a specific GIPA Access Application.

An applicant may appeal against the initial determination by the Right to Information Officer by completing a Request for Review Application and paying a \$40 internal review fee. This form together with any supporting documentation shall be forwarded to Council's **General Manager** **Chief Executive Officer** to review the Right to Information Officer's determination.

What happens if the complainant is dissatisfied?

If the complainant remains dissatisfied, they may appeal to the Information and Privacy Commission or request a review through the NSW Civil and Administrative Tribunal (NCAT). Right to Information legislation only allows appeal to these bodies, if you have made an initial formal GIPA Access Application and sought a request for review of a determination.

Agency Information Guide

Council is responsible for preparing an Agency Information Guide in accordance with the provisions of Section 20, of the *Government Information (Public Access) Act 2009*.

The Agency Information Guide outlines four ways for the public to access government information from Upper Lachlan Shire Council. The means in which the public may obtain Council information includes:-

1. Open Access to Information;
2. Proactive Release of Information;
3. Informal Release of Information; and
4. Formal GIPA Access Application.

An Agency Information Guide is a summary of what an agency does, how it does it, and the type of information it holds and generates through the exercise of its functions, with a particular focus on how those functions affect members of the public and it is reviewed annually in accordance with IPC Guideline 6.

Copyright

There is information held by Council, which relates to third parties and is the subject of copyright. Such information may include; building plans, contracts, licences, agreements, and other reports. Section 6 (6), of the GIPA Act 2009, provides that nothing under Section 6 requires or permits Council to make open access information available (in any way) that would constitute an infringement of copyright laws.

Relevant Legislation

Council will assess requests for access to information with reference to:-

- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2018;
- Government Information (Public Access) Amendment Act 2012;
- Information and Privacy Commission: Information Access Guidelines 1 and 3: For Local Councils;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Ombudsman Act 1974;
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Environmental Planning and Assessment (EPA) Act 1979;
- Companion Animals Act 1998;
- Fair Work Act 2009;
- Work Health and Safety Act 2011 and Regulations;
- Independent Commission against Corruption Act 1988;
- Code of Conduct;
- Code of Meeting Practice;

Upper Lachlan Shire Council - Government Information (Public Access) Policy

- Privacy Management Plan;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Customer Service Charter, and
- Fraud and Corruption Prevention Policy.

VARIATION

Council reserves the right to vary or revoke this policy.

Upper Lachlan Shire Council - Government Information (Public Access) Policy



Government Information (Public Access) Act 2009
ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact Council's Right to Information Officer on telephone (02) 4830 1000 or visit our website at www.upperlachlan.nsw.gov.au

Your details

Surname: **Title:** Mr / Ms
Other names:
Postal address: **Postcode:**
Day-time telephone: **Facsimile:**
Email:

Proof of identity

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a *certified copy* of any one of the following documents:

- ☐ ☐ Australian driver's licence with photograph, signature and current address
- ☐ ☐ Current Australian passport
- ☐ ☐ Other proof of signature and current address details

Government information

Are you seeking personal information? **Yes / No** (circle one)

Please describe the information you would like to access in enough detail to allow us to identify it. **Note:** If you do not give enough details about the information, the agency may refuse to process your application.

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

Property Information:

Street Address

.....

Town:.....Postcode:.....

Lot No:..... DP:.....

Form of access

How do you wish to access the information?

- ☐ Inspect the document(s) ☐ A copy of the document(s)
- ☐ Access in another way (please specify)

.....

Upper Lachlan Shire Council - Government Information (Public Access) Policy

Application Fee and Advance Deposit

You will need to complete a Formal Information Access Application form and pay the \$30.00 application fee. In some cases, an Advance Deposit may be requested, where the work required to produce the documents will take many hours.

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website.

Do you object to this? **Yes / No** (circle one)

Applicant's Signature:

Date:

Please post this form:-

Upper Lachlan Shire Council
PO Box 42, GUNNING NSW 2581

Alternatively please lodge the form at:-

Upper Lachlan Shire Council
Gunning Office
123 Yass Street, GUNNING NSW 2581

E-mail address: council@upperlachlan.nsw.gov.au

General information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 (free call) or at its website: www.ipc.nsw.gov.au .

Office use only

Date application received:

File Reference:

Finance and Administration - 20 July 2023

ITEM 13.6 **Integrated Planning and Reporting - Update of Upper Lachlan Community Strategic Plan after community engagement**

FILE REFERENCE **I23/224**

AUTHOR **Director of Finance and Administration**

ISSUE

Member councils of the Canberra Region Joint Organisation (CRJO) will undertake a review and update of the Community Strategic Plan (CSP) as a project collectively.

RECOMMENDATION That -

1. Council, in accordance with the Integrated Planning and Reporting Guidelines and requirements of Section 402 and Sections 8A-8C, of the Local Government Act 1993, participates in a Canberra Region Joint Organisation regionally coordinated project to refresh the Community Strategic Plan Towards 2042 in collaboration with the member councils.
2. Council, in accordance with the Integrated Planning and Reporting Guidelines, undertake community engagement on the Community Strategic Plan Towards 2042 refresh project prior to the Local Government Election, which is to be held in September 2024.

BACKGROUND

It is a legislative requirement that in accordance with Section 402 (5), of the *Local Government Act 1993*; "following an ordinary election of Councillors, each council must review the Community Strategic Plan (CSP) before 30 June following the election." A Community Strategic Plan is a plan that identifies the main priorities and aspirations for the future of the local government area. The council is to ensure that the area has a community strategic plan covering at least the next 10 years.

In early 2021, the Canberra Region Joint Organisation (CRJO) including seven member councils (Bega Valley Shire Council, Goulburn Mulwaree Council, Queanbeyan Palerang Regional Council, Snowy Monaro Council, Snowy Valleys Council, Yass Valley Council and Upper Lachlan Shire Council) decided to review their Community Strategic Plans and apply a regional lens to identify the region's challenges and opportunities.

CRJO engaged Projectura to undertake the development of a Regional Community Strategic Plan and development of individual councils Community Strategic Plans and a Community Engagement Strategy. The community engagement process included; surveys, discussion guides and telephone interviews of 279 people from Upper Lachlan Shire. The Upper Lachlan CSP addressed the five strategic themes/pillars including Our Infrastructure, Our Community, Our Environment, Our Economy and Our Civic Leadership.

