

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 17 SEPTEMBER 2020

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

VIDEOLINK : Mrs T Dodson (Director of Environment & Planning) and Mr C Gordon (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 09:01AM.

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

156/20 **RESOLVED** by Cr Wheelwright and Cr McCormack that -

1. Items 14.2 Election of the Mayor and 14.3 Election of Deputy Mayor be moved forward.

- CARRIED

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

Councillors who voted against:- Nil

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The General Manager as the Returning Officer assumed the Chair to conduct the Election of Mayor and Deputy Mayor the time being 9:02AM

ITEM 14.2 ELECTION OF MAYOR (SECTION 225-230, LOCAL GOVERNMENT ACT, 1993)

1. The General Manager declared John Stafford elected as Mayor for the one year term, unopposed.

ITEM 14.3 ELECTION OF DEPUTY MAYOR (SECTION 231, LOCAL GOVERNMENT ACT, 1993)

1. The General Manager declared Councillor John Searl elected as Deputy Mayor for the one year term, unopposed.

Cr Mayor Stafford who was elected Mayor resumed the Chair and proceeded with the meeting the time being 9:04AM

SECTION 5: CONFIRMATION OF MINUTES

157/20 RESOLVED by Cr Wheelwright and Cr Searl

1. That the minutes of the Ordinary Council Meeting held on 20 August 2020 be adopted.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

158/20 **RESOLVED** by Mayor Stafford and Cr Searl

1. That Council receive and note the activities attended by the Mayor for August and September 2020.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF SEPTEMBER

159/20 **RESOLVED** by Cr Searl and Cr McCormack

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

1. NSW Local Government Grants Commission - FAGs Payments 20-21 - 21 August 2020
2. NSW Local Government Grants Commission - A713604 - GC - 2020-21 Financial Assistance Grants - Advice to Councils - Appendix A - - 21 August 2020
3. NSW Local Government Grants Commission - A713604 - GC - 2020-21 Financial Assistance Grants - Advice to Councils - Appendix B - SOP - 21 August 2020
4. NSW Local Government Grants Commission - A713604 - GC - 2020-21 Financial Assistance Grants - Advice to Councils - Appendix C - Guidelines for Special Submission - 21 August 2020
5. NSW Local Government Grants Commission - A713604 - GC - 2020-21 Financial Assistance Grants - Advice to Councils - Appendix D - Framework - 21 August 2020
6. Malcolm Barlow - Letter to Council is response to Presentation – 4 September 2020

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7. Office of Local Government - Message from Minister Hancock - 4 September 2020

- CARRIED

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1-10.8 INFORMATION ONLY ITEMS

RESOLVED by Cr Searl and Cr Wheelwright

1. Council receives and notes items 10.1, 10.3-10.8 as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.2 DEVELOPMENT STATISTICS FOR THE MONTH OF AUGUST 2020

160/20

RESOLVED by Cr McCormack and Cr Searl

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 REGIONAL ROAD TRANSFER AND ROAD CLASSIFICATION REVIEW

161/20 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receive the report and approve the request to submit all regional roads to the Regional Road Transfer and Road Classification Independent Panel.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 REVIEW OF PRIVATE USE OF COUNCIL MOTOR VEHICLE POLICY

162/20 **RESOLVED** by Cr Searl and Cr Wheelwright

1. Council adopts the reviewed Private Use of Council Motor Vehicle Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Private Use of Council Motor Vehicle
File Reference:	F10/618-03
Date Policy was adopted by Council initially:	27 July 2006
Resolution Number:	191/06
Other Review Dates:	24 April 2008, 19 November 2009, 16 August 2011, 19 December 2013 and 21 July 2016
Resolution Number:	122/08, 479/09, 308/11, 410/13 and 192/16
Current Policy adopted by Council:	17 September 2020
Resolution Number:	162/20
Next Policy Review Date:	2023

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:	Consultative Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Infrastructure

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OBJECTIVE

Council will endeavour to achieve the following outcomes:-

1. Manage the motor vehicle leaseback fleet in an equitable and cost effective manner, providing best value for money;
2. Minimising the environmental impact of the motor vehicle leaseback fleet;
3. Provide employee benefits to assist in the task of attracting and retaining talent; and
4. Ensure the motor vehicle lease fees are set and reviewed annually so as to maintain the leaseback fee at a level that minimises Council's Fringe Benefits Tax (FBT) obligations and reflects increases in the vehicles maintenance and running costs.

POLICY STATEMENT

This policy sets out the terms and conditions of an agreement between Council and eligible employees whereby the Council agrees to allow private use of a motor vehicle on the terms and conditions contained in the motor vehicle leaseback agreement and the lessee accepts those terms and conditions in the full understanding of and agreement to, those terms and conditions.

The leaseback fee is not based on a full cost recovery basis for Council.

The "Staff Motor Vehicle Lease Agreement" is an Appendix to this policy.

THE LOCAL GOVERNMENT (STATE) AWARD

The Local Government (State) Award governs the arrangements for the leaseback of motor vehicles to Council employees.

Leaseback motor vehicles may be provided to employees as a condition of employment (e.g. as an incentive for accepting employment) or as a discretionary benefit that is not a condition of employment.

A leaseback motor vehicle will be considered to be a condition of employment for an employee unless it was clearly identified that it was not being provided on such a basis at the time that it was provided.

The Local Government (State) Award provides that where the leaseback motor vehicle agreement was entered into prior to 1 November 2010, the Council shall give a minimum of twelve (12) months notice to terminate the agreement.

Proposals to vary leaseback motor vehicle arrangements, including the formula for calculating the leaseback fee, must be referred to Council's Consultative Committee.

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GUIDELINES

That the following act as a guideline for Council's Motor Vehicle Leaseback Scheme:-

1. The leaseback fee will be published annually in Council's Schedule of Fees and Charges and shall be adopted for all employees having full private usage of the motor vehicle. All new employees who are granted the entitlement to full private usage will pay the leaseback fee upon commencement.
2. The leaseback fee is subject to review annually in June and the new fee will commence in the first full pay period after 1 July. The leaseback fee will include any CPI adjustments, increased plant running costs and increased Fringe Benefits Tax costs over the previous twelve month period.
3. The weekly leaseback charge shall be deducted from the employee's net salary each fortnight. Signing of the agreement shall be taken to authorise Council to deduct the leaseback payment from the employee's wages. The amount will be deducted as a post tax rate from the employee's fortnightly earnings.
4. Use of Council's motor vehicle for private purposes must not result in any significant restriction of the business availability of that motor vehicle.
5. The leaseback vehicle is to be driven to work every day except for periods of sick, annual and/or other approved leave. Motor vehicles assigned under a leaseback arrangement will not be available to other staff without the lessee's prior knowledge or consent. Requests to use the vehicle for business purposes should not be unreasonably denied by the lessee.
6. Where the vehicle is used by another member of staff, the lessee will have the right to expect that reasonable care will be taken of the vehicle and that the interior and exterior will be kept in a comparable condition as it was before that use.
7. Smoking is not permitted in a Council vehicle at any time.
8. Council will purchase motor vehicles based on the sale of vehicles within 100,000 kilometre range and/or **up to three** years from the purchase date. This may be varied by the General Manager based upon budget constraints. The motor vehicle schedule will be subject to a review each year.
9. That the leaseback scheme be reviewed annually by the General Manager and reported to the Council budget workshop as part of preparation of Council's Operational Plan.

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10. It is a condition of the leaseback scheme that an annual Fringe Benefits Tax (FBT) Return be completed by each lessee in the prescribed format for each separate motor vehicle allocated to the lessee. Receipts for the purchase of fuel, oils etc for private use are to be attached to the declaration.
11. The lessee is required to complete a log book of kilometres travelled and the allocation of the same to business use and private use. The log book information will be used by Council to record internal plant hire income. A log book declaration for a 12 week period will be used in calculating the annual FBT Return.
12. The lessee is to ensure that the motor vehicle is at work and available for Council's general use as a pool car during the Lessee's normal working hours.
13. The lessee must obtain the consent of the General Manager in order to retain possession of the motor vehicle whilst on leave for a period which exceeds four weeks.
14. The General Manager shall be delegated authority to set a lease fee for any motor vehicles having to/from home use only, to cover any possible Fringe Benefits Tax (FBT) liability.
15. All accident damage is to be reported promptly to the Council Plant Superintendent and arrangements made for quotations for repair and submission of insurance claims.
16. The lessee has the responsibility to present the motor vehicle for regular servicing in compliance with warranty requirements.
17. Standard accessories will include floor mats, seat covers, bonnet and headlight protectors, mud flaps, cruise control and a choice between manual and automatic transmission.
18. Motor vehicle selection shall be based on suitability, purchase price, fuel efficiency, resale value and running costs – note, only motor vehicles available under the NSW Government Procurement Policy are to be purchased by Council.
19. The General Manager determines the type of motor vehicle appropriate to the status and work needs of the employee. The type of motor vehicle shall be determined suitable based on the primary purpose of Council service delivery. The vehicle purchased is to have regard to the lowest "whole of life" cost of ownership and be generally restricted to the most common models.
20. There is a preference for four cylinder models, where appropriate, in order to reduce fuel costs and carbon footprint where it is considered that a four cylinder motor vehicle can adequately perform the work required.

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21. Employees applying for internal position vacancies should note that their current position's entitlement to a motor vehicle is not transferable to another position. This is in accordance with the Local Government (State) Award.
22. Private leaseback of a motor vehicle shall not be available to any employees that are not employed on a full time permanent basis.

