MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr R Opie, Clr D O'Brien, Clr R Cummins, Clr J Searl, Clr J Wheelwright, Clr B McCormack, Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Infrastructure), Mrs T Dodson (Director of Environment & Planning) and Ms S Pearman (Executive Assistant).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

Mayor Stafford read a statement and observed a minutes silence to commemorate the passing of Phillip Delaney a Council employee.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

An apology and Leave of Absence form was received from Clr Kensit.

231/19 RESOLVED by CIr Searl and CIr McCormack that the apology from CIr Kensit be received and the leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

SECTION 4: DECLARATIONS OF INTEREST

CIr Searl declared a Pecuniary Interest in Item 11.5 - LEP 2010 Land Use Table Review related to his principal place of residence as he is an owner of property within the Upper Lachlan Local Government Area and will make the declaration, stay in the Chamber, participate in the debate, and vote.

Clr McCormack declared a Pecuniary Interest in Item 11.5 - LEP 2010 Land Use Table Review related to his principal place of residence as he is an owner of property within the Upper Lachlan Local Government Area and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr McCormack declared a Pecuniary Interest in Item 12.2 Bridge Maintenance Works in 2019/2020 Operational Plan, as he is an owner of a Transport Company and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr McCormack declared a Pecuniary Interest in Item 19.5 Procurement for Bridge Replacement – Design and Construction Quotations, as he is an owner of a Transport Company and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr O'Brien declared a Pecuniary Interest in Item 19.5 Procurement for Bridge Replacement – Design and Construction Quotations, as he is an employee of a company and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Mr Croke declared a Pecuniary Interest in Item 11.5 - LEP 2010 Land Use Table Review as he has relatives/family members that are owners of property within the Upper Lachlan Local Government Area.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

SECTION 5: CONFIRMATION OF MINUTES

232/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

That the minutes of the Ordinary Council Meeting held on 15 August 2019 be adopted.

- CARRIED

Councillors who voted against:- Nil

233/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

That the minutes of the Extraordinary Council Meeting held on 29 August 2019 be adopted.

- CARRIED

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

Councillors who voted against:- Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

234/19 <u>RESOLVED</u> by Mayor Stafford and Clr Searl

That Council receive and note the activities attended by the Mayor for August 2019 and September 2019.

- CARRIED

Councillors who voted for:-	Clrs P Culhane, R Cummins, R Opie, D O'Brien, 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 2019

235/19 <u>RESOLVED</u> by Clr Searl and Clr Wheelwright

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

- 1. Sally Galland Thank you for sporting donation.
- 2. Local Government NSW Emergency Services Levy.
- 3. Local Government NSW Reverses its Emergency Services Levy Price.
- 4. Premier of NSW Gladys Berejiklian Emergency Services Levy correspondence.
- 5. Office of Local Government One year reprieve on Emergency Services Levy.
- 6. Wendy Tuckerman Media Release Emergency Services Levy.

MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS

ON 19 SEPTEMBER 2019

- 7. Wendy Tuckerman Response from Minister Toole Local Bridges Load Limits.
- 8. Canberra Airport Preliminary Draft 2020 Master Plan.
- 9. Hon Shelley Hancock MP Joint Organisation Funding Guidelines.
- 10. Office of Local Government Circular 19 -17 The appointment and dismissal of senior staff.
- 11. Office of Local Government Revised Property Acquisition Standards.
- 12. Dame Mary Gilmore Society Youth Showcase Invitation.
- 13. Malcolm Barlow Pat Cullen Reserve Naming suggestion.

A motion was moved by CIr Cummins and CIr Opie that

 Council reconsiders the report titled Public Submissions for naming the footbridge in Pat Cullen Reserve – Kiamma Creek Crookwell (File Ref 119/475) and make a determination on the submissions.

On being put to the meeting the motion was carried.

<u>RESOLVED</u> by Clr Cummins and Clr Opie that

236/19

 Council reconsiders the report titled Public Submissions for naming the footbridge in Pat Cullen Reserve – Kiamma Creek Crookwell (File Ref 119/475) and make a determination on the submissions.

- CARRIED

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

Councillors who voted against:- Nil

A foreshadowed motion was moved by Clr Wheelwright and Clr McCormack that:

1. Council name the new footbridge in the Pat Cullen Reserve as the Dame Mary Gilmore Footbridge.

On being put to the meeting the motion was carried.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

237/19 <u>RESOLVED</u> by Clr Wheelwright and Clr McCormack that:

1. Council name the new footbridge in the Pat Cullen Reserve as the Dame Mary Gilmore Footbridge.

- CARRIED

Councillors who voted for:-			ane, R Cu rien, McC	•	
	• •	J	Stafford		•

Councillors who voted against:- Nil

14. Sandra Bill – Request for remaining monies from Christmas in the Park Committee to be forwarded to Crookwell Community Trust.

A motion was moved by Clr O'Brien and Clr Wheelwright that:

1. The remaining monies from the Christmas in the Park Committee be vested in Council.

On being put to the meeting the motion was carried.

238/19 RESOLVED by Clr O'Brien and Clr Wheelwright that:

1. The remaining monies from the Christmas in the Park Committee be vested in Council.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

SECTION 10: INFORMATION ONLY

ITEM 10.1, 10.2, INFORMATION ONLY ITEMS 10.5 – 10.10

239/19 <u>RESOLVED</u> by Clr Searl and Clr McCormack

1. Items 10.1, 10.2, 10.5 - 10.10, be received and noted.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.3 FOOTPATH ALONG COLLECTOR ROAD GUNNING

240/19 <u>RESOLVED</u> by Clr Opie and Clr Wheelwright

1. Council considers the Collector Road footpath in Gunning as part of the 2020/2021 Operational Plan Budget.

- CARRIED

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

Councillors who voted against:- Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

ITEM 10.4 ACCESS COMMITTEE RECOMMENDATIONS - SEPTEMBER 2018 - PRESENT

- 241/19 <u>RESOLVED</u> by Clr Opie and Clr Cummins
 - 1. Council receives and notes the report as information and a further report be provided to Council with respect to costings on the access ramp at the Health Care Centre, Crookwell.

- CARRIED

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

Councillors who voted against:- Nil

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 NSW OUTDOOR DINING POLICY

- 242/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien
 - 1. Council resolve to endorse the NSW Outdoor Dining Policy for the entire Local Government Area.
 - 2. Council delegate to the General Manager the power to amend the Policy to align it with any subsequent modification of the model policy updated by the NSW Small Business Council.

- CARRIED

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

Councillors who voted against:- Nil

A motion was moved by CIr Cummins and CIr Opie that:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

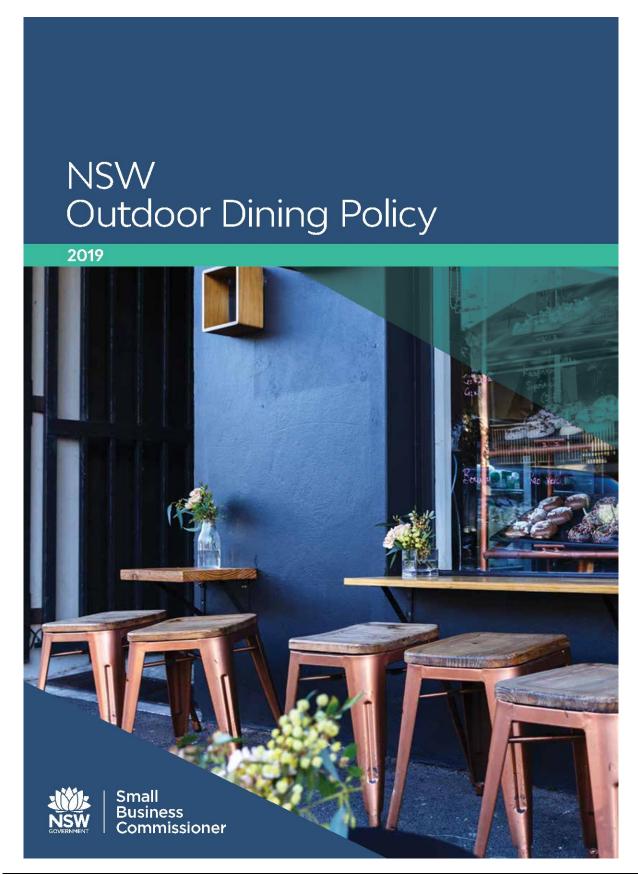
 Council submits a report to the Traffic Committee requesting consideration of the current parking in the main street of Crookwell and its impact on its feasibility of providing outdoor seating in the main street.

On being put to the meeting the motion was carried.