The Upper Lachlan Community Strategic Plan Towards 2042! was adopted on 16 June 2022 in accordance with the *Local Government Act 1993* and the Office of Local Government's Integrated Planning and Reporting Guidelines.

REPORT

Council successfully collaborated with the Canberra Region Joint Organisation (CRJO) councils to deliver the Community Strategic Plan Towards 2042! (CSP). This report seeks Council's support to undertake a similar process for the refresh of the CSP prior to the September 2024 Local Government Election.

Each CRJO Council has expressed an interest in participating in this joint project. The CSP is required to be reviewed every 4 years and adopted by a newly elected council.

The planning phase for the project will commence soon and project briefings to Councillors would commence in July – September 2023. It is anticipated the community engagement for the CSP review will take place February - May 2024 prior to any election campaigning. The updated draft CSP and Community Engagement Report would be finalised by September 2024.

There is a range of advantages to again committing to this collaborative approach including cost savings along with additional and updated insights from the community. A refresh of the CSP also provides an opportunity to embed our resilience approaches more deeply and to ensure that post-election the new Council can prioritise efforts in developing a Delivery Program and Resourcing Strategy that will shape their term of Council.

Since the introduction of the IPR Framework, each council has generally developed its own CSP following consultation with their community. In 2016, three of the CRJO councils, Goulburn Mulwaree, Yass Valley and Upper Lachlan developed a combined Tablelands Community Strategic Plan and this approach was used as the catalyst for the CRJO Regional Community Strategic Plan.

While acknowledging that each Council area has its own priorities and issues, the CRJO saw an opportunity to aggregate each individual communities' priorities into a Regional Community Strategic Plan. The CRJO has established an Integrated Planning and Community Wellbeing Staff Working Group to progress the project. The goals of the project are as follows:-

- Increase regional collaboration
- Understand the regional priorities to assist with State/Federal Government lobbying
- Understand synergies between local government areas
- Achieve financial and time savings
- Identification of regional strategies and goals

At the end of the project in 2021, a Regional Community Strategic Plan and seven individual council CSPs were delivered. Project highlights included-

- Cost saving to councils of more than \$200,000
- Significant resource savings to participating councils
- A total of 6,700 engaged residents from all participating council LGAs
- 117 targeted, long-form interviews and 701 random telephone interviews

The CRJO General Managers Advisory Group (GMAG) and CRJO Board are supportive of undertaking the collaborative CSP refresh and are seeking commitment from each member Council to pursue this approach.

The recommendation proposed in this report is that management seeks to ensure the CSP refresh process is as efficient and cost effective as possible. Given the broad approach for the initial Regional CSP, it is recommended that a lighter approach be considered for the next review prior to the 2024 election.

Projectura, a specialist consultant, has been engaged, at the expense of the CRJO to develop an engagement plan for each Council for the CSP refresh project.

The CSP is the cornerstone document in the NSW Integrated Planning and Reporting Framework. Under the provisions of the *Local Government Act 1993*, councils are required to facilitate the development of a CSP, which encapsulates the community's vision and their long-term aspirations for the region. CSPs tend to be high level, aspirational documents outlining what the community value and prioritise. Many of the areas articulated are reflective of the responsibilities, activities and programs of the State and in some cases Federal Government.

Whilst Council takes the lead in the preparation and implementation of the Community Strategic Plan, all levels of government, businesses, industry groups, community groups and individuals will contribute to the strategic alignment to achieving our long-term community goals.

If supported, the CSP refresh will provide an updated CSP prior to the 2024 Local Government Election and will then guide the integrated planning of the newly elected Council in 2024 and onwards. Following the development of an updated CSP, Council can then focus its efforts on developing a revised Delivery Program and Resourcing Strategy for 2025-2029.

The review of the CSP will have future social and cultural implications as the CSP guides Council commitments in seeking to improve the community in which we live, work and play. Balancing long-term financial sustainability with the expectations the community outlines in the CSP requires constant effort and detailed consideration.

POLICY IMPACT

The Upper Lachlan CSP, after review and updating, will be reported to Council for consideration, placed on public exhibition for community feedback and finally adopted by Council to take effect from 1 July 2025.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

The CRJO are covering the expenses for all councils related to the CSP refresh project and engaging the consultant to undertake the CSP finalisation and associated community engagement.

RECOMMENDATION That -

1. Council, in accordance with the Integrated Planning and Reporting Guidelines and requirements of Section 402 and Sections 8A-8C, of the Local Government Act 1993, participates in a Canberra Region Joint Organisation regionally coordinated project to refresh the Community Strategic Plan Towards 2042 in collaboration with the member councils.
2. Council, in accordance with the Integrated Planning and Reporting Guidelines, undertake community engagement on the Community Strategic Plan Towards 2042 refresh project prior to the Local Government Election, which is to be held in September 2024.

ATTACHMENTS

Nil

Finance and Administration - 20 July 2023

ITEM 13.7 **2022/2023 Library Asset Replacement from Internal Restricted Reserve**

FILE REFERENCE **I23/249**

AUTHOR **Director of Finance and Administration**

ISSUE

This is a report to Council to allocate, in 2022/2023 financial year, funds held in Council's internal restricted cash reserve for the purpose of capital expense for the Gunning Library heating system asset replacement.

RECOMMENDATION That -

1. Council approves the 2022/2023 transfer of funds from the Library Services internal restricted cash reserve fund totalling \$13,545 for the expense of the Gunning Library heating system asset replacement.

BACKGROUND

Nil

REPORT

On the 10 May 2023, the heating system for the Gunning Library was not operational and a contractor visited the site. It was determined that it would not be cost effective for Council to try to fix a very old heating unit with no guarantee that further future maintenance issues may arise, no warranty for unit and the old unit would not be as energy efficient as newer models available.

The Gunning Library was cold for a short period as an interim solution of using small portable indoor heaters was used. The Council's Building Maintenance Coordinator sought quotations for a replacement-heating unit and a timeframe from the contractor to supply and install the unit.