RELEVANT LEGISLATION

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Local Government (State) Award 2020;
- Income Tax Assessment Act 1997;
- Fringe Benefits Tax Assessment Act 1986;
- A New Tax System (Goods and Services Tax) Act 1999;
- Road Transport (Safety and Traffic Management) Act 1999;
- Motor Traffic Act 1909;
- State Records Act 1998;
- Privacy and Personal Information Protection Act 1998;
- Independent Commission against Corruption Act 1988;
- Government Information (Public Access) Act 2009;
- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Workers Compensation Act 1987;
- Work Health and Safety Act 2011;
- Code of Conduct for Councillors, staff and delegates of Council;
- Recruitment and Selection Policy;
- Salary Sacrificing Policy;
- Plant Replacement Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Complaints Management Policy;
- Grievance Policy;
- Records Management Policy;
- Disciplinary Policy; and
- Any other relevant legislation and guidelines as applicable.

VARIATION

That Council, after consultation with the eligible employees, reserves the right to vary the terms and conditions of this policy and the motor vehicle leaseback agreement.

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Agreement B
STAFF - FULL PRIVATE USE

UPPER LACHLAN SHIRE COUNCIL
STAFF MOTOR VEHICLE LEASE AGREEMENT

BETWEEN: **UPPER LACHLAN SHIRE COUNCIL (“Council”)**

AND: of

.....
In the State of New South Wales (“the Lessee”)

1. Council to Supply Vehicle

1.1 Council shall supply the Lessee with a mutually satisfactory motor vehicle in accordance with Council’s policy entitled “Private Use of Council Motor Vehicle”.

2. Term of Lease

2.1 The term of this lease shall begin on and shall remain current while ever the Lessee retains the position held at the time of signing this lease or, if appointed by the General Manager, to an acting position senior to the Lessee’s current position.

3. Lease Fee

3.1 During the term of the Lease Council shall deduct the amount of **\$112.00** (“the fee”) every week from the Lessee’s salary.

3.2 The Council shall review the fee annually and to vary it according to movements in the amount payable as Fringe Benefits Tax and plant running expenses **and in accordance with Local Government (State) Award conditions**. Such variation is to be subject to fourteen days written notice by the General Manager to the Lessee.

3.3 The Lessee shall not be required to pay fees during extended periods in which the Vehicle is unavailable for private use by the Lessee. The General Manager is to approve all temporary lease fee changes.

4. Vehicle to Remain Council’s Property

4.1 The Vehicle is owned by and shall remain the property of Upper Lachlan Shire Council.

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5. Use of Vehicle

- 5.1 Subject to clause 6, the Lessee may retain possession of the Vehicle for private use and for use in connection with Council business.
- 5.2 The lessee must maintain a logbook in the Council approved form and record all business-related travel.

6. Restrictions on Use of Vehicle

- 6.1 The Lessee shall ensure that the Vehicle is at work and available for Council's general use as a pool car during the Lessee's normal working hours. The Lessee shall ensure that the Vehicle is pooled with another Lessee and garaged at the other Lessee's residence for at minimum one night each year – refer to Australian Taxation Office (ATO) Private Ruling Number 84108.
- 6.2 The Lessee must obtain the written consent of the General Manager in order to retain possession of the Vehicle whilst on leave for a period which exceeds four (4) weeks.
- 6.3 Leave for the purposes of Sub clause 6.2 includes Annual, Long Service and Sick Leave. Employees on Leave Without Pay or Workers Compensation shall not be entitled to retention of the vehicle for any period in excess of 5 days.

7. Drivers of Vehicle

- 7.1 The Vehicle may be driven for private use by:
- (a) The Lessee;
 - (b) The Lessee's spouse or partner;
 - (c) A family member who has attained the age of 25 years;
 - (d) A family member whose age is less than 25 years provided that the Lessee is also in the Vehicle;
 - (e) Other licensed drivers provided they have attained the age of 25 years and the Lessee has the prior written approval of the General Manager.
- 7.2 The Vehicle may not be driven by a person who does not hold the relevant drivers licence issued by the Roads and Maritime Services in NSW or its equivalent.
- 7.3 The vehicle must be driven in accordance with this Lease and with all regulations laid down pursuant to the Motor Traffic Act and with any parking ordinances or regulations.
- 7.4 The driver of a vehicle is solely responsible for any parking or traffic infringement notice incurred during either private or council use. However, where the driver cannot be identified, the Lessee shall pay the fine. Adequate records must

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therefore be kept using the "Council Vehicle Use Log Book" by the Lessee to identify the driver at the time the infringement occurred.

8. Service, Maintenance and Insurance

8.1 Council shall be responsible for:

- (a) The regular servicing and maintenance of the Vehicle;
- (b) Registration of the Vehicle;
- (c) Full and comprehensive insurance in respect of the Vehicle and its use; and
- (d) NRMA subscriptions in respect of the Vehicle (when there is no dealer warranty).

9. Provision of Fuel

- 9.1 The employee is responsible for the cost of fuel supplied to the Vehicle outside of the Shire when not on Council business.
- 9.2 The lessee must use the Council allocated Fuel Card, at a nominated fuel supplier, garage or depot for the supply of fuel within the Shire and/or in Goulburn.
- 9.3 The Council allocated Fuel Card shall only be used for the purchase of fuel for Council Vehicles, as well as oil and other transmission fluids if required. No other purchases are permitted on the fuel card. The use of this card for obtaining bonus points (i.e. Fly buys Points) is prohibited.
- 9.4 At the end of each month, the Lessee shall provide Council's Manager of Finance and Administration with receipts for any purchases of fuel for private use and complete FBT form in April each year.
- 9.5 A fuel surcharge will apply in addition to the private use leaseback contribution where a Vehicle's total fuel cost is excessive. In cases where the vehicle total fuel costs are excessive the General Manager will determine the quantum of payment to be made and will advise the lessee in writing.

10. Proper Care of Vehicle

- 10.1 The Lessee must keep the Vehicle in a clean and tidy condition.
- 10.2 The Lessee is responsible for the proper care of the Vehicle including:
 - (a) Regular cleaning of the Vehicle, both inside and outside;
 - (b) Regular checking of fuel and oil levels, tyre pressures, battery and radiator in accordance with the manufacturer's recommendations;

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- (c) Cleaning shall be carried out immediately after transporting of any animal/s in the vehicle;
- (d) When at the employee's residence, the Vehicle must be parked off-street and under cover where practical;
- (e) No modifications are to be made or equipment added to or removed from the Vehicle without the approval of the Director of Infrastructure.

11. First Aid Kit

11.1 Council shall provide the Lessee with a first aid kit.

11.2 The Lessee shall keep the first aid kit in the Vehicle at all times.

11.3 The Lessee shall, at the Council's expense, restock the first aid kit to replace the items, which have been used or expired.

12. Accident or Breakdown

12.1 If the Vehicle is involved in an accident or breaks down, the driver must utilise either the service of the motor dealer warranty, and/or NRMA, or Council's workshop.

13. Repairs

13.1 If the Vehicle develops a fault or requires repairs, the Lessee shall arrange the required service, maintenance or repairs.

13.2 If the Vehicle requires extensive repairs when remote from Upper Lachlan Council area, the Lessee may arrange to have the repairs carried out but must obtain the consent of the Director of Infrastructure or General Manager.

13.3 If the Vehicle requires immediate repairs due to mechanical failure and is unavailable for use the Lessee may obtain an existing Council fleet vehicle. In extreme cases Council may hire a replacement vehicle with the approval of the Director of Infrastructure. If approval is granted to hire a vehicle, the replacement vehicle hired will be the most economical and/or lowest cost option available to Council.

14. Extras

14.1 First time extras shall only be fitted to the Vehicle with the prior consent of the General Manager.

14.2 First time extras shall not be fitted to the Vehicle at Council's expense.

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- 14.3 If extras are removed, the Vehicle must be left as near as practicable to its original condition and must be to the satisfaction of the Director of Infrastructure.
- 14.4 Previously approved fitted extras shall be fitted to the replacement vehicle at Council's expense.
- 14.5 For Council business trips to or through Sydney or when travelling on other toll roads, a Council E-Tag is available and shall be used by the Lessee in the Vehicle. Any private use of a leaseback Vehicle on toll roads must be paid by the Lessee of the Vehicle.

15. Prohibited Use

- 15.1 The Vehicle may not be used in any car rally or car competition.
- 15.2 Smoking is not permitted under any circumstances in Council Vehicles at any time. This includes the driver and all passengers.
- 15.3 The Vehicle shall not be used for a commercial or business purpose or an activity where the Lessee derives an income which is not related to the Lessee's employment with Council.
- 15.4 The Vehicle may not be used in any manner which might contravene the insurance policy (a copy of which is annexed hereto) or result in voidance of the insurance cover and/or the Vehicle manufacturer's warranty.

16. Insurance Claims

- 16.1 If the Vehicle is involved in an accident, the Lessee shall pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by any action of the driver or passengers of the Vehicle.
- 16.2 Any age excess applicable to a claim shall be paid by the Lessee unless the driver of the Vehicle at the time of the accident was a Council employee.

17. Termination

- 17.1 Council may terminate this Lease prior to the end of the term set out in clause 2 upon twelve months notice to the Lessee of its intention to do so.
- 17.2 Council may terminate this Lease immediately upon:
- (a) A breach by the Lessee of a term of this Lease;
 - (b) A change of the Lessee's duties which no longer renders necessary the use of the Vehicle;

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- (c) The Lessee's appointment to a new position which does not provide for a vehicle to be made available as part of the salary package;
- (d) The Lessee being disqualified from holding a driver's licence;
- (e) Abuse or misuse of the Vehicle by the Lessee in accordance with Clause 15;
- (f) Misuse and/or excessive use of the Council Fuel Card by the Lessee for private purposes.