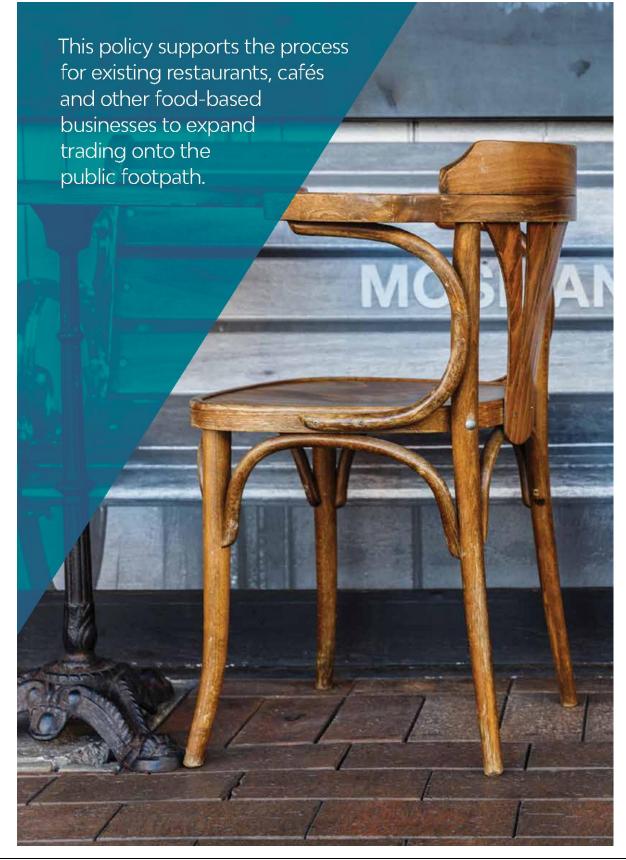
- 243/19 <u>RESOLVED</u> by Clr Cummins and Clr Opie that:
 - 1. Council submits a report to the Traffic Committee requesting consideration of the current parking in the main street of Crookwell and its impact on its feasibility of providing outdoor seating in the main street.

- CARRIED

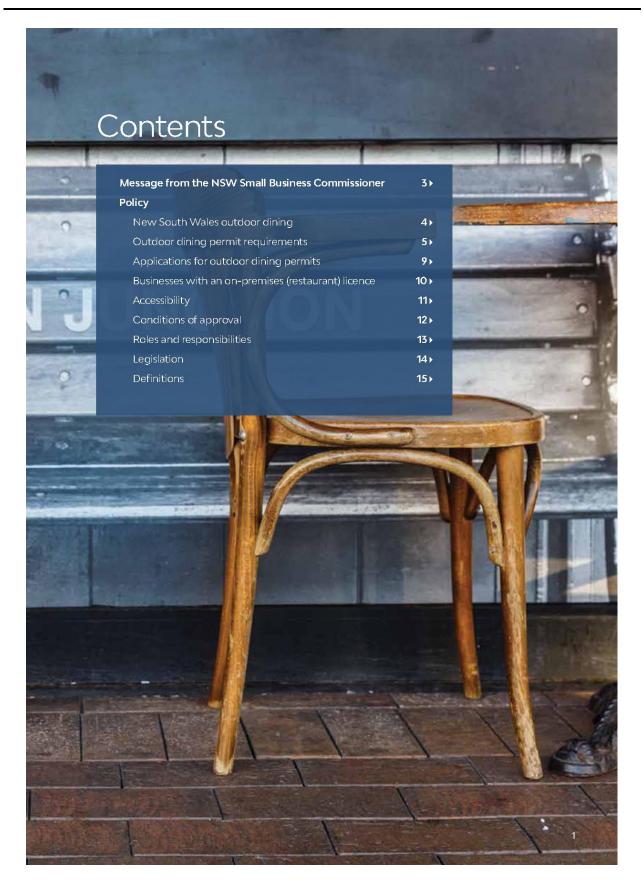
Councillors who voted for:-	CIrs P Culhane, R Cummins, R Opie, D O'Brien and J Stafford
Councillors who voted against:-	Clrs McCormack, J Searl and J Wheelwright

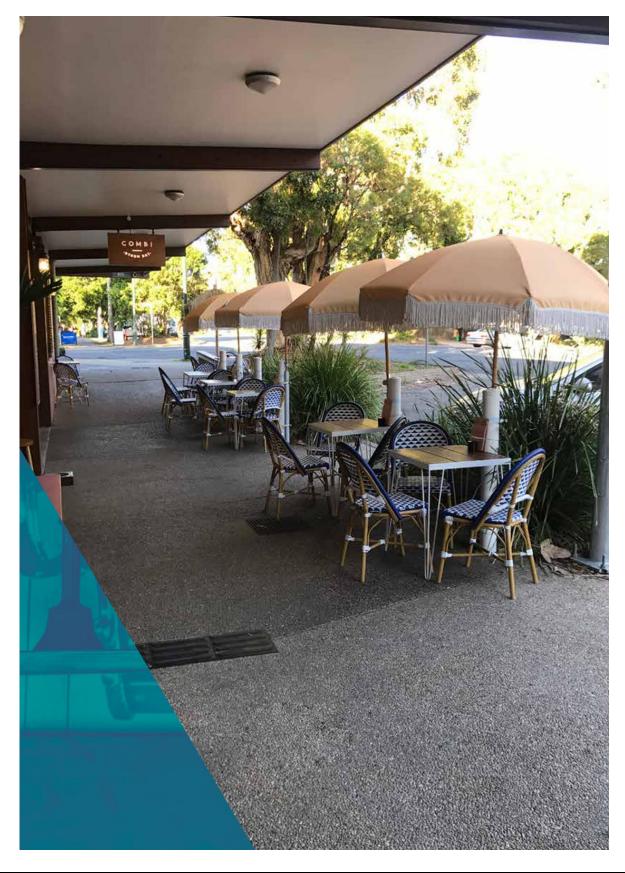


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This is page ELEVEN of the Minutes of the ORDINARY MEETING OF COUNCIL Held on 19 SEPTEMBER 2019 Confirmed on 17 OCTOBER 2019





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Message from the NSW Small Business Commissioner



As the NSW Small Business Commissioner, my job is to make it easier for small businesses to get on with doing business.

My office works with small businesses to reduce burdens on their operations and strengthen local economies through regulatory reform and policy harmonisation.

The NSW Outdoor Dining Policy 2019 builds on the successful Easy to do Business program, run in partnership with Service NSW, to make it easy for retail food businesses to expand into outdoor dining activities.

Key benefits include:

- a streamlined and simplified approach for outdoor dining approvals
- · cutting red tape for small businesses and local Councils
- user-friendly, online assessment and approval
- lower costs and compliance burdens on small businesses.

In developing this policy, we have consulted with many small businesses and Councils, and worked closely with our policy trial participants, the City of Parramatta, Canterbury-Bankstown, Snowy Valleys, Liverpool Plains Shire, Queanbeyan-Palerang Regional, Maitland City and Port Stephens Councils.

I thank these Councils for their willingness to be involved, their leadership and their commitment to improving the operating environment for our small business operators.

We look forward to seeing our small business sector thrive and our communities enjoy the wonderful social benefits of a vibrant outdoor dining culture.

Lhins

Robyn Hobbs OAM NSW Small Business Commissioner

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

The policy New South Wales outdoor dining

1. Purpose of this policy

The aim of the NSW Outdoor Dining Policy 2019 is to establish a framework to make it easy for foodbased businesses to expand their existing dining activities outdoors onto public land adjacent to their existing premises.

The policy is designed to:

- provide a framework for establishing and operating an outdoor dining area, including:
 - determining the suitability of a site
 - managing public safety including road safety
 - ensuring operations do not detract from the visual appeal of an area
 - meeting ongoing operational requirements
 - meeting all necessary state and federal legislative requirements
- reduce the time and complexity of the approval process for businesses by outlining the steps a business must take to be granted an outdoor dining permit
- encourage the use of public places for outdoor dining as a means of stimulating business growth and development in NSW
- ensure any outdoor dining activities have minimal disruption to neighbours, pedestrians and other street users
- promote vibrancy, culture, vitality, amenity and ambience in the street environment of commercial areas while also protecting the existing local character of an area.

2. Scope

This policy only applies to existing, approved, foodbased businesses located within the identified outdoor dining locations in participating local government areas that:

- have seating inside. A business cannot solely rely on outdoor seating on a public footway
- do not currently offer outdoor dining and would like to expand their existing dining activities outdoors and may increase their overall capacity by doing so
- meet all five permit requirements outlined within this policy
- meet the liquor requirements outlined within this policy (if required)
- do not require approval for any permanent structure
- meet the sanitary facilities requirements under the Building Code of Australia
- will not have their outdoor dining areas located on Crown land
- the dining area does not cause any impediment to road safety or traffic network efficiency
- if the dining area is adjacent to a state-managed road, the road has a speed zone (limit) of 50 km/h or less and has a defined kerb and guttering or other suitable delineation.

Where a permit is issued under this policy to a business operating on a state-managed road with a speed limit of 50 km/h or less, the permit is issued with the concurrence of Roads and Maritime Services or Transport for NSW, which has been delegated to Councils for outdoor dining applications made on the Easy to do Business platform. Businesses operating on state-managed roads with a speed limit in excess of 60 km/h should contact their Council to discuss the possibility of outdoor dining.



The policy Outdoor dining permit requirements

Table 1. Overview of permit requirements

Cat	tegory	Key considerations
1	Location/site suitability Facilitate the appropriate use of footpaths and public places for outdoor dining activities.	 Minimum distances Neighbours
2	Safety Maintain an equitable and safe thoroughfare around outdoor dining areas for all users.	 Public safety, including road safety Accessibility Line of sight Management of animals Engagement with public
3	Amenity Facilitate improvement to the local character, street vitality and economic viability.	Local characterAttractivenessLocal vitality
4	Function Ensure the design, furniture, fixtures and day-to- day requirements of the outdoor dining space reflect the local area.	 Design of space Furniture Fixtures Daily operations
5	Legal and compliance Ensure that the management of outdoor dining activities avoids nuisance, endangerment or inconvenience to neighbours and the general public. Address public liability and manage risks, and ensure compliance with state legislation including liquor laws.	 Noise Waste Operational conditions Council inspections Insurance Compliance with legislation

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

3. Important information

Before making an application under this policy, businesses should read the *Outdoor Dining User Guide 2019*, referred to throughout this policy as the User Guide.