It was determined necessary by senior management to proceed with replacing the old Daikin heating unit with a ducted Mitsubishi heavy industrial heating unit at a cost of \$13,545 (GST Exclusive). The cold weather and the requirement to provide a WHS compliant workspace for Council staff and library patrons necessitated the urgent asset replacement. The Mitsubishi new 20Kw unit has a greater peak capacity than the existing unit which will warm the library quicker from start-up and includes the peak heating capacities and a heating efficiency (COP rating).

Library staff have reported that since installation, the new heating unit is far superior to the old unit replaced and management thanks Council's Building Maintenance Coordinator for his services in achieving the replacement in a timely manner.

Finance and Administration

2022/2023 LIBRARY ASSET REPLACEMENT FROM INTERNAL RESTRICTED RESERVE cont'd

There is a requirement for the internal restricted reserve movement to be funded in the 2022/2023 Operational Plan for the expenditure to be transferred from the Council's Library Services internal restricted reserve fund.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

All internal restricted transfer to/from cash reserves will be included in Note C1-3 Restricted Cash, Cash Equivalents and Investments within the 2022/2023 Financial Statements. The \$13,545 will be transferred from the Library Services internal restricted reserve to fund the asset replacement.

RECOMMENDATION That -

1. Council approves the 2022/2023 transfer of funds from the Library Services internal restricted cash reserve fund totalling \$13,545 for the expense of the Gunning Library heating system asset replacement.

ATTACHMENTS

Nil

Finance and Administration - 20 July 2023

ITEM 13.8 **Review of Preparation of Meeting Agendas Policy**

FILE REFERENCE **I23/251**

AUTHOR **Director of Finance and Administration**

ISSUE

Providing details of a review of the Preparation of Meeting Agendas Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Preparation of Meeting Agendas Policy.

BACKGROUND

Nil

REPORT

This report details a review conducted of the Preparation of Meeting Agendas Policy, with relevant amendments highlighted in yellow for Council's review.

POLICY IMPACT

The Preparation of Meeting Agendas Policy is an existing Policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Preparation of Meeting Agendas Policy.

ATTACHMENTS

1. Download	Preparation of Agendas Policy and Procedure - Date Adopted 17 October 2019 - Resolution 290-19 - Review 2022	Attachment
-----------------------------	--	------------

POLICY:-	
Policy Title:	Preparation of Meeting Agendas Policy
File Reference:	F10/618-013
Date Policy was adopted by Council initially:	22 December 2005
Resolution Number:	368/05
Other Review Dates:	15 October 2009, 21 June 2012, 16 April 2015 and 17 October 2019
Resolution Number:	438/09, 191/12, 89/15 and 290/19
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

Preparation of Meeting Agendas Policy
Adopted: 20 July 2023

OBJECTIVE

The **intention** of this policy is to clearly define the process for preparing Agendas/Business Papers **for meetings of the Council**.

For this purpose the following differentiation applies:-

- Type 1 Meeting/Reports are those that apply to Ordinary Meetings of Council;
- Type 2 Meeting/Reports are those that apply to other Committees **of Council** (Consultative Committee, Work Health and Safety, etc).

1. Agenda Dispatch Deadlines

The Council Code of Meeting Practice states that the Chief Executive Officer must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting date. Council commits to the following deadlines:-

Type 1 Agendas/Business Papers are to be forwarded at least 5 **business** days prior to Ordinary Meetings **of Council**.

Type 2 Agendas/Business Papers are to be forwarded at least 5 **business** days prior to the **Committee Meetings** date.

2. Preparing Reports

Staff should be aware of scheduled meeting dates for the Type 1 Meetings and also those Meetings from Type 2 with which they are involved.

For Type 1 Meetings draft reports are to be prepared on the following basis:

- i. Reports are to be in the Infocouncil report template (as part of the corporate system) and are to be submitted so that report is available for inclusion in the Business Paper by **4.30 pm on the Friday the week prior to dispatch**. (See Council Yearly Calendar for Report due dates).

For Type 2 Meetings:

- ii. Reports are to be in the Infocouncil report template (as part of the corporate system) and are to be submitted so that report is available for inclusion in Business Paper a minimum of 5 **business** days prior to meeting date.

The above requirements are achievable if those responsible for preparing reports do so progressively in the lead up to meetings and also by being aware and responsive to the agenda timetable deadlines. It would assist the process if staff preparing reports advise (in advance) the **Council Administration Officer and Executive Assistants** of any possible late or unusually lengthy reports. In the case of scheduled absences staff should arrange preparation of reports in advance.

Preparation of Meeting Agendas Policy
Adopted: 20 July 2023

There will be instances when correspondence and/or issues arise in the day(s) of Business Paper preparation. A determination will be made by the **Chief Executive Officer** as to the inclusion or otherwise of those reports in the Agenda. Reports that are not included in the Business Paper, but are required to be submitted to the Council Meeting, may be done as late reports using the Infocouncil Late Report Template (subject to approval by the **Chief Executive Officer**). The distribution of such reports (whether prior to or at the meeting) will be determined on the basis of the circumstances involved.

3. Authorisation of Reports/Agendas

All reports are to be **prepared, reviewed** and authorised in Infocouncil by the respective Department Director prior to the agenda being finalised.

When reports are authorised for the agenda at Director level they are then submitted to the **Chief Executive Officer** for authorisation in Infocouncil (final proof).

4. Report Format

The Infocouncil report template is the standard format that is to be used for Council/Committee meeting reports. The procedure for staff typing their reports is as follows:-

- Staff should follow the Infocouncil Report Writing Manual to create a new report using the report template and then save the report into the current “meeting date” as listed in the Infocouncil system.
- Reports should be allocated to the correct Content Manager folder using the correct month date eg GOVERNANCE - MEETINGS - Council Business Paper February 2023

5. Summary

For Type 1 Meetings the timetable is as follows:-

WEEK PRIOR TO DISPATCH

Ordinary Meeting Reports

Friday: reports to be submitted by 4.30pm*

Monday: Authorisation by Directors and General Manager as per the Infocouncil system.

***NOTE: Reports can be submitted progressively and prior to these times and dates.**

Preparation of Meeting Agendas Policy
Adopted: 20 July 2023

VARIATION

Council reserves the right to vary or revoke this policy.