17.3 The Lessee may terminate this Lease immediately upon giving Council written notice of intention to do so.

18. Surrender of Vehicle and Fuel Card

18.1 The Vehicle and Fuel Card shall be surrendered to Council:

- (a) Upon termination of this Lease; or
- (b) Upon termination of employment; through retirement, resignation or employee redeployment, being the last day on which the Lessee attends work.

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UPPER LACHLAN SHIRE COUNCIL
STAFF MOTOR VEHICLE LEASE DECLARATION

I have read and understand the Private Use of Council Motor Vehicle Policy and Staff Motor Vehicle Lease Agreement. I hereby agree to these conditions. I understand and accept the implications of having a motor vehicle and the implications regarding Reportable Fringe Benefits.

Signed in agreement of the terms set out in the Staff Motor Vehicle Lease Agreement offered by the General Manager of Upper Lachlan Shire Council on the:-

..... Day of 2.....

.....
General Manager
UPPER LACHLAN SHIRE COUNCIL

.....
Witness
.....

.....
Signed in agreement of the terms set out above by the Lessee on the:-

..... Day of

.....
LESSEE

.....
Witness
.....

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ITEM 13.2 REVIEW OF RELATED PARTY DISCLOSURES POLICY
163/20 RESOLVED by Cr Wheelwright and Cr Searl

1. Council adopts the reviewed Related Party Disclosures Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Related Party Disclosures Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	15 June 2017
Resolution Number:	178/17
Other Review Dates:	15 June 2017,
Resolution Number:	N/A
Current Policy adopted by Council:	21 September 2020
Resolution Number:	163/20
Next Policy Review Date:	2023

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

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

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OBJECTIVE

To ensure compliance with the provisions of Australian Accounting Standard AASB 124 regarding the disclosure of Related Parties, Related Party Relationships and Related Party Transactions.

PURPOSE

The purpose of this policy is to:-

1. Define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124.
2. Ensure that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between the parties.

Definitions

AASB 10 – the Australian Accounting Standards Board - Consolidated Financial Statements – details the criteria for determining whether Council has significant influence over an entity.

AASB 11 – the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity.

AASB 124 - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001* – details that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

AASB 128 – the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity.

Close family members or close members of the family - in relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) Dependants of that person or that person's spouse or domestic partner.

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For the purpose of AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) **if** they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

Entity - can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

Key Management Personnel (KMP) - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including Councillors, the General Manager and Directors of Upper Lachlan Shire Council.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Related Party (related party relationships) - a person or entity that is related to the entity preparing its financial statements (reporting entity).

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged. Such transactions may include:

- Purchase or sale of goods,
- Purchase or sale of property and other assets,
- Rendering or receiving of services,
- Leases,
- Quotations and/or tenders,
- Commitments,
- Settlements of liabilities on behalf of Councillor by Council on behalf of the related party.

Remuneration - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and

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frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

The Act - *the Local Government Act 1993*

The Regulation - *the Local Government (General) Regulation 2005*

POLICY

Introduction

Council is required to disclose Related Party Relationships and Transactions as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements in accordance with the Accounting Standard AASB 124.

The objective of this policy is to ensure that Upper Lachlan Shire Council's financial statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The key assessment is whether knowledge of the relationship and terms and conditions could influence a user's understanding of the impact on the financial statements.

Policy Statement

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. For example, goods may be supplied to Council on terms that might not be offered to other customers.

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For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

The Australian Accounting Standards Board advised in its April 2017 Agenda Decision *'the board considers there is little value in an entity incurring significant costs to obtain data that is immaterial for disclosure, and accordingly, the Board does not expect information to be collected unless it could be material for disclosure'*.

When assessing whether such transactions are significant the following factors will be taken into consideration:-

- significance in terms of size
- was it carried out on non-market terms
- is it outside normal day-to-day Council operations
- was it subject to Council approval
- did it provide a financial benefit not available to the general public
- was the transaction likely to influence decisions of users of the Annual Financial Statements

Regard must also be given to transactions that are collectively but not individually significant.

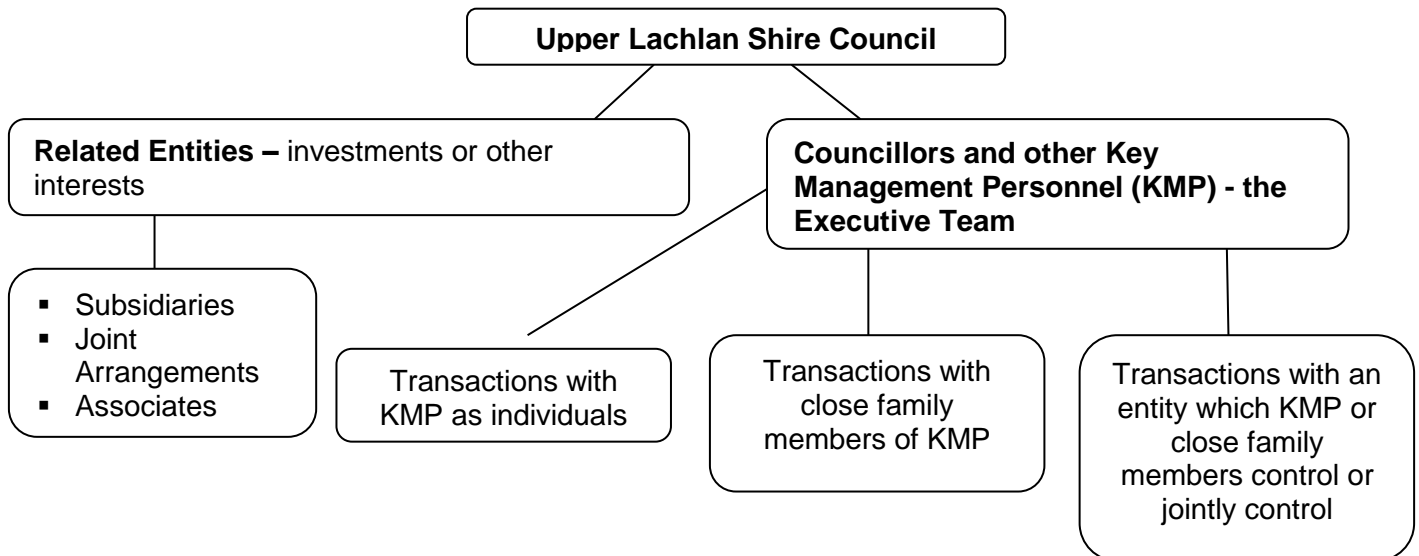
To enable Council to comply with AASB 124, Council's KMP are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

Related Parties

Related parties of Council are as follows:-

- Entities related to Council;
- Key Management Personnel (KMP) of Council;
- Close family members of KMP;
- Entities that are controlled or jointly controlled by KMP, or their close family members.

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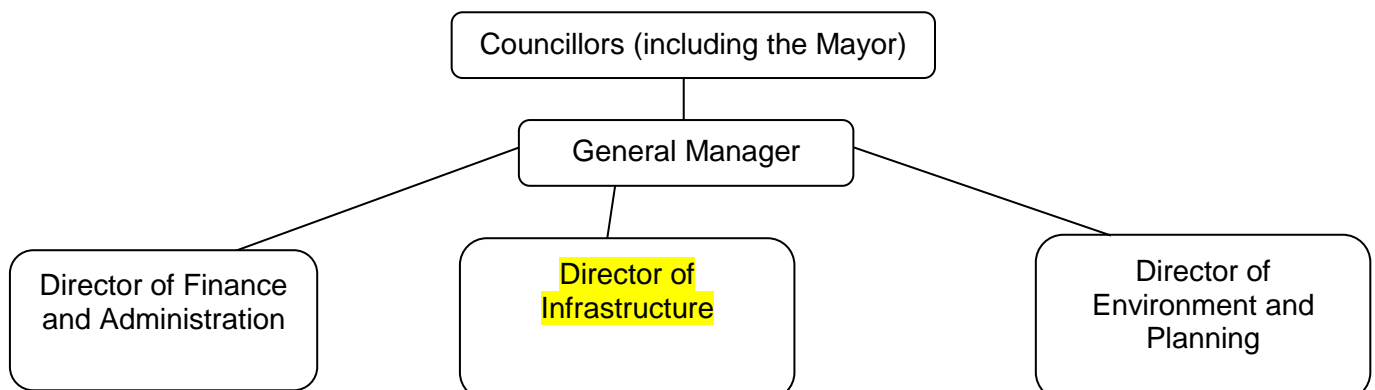
Entities Related to Council

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.

1. Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify related party transactions/parties. This information will be included in the related party register which will include all joint arrangements and updated on an annual basis.

Key Management Personnel (KMP)

The following chart identifies KMP of Upper Lachlan Shire Council:-



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Close Family Members of KMP

Those close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.

Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

The following table will assist in identifying close family members:-

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

DISCLOSURE

Council Disclosure

AASB 124 provides that Council must disclose all material and significant related party transactions in its Annual Financial Statements by aggregate or general description and include the following details:-

- the nature of the related party relationship

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- relevant information about the transactions including:-
 - the amount of the transaction
 - the amount of outstanding balances, including commitments
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement
 - details of any guarantee given or received
 - provision for doubtful debts related to the amount of outstanding balances
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties

All required transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are ordinary citizen transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to the KMP or their related parties which:-

- occur within normal employee, customer or supplier relationships and at arm's length
- are not material or significant

These shall be excluded from detailed disclosures; they will be disclosed in the financial statements by general description. Disclosures that Related Party Transactions were made on terms equivalent to an arms-length transaction can only be made if such terms can be substantiated.