All businesses undertaking outdoor dining activities must have a valid permit. The relevant local Council will issue the permit once the outdoor dining application has been processed through the Easy to do Business online platform.

To be granted a permit for outdoor dining activities under this policy, a business must self-assess its proposed outdoor dining area against the five requirement areas outlined in Table 1 and ensure it meets all of the prerequisites detailed in the subsequent sections.

Once granted a permit, a business must maintain compliance with these requirements and the permit terms.

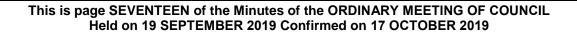
4. Permit requirements

1: Location/site suitability

When using footpaths and other public places for outdoor dining activities, reasonable consideration should be given to the suitability of the site and all users of the location.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is directly related to the operation of an existing food business and operates on the same basis as the existing food business
- b. the applicant is the owner or proprietor of that business premises
- c. the ground surface of the outdoor dining area has additional clearance widths to allow for easy movement by staff and customers. Pedestrians must not be forced onto the road by the outdoor dining area or other non-permanent items on the footpath
- d. the ground surface of the outdoor dining area is suitably constructed and sufficiently level to accommodate outdoor dining furniture and enable the area to be used safely and without inconvenience to pedestrians or vehicles
- e. the outdoor dining area presents no hazard to pedestrians, diners or vehicular traffic
- f. the outdoor dining operator calculates clearance widths of the outdoor dining area, taking into account pedestrian volumes and any existing or proposed landscaping, vegetation, garden beds or street furniture that may impact on the clearance
- g, the location and operation of the outdoor dining area has taken into consideration the amenity of neighbours and other users of the public space



MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

- h. the service of alcohol is limited to the applicant's business frontage only
- i. the outdoor dining area is contained within the frontage of the business premises, with an allowable expansion of up to 50% of the adjoining businesses' frontages, subject to revocable Outdoor Dining Adjoining Business Permission from the adjoining business owner. It is a requirement that this permission can be revoked at any time without notice and any approval will automatically lapse on change of ownership of the adjoining businesses or the applicant business
- j. any relevant Local Street Guide issued by the appropriate local Council for the locality where the outdoor dining will take place is taken into consideration
- k. the outdoor dining area complies with
 AUSTROADS Guide to Road Design Part 6A –
 Paths for Walking and Cycling (Section 5 Design Criteria) and Australian Standard AS2890

Permanent structures: Separate local Council approval is needed to erect permanent structures in a public space, including awnings that are not defined as temporary. This policy does not cover approval for permanent structures.

For guidance, see the User Guide.

2: Safety

A food business expanding their premises to an outdoor dining area must ensure that an equitable and safe environment is maintained for all users.

An outdoor dining area is only permitted where:

- a. a suitable risk assessment has been undertaken to ensure the safety of diners, and that other vulnerable road users are appropriately considered and there is no detrimental impact for road safety. If the dining area is adjacent to a state-managed road, the road's speed zone must be 50 km/h or less the area must have defined kerb and guttering, or other suitable delineation to separate diners from vehicles
- b. an equitable, clear and safe throughway is maintained on footpaths for all pedestrians including those using mobility aids, prams and motorised scooters
- c. the outdoor dining area is integrated with existing streetscape, pedestrian circulation and traffic safety by maintaining adequate clearances. This is further outlined in the User Guide
- d. the safety and convenience of road users and cycleway users is not compromised. The line of sight at intersections must be maintained, so outdoor dining must be set back at a 45-degree angle from the corner of the building, equating to a three to five metre clearance from the corner to the edge of the outdoor dining area
- e. the number of tables and chairs in the outdoor dining area allows unobstructed access and circulation for patrons and staff
- f. if the business owner agrees that dogs are permitted, dogs are kept on leashes, suitably restrained and remain on the floor
- g. a high standard of public safety and amenity, including cleanliness, is established and maintained
- h. all furniture, including temporary bollards, is stored inside after hours

For further guidance see the User Guide.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

3: Amenity

Improve the local character, street vitality, amenity and economic viability of the local/surrounding area/locality.

An outdoor dining area is only permitted where:

- a. it is attractive, inviting and contributes to the amenity of the locality
- b. it is compliant with any relevant Local Street Guide prepared by the Council
- c. the business owner has regard to the existing urban character, cultural significance and street quality, and whether other existing outdoor dining is located along the building line or kerbside.

A Council may specify whether outdoor dining should be placed kerbside or along the building line. An applicant should check if there is a local street guide provided for their area. If there is no specified requirement, any dining should be aligned with the placement of other existing outdoor dining in neighbouring areas, so that the thoroughfare is not obstructed. If the site adjoins reverse angle parking, any dining must meet clearance requirements specified in the User Guide. The kerbside parking lane may be included as part of the minimum clear zone where parking is permitted, provided that tables and chairs located kerbside are set back a minimum of one metre from the kerb.

Local Street Guide

A Council may develop a Local Street Guide to ensure outdoor dining activities reflect the local character, heritage, and environment of a particular commercial area or precinct in a local government area. Outdoor dining activities approved under this policy must comply with any Local Street Guide that is in effect at the time of their application. If a Council introduces a local street guide, businesses that already have an approved permit will be notified by the Council and have 12 months to comply with any new requirements.

For further guidance see the User Guide.

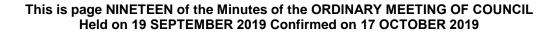
4: Function

A food business expanding their premises to an outdoor dining area must ensure that the design of the outdoor dining space, furniture, fixtures and day-to-day requirements reflect the local area, and that the outdoor dining area is kept clean.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is compliant with the User Guide and relevant Local Street Guide in respect to the use of umbrellas, screens, planter boxes and gas heaters
- b. furniture and fixtures are easy to clean and maintain
- c. the outdoor dining operator is satisfied that furniture used is suitable and safe for outdoor dining
- d. the business owner ensures that their outdoor dining area is cleaned and maintained on a regular basis. This includes ensuring tables are promptly cleared, and that all waste generated by the business and its customers is picked up and disposed of regularly.

For further guidance see the User Guide.



5: Legal and compliance

A food business expanding their premises to an outdoor dining area must ensure management of outdoor dining activities avoids nuisance, endangerment or inconvenience and there is compliance with all requirements.

An outdoor dining area will only be considered where:

- a. outdoor dining activities operate no later than midnight Monday to Saturday and 10pm on Sunday
- b. noise and music are appropriately managed to not be a nuisance to patrons, surrounding businesses, pedestrians and motorists and follow the state noise pollution requirements
- c. the business meets the waste management requirements of the local Council
- d. the business owner complies with the conditions in this policy, and all other relevant local, state and federal requirements for food-based businesses
- e. the business owner has public liability insurance required by their local Council, usually \$20 million.

For restaurants and cafés provisionally approved to serve liquor, the sale of liquor in the outdoor area and the operation of that area must comply with the licence conditions under the *Liquor Act 2007* that apply in relation to a licensed restaurant.

For further guidance see the User Guide.

The policy Applications for outdoor dining permits

5. How to apply

Businesses can apply for a permit through the Service NSW Easy to do Business Concierge Service at **mybusiness.service.nsw.gov.au/crsb/od**

6. Application fees

Council and state government agency fees will be waived for businesses that obtain a permit under this policy.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

The policy Businesses with an on-premises (restaurant) licence

7. Criteria for change of boundary for on-premises liquor licence

Restaurants and cafés that have an existing onpremises liquor licence will need to meet the following criteria for their on-premises licence to extend their boundary to include the outdoor dining area:

- a. The restaurant or café has standard trading hours and is only authorised to serve liquor with meals, i.e. no extended trading authorisation (ETA) or primary service authorisation (PSA).
- b. Within the past 12 months, the premises has not been listed under Schedule 4 of the *Liquor Act* 2007 as a violent venue, or has not incurred a strike under the Three Strikes scheme.
- c. The business provides consent for Service NSW to notify Liquor & Gaming NSW and the relevant local Council of its application to change liquor licence boundary.
- d. Where the above criteria are met, the restaurant or café will be provisionally approved to extend the licenced boundary to the outdoor dining area.
- e. Liquor & Gaming NSW will continue to assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary.

- f. If no valid objections are received during consultation, Liquor & Gaming NSW will approve the change of boundary application. If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.
- g. Any outdoor dining areas that fall within a designated alcohol-free zone must be cordoned off.
- h. Venues other than restaurants and cafés that have liquor licences that are not standard onpremises licences (including, on-premises with PSA or ETA, small bar or hotel) will still be able to apply for an outdoor dining permit under this policy. However, if/when approved, these businesses will not automatically be able to serve liquor on the footpath. They will need to apply to Liquor & Gaming NSW separately to extend their liquor licence boundary to include the footpath (please refer to the Liquor & Gaming NSW website (www.liquorandgaming.nsw.gov.au) for instructions on how to extend a licence boundary).