OTHER RELATED DOCUMENTS

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2018;
- State Records Act 1998;
- Privacy and Personal Information Protection Act 1998;
- Work Health and Safety Act 2011;
- Ombudsman Act 1974;
- Independent Commission against Corruption Act 1988;
- Code of Conduct;
- Code of Conduct Procedures;
- Code of Business Practice;
- Code of Meeting Practice
- Section 355 Committee Policy;
- Section 355 Committee Code of Meeting Practice;
- Council Agenda Format and Committee Structure;
- Customer Service Charter;
- Statement of Ethical Principles;
- Delegations of Authority Policy;
- Disclosure of Interests at Meetings Procedure;
- Presentations to Council Policy;
- Government Information (Public Access) Policy;
- Interaction between Councillors and Staff Policy;
- iPad Policy;
- Privacy Policy;
- Privacy Management Plan; and
- Questions With Notice Policy.

Finance and Administration - 20 July 2023

ITEM 13.9 **Review of Presentations to Council Policy**

FILE REFERENCE **I23/252**

AUTHOR **Director of Finance and Administration**

ISSUE

Recommendation that Council review and adopt the Presentations to Council Policy.

RECOMMENDATION That –

1. Council adopts the reviewed Presentations to Council Policy.

BACKGROUND

Nil

REPORT

This report details the review of the Presentations to Council Policy.

POLICY IMPACT

This is a review of an existing Council Policy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Presentations to Council Policy.

ATTACHMENTS

1. ↓	Presentations to Council Policy and Procedure - Date Adopted 17 October 2019 - Resolution 291-19 - Review 2022	Attachment
----------------------	---	------------

POLICY:-	
Policy Title:	Presentations to Council Policy
File Reference:	F13/618-013
Date Policy was adopted by Council initially:	23 June 2005
Resolution Number:	162/05
Other Review Dates:	16 July 2009, 19 May 2011, 17 April 2014 and 17 October 2019
Resolution Number:	271/09, 184/11, 100/14 and 291/19
Current Policy adopted by Council:	20 July 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

OBJECTIVES

To provide members of the community the opportunity to publicly express their views to Council **or inform Council on a matter** by means of a presentation to Council.

POLICY STATEMENT

In accordance with Chapter 4 of the Local Government Act 1993 and the Code of Meeting Practice, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council by means of a presentation to a Council or Committee Meeting.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month in the **Crookwell Council Chambers. Notices of Ordinary Meetings of Council and Extraordinary Meetings of Council are advertised on the Council website in the week prior to the meeting in accordance with Part 3 of the Code of Meeting Practice.**

Agendas and Business Papers

Ordinary Council Meeting agendas and business papers, with confidential items excluded, are made available to the public for perusal on the Friday preceding the **Council Meeting on Council website and at Council's Administration offices.**

Other Access Available to the Public at Council Meetings

All meetings of Council and Committees are, as a general rule, open to the public except where the Council or Committee resolves into Confidential Session.

The Mayor and Chief Executive Officer may be approached by a member of the public to make a presentation to Council at the Ordinary Meeting of Council in accordance with Part 8, Item 7, of the Code of Meeting Practice. If the request to address Council is accepted a copy of the presentation must be provided to Council for vetting three (3) business days before the Council Meeting.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local government. Some matters, however, are obviously of a sensitive nature and must be dealt with in Closed Session.

Whilst Section 10 (1) of the Local Government Act 1993 requires that Council and Committee meetings be held open to the press and public, the Council or

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10A of the Act.

Section 10A (2) of the Local Government Act 1993 and Part 14 of the Code of Meeting Practice both specify the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. Items considered to be of a confidential nature include the following:-

- (a) Personnel matters concerning particular individuals (other than councillors);
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudice the maintenance of law;
- (f) Matters affecting the security of the council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- (i) Alleged contraventions of any code of conduct requirements applicable under section 440.

Any reports, correspondence or documentation relating to such matters will be withheld from access by the press and public. The **Chief Executive Officer** reports to the open Council meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting.

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

Contacting Residents Involved

Every endeavor is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council meeting **and make a presentation to Council.**

Addressing Council

Council provides access to the public to address Council, but must maintain the rules and conventions set down in the Local Government Act 1993, **the Local Government Regulations** and the Code of Meeting Practice. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairman of the Meeting) has control of the meeting and of public presentations. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public presentations to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the **the Local Government Act** or **Local Government Regulations**. Accusations or allegations of wrong doing against members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the **Chief Executive Officer**, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application, any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall **not** be eligible for a public presentation.

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

GUIDELINES FOR PUBLIC PRESENTATIONS

1. APPLICATIONS

- a) **Content of Application** - Individuals wishing to make a presentation to Council will apply in writing, a minimum of 10 days prior to the date of the meeting where the presentation is proposed, outlining the name of the person(s) addressing Council, the reason for addressing Council, and a full copy of the topic/issue they will cover in their address.
- b) **Methods of Applying** - Applicants can apply by email or by letter, to the attention of the Chief Executive Officer or the Mayor.

2. APPROVAL

The Chief Executive Officer or a delegate must approve all applications for public presentations except under exceptional circumstances, as noted in clause 3 of this guideline. The Chief Executive Officer, in consultation with the Mayor, has absolute discretion as to whether the presentation will be accepted. Councillors are to be informed of all applications to make a presentation to Council, and the reason for any refusal to accept a presentation.

3. REFUSAL OF AN APPLICATION

The Chief Executive Officer or a delegate can refuse an application if it does not meet the requirements of this policy. The Chief Executive Officer will advise both the applicant and the Councillors as to the reasons for the refusal.

4. RESPONSE TO APPLICATION

The Executive Assistant will advise all applicants of the outcome of their request for a public presentation.

- a) If approved, the Executive Assistant will advise the applicant of the date, time, and location they are to attend the Committee or Council meeting.
- b) If refused, the Executive Assistant will advise both the applicant and the Councillors of the reasons for any refusal to accept a presentation.

5. URGENT ACCESS

- a) The Council or Committee may consider an application for an urgent public presentation without the approval of the Chief Executive Officer if they rule, by way of simple majority, that the

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

matter is of great urgency in accordance with Part 9.3 of the Code of Meeting Practice.

- b) The Council or Committee may authorise an urgent request for a public presentation for the current meeting or a subsequent meeting.