Related Party and KMP Disclosure

The types of disclosure that are required are as follows:-

1. Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
2. KMP Compensation (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:
 - Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees.
 - Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care.

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- Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation.
 - Termination benefits.
3. Where related party transactions have occurred:-
- The nature of the related party relationship
 - Information about the transactions, outstanding balances and commitments, including terms and conditions
4. Separate disclosure for each category of the related party.
5. For the types of transactions to be disclosed refer to Related Party Transactions section.

KMP Declarations must be made annually by 30 June by using the Related Party Transaction Disclosure by KMP form (see Appendix A).

Note: these related party transaction notification requirements are in addition to the notifications KMP are required to make to comply with, such as:

- For Councillors and KMP, the pecuniary interests and conflicts of interest obligations in the *Local Government Act 1993* and Code of Conduct.

A related party transaction, as opposed to the Register of Pecuniary Interests, the related party and relationship must be disclosed for both the KMP and their close family member even if the same related party entity is held jointly or in common by them.

The NSW Audit Office shall audit related party information as part of their annual audit.

Notifications by Key Management Personnel

In order to comply with the AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Manager of Finance and Administration of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

KMPs must complete the related party relationships notification using the Key Management Personnel Form (see Appendix B), notifying any existing or potential related party relationships between Council and any related parties of the KMP, to the

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Manager of Finance and Administration by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy
- 30 days after a KMP commences their term or employment with Council

Related Party Transactions

Related party transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:-

- purchase or sale of goods (finished or unfinished)
- purchase or sale of property and other assets
- rendering or receiving services
- leases
- transfers of research and development
- transfers under licence agreements
- transfers under finance arrangements (including loans and equity contributions in cash or in kind)
- provision of guarantees or collateral
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- quotations and/or tenders
- settlements of liabilities on behalf of Council or by Council on behalf of the related party
- Expense recognised during the period in respect of bad debts
- Provision for doubtful debts relating to outstanding balances

Procedures

The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any related party transactions.

The preferred method of reporting is for KMPs to provide details of related parties and related party transactions to the Manager of Finance and Administration.

Information provided will be reviewed by Council staff and will be held on a centralised register within the Finance and Administration Department.

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Access to Government Information (Public Access) Act 2009 (GIPA Act)

Information provided by KMPs and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

Disclosures, Notifications and the Register are not available for public access under the GIPA Act.

Review

This policy will be reviewed at minimum every three years or when any of the following occur:-

- Related legislation is amended or replaced;
- As a result of changes to the Office of Local Government Local Government Code of Accounting Practice and Financial Reporting;
- Changes to AASB 124.

LEGISLATIVE PROVISIONS

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

- AASB 10 - Consolidated Financial Statements;
- AASB 11 - Joint Arrangements;
- AASB 124 – Related Party Disclosures;
- AASB 128 – Investments in Associates and Joint Ventures;
- Corporations Act 2001;
- Environmental Planning and Assessment Act 1979;
- Government Information (Public Access) Act 2009;
- Independent Commission against Corruption Act 1988 and ICAC Guidelines;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government Amendment (Governance and Planning) Act 2016;
- Local Government Code of Accounting Practice and Financial Reporting Guidelines;
- Local Government (State) Award 2020;
- Office of Local Government Tendering Guidelines for NSW Local Government;
- Ombudsman Act 1974;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 1994;
- State Records Act 1998;
- Work Health and Safety Act 2011 and Regulations;
- Code of Conduct for Councillors, staff, contractors and delegates of Council;

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- Council Bribes, Gifts and Benefits Policy;
- Council Code of Business Practice;
- Council Code of Meeting Practice;
- Council Disciplinary Policy;
- Council Fraud and Corruption Prevention Policy;
- Council Government Information (Public Access) Policy;
- Council Payment of Expenses and Provision of Facilities Policy;
- Council Public Interest Disclosures – Internal Reporting Policy;
- Council Purchasing and Acquisition of Goods Policy and Procedures.

VARIATION

Council reserves the right to review, vary or revoke this policy.

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Appendix A – Related Party Transactions Notification



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL

Financial Year ...**2019-2020**...

Name of Key Management Person:

.....

Position of Key Management Person:

.....

Please read the Related Party Disclosures Policy provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

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Please complete the table below **for each Related Party Transaction with Council** that you, or a close member of your family, or an entity related to you or a close member of your family:

1. has previously entered into **and** which will continue in the**2019-2020**..... financial year
2. has entered into, or is reasonably likely to enter into, in the**2019-2020**..... financial year

Related Party's Name (Individual's or entity's name)	Relationship	Nature of Transaction Existing or Potential	Dollar/Equivalent Value \$	Description of Transaction Documents

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KMP Compensation (remuneration) in total and for each of the following categories:

Type of Remuneration	Short-term Employee Benefits \$	Post-Employment Benefits \$	Other long-term Benefits \$	Termination benefits \$

Note: Only the aggregate amount of KMP remuneration will be included in the Council Annual Financial Statements.

Disclosure

I,
(Full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the**2019-2020**... financial year.

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I make this disclosure after reading the Related Party Disclosures Policy provided by Upper Lachlan Shire Council, which details the meaning of the words “related party”, “Related Party Transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control”, and the purposes for which this information will be used and disclosed.

I permit the Manager of Finance and Administration and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access the register of interests in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person:

Dated:

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Appendix B – Examples of Related Parties and Transactions



EXAMPLES – RELATED PARTIES AND TRANSACTIONS

Some specific examples of related party transactions may include:

- paying rates and utility charges in accordance with Council's schedule of Fees and Charges
- using Council's public facilities after paying the corresponding fees:
- entering into leases with Council or Council owned properties
- entering into contracts to provide/receive goods/services to/from Council
- use of Council assets free of charge (e.g. office space for personal reasons)
- writing off debts due to/by related parties

Company that is a Related Party of Council – Example 1

Upper Lachlan Shire Council () owns 90% of the shares in Upper Lachlan Regional Development Pty Ltd (the Company).

ULSC has assessed that it has control over the company. The company is therefore a related party of ULSC because ULSC controls it.

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ULSC produces consolidated financial statements which include both a parent entity column and consolidated entity column. In the statements all individually significant transactions between ULSC and the company will need to be disclosed. For other transactions that are collectively, but not individually, significant ULSC will need to disclose a qualitative and quantitative indication of their extent.

ULSC must also disclose the nature of its relationship with the company.

Key Management Personnel – Close Family Members – Example 2

ULSC has recently employed Julie's son (Richard) in the Council's Works and Service area. Julie is Council's Mayor but was not involved in hiring Richard. This process was managed by the Human Resources Officer and included an independent assessment process. Julie did not have any influence in Richard securing the job.

Julie has been identified as a KMP of Council, which makes her a related party.

Richard will also be a related party of Council because he is a close family member of Julie. The recruitment process that was undertaken for Richard's position is irrelevant when assessing whether Richard is a related party.

Key Management Personnel – Close Family Members – Example 3

The Mayor of Upper Lachlan Shire Council (Julie) has lived in the Shire her whole life. In fact her family has been in the area for over three generations.

Julie's cousin Sally, owns and operates a local newsagent through a company Today's News Pty Ltd, of which she is 100% owner. Julie and Sally have always been close and regularly socialise.

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Julie has been identified as a KMP of the Council. Sally is classified as a close family member of Julie because she would be able to influence, or be influenced by, that person with her dealings with Council.

Both Sally and the Company she controls, Today's News Pty Ltd would both be related parties of the Council. Any transactions that the Council makes with the newsagent would need to be separately identified and need to be disclosed.

Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members – Example 4

The Mayor of Upper Lachlan Shire Council (Julie) is the President of Taralga Football League Inc, the local rugby club. The club is overseen by a committee which comprises the President and five other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 150 members that each have a vote in electing the committee members at the club's annual general meeting.

The Mayor does not control or jointly control the football club so it will not be a related party of Council just because the Mayor is the President of the club.

However, an entity where Julie has a close family member who has a voting right they would be considered as a related party.

Different Party Transactions that may occur between Related Parties - Example 5

The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor Paul is a ratepayer residing within the Council's constituency. As such, Councillor Paul takes advantage of the availability of free public access to local parks and libraries. Councillor Paul also used the swimming pool at the Council's Aquatic Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

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All of the transactions described above between the Council and Councillor Paul are related party transactions of the Council considered for disclosure in the Council's general purpose financial statements. Based on the facts and circumstances described, the Council may determine that these transactions are unlikely to influence the decisions that users of the Council's financial statements make having regard to both the extent of the transactions, and that the transactions have occurred between the Council and Councillor Paul within a public service provider/ratepayer relationship.

Contentious Issues

Note: where there are contentious issues in the determination of related party disclosures Council should seek advice from the External Auditor.

When assessing whether a KMP or close family member controls, or jointly controls, an entity Council will need to refer to ASSB 10 and ASSB 11.