10



The policy Accessibility

Over 4 million people in Australia experience disability.¹ That's around 1 in 5 Australians. People with disability, as well as their friends, relations and colleagues, constitute a significant group of consumers.

- Consider how people with a disability may enter and maneuver around your outdoor dining area and ensure there is enough space for someone to sit comfortably at a table in a wheelchair or mobility scooter.
- Uneven pavers can create a trip hazard for those less able. You should contact your local Council have the issue fixed.
- Ensure you provide adequate lighting for those with vision impairment.
- · Consider using large font sizes on menus.

Following these tips will not only reduce the likelihood of discrimination complaints against your business, but will also increase your access to the market, and benefit the community, through greater economic participation of people with disability.







Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of Findings, 2012 ABS cat no 4430.0 (2013).

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

The policy Conditions of approval

8. The outdoor dining permit

A permit will be issued to each applicant if they satisfy the requirements of this policy. The permit will detail the conditions of approval that apply to the business, its location and the outdoor dining activities.

The permit holder will be responsible for ensuring the outdoor dining area is operated in accordance with the requirements outlined in this policy and the *User Guide* and complies with details submitted as part of the application.

The permit must be displayed at the business to which the permit refers, or produced on request.

The application may be revoked or suspended at any time during the approval period if a government agency:

- determines that an unacceptable safety risk is created by the outdoor dining operation
- the agency's contractors
 - undertake works in the approved footway area, or
 - undertakes or propose to undertake works or an event that otherwise impacts access to adjoining footways, roadways, transport infrastructure, parks or public places.

Footway seating or structures are not to cover or impede access to public utilities and drainage pits. Access is to be made available at any time and at no cost, if required.

9. Commencement of a permit

The applicant will undertake a self-assessment to determine if their proposed outdoor dining activities meet the five permit requirements outlined in this policy, the *User Guide* and any Local Street Guide If the applicant determines that all requirements are met and expected conditions of operations will be fulfilled, then they will provide a signed declaration, and a permit will be issued.

The permit holder can then operate the outdoor dining area in accordance with the conditions of the outdoor dining permit.

10. Permit period

The term of a permit will be seven years from the date of approval.

The permit is not transferrable. Outdoor dining approvals are given to the operator of a premises, not a business or location.

11. Compliance

Compliance is undertaken by the Council in the local government area where the business is conducting outdoor dining activities, in accordance with the relevant Council's compliance policies and processes.

Running an outdoor dining area without a permit or not in accordance with a permit is an offence and may result in the issue of an infringement notice or other regulatory action by the local Council including cancellation of the business' permit.

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12. Dispute resolution

Any dispute about an outdoor dining area, except for disputes about liquor licences, will be handled by the relevant local council in accordance with its policies and processes. Disputes about liquor licences will be handled by Liquor & Gaming NSW through its policies and procedures.

13. Failing to remove and reinstate

In the event of the permit holder failing to remove furniture or other property from the outdoor dining area following the lapsing or cancellation of their permit, the Council may remove and dispose of such property at its discretion, if not claimed within 28 days of notification to the permit holder.

In the event of the permit holder failing to remove furniture and/or to reinstate the footpath to its original condition within 14 days from the date of expiration or cancellation of the permit, the Council may carry out the works at the permit holder's expense.

14. Terrorism

Applicants must comply with 'Australia's Strategy for Protecting Crowded Places from Terrorism', released in August 2017. This strategy and the supporting guidelines address a number of specific security risks for crowded places, including in relation to hostile vehicles. Documents are available at **www.nationalsecurity.gov.au**

The policy Roles and responsibilities

15. Who is responsible for what

- Food-based businesses, including restaurants and cafés, provide a significant contribution to the vibrancy and economy of local communities. Businesses are responsible for meeting permit approval and operating requirements during the term of an approved permit.
- NSW Small Business Commission has co-ordinated development of the policy in consultation with Councils, small businesses, and other government agencies.
- Local Councils have a key role in promoting economic development and the vibrancy of their local community. Under the policy, Councils retain responsibility for final approval and issuance of the outdoor dining permit, in accordance with section 125 of the *Roads Act 1993.* They are responsible for ensuring compliance with outdoor dining permit requirements, all relevant legislation and heritage restrictions, and for defining any Local Street Guide for cafés and restaurants within their local government area.
- Service NSW is an integral part of the state's Easy to do Business initiative. Service NSW is responsible for administering the approval process for permits using its Concierge Service. It is developing an online digital platform for outdoor dining applications.
- Liquor & Gaming NSW administers liquor licencing in NSW. It is responsible for issuing licences and ensuring compliance with license requirements.

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

The policy Legislation

16. Compliance with legislation and regulations

This policy will be endorsed as an approved local policy by each participating local Council under section 68 and Part 3 of the *Local Government Act 1993*.

In so doing, permitting any outdoor dining activity that is an exempt development does not require development consent under the *Environmental Planning and Assessment Act* 1979.

The State Environment Planning Policy (Exempt and Complying Codes) 2008 makes footpath dining an exempt development if it is:

- not associated with a pub or a small bar, and is carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*, including any hours of operation to which the approval is subject
- carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.

The State Environment Planning Policy (Exempt and Complying Codes) 2008 also makes the installation of bollards 'exempt development' if a business has a liquor licence and is located within an alcohol-free zone. See subdivision 8A Bollards of the State Environment Planning Policy (Exempt and Complying Codes) 2008 for development standards.

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Where a permit is issued under this policy to a business operating on a state-managed road with a speed limit of 50 km/h or less, the permit is issued with the concurrence of Transport for NSW, which has been delegated to Councils for outdoor dining applications made on the Easy to do Business platform. Businesses operating on state-managed roads with a speed limit in excess of 60 km/h should contact their Council to discuss the possibility of outdoor dining.

This policy does not apply to the following land types:

- Outdoor dining on Crown Land requires approval under the Crown Lands Management Act 2016.
- Outdoor dining that is located on private land (i.e. land that is not on the public footpath) will require the approval of the local Council that administers the land on which the activity is proposed.

This is page TWENTY-FIVE of the Minutes of the ORDINARY MEETING OF COUNCIL Held on 19 SEPTEMBER 2019 Confirmed on 17 OCTOBER 2019

Policy Definitions

The following definitions apply to this policy document.

- Outdoor dining area: is limited to publicfootpaths, nature strips and any other council-managed public spaces used by an adjacent approved restaurant, café or food-based business for temporary commercial dining activities. These activities include the serving of food or beverages, and the erection of associated temporary furniture and signs.
- Outdoor dining operator: the permit holder that exercises management and control over an outdoor dining area.
- Outdoor dining activities: the provision of suitable seating and tables and the performance of other activities directed at the consumption of food and beverages in an outdoor dining area.
- Outdoor dining permit: a permit issued under this policy authorising
 outdoor dining in a particular area.
- Outdoor furniture: items such as tables and chairs to accommodate outdoor dining patrons.
- Permanent structure: any outdoor structure not intended to be moved around frequently and that would be difficult to move without mechanical or other assistance within a 24 hour period.
- State-managed road: any road classified as 'State Road' by Roads and Maritime Services, under the *Roads Act 1993* S163 (4). State Roads are managed and financed by Roads & Maritime Services.
- Temporary structure: any outdoor structure intended to be removed from an outdoor dining area or packed away when the area is not in use, including removable umbrellas, sign boards and other decorative features such as storage units.

© State of New South Wales through Department of Industry 2019 The information contained in this publication is based on knowledge and understanding at the time of writing (June 2019). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

ITEM 11.2 REVIEW OF COUNCIL'S KEEPING POULTRY (RESIDENTIAL AREA) POLICY

244/19 <u>RESOLVED</u> by Clr Searl and Councillor McCormack

1. Council adopts the reviewed Keeping Poultry (Residential Area) Policy.

- CARRIED

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

Councillors who voted against:- Nil

POLICY:-			
Policy Title:	Keeping of Poultry (Residential Areas)		
File reference:	F10/618-04		
Date Policy was adopted by Council initially:	21 April 2011		
Resolution Number:	120/11		
Other Review Dates:	21 April 2011		
Resolution Number:	120/11		
Current Policy adopted by Council:	19 September 2019		
Resolution Number:	244/19		
Next Policy Review Date:	2022		

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	

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

OBJECTIVE

The objective of this Policy is to maintain residential amenity and minimise the nuisance affects associated with the keeping of poultry in urban areas.

GENERAL

The keeping of poultry, specifically in relation to the manner in which they are kept, can be subject of Orders pursuant to Section 124 of the Local Government Act 1993.

The Regulation to the Act (specifically Schedule 2 of the Local Government (General) Regulation 2005) includes standards for the keeping of specific birds or animals being poultry. These provisions must be read in connection with this Policy.

Certain animal shelters should not be erected or located at premises without prior approval of Council. Council will consider the circumstances of individual proposals and will normally consult with neighbours as provided for in Council's Development Control Plan.

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TABLE OF REQUIREMENTS

ANIMAL	MAXIMUM NUMBER	MINIMUM DISTANCE (from certain buildings)	ADVISORY NOTES
Hens	No maximum numbers	4.5 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale of storage of food.	The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.
Roosters	Limited/Restricted	15 metres.	The keeping of roosters must not create a nuisance or be dangerous or injurious to health. Roosters should be housed within a properly constructed sound reduction shed. If an offending rooster continues to cause a noise problem within the neighbourhood Council may proceed with further action under the Protection of the Environment and Operations Act 1997. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.
Other poultry including ducks, geese, turkeys, peafowl	Maximum of five	15 metres.	The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and

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and other pheasants		mice, and free from offensive odours at all
-		times.

COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the Local Government Act 1993 and the local Government (general) Regulation 2005.

This Policy is intended to be used by Council to provide guidance about the criteria Council will use when determining whether to exercise its powers and issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

Council may, in appropriate circumstances, issue an Order to:

- Prohibit the keeping of various kinds of animals;
- Restrict the number of various kinds of animals to be kept at the premises; and
- Require that animals be kept in a specific manner.

It is advised that Council can exercise further controls over animals under the following Acts:

- Protection of the Environmental Operations Act 1997;
- Environmental Planning and Assessment Act 1979
- Impounding Act 1993; and
- Food Act 2003

GIVING ORDERS BY COUNCIL

Upon complaint, Council will inspect the premises and discuss any concerns with the owner/tenant of the premises in question. In addition, Council may liaise with community representatives with regard to solving the problem.

Where a problem is identified with the keeping of poultry and it cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order.

Normally a person will be given the opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

RELATED LEGISLATION AND COUNCIL POLICIES

The following Legislation and Council Policies and documents that are relevant to this Policy include:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

- Local Government Act 1993
- Local Government Regulations 2005
- Protection of the Environmental Operations Act 1997;
- Environmental Planning and Assessment Act 1979
- Impounding Act 1993; and
- Food Act 2003

VARIATION

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

ITEM 11.3 REVIEW OF COUNCIL'S PESTICIDE USE NOTIFICATION POLICY

245/19 <u>RESOLVED</u> by Clr Searl and Councillor McCormack

1. Council adopts the reviewed Pesticide Use Notification Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	Destinide Les Natification Dalla
Policy Title:	Pesticide Use Notification Policy
	F11/135
File reference:	
Date Policy was adopted by Council initially:	14 December 2006
Resolution Number:	398/06
	330/00
Other Review Dates:	21 July 2011
Resolution Number:	246/11
Current Policy adopted by Council:	19 September 2019
Resolution Number:	245/19
Next Policy Review Date:	2024
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Dragadura (muidalina rafaranga muraharu	
Procedure/guideline reference number:	
RESPONSIBILITY:-	
Draft Policy Developed by:	Director Environment and Planning
Committee/s (if any) consulted in the	
development of this policy:	Nil
Responsibility for implementation:	Director Environment and Planning
Responsibility for review of Policy:	Manager Regulatory and Biosecurity
	Services

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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PESTICIDE USE NOTIFICATION PLAN1.INTRODUCTION

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2017 (the Regulation). The plan sets out how Upper Lachlan Shire Council will notify members of the community of the pesticide applications it makes or allows to be made to public places that it owns or controls.

The aim of this plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by public authorities. The plan allows members of the community to take action to avoid contact with pesticides, if they wish. Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment.

The plan describes:

- What public places are covered by the plan
- Who regularly uses these public places and an estimate of the level of use
- How and when Council will provide the community with information about its pesticide applications in public places (i.e. what notification arrangements will be used)
- How the community can access this plan and get more information about Council's notification arrangements
- How future reviews of the plan will be conducted
- Contact details for anyone wishing to discuss this plan with Council.

This plan states that Council only uses pesticides in public places when necessary to eliminate weeds, to protect public property from pest damage and to protect the users of public places from nuisance or danger and for the beautification and maintenance of parks and reserves.

The majority of pesticide use consists of herbicides for weed management and in parks and gardens maintenance. A small proportion of pesticide is used to control and manage insect infestations and rabbits.

Where council uses small quantities of pesticides that are available from retail outlets and are ordinarily used for domestic purposes, Council does not intend to provide notice for such pesticide applications other than those that have been described in this plan. This will apply to minor control of indoor and outdoor insect pests using baits or aerosol cans and spot weed control using a hand-held spray bottle.

Further information on pesticide use can be obtained by contacting the Upper Lachlan Shire Council WHS and Environment Coordinator on 4830 1000

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2. PUBLIC PLACES COVERED BY THIS PLAN

Upper Lachlan Shire proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls:

- Public gardens
- Public parks, playgrounds and memorials
- Picnic areas
- Sporting fields and ovals
- Road verges and reserves
- Laneways and pathways
- Drains
- Golf courses
- Camping grounds and caravan parks
- Undeveloped reserves
- Swimming pools
- Cemeteries
- Tips
- Council administration buildings
- Council depots
- Council pounds
- Councils water and sewerage treatment works
- Street trees and gardens on nature strips
- Airfields
- Public Lands managed by Councils 355 Committees

This plan only covers regions within Upper Lachlan Shire Council Appendix 1.

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Upper Lachlan Shire's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places are summarised in the following table.

Public places	Regular user groups	Level of use of public place	Type of pesticide use
Public gardens	Day visitors including children and families; employees and contractors	High use area	Spot herbicides Spot insecticides Broadscale selective herbicides Broadscale nonselective herbicides Broadscale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control Fungicide
	Day visitors including Children and families; employees and contractors	in remote	Spot Herbicide Spot Insecticide Broad scale selective herbicide
Picnic areas	and families; Employees and contractors	Variable – Iow in remote areas but often high in or near urban areas	Spot herbicides Spot insecticides Broadscale selective herbicides Broadscale nonselective herbicides Broadscale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control Fungicide

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	and associations School sports groups General recreational users (e.g.joggers, dogwalkers) Council Employees and contractors	Seasonal – medium to high during relevant sporting season	Spot herbicides Spot insecticides Broadscale selective herbicides Broadscale nonselective herbicides Broadscale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control Fungicide	
Road verges and reserves	users, motorists, employees and contractors, farmers with	Variable – Iow in remote areas but often high near urban areas	Spot herbicides Spot insecticides Broad scale selective herbicides Broad scale nonselective herbicides Broad scale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control	
Laneways and pathways	users, motorists, Trades and business	Variable low – to high depending on town and location	Spot herbicides Spot insecticides Broad scale selective herbicides Broad scale nonselective	
	farmers with stock movements		herbicides Broad scale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control	
Drains	Employees, contractors, recreational walkers	Low	Spot herbicides Spot insecticides Broad scale selective herbicides Broad scale nonselective herbicides Broad scale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control	

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Golf courses (owned or controlled by Council)	recreational users and grounds staff	on competition days low to medium use for the rest of the week	Spot herbicides Spot insecticides Broadscale selective herbicides Broadscale nonselective herbicides Broadscale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control Fungicide
Camping grounds and Caravan parks(owned or Controlled by Council)	varying periods	Variable and Seasonal i.e. low to very high use Southerbicides Broadscale Broadscale nonselective herbicides Broadscale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control Fungicide	
External gardens at Council administration buildings	Day visitors including Shire residents, visitors; employees and contractors	High use area	Spot Herbicide Spot Insecticide Broad scale selective herbicide
Council depots	employees and contractors	Low	Spot Herbicide Spot Insecticide Broad scale selective herbicide
Council pounds	Staff and residents picking up animals	Low	Spot Herbicide Spot Insecticide Broad scale selective herbicide
Councils Water and sewerage treatment works	Council Staff and contractors School group excursions	Low	Spot Herbicide Spot Insecticide Broad scale selective herbicide

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		depending on	Spot Herbicide Spot Insecticide Broad scale selective herbicide Fungicide
	Aviators Visitors Emergency Services personnel Ground maintenance staff		Spot herbicides Spot insecticides Broad scale selective herbicides Broad scale nonselective herbicides Broad scale insecticides Spray termiticides, wasps & ant control Bait termiticides, ant control Bait rabbit, bird control
Councils 355	Visitors local residents, Council employees	high	Spot Herbicide Spot Insecticide Broad scale selective herbicide Fungicide

3. NOTIFICATION ARRANGEMENTS

Upper Lachlan Shire Council will provide notification to the public of pesticide use in public places. This notification will involve the advertisements of Council's programs in local newspapers and newsletters and the placement of signage at and around the sites of application.

• Advertisements

Advertisements will be placed in appropriate newspapers and newsletters within the local area, advising of the approximate timing and purpose of programs and also providing a contact person and contact phone number where further information can be obtained or objections registered.

• Signage

Appropriate signage is to be displayed at the application site and also where practicable at sites to provide advance warning of the application site. These signs will provide information on the purpose of the application and the pesticide being used. The signs will include a contact person and contact phone number where further information can be obtained.

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These notification arrangements are based on Council's assessment of;

- The level of use of the public place to be treated with pesticides
- Activities that could lead to direct contact with pesticides
- Type of pesticide used
- Signage at the application site

Notice of pesticide use will be provided by one or more of the following; Signage

- Advertisement in the local newspaper
- Information at Council administration buildings during business hours
- Door-knocking in emergency situations

The notification arrangements described below will apply to the following areas owned or controlled by Council;

- Public gardens
- Parks and playgrounds
- Picnic areas
- Sporting fields and ovals
- Swimming pools
- Sports stadium
- Cemeteries
- Shire Chambers
- Public lands managed by Councils 355 Committees

In these public areas information provided to the general public will be by signage and articles in local newspapers twice yearly which will specify the details of the proposed program. Signage will be in place during the application and persist for 24 hours after application of the following:

- Broadscale selective herbicides
- Broadscale non-selective herbicides
- Broadscale insecticides
- Broadscale fungicides

No notification will be given for the use of glyphosphate (roundup) other that the erection of signage for the duration of the application. Application will be means suitable for the area. This will be at the discretion of the spray operator.