6. NUMBER OF SPEAKERS

- a) **Speakers per Issue** - The number of speakers at any one Council or Committee meeting is limited to one speaker for an issue and one speaker against an issue.
- b) **Speaking Once per Issue** - The Chief Executive Officer will not approve public access for the same person or their representative to address Council more than once on the same issue. An applicant may gain approval for a second public access address if it is deemed that the application/matter has changed significantly enough to warrant a further address.
- c) **Number of Speakers per Council Meeting** - A maximum of three speakers in total may address the monthly Council Meeting.
- d) **Number of Speakers per Committee Meeting** - A maximum of three speakers in total may address a Committee Meeting. In exceptional circumstances, this can increase to four.
- e) **Priority Speakers** - Requests for public presentations relating to items listed on the Committee's agenda, have priority over topics not listed on the agenda and topics not included in the business paper.

7. TIME LIMITS

- a) **Regular Time Limit** - Each address is limited to five minutes. Council's Executive Assistant will signal at the end of the five minutes by gong or other device.
- b) **Extension of Time Limit** - After five minutes, the Council or Committee may give the speaker an additional three minutes. A simple majority is required to grant the extension. There can only be one extension per public presentation. Council's Executive Assistant will signal the end of the additional three minutes.
- c) **Additional Speakers** - The time limits apply to one speaker addressing Council. Speakers must advise Council before the meeting, if they intend to have more than one speaker address Council. The time limit of five minutes, with a possible three-minute extension, applies regardless of the number of speakers.

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

8. QUESTIONS

Councillors and Council Officers may ask questions of the speaker at the end of each address.

9. PRESENTATION - TERMS AND CONDITIONS

Council approves public presentation on the basis that:-

- a) The speaker's address is limited to five minutes (including all speakers);
- b) The speaker provides copies of any material they wish to distribute to Councillors and Officers before the meeting;
- c) All presentations to Council Meetings will be accompanied by a written, preferably typed, full copy of the presentation or electronic copy of the presentation able to be viewed on the Council projector and must be provided to the Chief Executive Officer, the Mayor or Chairman of the meeting prior to the commencement of the presentation;
- d) The speaker is prepared to answer questions from Councillors and Council Officers;
- e) The speaker agrees to comply with the general standards that apply in Council's Code of Conduct and Code of Meeting Practice and as such are applicable to any presentation made;
- f) The Council will keep a full copy of the presentation on record together with a copy of the official business papers of the Council meeting and will record a note of the presentation in the official minutes of Council;
- g) The speaker understands that the records of Council meetings are public documents and available to members of the community and the media;
- h) The speaker understands that anything said or published in their address, if defamatory, may result in legal proceedings against them;
- i) Council accepts no liability whatsoever in respect of the speaker's public presentation;
- j) The speaker's presentation to Council is not an opportunity to debate the issue, but is an opportunity to place their views before Council;
- k) The speaker retires to the public gallery at conclusion of their address and makes no further comment on the debate by Councillors.

ULSC Presentations To Council Policy And Procedure
Adopted: 17 August 2023

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2018;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Environmental Planning and Assessment (EPA) Act 1979;
- Independent Commission against Corruption Act 1988;
- Ombudsman Act 1974;
- Work Health and Safety Act 2011;
- Code of Conduct;
- Code of Conduct Procedures;
- Code of Meeting Practice;
- Code of Business Practice;
- Customer Service Charter;
- Disclosure of Interests at Meetings Procedure;
- Statement of Ethical Principles;
- Harassment Policy;
- Grievance Policy;
- Government Information (Public Access) Policy;
- Preparation of Meeting Agendas Policy;
- Privacy Policy;
- Privacy Management Plan;
- Interaction between Councillors and Staff Policy;
- Complaints Management Policy;
- Section 355 Committee Policy;
- Section 355 Committee Code of Meeting Practice;
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006.

VARIATION

Council reserves the right to vary or revoke this policy.

14 CHIEF EXECUTIVE OFFICER

There were no items submitted for this section at the time the Agenda was compiled.

16 REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

The following item is submitted for consideration -

16.1	Reports from Committees for the month of July 2023.	244
------	---	-----

Reports from Other Committees, Section 355 Committees and Delegates - 20 July 2023

ITEM 16.1

Reports from Committees for the month of July 2023.

RECOMMENDATION:

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

1. Tuena Hall and Recreational Area Committee – Minutes – 21 June 2023.
2. Taralga Wind Farm Consultation Committee – Minutes from meeting held 5 July 2023.
3. Crookwell District Art Gallery – Minutes from meeting held May 2023.
4. Crookwell District Art Gallery – Minutes from meeting held June 2023.

ATTACHMENTS

1. ↓	Tuena Hall and Recreational Area Committee – Minutes – 21 June 2023	Attachment
2. ↓	Taralga Wind Farm CF 2023/2024 - 230507 S355 Meeting Minutes - 5 Jul 2023	Attachment
3. ↓	Crookwell District Arts Gallery - Minutes from meeting held in May 2023	Attachment
4. ↓	Crookwell & District Art Gallery - Minutes from Meeting held June 2023	Attachment

Tuena Hall & Recreation Area Committee

Bathurst Street, Tuena NSW 2583 PH. 48345267

A section 355 committee of Upper Lachlan Shire Council

Minutes of General Meeting

21st June 2023

Present:

Robyn Hall, Gabrielle Saville, Jenelle Parsons, Barb Blankenzee, Robyn Cartwright, Rae Ford, Bev Hall, Dave McTaggart, Mandy MacDonald, Lesley Hall, Kylie & Craig Parkinson, Brad & Janice Stevens

Apologies: Jill Cowey (President) was in attendance, at a distance, but did not participate in the meeting as she had infectious conjunctivitis.

Meeting was chaired by Robyn Hall (vice president)

Meeting Opened: 2.00pm.

Minutes from the previous General Meeting were tabled.

Resolved: Bev Hall, Robyn Hall Unanimously accepted.

Treasurer's Report:

No report was tabled as the Treasurer is recovering from knee replacement surgery.

Correspondence:

Letter of thanks to Robyn Summerrell re resignation from cleaning.

Works request to Council

- i. Ceiling in Hall. See General Business.
- ii. Plumbing of bore tanks. see General business.
- iii. Plumbing of Hall tank. see General business.
- iv. Electrician...lights and exit sign not functional...see General business.