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Example of completed 'Related Party Transaction Disclosure by Key Management Personnel' form



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL (EXAMPLE)

Financial Year 2016/2017

Name of Key Management Person:

Julie Smith

Position of Key Management Person:

Mayor

Please read the Related Party Disclosures Policy provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each Related Party Transaction with Council** that you, or a close member of your family, or an entity related to you or a close member of your family:

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1. has previously entered into **and** which will continue in the 2016/2017 financial year
2. has entered into, or is reasonably likely to enter into, in the 2016/2017 financial year

Related Party's Name (Individual's or entity's name)	Relationship	Nature of Transaction Existing or Potential	Dollar/Equivalent Value \$	Description of Transactions and/or Documents
Julie Smith		Payment of Rates	\$2,172.69	Rates Notice
Julie Smith		Payment of Water Charges	\$650.00	Water Bill Account
Julie Smith	President of Taralga Football League Inc.	Nil	Nil	N/A
Julie Smith		Private Works – Maintenance on private access road	\$8,500.00	Council Invoice
Richard Smith	Son	Employee of ULSC	\$40,500.00	Normal Employee Wages
Sally Smith	Cousin	Stationery Sales	\$1,000.00	100% Owner of Today's News Pty Ltd – 30 day Terms on Invoices

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KMP Compensation (remuneration) in total and for each of the following categories:

Type of Remuneration	Short-term Employee Benefits \$	Post-Employment Benefits \$	Other long-term Benefits \$	Termination benefits \$
Councillor Remuneration	\$16,800			

Note: Only the aggregate amount of KMP remuneration will be included in the Council Annual Financial Statements.

Disclosure

I Julie Smith, Mayor
(Full name) (Position)

notify that, to the best of my knowledge, information and belief,

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as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2016/2017 financial year.

I make this disclosure after reading the Related Party Disclosures Policy provided by Upper Lachlan Shire Council, which details the meaning of the words “related party”, “Related Party Transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control”, and the purposes for which this information will be used and disclosed.

I permit the Manager of Finance and Administration and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access the register of interests in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person: Julie Smith

Dated: 30 June 2017

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Appendix C – Related Party Register



RELATED PARTY REGISTER

Name	Relationship	Nature of Transactions	Terms and Conditions	Reference - Supporting Evidence

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ITEM 13.3 REVIEW OF FUND RAISING AND STREET STALLS POLICY
164/20 RESOLVED by Cr Searl and Cr Wheelwright

1. Council adopts the reviewed Fund Raising and Street Stall Policy.
- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Fund Raising Activities and Street Stall Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	26 October 2006
Resolution Number:	315/06
Other Review Dates:	20 November 2008, 20 October 2011, 17 July 2014 and 20 April 2017
Resolution Number:	366/08, 400/11, 214/14 and 105/17
Current Policy adopted by Council:	21 September 2020
Resolution Number:	164/20
Next Policy Review Date:	2023

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

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

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OBJECTIVES

1. To provide guidelines for the monitoring and control of the use of street stalls, raffle ticket sales, door knock appeals or other activities conducted by community organisations and/or other persons for fund raising activities.
2. To monitor and manage activities in public places, such as public footpaths, under the control and/or management of Council (excluding public reserves / community land areas).
3. To ensure that fund raising activities do not adversely impact on residents or business operators, whilst at the same time providing an opportunity for fundraising for community organisations.

NO POLICY EXEMPTIONS DURING COVID-19 WITHOUT CONSENT FROM COUNCIL

1. This policy only applies to public places under the control and/or management of Council and does not apply to public reserves / community land areas which are subject to separate arrangements or Plans of Management and/or approvals by Council.
2. Fundraising activity coordinated by non-profit organisations established externally outside the Upper Lachlan Shire Council are not exempt from procedures in this policy. These non-profit organisations may have days allocated for street stalls that shall not conflict with bookings made by local Upper Lachlan Shire Council based organisations at the direction of Council's General Manager. Examples include; Canteen Children's Foundation, Cancer Council of NSW, and Heart Foundation. However, these non-profit organisations must have public liability insurance of at minimum twenty million dollars (\$20,000,000) and a certified copy of the policy must be provided to Council**
3. There are no exemptions from the requirements to obtain Council approval for fund raising activities in public places within the Council area due to COVID-19.

PROCEDURES RELATING TO APPROVALS

1. Street stalls or other fund raising activities held on the footpaths within the central business district of Crookwell, Gunning, Taralga and other villages within Council's LGA require the approval of Council.
2. The following arrangements apply to fundraising activities:-
 - a. In Crookwell, fund raising activities shall be conducted from the facility located in the Amenities Building, Goulburn Street.

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In addition, fund raising activities may be conducted by an approved organisation may also have a small table and chair located on the footpath adjacent to the Crookwell Newsagency and the IGA Supermarket subject to the following:-

- (i) The table location is only to be used for the selling of tickets;
- (ii) No product/items to be displayed at that location (including adjacent road way); and
- (iii) The table and chair shall be positioned so as not to obstruct use of the footpath, lines of sight, doorways and the like.
- (iv) Approval is granted by the Council.

In Crookwell, Gunning, Taralga and the other villages fund raising activities shall be conducted from sites only by prior approval from the General Manager.

Note: the display of items / products associated with fundraising is subject to the liability of the approved organisation. In that respect the organisation must ensure compliance with other legislation (e.g. traffic regulations, health, work health and safety, etc).

- b. The fundraising activity must be conducted by non-profit organisations, which are represented by a Committee established in the Upper Lachlan Shire Council or broader/larger not for profit organisation such as the ones provided in the previous page of this policy.**
- c. The fundraising activity must clearly indicate the organisation they represent.
- d. Allocation of dates will be made by Council following the calling of applications in September / October each year. Applications are to be made on Council's prescribed form.
- e. Applications received other than through the annual process will be allocated vacant dates (if available).
- f. All applications must include a copy of the organisation/committee COVID-19 safety plan (note this is a requirement of NSW Health)
- g. All applications must be approved by Council's General Manager prior to fundraising activities taking place.
- h. Only one (1) allocation will be made per day, except in the two (2) weeks prior to Christmas each year when multiple bookings will be permitted. In this case between the dates of 10 December to 24 December, first bookings with the Council will get preference to the amenities block or outside IGA

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and Newsagency. Second booking will be able to share with IGA and Newsagency, (two (2) tables on either side of entry, dependant on the COVID-19 situation at the time).

- i. The site is to be cleaned and left in a tidy manner at the completion of the fund raising activities.
- j. On community activity/festival days (e.g. Crookwell Potato Festival and Taralga Rodeo) the use of the street stall will be at the discretion of the organisers of those days (subject to bookings and approval being made in accordance with the provisions of this Policy).
- k. Fund raising activities must not affect pedestrian traffic movement and public safety.
- l. Fund raising organisations except those exempt under the Charitable Fund Raising Act 1991, must hold an authority from the Chief Secretary's Department to conduct fund raising activities.
- m. Collectors for charitable collections shall wear appropriate identification indicating the organisation they represent and must make documentation available for inspection at any time.
- n. The approval for a door knock appeal; i.e. Salvation Army Red Shield Appeal, shall include a requirement that the applicant suitably advertise the appeal prior to the event in a manner that will inform residents of the reasons for the appeal.
- o. The collection of money from the occupants of motor vehicles within the Council area is strictly prohibited.
- p. No amplified speech or noise is to be used for fund raising activities.
- q. Food items displayed and sold under this Policy must comply with the Food Act 2003 and the Food Regulation 2010.
- r. Councils' General Manager is delegated the authority to issue approvals in respect of Fund Raising Activities.
- s. Enforcement of above procedures will be in accordance with Council's Enforcement Policy.
- t. All organisations must have appropriate public liability insurance of at minimum ten million dollars (\$10,000,000) and a certified copy of the policy must be provided to Council with the application.

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RELATED LEGISLATION AND COUNCIL POLICY AND PROCEDURES

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

- Local Government Act 1993 (as amended);
- Food Act 2003;
- Food Regulation 2010;
- Environmental Planning and Assessment Act 1979;
- Local Government (General) Regulations 2005;
- Anti Discrimination Act 1977;
- State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Council's Community Strategic Plan;
- Council's Social and Community Plan;
- Council's Cultural Plan 2017-2020;
- Council's Complaints Policy;
- Council's Code of Conduct;
- Council's Service Delivery Policy; and
- Council's Enforcement Policy.

VARIATION

Council reserves the right to vary or revoke this policy and its terms and conditions.

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44 Spring Street
CROOKWELL NSW 2583

123 Yass Street
GUNNING NSW 2581

STREET STALL / DOOR-KNOCK ACTIVITIES

APPLICATION FORM

In accordance with Upper Lachlan Shire Council's Fund Raising Activities and Street Stall Policy.

Please email council@upperlachlan.nsw.gov.au a copy of your application form including pages 1 - 5 of this document to agree you have read and accept the above. Please ensure the below is also provided.

- COVID-19 officer's details (full name, email and contact number)
- Insurances (public liability)
- Business / Committee COVID-19 safety plan

For assistance with COVID-19 Safety plans head to
<https://www.nsw.gov.au/sites/default/files/2020-07/covid-19-safety-plan-non-food-markets.pdf>

NAME OF ORGANISATION: _____

Is it a non-profit organisation? YES / NO

Is it represented by a Committee established in the
Upper Lachlan Shire Council? YES / NO

Does the organisation have public liability insurance with an
indemnity limit of \$10 million as a minimum? YES / NO

A certified copy of the public liability insurance
policy is attached to this application? YES / NO

(If the answer to all of the above is 'YES' proceed with the application)

NAME OF PERSON IN CHARGE OF ORGANISATION	
ORGANIZATION / COMMITTEE	
PO BOX OR ADDRESS OF ORGANISATION / COMMITTEE	
PHONE NUMBER	

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EMAIL	
SITE LOCATION E.G IGA/AMENITIES BLOCK/GUNNING	
DATE OF EVENT	
TIME OF EVENT: TO ____ AM / PM	FROM ____ AM / PM TO ____ AM / PM
HOW MANY VOLUNTEERS ARE ATTENDING	
COVID-19 SAFETY OFFICER FULL NAME	
COVID-19 SAFETY OFFICER PHONE NUMBER	
COVID-19 SAFETY OFFICER EMAIL	
**NOTE TO UNDERSTAND THE ROLE OF A COVID OFFICER HEAD TO HTTPS://WWW.SAFWORKAUSTRALIA.GOV.AU/OFFICER-DUTIES-COVID-19	

Full name	Signature	Date
.....