Sporting associations or other user groups that express an interest in the sporting fields and ovals, will be given 48 hours notification before application by email or other method such as telephone.

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The notification arrangements described below will apply to the following areas owned or controlled by Council;

- Road verges and reserves
- Laneways and pathways
- Aerodrome
- Crown reserves controlled by Council
- Street Trees on Nature Strips
- Council Tips

For these public places, information about Councils work program for broadscale herbicide and insecticide application will be placed twice per year in the local newspapers, as broadscale application of herbicide and insecticide only occurs at appropriate times of the year.

• Road verges and laneways

It is recognised that the application of pesticides on roadsides and laneways is normally a mobile operation travelling substantial distances during programs and in Upper Lachlan Shire this is regularly conducted in remote areas. During these programs signage as described in the Notification Arrangements will be located on the mobile spray unit and the advance warning signage will either be located on an escort vehicle or on the roadside where practicable.

• Emergency Pesticide Application

For emergency application of pesticides in public areas for dangerous insects, locusts and rodents that pose an immediate danger or threat, Council will, where possible, post signs in the vicinity of the application.

• Public places and pesticide uses where Council will not provide any notification

Remote laneways or roads where spot application of herbicides is required to control weeds, no notification will be required.

• Pesticide Application Contractors and Lessees of Public Places

Where contractors are used by Council to apply pesticides, Council will ensure notification is made in accordance with the notification requirements of this plan. Council requires the contractors to erect signage in accordance with the Pesticide Notification Plan.

Where persons or organisations hold an existing lease on Council land that remains a public place and if they use pesticides on this land, Council will request notification in

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accordance with the requirements of this plan. Council will not notify on their behalf. Council will request that signs will be erected by the organisations or persons holding the lease in accordance with this Pesticide Use Notification Plan.

4. SPECIAL MEASURES FOR SENSITIVE PLACES

Pesticides Regulation 2017 defines a sensitive place to be any:

- School or pre-school
- Kindergarten
- Childcare centre
- Hospital
- Community health centre
- Nursing home
- A place declared to be a sensitive place by the Environment Protection Authority (EPA).

For non-emergency reactive pesticide use in outdoor public places next to sensitive places, Council will provide concurrent notice shortly before use to the occupier by phone, email, door-knock or letterbox drop, depending upon what is practicable.

If a pesticide must be used to deal with an emergency in an outdoor public place that is adjacent to (or within 150 meters) of a sensitive place, Council will organise a door-knock in that sensitive place, preferably at least 30 minutes before, so people are aware that a pesticide is about to be used to deal with a dangerous or plague pest infestation.

Council has develop a register of sensitive places and shire residents wishing to have their details include in the sensitive areas register may do so but they must provide an adequate reason and proof as to why that area of land should be included. (See Appendix 2 for Sensitive places in the Upper Lachlan Shire area).

5. HOW THE COMMUNITY WILL BE INFORMED

Upper Lachlan Shire Council will advise residents of this plan and its contents by:

- Making a copy of the plan available for public viewing, free of charge, at Council offices at 44 Spring Street, Crookwell, 123 Yass Street, Gunning and the Taralga Post Office, Orchard Street, Taralga;
- Placing a copy of the Plan on the Council website;
- Placing a notice in Crookwell Gazette, Council News Letter, Goulburn Post, Lions Club of Gunning Notice board and the Yass Tribune.

6. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 5 years or as circumstances require. The review will include:

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- A report on the progress of implementing the plan;
- Public consultation on the notification methods outlined in the plan; and
- Recommendation for alterations (if applicable) to the plan.

The next review of this document will take place in 2024

7. CONTACT DETAILS

Anyone wishing to contact Upper Lachlan Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

Ben Churchill WHS and Environment Coordinator 44 Spring Street, Crookwell Ph: 4830 1000

Appendix 1

Map of Upper Lachlan Shire



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Appendix 2

Sensitive Areas within Upper Lachlan Shire

	Sensitive Area	Address	Contact Name	Contact number
1	Crookwell Hospital	Kialla Rd Crookwell 2583		4832 1300
2	Crookwell Public School	Denison St Crookwell 2583		4832 1213
3	Crookwell StMarys Primary School	Wade St Crookwell 2583		4832 1592
4	Crookwell High School	Crown St Crookwell 2583		4832 1421 4832 1422
5	Crookwell Pre School Kindergarten	Colyer St Crookwell 2583		4832 1083
6	The Health Care Centre	Kialla Rd Crookwell 2583		4843 2500
7	Doctor Surgery (Dr Thangavelu)	110 Goulburn St Crookwell 2583		4832 1006
8	Gunning and District Pre-School	37 Biala St, Gunning (PO Box 53) 2581		4845 1396
9	Gunning Primary School	Yass St Gunning 2581		4845 1129
10	Gunning District Community & Health Service	101 Yass St, Gunning (PO Box 50) 2581		4845 1166
11	Taralga Primary School	Orchard St Taralga 2580		4840 2047
12	Bigga Primary School	Binda St Bigga 2583		4835 2236
13	Binda Primary School	Queen St Binda 2583		4835 6052

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14	Dalton Primary School	Jobson St Dalton 2581	4845 6210
15	Laggan Public School	Laggan Rd Laggan 2583	4837 3215
16	Taralga Play Centre	Orchard St Taralga 2580	4840 2300
17	Taralga Children's Centre	76 Hillas St Taralga 2580	4840 2220
18	Country Kids	King Rd Crookwell 2583	48322591
19	Collector Primary School	Goulburn Street Collector	48480024
20	Breadalbane Primary School	Collector Rd Breadalbane	48442243
21	Viewhaven Lodge	Laggan Road Crookwell	48322437
22	Sunset Lodge	Bannaby Street Taralga	48402167
23	Taralga Medical Centre	Bannaby Street Taralga	

ITEM 11.4 LOCAL STRATEGIC PLANNING STATEMENTS

246/19 <u>RESOLVED</u> by Clr Searl and Clr Cummins

- 1. Council endorse the draft Local Strategic Planning Statements for Community and Government Consultation.
- 2. Council develop a community engagement process prior to exhibiting the Draft Local Strategic Planning Statements.

- CARRIED

Councillors who voted for:-

Clrs P Culhane, R Cummins, R Opie, D O'Brien, McCormack, J

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Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

Clr McCormack left the chamber in accordance with his declaration the time being 7.00pm.

ITEM 11.5 LEP 2010 LAND USE TABLE REVIEW.

247/19 <u>RESOLVED</u> by Clr Searl and Clr Culhane

1. Council prepare a draft planning proposal under the Environmental Planning and Assessment Act 1979 for discussion with the NSW Department of Planning and Environment.

- CARRIED

Clrs P Culhane, R Cummins, R	
Opie, D O'Brien, J Searl, J	
Stafford and J Wheelwright	

Councillors who voted against:- Nil

Abstained:- Cr Councillor McCormack

Clr McCormack returned to the chamber the time being 7.01pm.

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 WHEEO ROAD AND PEELWOOD ROAD SCHOOL BUS ROUTES

248/19 <u>RESOLVED</u> by Clr Opie and Clr Searl

- 1. Council lodge a funding application for the sealing of the unsealed section of Wheeo Road from Boorowa Road to Grabben Gullen Road prioritising the section between Hawthorne Tree Road to Grabben Gullen.
- 2. Council lodge a funding application for the sealing of the unsealed section of Peelwood Road from Phils River to Peelwood Village prioritising the section from Phils River to Flowerburn Road.

- CARRIED

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

Councillors who voted against:- Nil

Clr McCormack left the chamber in accordance with his declaration the time being 7.12pm.

ITEM 12.2 BRIDGE MAINTENANCE WORKS IN 2019/2020 OPERATIONAL PLAN

249/19 <u>RESOLVED</u> by Clr Searl and Clr Wheelwright

1. Council receives the report and notes that No. 4 of the Council resolution (Min 179/19) has now been superseded.

- CARRIED

Councillors who voted for:- Councillors who voted against:-	Clrs P Culhane, R Cummins, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright Nil
Abstained:-	Clr Councillor McCormack

Clr McCormack returned to the chamber the time being 7.16pm.

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 CROOKWELL RV FRIENDLY PARK PROPOSAL - PARK STREET, CROOKWELL

- 250/19 <u>RESOLVED</u> by Clr Searl and Clr Cummins
 - 1. Council make application and negotiate for the lease of land, Part Lot 4231 in DP 1217717, from Transport NSW for the site adjacent to the Crookwell Men's Shed, in Park Street Crookwell, to establish a RV Friendly Park.

2. Subject to negotiation of a lease with Transport NSW that have terms that are acceptable to Council; the expenditure estimate of \$130,000 be included in the Council 2020/2021 Operational Plan for the lease of Part Lot 4231 in DP 1217717, for the construction of the Crookwell RV Park.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.2 PANEL OF CODE OF CONDUCT - CONDUCT REVIEWERS FOR COUNCIL

- 251/19 <u>RESOLVED</u> by Clr Searl and Clr Culhane
 - 1. 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

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.3 REVIEW OF COUNCIL'S GOVERNMENT INFORMATION (PUBLIC ACCESS) POLICY

252/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Government Information (Public Access) Policy.