Re: Paint the Town: visit and emails from Council. See General business.

Re: Volunteer Workers Accident Insurance: emails to and from Council
and emails to and from Centrelink. See General business.

Re: Presbyterian Church: Phone calls and emails to and from Council. See General business.

General Business: Arising from Correspondence

Ceiling in the Hall was inspected and assessed by Adam Moorby.

Result: Sagging due to age but ceiling is sound, reassess if situation changes.

Bore Water Tank: Problems over Easter, pump failure, water quality deteriorated.

Result of discussion. Write to Council and propose a 50/50 cost split to have bore assessed and if necessary rehabilitated. **Action Required**

Plumbing of Hall tank: Brad Stevens (plumber) will reassess water level and plumb the rainwater tank so it services the Hall toilets.

Electrician: Adam Moorby facilitated replacement of all exit signs and globes in Hall Ceiling

Paint the Town: Meeting 7th July 10.00am to determine design brief.

Specifications for billboard given to Mandy MacDonald and copy attached to these minutes for assessment and acceptance. **Action Required**

Volunteer Workers Accident Insurance: Tuena Hall & Recreation Area Committee is now accepted as a Volunteer Work Organisation and this situation is resolved.

Presbyterian Church: is still an ongoing issue. At the time of the meeting, we were still awaiting confirmation of what the Church deems payable. Plan A: is to resolve this equitably with the Church. Plan B: is to write to the Moderator, head of the Presbyterian Church in NSW. A draft of this letter, which is confrontational, was read at the meeting and with a majority vote was endorsed for sending if the need arises.

POSTSCRIPT: received an email from Simon Arkinstall, contact has been made with the Church with a step forward to a possible result pending conditions and costs.

Plan B is on Hold, and we await documentation from the Church.

General Business:

Kel & Ros Summens Van: ongoing issue. Decision was made not to inflame situation further.

Wait until October when they plan to come and make their decision.

POSTSCRIPT: received email from Kel accepting offer from prospective buyer, Situation resolved.

Electricity to On Site Vans: Is inadequate and subject to intermittent failings.

Result: seek advice from an Electrician and ask for an assessment of supply to this area be made and any recommendations for upgrading infrastructure to ensure safe and reliable supply.

Kitchen Sink: Due to increased use the sink back fills regularly but does drain.

Problem: Plumbing from sink is 50mm pipe, flows into 90mm pipe, then restricts into a 50mm pipe (? cause of back flow) then flows into a rubble drain.

All pipes under the sink have been removed, cleaned and re installed.

Result: Research latest requirements for Non-Domestic Wastewater and revisit when we have more information.

NB Adam Moorby was made aware of this issue.

Signs: As formatted in Feb Minutes have been ordered. (Total fire Ban & Primitive Campsite)

Working Bee at Cemetery: postponed to early Spring.

Meeting Closed: 3.30

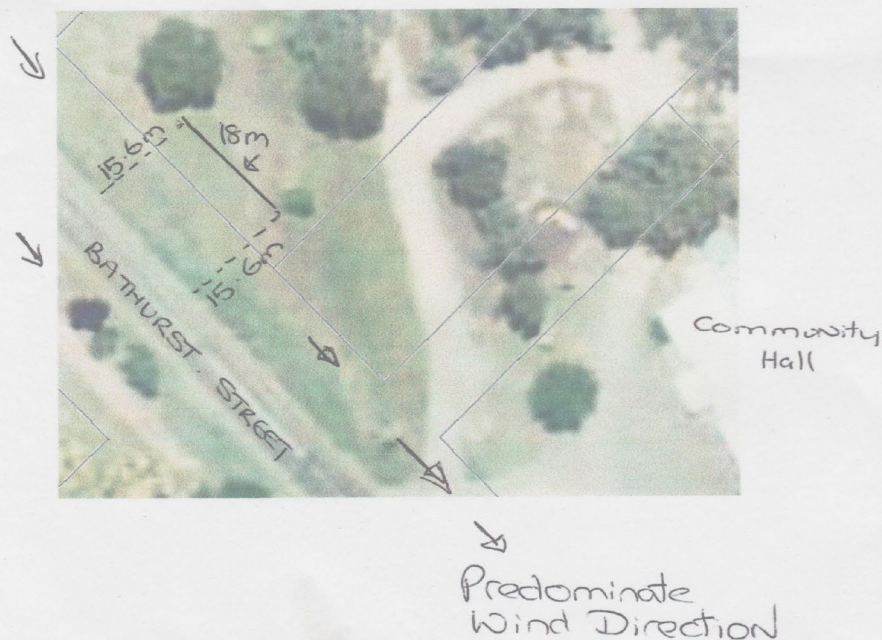
ACTION REQUIRED; Examine, assess and approve.