The provisions of Councils' Policy in regard to Fund-Raising Activities is acknowledged by the signature of the applicant.

**ITEM 13.4 2019/2020 BUDGET REVOTES TO CARRY FORWARD TO
INTERNAL RESTRICTED RESERVE**

165/20 RESOLVED by Cr Searl and Cr Wheelwright

1. Council approves the 2019/2020 transfers to the Council internal restricted reserve fund totalling \$5,410,395 including revote of uncompleted works expenditure projects.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 14: GENERAL MANAGER

**ITEM 14.1 DISCLOSURES OF INTEREST BY COUNCILLORS AND
DESIGNATED PERSONS UNDER CLAUSE 4.21 OF THE COUNCIL
CODE OF CONDUCT**

166/20 RESOLVED by Cr Searl and Cr O'Brien

1. Council notes the tabling of the Disclosures of Pecuniary Interest Returns by Councillors and Designated Persons to 30 June 2020.

- CARRIED

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

Councillors who voted against:- Nil

**ITEM 14.2 ELECTION OF MAYOR (SECTION 225-230, LOCAL
GOVERNMENT ACT, 1993)**

Item dealt with at the commencement of the meeting.

**ITEM 14.3 ELECTION OF DEPUTY MAYOR (SECTION 231, LOCAL
GOVERNMENT ACT, 1993)**

Item dealt with at the commencement of the meeting.

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ITEM 14.4
167/20

COUNCIL MEETINGS - TIMES AND FREQUENCY

RESOLVED by Cr Searl and Cr McCormack

1. Ordinary Council Meetings are to be held on the third Thursday of the month at Crookwell (no meeting held in January) with all meetings to commence at 9:00am, as per the following schedule of meeting times and dates:
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 15 October 2020 commencing at 9:00am
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 19 November 2020 commencing at 9:00am
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 17 December 2020 commencing at 9:00am
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 18 February 2021 commencing at 9:00am
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 18 March 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 15 April 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 20 May 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 17 June 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 15 July 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 19 August 2021 commencing at 9:00am.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 15 September 2021 commencing at 9:00am.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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ITEM 14.5 COLLECTOR VILLAGE PUMPKIN FESTIVAL COMMITTEE

168/20 RESOLVED by Cr Searl and Cr McCormack

1. Council receives and notes the report as information.
2. Collector Village Pumpkin Festival Committee Meeting – Minutes – 21 August 2020 be received.
3. Collector Village Pumpkin Festival Committee Meeting – Minutes – 4 September 2020 be received.
4. Council resolve that on the Section 355 Collector Village Pumpkin Festival Committee be dissolved.
5. Council resolves that any residual monies held by the Section 355 Collector Village Pumpkin Festival Committee be transferred into Council internally restricted reserve fund for the purposes of and the benefit of the Collector village. All bank accounts to be closed by 16 December 2020.
6. Council write to thank the committee for their services.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

ITEM 14.6 COUNCIL AGENDA FORMAT AND COMMITTEES STRUCTURE

169/20 RESOLVED by Cr Searl and Cr Wheelwright

1. Council adopts Schedule A as the Agenda for the business of the Ordinary Meeting of Council.
2. Council adopts Schedule B as being appropriate for the various Committee structures, current Committee memberships and appointment of representations/delegates.
3. Council appoints the below-mentioned Committees in accordance with Clause 260 of the Local Government (General) Regulation 2005.

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4. Council has a workshop to discuss the future structure of all committees and a further report be provided to the November Council meeting.

COMMITTEES, STAFF AND COUNCILLOR MEMBERSHIP

Audit, Risk & Improvement Committee

Function:

The Audit, Risk & Improvement Committee will act as an advisory Committee to Council. The primary role of the Committee is to assist Council in the effective operation of its responsibilities for financial reporting, risk management, investments, governance, to maintain and review the internal control systems and to facilitate the organisation's ethical development. The Audit, Risk & Improvement Committee will liaise with Council's external auditor and internal auditor to facilitate achieving the organisational goals and maintaining efficient work practices.

Council Delegates: - Cllr Culhane, Cllr Wheelwright and Cllr Searl

Staff Representation (non-voting): - General Manager, Director of Finance & Administration, Manager of Finance & Administration and Manager Risk, Audit and improvement. Management Accountant (As required)

Community Representation: Mr William Martin, Mr Malcolm Barlow and Mr Denis Marshall.

Meets: Quarterly.

Minute Secretary: Administration Officer

Code of Conduct Committee/Sole Conduct Reviewers

Function:

The following are the objectives for the Code of Conduct Committee –

- Give consideration to any complaints that may be received by or from Council in respect to corrupt conduct, maladministration and waste of public resources.
- Investigate such complaints and then report upon the findings of such complaints.

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- Maintain close liaison with the NSW Ombudsman and the Independent Commission Against Corruption.
- Advise any complainants of the outcome of such investigation.

In accordance with the “Part 3 Administrative Framework, Procedures for the Administration of the Model Code of Conduct”, Council must by resolution establish a panel of conduct reviewers. Council may by resolution, enter into an arrangement with one or more other Councils to share a panel of conduct reviewers.

At the Council Meeting held on 19 September 2019 under resolution no. 251/19 Council resolved that Council in accordance with Part 3, of the Administrative Framework Procedures for the Administration of the Model Code of Conduct for Local Councils, appoints suppliers, for a three year term to expire on 30 June 2022, to a Panel of Conduct Reviewers as follows:-

- Echidna Associates
- Meehan and Meehan
- Applied Integrity Solutions
- Train Reaction
- Sinc Solutions
- Centium
- O'Connor Marsden
- Australian Workplace Training
- Weir Consulting
- Mediate Today
- Nemesis Consultancy Group
- Redenbach Lee Lawyers

Council Delegates: Nil.

Meets: As and when required.

Minute Secretary: Executive Assistant.

Consultative Committee

Function:

To provide a forum for consultation between Council and its employees to positively co-operate in the implementation of award restructuring and ensuing workplace reform to enhance the efficiency and productivity of the Council and to provide employees with access to career opportunities and more fulfilling, varied and better paid jobs.

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In an advisory capacity only, to consider:-

- Commitment to equal employment opportunity principles.
- New work function descriptions.
- Organisation structure.
- Personnel policies and practices and employment arrangements.
- Work and Management practices and employment arrangements.
- Skills audit and job analysis.
- Council competency standards for progression within the skills - based award.
- Multi-skilling opportunities.
- New career paths within the terms of the skills-based award.
- Council agreements which may include such items as:-
 - hours of work;
 - training;
 - performance;
 - local conditions;
 - salary points; and
 - work practices.

Minute Secretary: Executive Assistant.

Meets: First Monday bi-monthly at 11.00am.

Staff Representation: David Scott (Chair), Susie Pearman, Chris Wray, Stephen Lloyd, Rodney Stephenson (LGEA), Brian Smithers (DEPA), General Manager, Director of Environment & Planning, Manager of Infrastructure Delivery, Human Resource Coordinator (Management).

Performance Review Committee - General Manager

Function:

- To assess the performance of the General Manager against agreed objectives and performance criteria.
- Council is in compliance with Circular 07-52 from the Director General of the Department of Local Government directing that the whole process of performance management be delegated to a Performance Review Panel, including decisions about performance, any actions that should be taken, and the determination of the new performance agreement.
- Whilst the Council can undertake the performance management of its General Manager, it delegates this task to the Performance Review Panel.

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- It is Council practice to enable Councillors not on the Panel to provide feedback to the Mayor in the week prior to each performance review.
- The Performance Review Panel provides a superior forum for constructive discussion and feedback.
- The result of the Performance Review will be reported to a closed meeting of Council.
- As per the Department of Local Government Circular 07-52 direction, the report in the closed meeting of Council is not to be an opportunity to debate the results, or re-enact the performance management of the General Manager.

Council Delegates: The Mayor, Deputy Mayor, Cllr Kensit and Cllr McCormack.

Meets: Annually.

Local Traffic Committee

Function:

Primarily a technical review committee that advises Council on traffic related matters in the Upper Lachlan Shire Council area.

Note: Where Council decides to act contrary to the Traffic Committee advice, written notification must be provided to the Roads and Maritime Service and to the NSW Police Force with no further action taken within 14 days from the date of written notification.

Council Delegate: Cllr McCormack; (1 Vote) (Cllr Searl as alternate representative).

Meets: Quarterly

Minute Secretary: Engineering Executive Assistant

Other Representation: RMS representative (1 Vote), Police Representative (1 Vote) and Local Members Representatives (1 Vote).

Other Staff Involved: Director of Infrastructure, Manager of Asset and Design, and Road Safety Traffic and Assets Officer.

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Workplace Health and Safety Committee

Function:

In an advisory capacity to:

- Keep under review the measures taken to ensure the health and safety of the persons at the place of work;
- Investigate any matter at the place of work which a member of the Committee or a person employed there at considers is not safe or is a risk to health, and which has been brought to the attention of the employer;
- Attempt to resolve any such matter but, if it is unable to do so, shall request an inspector under the associated work health and safety legislation to undertake an inspection of the place of work for the purpose;
- Assist in the development of an appropriate recording system of accidents and hazardous situations in respect of the place of work;
- Assist in the development of safe working environment and safe systems of work;
- Monitor the measures taken to ensure the proper use, maintenance and, if necessary, replacement of equipment considered likely to create hazardous situations;
- Make such recommendations as it thinks appropriate to ensure the health and safety of persons at that place of work.