- CARRIED

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

Councillors who voted against:- Nil

POLICY:-	
	Government Information (Public
Policy Title:	Access) Policy (GIPA)
File Reference:	F10/618-05
Date Policy was adopted by Council	
initially:	15 July 2010
Resolution Number:	274/10

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Other Review Dates:	20 January 2011, 21 July 2011, 19 July 2012, 20 August 2015 and 17 August 2017
Resolution Number:	20/11, 259/11, 234/12, 222/15 and 254/17
Current Policy adopted by Council:	19 September 2019
Resolution Number:	252/19
Next Policy Review Date:	2021

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was	
developed:	15 July 2010
Procedure/guideline reference	
number:	N/A

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

Objective

The objective of this policy is to describe principles regarding public access to information held by Upper Lachlan Shire Council and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines for Local Government.

Scope

This policy applies to all staff of Upper Lachlan Shire Council who are responsible for managing requests for access to information from members of the public, legal firms, and government and non-government agencies.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

Principles

Upper Lachlan Shire Council is committed to the following principles regarding public access to documents and information:-

- Open and transparent government;
- Consideration of the overriding public interest in relation to access requests;
- Proactive disclosure and dissemination of information; and
- Respect for the privacy of individuals.

Implementation

Upper Lachlan Shire Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums.

Council publishes, for inspection, documents listed Section 18, of the Government *Information (Public Access) Act 2009*, and Schedule 1, of the Government *Information (Public Access) Regulation 2009*, and held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the Council website. Such information is also available free of charge or at the lowest reasonable cost.

The 'Access to Information Guidelines' document associated with this policy identifies the documents and types of information that are available for public access and any restrictions that may apply.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act 2009 (GIPA)*. Council will assess all requests for access to documents and information in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.

Depending upon the nature of the request, and the form of access requested, charges may be applied in accordance with Council's adopted Operational Plan including the Schedule of Fees and Charges in accordance with relevant legislation.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.

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Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of each request.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

The General Manager has authority to approve "Access to Information Guidelines", which is to be available to members of the public. **Distribution of Information to the Public**

Council has prepared an "Access to Information Guidelines for Local Government" and "Frequently Asked Questions for Public Access to Documents". Alternatively, further GIPA Act information can be accessed from the Information and Privacy Commission (IPC).

The contact details for the NSW Information Commissioner are as follows:-

Postal Address:	GPO Box 7011 SYDNEY NSW 2001
Street Address:	Level 11, 1 Castlereagh Street SYDNEY NSW 2000
Telephone Number: Facsimile Number: Email: Website:	1800 472 679 (free call) (02) 8114 3756 <u>ipcinfo@ipc.nsw.gov.au</u> . <u>www.ipc.nsw.gov.au</u>

GIPA Access Applications

There is a right of public access to certain documents held by Council unless there is an overriding public interest not to do so. A GIPA Access Application will be processed in accordance with the GIPA Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act.

The GIPA Act Access Applications are required by law to be completed in 20 working days. If consultation with a third party is required, a further 15 working days extension is allowed. The applicant will receive a formal determination letter with the requested documents or reasons why a document has been withheld.

There will be a statutory \$30 application fee for all formal GIPA Act Access Applications. In some circumstances photocopying, postage and processing fees may also be applied. The GIPA Act Access Application form is provided as an attachment to this policy.

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Responsibilities of the Right to Information Officer

The Public Officer within Council, (Governance and Records Management Coordinator), is assigned the role of the Right to Information Officer.

In order to ensure compliance with the GIPA Act, the Right to Information Officer will receive, register and coordinate the review of all GIPA Access Applications and ensure that Council is in compliance with the GIPA requirements. Amongst other duties the Right to Information Officer has the responsibility of assisting people to gain access to public documents of the Council.

The General Manager may assign an alternate designated Council Officer as the "Internal Review Officer" to assess a specific GIPA Access Application.

An applicant may appeal against the initial determination by the Right to Information Officer by completing a Request for Review Application and paying a \$40 internal review fee. This form together with any supporting documentation shall be forwarded to Council's General Manager to review the Right to Information Officer's determination.

What happens if the complainant is dissatisfied?

If the complainant remains dissatisfied, he/she may appeal to the NSW Information Commissioner or request a review through the NSW Civil and Administrative Tribunal (NCAT). Right to Information legislation only allows appeal to these bodies, if you have made an initial formal GIPA Access Application and sought a request for review of a determination.

Agency Information Guide

Council is responsible for preparing an Agency Information Guide in accordance with the provisions of Section 20, of the *Government Information (Public Access) Act 2009.*

The Agency Information Guide outlines four ways for the public to access government information from Upper Lachlan Shire Council. The means in which the public may obtain Council information includes:-

- 1. Open Access to Information;
- 2. Proactive Release of Information;
- 3. Informal Release of Information; and
- 4. Formal GIPA Access Application for Release of Information.

An Agency Information Guide is a summary of what an agency does, how it does it, and the type of information it holds and generates through the exercise of its functions, with a particular focus on how those functions affect members of the public.

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Copyright

There is information held by Council which relates to third parties and is the subject of copyright. Such information may include; building plans, contracts, licences, agreements, and other reports. Section 6 (6), of the GIPA Act 2009, provides that nothing under Section 6 requires or permits Council to make open access information available (in any way) that would constitute an infringement of copyright laws.

Relevant Legislation

Council will assess requests for access to information with reference to:-

- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2009;
- Government Information (Public Access) Amendment Act 2012;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment (EPA) Act 1979;
- Companion Animals Act 1998;
- Local Government (State) Award 2017;
- Fair Work Act 2009;
- Work Health and Safety Act 2011 and Regulations;
- Independent Commission against Corruption Act 1988;
- Code of Conduct;
- Code of Meeting Practice;
- Privacy Management Plan;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Service Delivery Policy;
- Fraud and Corruption Prevention Policy; and
- Any other relevant legislation and guidelines as applicable.

VARIATION

Council reserves the right to vary or revoke this policy.

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Government Information (Public Access) Act 2009 ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact Council's Right to Information Officer on telephone (02) 4845 4108 or visit our website at www.upperlachlan.nsw.gov.au.

Your details	
Surname:	Title: Mr / Ms
Other names:	
Postal address:	Postcode:
Day-time telephone:	Facsimile:
Email:	

Proof of identity

Only required when an applicant is requesting information on their own behalf. When seeking access to personal information, an applicant must provide proof of identity in the form of a *certified copy* of any one of the following documents:

Australian driver's licence with	Current Australian passport
photograph, signature and current address	

Other proof of signature and current address details

Government information

Are you seeking personal information? **Yes / No** (circle one) Please describe the information you would like to access in enough detail to allow us to identify it. **Note:** If you do not give enough details about the information, the agency may refuse to process your application.

.....

Property Information:

Street Address	
Town:	.Postcode:
Lot No:	

Form of access

How do you wish to access the information?

Inspect the document(s)

A copy of the document(s)

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

Access in another way (please specify)

Application Fee and Advance Deposit

You will need to complete a Formal Information Access Application form and pay the \$30.00 application fee. In some cases an Advance Deposit may be requested, where the work required to produce the documents will take many hours.

I attach payment of the **\$30** application fee by cash / cheque / money order (circle one).

Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website. Do you object to this? **Yes** / **No** (circle one)

Applicant's Signature: Date:

Please post this form:-

Upper Lachlan Shire Council PO Box 42, GUNNING NSW 2581

Alternatively please lodge the form at:-

Upper Lachlan Shire Council Gunning Office 123 Yass Street, GUNNING NSW 2581

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

General information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 (free call) or at its website: <u>www.ipc.nsw.gov.au</u>.

Office use only

Date application received:

File Reference:

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ITEM 13.4 REVIEW OF COUNCIL'S AGENCY INFORMATION GUIDE

253/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

1. Council adopt the reviewed Government Information Public Access (GIPA) Agency Information Guide.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL - AGENCY INFORMATION GUIDE

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

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STRUCTURE AND FUNCTIONS OF COUNCIL

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

Elected Council

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

The Councillors were elected in September 2016. The Mayor presides at meetings of the Council and carries out the civic functions of the office.

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

Mayor: Clr John Stafford

Deputy Mayor: Clr John Searl

Councillors: Clr James Wheelwright

- **CIr Brian McCormack**
- Clr Paul Culhane
- Clr Darren O'Brien
- Clr Ron Cummins
- **Clr Pam Kensit**
- Clr Richard Opie

The Council's Ordinary Meetings are held on the 3rd Thursday of each month from 6.00pm at the Crookwell Chambers at 44 Spring Street, Crookwell.

If the meeting scheduled is varied an advertisement is placed in the Public Notices section of the Crookwell Gazette and Goulburn Post newspapers. A public notice is also placed in the Gunning Lions Club Noticeboard (printing schedule permitting)

Organisational Structure

As Council's principal senior staff officer, the General Manager exercises overall management responsibilities for Council's operation and ensures implementation of Council Resolutions. The General Manager is responsible for the day to day management of the Council and reviewing the Upper Lachlan Shire Council's organisation structure. The organisation structure is set out in Appendix A.