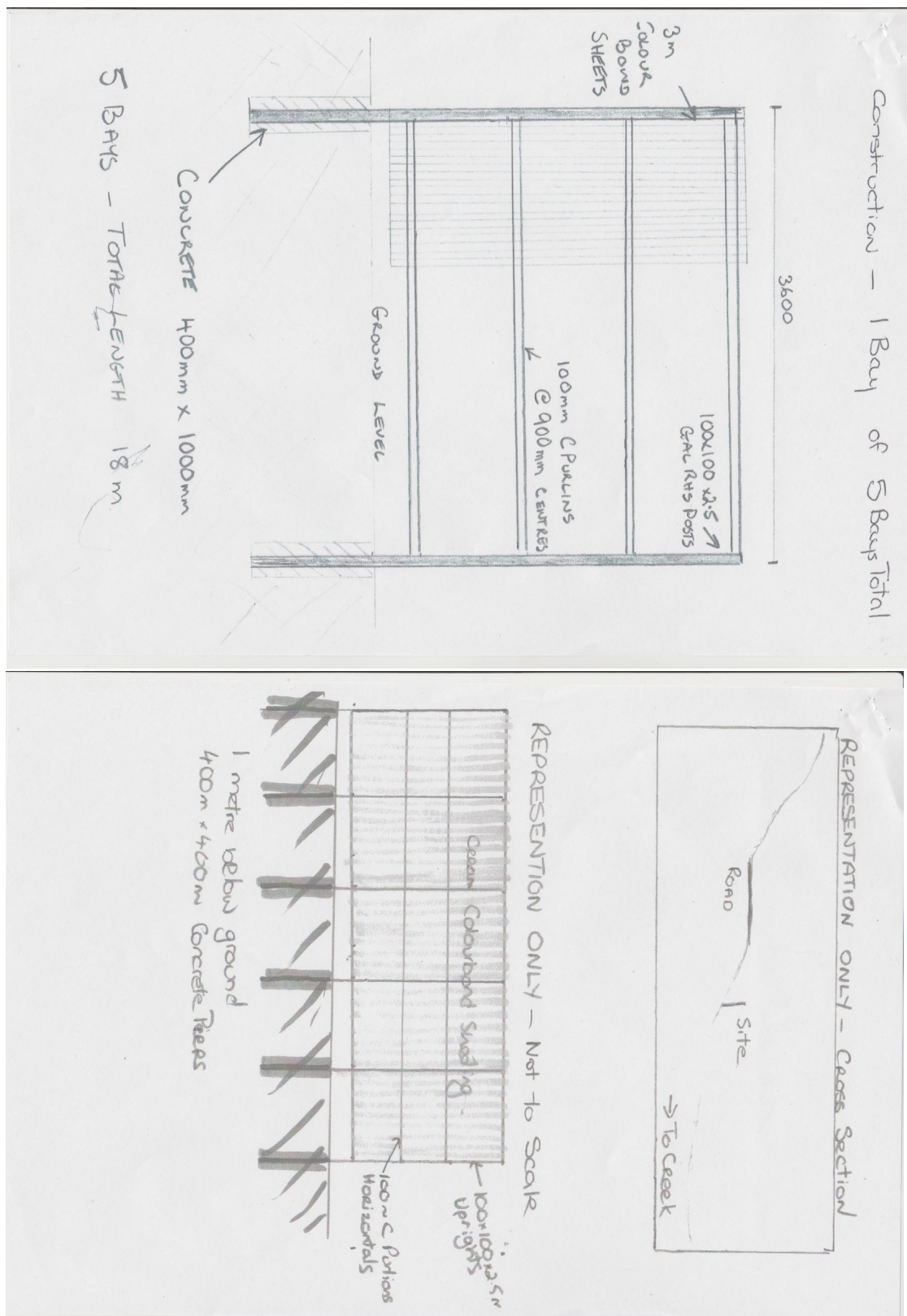
PAINT THE TOWN

Tuena Site

Construction Specifications

1. Billboard 18 metres long by 3 metres high.
2. Face in Cream colourbond sheeting
3. 6 vertical upright 100m x 100m x 2.5m steel. Evenly spaced to make 5 bays.
4. Uprights concreted 1 metre into ground, 400m x 400m piers.
5. 4 Horizontal beams of 100m C purloins.
6. Colourbond secured with angle brackets and teck screws.
7. Air flow above and below.
8. Predominant wind direction is parallel to billboard
9. There are no surrounding buildings.
10. There is no pedestrian traffic
11. There is no interference from water run off
12. Site should not damage native tree roots.
13. Site is 15.6 metres from the fog line on Bathurst Street and runs parallel to Bathurst Street.





ACTION REQUIRED; Assess and advise**Tuena Hall & Recreation Area Committee****Bathurst Street, Tuena NSW 2583 PH. 48345267***A section 355 committee of Upper Lachlan Shire Council**24th June 2023*

To: General Manager.

Re: Bore Water Tuena.

Dear Alex,

Over Easter we experienced a failure with the bore water supply. The pump failed completely resulting in us having to divert water from a rainwater tank and to cart water to maintain a supply to the toilets and showers that service the Recreation Area.

Council have since inspected this, repaired the pump and supply has been restored.

However, we are concerned that this solution is temporary.

The bore is well over ten years old, and we suggest that it be inspected and assessed for possible rehabilitation by professional bore specialists which would include the bore, the tank, the pump and all plumbing and advice about adding a robust filter into the system.

It is generally recommended that a bore is cleaned and undergoes a yearly maintenance check but to the best of my knowledge this has not happened, and we are unsure who's responsibility this is.

A works request was also sent to Council in February as we were having concern about water quality and sediment buildup in the pipes. We did not receive a response to this email.

Works Request..Plumber Tuena**Gabrielle Saville <lgai2play@gmail.com>****Fri, Feb 3,
8:32 AM****to council, Jill, Robyn, Jenelle, Mandy****From Tuena Hall & Recreation Area Committee****Could you please send a plumber out to Tuena.****The bore water is creating an excessive build up of calcium carbonate in all areas it flows to.****Can an inspection be carried out and a robust filter installed at the bore site to address this issue.****This will be a cost saving measure as the build up is damaging all the cisterns, toilets, pumps, taps, basins and shower walls.**

If our request can be facilitated by Council we can commit to paying 50% of costs of the assessment and the rehabilitation of the entire bore system ensuring continuous supply and improve the quality of water.

It has been suggested if the costs are exorbitant that an approach to the NSW Rural Fire Service for assistance in funding be made. Our bore tank and pump are situated on the same site as our Fire Shed.

As a matter of some urgency please advise us how to proceed.

Sincerely

Gabrielle Saville

Secretary.

**MINUTES OF THE TARALGA WIND FARM COMMUNITY FUND SEC 355
COMMUNITY COMMITTEE MEETING HELD WEDNESDAY 5 JULY 2023**

PRESENT: Cllr Pamela Kensit (Mayor, Upper Lachlan Shire Council)
Ms Alex Waldron (Chief Executive Officer, Upper Lachlan Shire Council)
Ms Lucy Sinclair (Company Representative, Taralga Wind Farm)
Craig Croker (Community Representative)
Brian Corby (Community Representative)

NON-VOTING: Ms Jane Ramsay (Executive Assistant, Environment and Planning)

1. WELCOME

The Chief Executive Officer opened the meeting at 2.45pm.