Meets: First Monday bi-monthly at 9.30am.

Minutes Secretary: Executive Assistant.

Staff Representation: P Cramp – Chair (Workshop), J Croke (Works Staff), S Poidevin (Works Staff), S Hassett (Water waste), S Roberts (Works Staff), K Anderson (Finance & Administration) S Bill (Noxious Weeds) Ms E McGeechan (Store), K Kara (Human Resources Coordinator), B Churchill (WH&S Coordinator), Ms D Woodwell (WH&S) General Manager (Management) and Manager of Infrastructure (Management).

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SECTION 355 COMMITTEES

Access Committee

Functions of the Committee: Provide input to Council on access issues and to assist with the ongoing development of the Disability Action Plan.

Council Delegate: Clr Searl and Clr Wheelwright.

Minute Secretary: Engineering Executive Assistant.

Staff Representation: Director of Infrastructure, Manager of Asset and Design, Road Safety Traffic and Assets Officer and Director of Environment & Planning (where required).

Meets: Quarterly

Biala Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegate: Mayor or Clr McCormack (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Two vacancies (EOI's yet to be advertised).

Wind Farm Representation: To be announced (Biala Wind Farm representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Bigga Memorial Hall Committee

Functions of the Committee: The care, control and management of the Bigga Memorial Hall in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Wheelwright.

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Staff Representation: Director of Environment & Planning (as required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Binda Hall Committee

Functions of the Committee: The care control and management of the Binda Hall in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Wheelwright.

Staff Representation: Director of Environment & Planning (as required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Breadalbane Community Hall Committee

Functions of the Committee: The care, control, management and organisation of the Breadalbane Community Hall in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Clr Searl.

Staff Representation: Director of Environment & Planning (as required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Building Review Committee

Functions of the Committee: To provide recommendations to Council on options for possible locations for a possible relocation of the Works Depot in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegates: Clr Opie, Clr Cummins and Clr Kensit.

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Staff Representation: - General Manager, Director of Infrastructure, Director of Environment & Planning and Director of Finance & Administration.

Community Representation: Mr Jerome Rowley and Mr Sean Proudman.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Collector Oval Committee

Functions of the Committee: The care, control, management and organisation of the Collector Oval in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Cllr Searl.

Staff Representation: Director of Infrastructure (as required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Collector Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegate: Mayor and Cllr Searl (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Two vacancies (EOI's yet to be advertised).

Wind Farm Representation: To be announced (Collector Wind Farm representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

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Community Technology Centre Committee

Functions of the Committee: The care, control, management and organisation of the Community Technology Centres in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Clr Opie.

Staff Representation: - Director of Finance & Administration.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy

Crookwell & District Arts Gallery

Functions of the Committee: The care, control, management and organisation of the Crookwell Arts Gallery in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Clr Kensit.

Staff Representation: - None.

Meets: Monthly.

Crookwell & District Historical Society

Functions of the Committee: The care control and management of the history of the Crookwell portion of the area in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Kensit and Clr Culhane (as alternate representative).

Meets: Second Thursday of each month.

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Crookwell II & III Wind Farms Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegates: Cllr Culhane and Cllr Cummins (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Katrina Nixon and One vacancy (EOI's advertised).

Wind Farm Representation: To be announced (Crookwell II Wind Farm representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Crookwell Potato Festival Committee

Functions of the Committee: The care, control, management and organisation of the annual Crookwell Potato Festival in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any budget that is voted by Council annually.

Council Delegate: Cllr Opie, Cllr Kensit and Cllr Culhane (as alternate representative).

Staff Representation: - Tourism Manager.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

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Crookwell Memorial Hall Committee

Functions of the Committee: The care, control and management of the Crookwell Memorial Hall in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council. Responsibility for the care, control and management of the Crookwell Memorial Hall for a period of five years from 1 September 2008 in accordance with the Management arrangement with Council.

Council Delegate: Cllr O'Brien.

Staff Representation: - Director of Environment & Planning and Manager of Library Services (as required).

Meets: Bi-monthly

Cullerin Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegates: Mayor and Cllr Searl (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Mrs J Boyce and Mr M Coley.

Wind Farm Representation: Ms Katrina Nelson (Cullerin Wind Farm representative) and Mrs Rachael Foley (as alternate representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Economic Development Task Force Committee

Function: To consider and improve economic development strategies for the Upper Lachlan Shire, to act as an umbrella group for other organisations in the Shire with the Taskforce's aims being:

- To work closely with Shire staff and Council, especially the Environment and Planning Department via the Economic Development Officer.

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- To develop and pursue strategies to improve the services, infrastructure and lifestyle of the shire.
- To increase the job opportunities in the Shire allowing existing businesses to be successful and expand.
- To increase the population of the shire in a controlled manner by promoting the residential qualities, relaxed lifestyle and attractiveness of the area.
- To identify, plan and attract professionals, businesses and light industry to the Shire.
- To build on the Shire's rural strengths.

Council Delegates: All Councillors with Mayor as Chair.

Staff Representation: Director of Environment & Planning.

Community Representation: Mr Andrew Lindner, Ms Catherine Duff, Daryl Smith, Susan Reynolds and Terry Lovelock (one vacancy)

Minute Secretary: Economic Development Officer

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Gullen Range Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegate: Mayor or Clr Culhane (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Mr Floyd Davies and Mr David Johnson.

Goulburn Mulwaree Representation: Mr Scott Martin.

Wind Farm Representation: Mr Derek Powell (Gullen Range Wind Farm representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

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Gunning Arts Festival Committee

Functions of the Committee: The care, control, management and organisation of the Gunning Arts Festival in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Cllr Kensit or Cllr Searl (as alternate)

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Gunning Golf Club Management Committee

Functions of the Committee: The care, control, management and organisation of the Gunning Golf Club in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Cllr Searl.

Staff Representation: Director of Infrastructure (where required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Gunning Shire Hall and Showground Precinct Advisory Committee

Functions of the Committee: To provide advice with respect to the care, control, management and organisation of the Gunning Shire Hall and Showground Precinct in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

Council Delegate: Cllr Searl.

Staff Representation: Director of Infrastructure and Director of Environment & Planning (as required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

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Pool Review Committee

Functions of the Committee: To provide advice with respect to the investigation of a hydrotherapy pool, a heated pool and the performance and adequacy of the existing pools within the Upper Lachlan Shire Council local government area.

Council Delegate: Clr Culhane and Clr Kensit.

Staff Representation: Director of Infrastructure and Coordinator Recreation and Waste

Community Representation: Mr John Oke and Mrs Julie Simpson.

Meets: As required.

Rye Park Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegate: Mayor or Clr Wheelwright (as alternate representative).

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Two vacancies (EOI's yet to be advertised).

Wind Farm Representation: To be announced (Rye Park Wind Farm representative).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Sport & Recreation Committee

Function: To advise Council on matters involving the use, maintenance and improvement of Sporting Fields and Recreational Facilities throughout the Upper Lachlan Shire.

Council Delegates: Clr Culhane (Chair), Clr O'Brien, Clr Stafford and Clr Searl

Minute Secretary: Engineering Executive Assistant.

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Staff Representation: Parks & Gardens Supervisor and Director of Infrastructure (where required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Stonequarry Cemetery Committee

Functions of the Committee: The care control and management of the Stonequarry Cemetery in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Stafford.

Staff Representation: Director of Infrastructure (where required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Streetscape Committee

Functions of the Committee: To provide higher level guidance and advice (not on operational matters) in relation to the Streetscape Project to Council and to act as a conduit between the Community and Council's Project Control Group that is responsible for delivering the Streetscape Project in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegates: Clr Cummins, Clr Searl and Clr Stafford.

Staff Representation: Director of Infrastructure, Project Manager and General Manager (where required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Taralga War Memorial Hall Committee

Functions of the Committee: The care, control, management and organisation of the Taralga Memorial Hall in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any funds that may be voted by Council from time to time.

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Council Delegate: Clr Stafford.

Staff Representation: Director of Environment & Planning (when required).

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Taralga Wind Farm Community Enhancement Fund Committee

Function: To provide recommendations to Council prioritising available project funding involving the Community Enhancement Program for the benefit of the eligible target community.

Council Delegate: Clr Stafford.

Staff Representation: General Manager and Director of Environment & Planning (as alternate representative).

Community Representation: Mr Brian Moloney and Mr Craig Croker.

Wind Farm Representation: Krista Kim.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Tuena Hall and Recreation Area Committee

Functions of the Committee: The care control and management of the Tuena Hall and Recreation Area in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Wheelwright.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Upper Lachlan Australia Day Committee

Functions of the Committee: The Australia Day Committee will be responsible for the co-ordination of the official Australia Day celebrations across the Upper Lachlan Shire. Subject to the Australia Day Guidelines the Committee's responsibilities in respect of this event are as follows:

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- a) The Committee will: organise the Ambassador, provide recommendations to Council on the annual Australia Day Awards and Sportsperson of the Year Awards and be responsible for expenditure as per Operational Plan allocation.
- b) The Council will: be responsible for any administrative assistance to the Committee and be responsible for funding as per the Operational Plan for the current year.

Council Delegates: Clr Kensit, Clr Stafford, Clr O'Brien and Clr Searl.

Minute Secretary: Executive Assistant.

Staff Representation: - Director of Finance & Administration.

Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

Upper Lachlan Tourist Association

Functions of the Committee: The care control and management of the tourist function of the Upper Lachlan area in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegates: Clr Searl and Clr Opie.

Staff Representation: Tourism Manager.

Meets: Second Monday bi-monthly at 1.00pm.

Other Staff Involved: Director of Finance & Administration and Manager of Finance and Administration (as alternate delegate).

Youth Council (YA'MAD)

Functions of the Committee: The care, control, management and organisation of the Upper Lachlan Shire Youth Council in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within any budget that is voted by Council annually.

Council Delegate: Vacant.

Staff Representation: - Economic Development Officer.

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Meets: As required as per Upper Lachlan Shire Council Sec 355 Committee Policy.

COUNCIL DELEGATES / REPRESENTATIONS (OTHER THAN COUNCIL COMMITTEES)

Biala Wind Farm Community Consultative Committee

Council Delegate: Cllr Culhane

Meets: As required.

Canberra Region Joint Organisation (CRJO)

Objective: To advocate on agreed regional positions and priorities for South East NSW whilst providing a forum for regional cooperation and resource sharing and nurturing investment and infrastructure development.

Membership: Bega Valley Shire Council, Eurobodalla Shire Council, Goulburn Mulwaree Council, Hilltops Council, Queanbeyan-Palerang Regional Council, Snowy Monaro Regional Council, Upper Lachlan Shire Council, Wingecarribee Shire Council, Yass Valley Council with associate members being the ACT Government, East Gippsland Shire Council, Snowy Valleys Council and Wagga Wagga City Council.

Council Delegate: Mayor

Staff Representation: General Manager

Meets: Quarterly

Collector Community Association

Council Delegate: Cllr Searl.

Meets: Monthly

Collector Wind Farm Community Consultative Committee

Council Delegate: Mayor and Cllr Searl (as alternate representative).

Meets: As required.

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Country University Centre Committee

Council Delegate: Clr Kensit

Meets: Monthly

Crookwell Community Consultation Committee (Health)

Council Delegate: Clr Kensit and Clr Culhane (as alternate representative).

Meets: Second Wednesday of the month at 10.30am

Crookwell II and III Wind Farm Community Consultative Committee

Council Delegate: Clr Culhane

Meets: As required.

Goulburn-Crookwell Rail Trail Working Party

Council Delegate: Clr Culhane

Staff Representative: Director of Infrastructure, Economic Development Officer and Tourism Manager.

Meets: As required

Gullen Range Wind Farm Community Consultative Committee

Council Delegate: Clr Culhane and Clr Wheelwright (as alternate representative).

Meets: As required.

Gunning District Association

Council Delegate: Clr Searl.

Meets: Monthly

Gunning District Community and Health Service Inc Management Committee

Council Delegate: Clr Searl.

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Meets: Monthly

Gunning & District Historical Society

Council Delegate: Clr Searl.

Meets: Fourth Thursday of each month.

Gunning Wind Farm Community Enhancement Program Advisory Group

Council Delegate: Mayor.

Staff Representation: General Manager.

Meets: As required.

Kiamma Creek Landcare Group

Council Delegate: Clr McCormack

Meets: Quarterly

Local Government NSW (LGNSW)

Objective: To promote the interests of Metropolitan, Rural and Urban Councils at a divisional level.

Membership: All Councils in NSW.

Council Delegate: Mayor

Staff Representation: General Manager

Meets: As required.

Regional Hockey Centre Committee

Council Delegate: Clr Culhane.

Meets: As required.

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Rye Park Wind Farm Community Consultative Committee

Council Delegate: Clr Wheelwright and Clr Kensit (as alternate representative).

Meets: As required.

South East Australian Transport Strategy Inc (SEATS)

Objective: To stimulate and facilitate investment in transport and infrastructure in south eastern NSW, eastern Victoria and the ACT.

Council Delegate: Clr Wheelwright.

Staff Representation: Director of Infrastructure

Meets: Quarterly

Southern Tablelands Bush Fire Management Committee

Council Delegate: Clr Wheelwright and Clr Culhane (as alternate representative).

Meets: Quarterly

Staff Representation: Director of Infrastructure.

Note: This Committee is a statutory Committee appointed under the Rural Fires Act.

Southern Tablelands Regional Arts Board

Council Delegates: Clr Kensit and Tourism Manager.

Meets: Quarterly

Southern Tablelands (Rural Fire Services) Zone Liaison Committee

Council Delegate: Clr Wheelwright and Clr Culhane (as alternate representative).

Staff Representation: Director of Infrastructure.

Meets: Quarterly

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Taralga & District Historical Society

Functions of the Committee: The care control and management of the history of the Taralga portion of the area in accordance with the requirements of the Local Government Act and Regulations, 1993, Council policies and within the funds voted by Council.

Council Delegate: Clr Stafford.

Meets: As required

Upper Lachlan Joint Regional Planning Panel

Function: To determine designated development applications and other development applications as prescribed.

Council Delegate: Clr Culhane and **Clr Cummins.**

Staff Delegate: Director of Environment & Planning.

Meets: As required.

Upper Lachlan Local Emergency Management Committee

Function:

- To develop and maintain a Consequences Management Guide (CMG) for Upper Lachlan Shire.
- To review local emergency service organisational and functional area plans.
- Produce specific local hazard management plans if appropriate.
- Arrange emergency management training for individuals, including individuals employed in emergency service organisations and functional areas.
- Arrange the conduct of exercises to train individuals and agencies to test Emergency Management Plans.
- Produce Standing Orders and instructions and standard operating procedures under the local CMG.
- Assist the District Emergency Management Committee as required in the preparation and review of the District CMG.

Council Delegate: Clr Wheelwright and Clr Searl (as alternate representative)

Council Membership:

- Director of Infrastructure – (LEMC Chairman)

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- Manager of Infrastructure Delivery – (Deputy LEMO)

Meets: Quarterly

Minute Secretary: Engineering Executive Assistant.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 14.7
170/20

COVID-19 REPORT

RESOLVED by Cr Searl and Cr McCormack

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 14.8
171/20

CROOKWELL POOL - UPDATE

RESOLVED by Cr Searl and Cr Wheelwright

1. Council receives and notes this report as information.
2. Upper Lachlan Shire Council to liaise with local schools and youth groups regarding periodical excursions to Gunning and Goulburn Pool.
3. Our media officer develop a media release to remind parents the dangers of children swimming unsupervised in freshwater in particular.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 14.9 **QUESTIONS WITH NOTICE SUMMARY**
172/20 **RESOLVED** by Cr Searl and Cr Wheelwright

1. Council receives and notes this report as information

- CARRIED

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

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

Nil

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

ITEM 16.1 **REPORTS FROM COMMITTEES FOR THE MONTH OF SEPTEMBER**

173/20 **RESOLVED** by Cr Searl and Cr McCormack

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

1. Taralga Historical Society Inc – Newsletter No3/2020.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF RESCISSION MOTION - 133/20
174/20 RESOLVED by Cr Searl and Cr McCormack

1. Council extends its Green waste service for the full 12 months of the year and implements the waste less recycle more bin audit and education with the notification that the Green waste service is going to be extended.

Is rescinded”.

- CARRIED

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

Councillors who voted against:- Cr P Kensit

A further motion was moved by Cr Culhane and Cr O'Brien that –

Council request a workshop and a report on the operation of the green-waste services thus far so that Council can review the potential extensions of service to a full year service.

On being put to the meeting the motion was

- CARRIED

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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

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175/20

RESOLVED by Cr Searl and Cr McCormack

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 (2c) and 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 (2) 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, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

Council closed its meeting at 10:25am and the public, staff and press left the chambers.

176/20

RESOLVED by Cr Searl and Cr McCormack

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

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

Open Council resumed at 10:59AM

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.

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SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 PROCUREMENT OF ONE NEW 6.5 TONNE SINGLE CAB TIPPING TRUCK

177/20 RESOLVED by Cr Searl and Cr O'Brien

1. Council purchase one single cab tipping truck for the sum of \$ 76,020 ex GST from Canberra Isuzu.
2. Sell existing truck (Plant 567) through auction providing best value for money.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 19.2 PROCUREMENT OF ONE NEW 12 TONNE SINGLE CAB TIPPING TRUCK

178/20 RESOLVED by Cr Searl and Cr McCormack

1. Council purchase one single cab tipping truck for the sum of \$142,327.29 EX GST from Southern Truck Centre.
2. Sell existing truck (Plant 468) through auction providing best value for money.

- CARRIED

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

Councillors who voted against:- Nil

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LATE CONFIDENTIAL REPORT

A motion was moved by the Mayor and Cr Wheelwright that:

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure agreed to Item 19.3 Multipurpose Aquatic and Activities Centre acceptance of Quote be considered as it is of a urgent nature due to the item being time sensitive and requires a decision by Council before the next Ordinary Meeting of Council on 15 October 2020.

On being put to the meeting the motion was carried.

179/20

RESOLVED by Mayor and Cr Wheelwright

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure agreed to Item 19.3 Multipurpose Aquatic and Activities Centre acceptance of Quote be considered as it is of a urgent nature due to the item being time sensitive and requires a decision by Council before the next Ordinary Meeting of Council on 15 October 2020.

Councillors who voted for:-

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

Councillors who voted against:- Nil

ITEM 19.3

MULTIPURPOSE AQUATIC AND ACTIVITIES CENTRE - CROOKWELL - ACCEPTANCE OF QUOTE

180/20

RESOLVED by Cr Wheelwright and Cr Kensit

1. Council accepts the tender submission from Conrad Gargett (is \$439,950.00 GST inclusive) for both Separable Portion 1 – Concept Design and Separable Portion 2 – Final Schematic Design and Construction Documentation for the Multipurpose Aquatic and Activities Centre (MAAC) at Crookwell.

- CARRIED

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Councillors who voted for:-

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 10:59AM

Minutes confirmed 15 OCTOBER 2020

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Mayor