2. APOLOGIES

N/A

3. DECLARATIONS OF INTEREST

Brian Corby, President of Taralga Golf Club

**4. PRIORITISATION OF PROJECT SUBMISSIONS FOR 2023/2023 –
FUNDING \$222,283.00**

4.1 RECOMMENDED: The projects listed below be awarded funds as follows:

Moved: Brian Corby

Seconded: Lucy Sinclair

PROJECT	AMOUNT
Taralga Golf Club Inc.	\$14,499.00
Taralga Historical Society Inc	\$15,000.00
Taralga Community Medical Association Inc.	\$22,000.00
Taralga & District Showground & Recreation Co-operative	\$18,700.00
Taralga & District Showground & Recreation Co-operative	\$14,193.46
Taralga Australia Day Rodeo Committee	\$22,605.54
Taralga Sports Club	\$47,144.00
Golspie Progress and Landcare Association Inc	\$67,441.00
Taralga Playgroup	\$700.00
TOTAL	\$222,283.00

**MINUTES OF THE TARALGA WIND FARM COMMUNITY FUND SEC 355
COMMUNITY COMMITTEE MEETING HELD WEDNESDAY 5 JULY 2023**

5. OTHER BUSINESS

The Committee acknowledged the quality and number of applications received in this funding round but unfortunately were not able to fund all applications received. As such, the Committee was only able to part fund the Taralga & District Showground & Recreation Co-operative's application for the installation of security cameras. Two applicants were unsuccessful and will receive feedback letters from the Chief Executive Officer.

The meeting closed at 4.00pm.

Crookwell District Art Gallery**Minutes of the meeting held at 4.30pm on May 25th, 2023**

With the President's delayed arrival, Jane McCracken opened the meeting at 4.32pm.

ELECTED MEMBERS PRESENT:

Karen Harwood, Jane McCracken, Caroline Greig, Jeremy Goodman

GENERAL COMMITTEE MEMBERS PRESENT:

Mandy McDonald, Jeffrey Vaughn, Gay Smith, Margie Carr, Margaret Wonson, Susie Rescei

APOLOGIES:

Margot Luntungan, Lesley Gartrell, Sue Bell, Ann Goodman

MINUTES OF THE PREVIOUS MEETING:

The minutes were accepted as a true record of the meeting (Moved Caroline Greig, Sec. Margaret Wonson)

CORRESPONDENCE:

Jeremy Goodman tabled a letter from ULSC re the acceptance by council of our elected committee. The letter also requested a current catalogue / audit of our art collection, to be completed by June 13th. Jeremy G. to produce.

TREASURERS REPORT:

Jane McCracken tabled the Report showing an opening balance of \$4196.87, income of \$365, expenses of \$163,50, leaving a closing balance of \$4398.37 (Moved Jane McCracken, Sec, Susie Rescei.)

2023 SHOW PROGRAM.

Jeremy Goodman distributed a final copy of the program to all.

ARTWORKS LIGHTING SYSTEM UPDATE:

Jane McCracken reported she is obtaining quotes for a new updated LED System.

OTHER BUSINESS:

Jeremy G stated copy for the Gallery project needs to be written.

Caroline Greig proposed she spend a couple of hours with WIX re leaning the platform. The meeting agreed.

Mandy McDonald updated the meeting re possible sites for the "Paint the Town" project

Margaret Wonson informed the meeting that Julie & Colin Simpson are the new owners of Get Creative in Crookwell.

Jane McCracken closed the meeting at 5.08pm.

**CROOKWELL & DISTRICT ART GALLERY
MINUTES OF MEETING HELD ON 22nd JUNE 2023**

The meeting opened at 4.33pm

PRESENT:

S Bell, C Greig, K Harwood, M Kearns, J McCracken, S Recsei, G Smith, M Wonson, J Vaughan

APOLOGIES:

M Carr, B Carter, J McCarthy, J Goodman, A Goodman, M Luntungan, M McDonald

MINUTES OF PREVIOUS MEETING

In the absence of Secretary no minutes were available.

CORRESPONDENCE

1 account from Davies Newsagency and 2 accounts from Upper Lachlan Tourism.

TREASURER'S REPORT

Jane McCracken tabled the report showing an opening balance of \$4,398.37 with expenses of \$1,029.53 leaving a closing balance of \$3,368.84. The term deposit of \$20,499.02 was re-invested with CBA for 6 months with an interest rate of 3.5%

The Treasurer's report was accepted and payments approved. Moved M Kearns, seconded Caroline Greig).

MASQUERADE

The food for the opening night was discussed and agreed upon.
The roster for the exhibition was also discussed and agreed upon.

GALLERY LIGHTING

Jane advised that the blown bulb had been replaced and 2 spares purchased. A quote for system replacement had not yet been requested. Caroline Greig offered to obtain a second quote. Margaret Kearns asked that additional track lighting be considered across the middle of the gallery.

OTHER BUSINESS

Mandy McDonald

Prior to the meeting Mandy McDonald advised Jane McCracken by phone that she wished to thank those involved with the excellent art collection audit.

Mandy also advised that Trinity College had purchased new screens and that the old ones had been given to Taralga Art Show. These now had new covers and Taralga was happy to lend them to Crookwell when needed.

The large street murals were now resolved with 2 for Dalton, a large mobile screen for Gunning, 1 or 2 for Crookwell and a very large mural for Tuena.

Door and window blinds Blinds for use when the gallery walls were empty was discussed as well as a sign on the door. It was agreed that this was a good idea and quotes be obtained.

Paintings fading It was noted that watercolour works had faded over time and that consideration be given to conservation glass and re-framing.

Gallery dimensions Margaret Kearns requested that the physical dimensions of the gallery be made available to future hirers. This to be referred to Jeremy Goodman for action.

There being no further business, the meeting closed at 5.00 pm.

17 NOTICES OF MOTION

There were no items submitted for this section at the time the Agenda was compiled.

18 QUESTIONS WITH NOTICE

There were no items submitted for this section at the time the Agenda was compiled.

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 19.1, 19.2 and 19.3 in confidential session for the reasons indicated:

Item 19.1 Procurement of One New Light Vehicle

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.

Item 19.2 106-108 Goulburn Street Crookwell - Lot 1 DP314755

This report is considered to be confidential in accordance with Section 10A(2c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

Item 19.3 Tourism and Events Update

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.

19 CONFIDENTIAL SESSION

The following items are submitted for consideration -

- 19.1 Procurement of One New Light Vehicle
- 19.2 106-108 Goulburn Street Crookwell - Lot 1 DP314755
- 19.3 Tourism and Events Update