There are three Departments of Council. These Departments include Finance and Administration, Infrastructure and Environment and Planning. Council employs 137 full-time equivalent employees.

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Structure of Council – Appendix A

Mayor & Council	Council Committees	Economic Development, Real Estate Development, Public Relations & Media, Governance / Secretariat, Citizenship,
General Manager		Mayoral Activities, Leadership Group, Strategy, External Liaison, Civic Function, Councillors, Probity and Conduct.

Director of Finance and Administration	Director of Infrastructure	Director of Environmental and Planning	
Customer Service	Water Supply Services	Urban/Rural Planning (Land use)	
Payroll	Sewerage Services	Building Control	
Administration	Waste and Recycling Collection	Health	
Financial Services	Waste Management Centres/Tips	Environmental Planning Control (LEP)	
Accounting	Parks and Gardens/Sportsgrounds	Pollution Control	
Information Technology	Swimming Pools (2 Pools)	Development Control Plans (DCP)	
Telephone/Switchboard	Works Depots (2 Depots)	Rangers	
Records Management	Plant (Workshop)	Stock Impounding	
Human Resources Management	Maintenance (roads, bridges,	Heritage and Conservation	
Insurances	footpaths and kerb and guttering)	Regulatory Functions	
Rates and Annual Charges	Construction (roads, bridges)	Animal Control	
Creditors and Debtors	Contract Management	Halls Management	
Business Papers	PAMP	Companion Animals	
Privacy Management	Design Works/Engineering Services	Food and Health Inspections	
Staff Training Plans	State Emergency Services (SES)	State of Environment	
Audit and Risk Committee	Rural Fire Service (RFS)	Septic Tank	

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Loans/Borrowings	Aerodrome	Town Planning
Investments	Infrastructure Plan and Asset	- Community Survey
Revenue Policy	Management	- Corporate
Community Strategic Plan	Project Management	Strategic Planning
Delivery Program	Forward Planning	- Land use planning
Operational Plan	- Recreation	- Subdivision
Long Term Financial Planning	- Infrastructure	Town Planning
Workforce Plan	Traffic Management	Council Housing Management
Annual Report	Subdivision Design and Construction	Ordinance Control
Community Technology Centres	Recreational Planning	Licence Monitoring
Library Services (2 Branches)	Road Safety	Section 94 and Section 94A Development
Regional Arts (STARTS)	Cemeteries	Contributions
Tourism Services and ULTA Committee	Public Conveniences	Voluntary Planning Agreements
Events	Drainage and Stormwater services	Community Enhancement Program (CEP)
Web Page/Internet	Private Works	Pye Cottage Museum
Taralga Community Service Centre	RMCC RMS Roads Contract	Floodplain management
Australia Post Services – Taralga	Roads to Recovery works	Social and Community Planning
Service NSW Agency – Crookwell	Domestic Waste Management	Disability Inclusion Action Plan
Taxation Compliance	Purchasing	Noxious Weeds Control
Cultural Planning	Stores	Medical Centres
	Risk Management	Buildings and Offices Maintenance
	Compliance Framework	Rural Addressing
	Work Health and Safety (WH&S)	Ŭ
	WH&S Committee	
	Consultative Committee	
	Caravan Parks	
	Gravel Pits	
	Compliance Framework	

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Geographic Information Systems (GIS) Section 64 Development Contribution	
Plans	1

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Council Functions

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including:	Including:	Including:	Including:	Including:	Including:
Community health, recreation and	Approvals	Resumption of land	Revenue Policy	Workforce Planning -	Proceedings for breaches of the Local
information services	Orders		Rates and Annual	employment of	Government Act &
Environmental	Building and	Powers of entry and inspection	Charges	staff	Regulations and other Acts & Regulations
protection	Planning	Accet	User Charges	Integrated	Dragonution of
Waste removal and disposal	Certificates Town Planning	Asset Management	Fees	Planning - Strategic and Operational Plans	Prosecution of offences
	and Zoning	Animal Control	Borrowings		Recovery of rates and
Land and property	Food Premises	Engineering	Investments	Financial Reporting	charges
Industry and	Inspections	supervision	Investments	Reporting	Noxious Weeds control
Tourism development		•	Bank	Annual Reports	and inspections
services	Governance and Civic Leadership		Reconciliation	Accounts Payable	Land and Environment
Infrastructure, civil					Court proceedings
works and contract				Inventory Control	Enforce development
WOINS				Financial	consent conditions
				Management	

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Infrastructure Maintenance and Construction	Records Management	Enforce public and environmental safety requirements
Water Supply and Sewerage Services		

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HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

Impact of Council functions on the public

- Council functions are outlined above. The Upper Lachlan Shire Council performs many functions in which it directly interacts with the community.
- As a customer service organisation the majority of activities undertaken by Upper Lachlan Shire Council have an impact on the public/community. The functions that have wide public effect are as follows:-
 - Council has the power to propose zonings for individual properties;
 - Community Planning and Development;
 - The development of land is controlled by Council;
 - Council will classify the way in which public land for which it is responsible is used;
 - Council does undertake to construct and/or provide infrastructure for the community e.g. public buildings, recreational facilities, roads, car parks, footpaths and drainage, water, sewer and waste facilities;
 - Council may make orders concerning certain public nuisances and other matters;
 - Council may enter into private land and/or cause certain works to be done in certain circumstances;
 - Council will provide and maintain the provision of public facilities;
 - Council shall levy rates and collect certain charges;
 - Council may regulate behaviour in certain public places;
 - Council may regulate certain matters relating to public health;
 - In certain circumstances a Council may seek to acquire private properties; and
 - Council may regulate traffic and parking within its area of control.

Council's Finance and Administration Department provides statutory, administrative, revenue, service and executive support functions to the community, Councillors and Council's other Departments.

Council's Infrastructure Department provides a broad range of services to construct, maintain and improve Council's assets and civil infrastructure and ancillary functions.

Council's Environment and Planning Department provides statutory, regulatory, ancillary and enforcement functions and services to the community and have regard to sustainability, economic growth and heritage.

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PUBLIC PARTICIPATION IN COUNCIL POLICY DEVELOPMENT

Representation

Local Government is based on the principle of representative democracy. This means that the elected Councillors represent the entire community and make decisions on their behalf. All residents of the local government area who are on the electoral roll are eligible to vote. Residents are able to raise issues with and make representation to the elected Councillors.

Eligibility for inclusion on the local government area electoral roll is available to non resident land owners, and land occupiers and rate paying lessees within Upper Lachlan Shire Council. For inclusion on the electoral roll an application or claim form is to be completed within designated timeframes before the local government election.

Council and Committee Meetings

In accordance with Chapter Four, of the Local Government Act 1993, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council.

Residents and ratepayers are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue and/or representation, may pursue the matter on the resident's behalf therefore allowing members of the public to influence the development of policy.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month at Crookwell. Council will continue to hold four (4) community outreach meetings in a year at towns and villages including: Crookwell, Gunning, Taralga, Bigga, Collector and Big Hill, to facilitate community engagement, involvement and dialogue with Council. Notices of Extraordinary Council Meetings are advertised in the Crookwell Gazette and Goulburn Post in the week prior to the meeting.

Agendas

Meeting agendas, with confidential items excluded, are made available to the public for perusal on the Friday preceding the meeting at the Administration offices in Crookwell, Gunning, as well as at the Taralga Community Service Centre. All meeting business paper agendas and related business paper correspondence, as well as the adopted Council Minutes are published and available on Council's website at <u>www.upperlachlan.nsw.gov.au</u>.

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Access by the Public at Council Meetings

All meetings of Council and Committees are open to the public except where the Council or Committee resolves to commence a Closed Session.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local governance. Some matters, however, are of a sensitive nature and must be dealt with in the Closed Committee of Council.

Whilst Section 10 (1), of the Local Government Act 1993, requires that Council and Committee meetings be held open to the press and public, the Council or Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10A (2), of the Local Government Act 1993.

Section 10A (2), of the Local Government Act 1993, also specifies the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The items considered to be of a confidential nature include the following:-

- (a) Personnel matters concerning particular individuals (other than Councillors);
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudices the maintenance of law;
- (f) Matters affecting the security of the Council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged form production in legal proceedings on the ground of legal professional privilege;
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land; and
- (i) Alleged contraventions of any code of conduct requirements applicable under Section 440.

Any reports, correspondence or documentation relating to such matters will be withheld from the press and public. The General Manager reports to the open Council meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting. All members of the press and public are asked if they object to Council convening to the Closed Committee and state their reasons for the objection.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

Contacting Residents Involved

Every endeavour is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council Meeting.

Addressing Council

Upper Lachlan Shire Council is always willing to provide access to Councillors for the public, but must maintain the rules and conventions set down in the Code of Meeting Practice and Local Government Regulations. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairperson of the Meeting) has control of the meeting and of public access. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public access to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the Local Government Act or Regulations. Accusations or allegations of wrong doing against Council members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the General Manager, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall <u>not</u> be eligible for a public presentation.

Committees of Council

There are avenues for members of the public to personally participate in the policy development and functions of Council. Many of Council's committees have considerable community and group representation. Committee membership is reviewed by Council on an annual basis. A full list of Council Committees is provided in Council's Annual Report.

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Consultation and Representation

During the development of policies, plans and strategies, members of the community are encouraged to contribute. Opportunities for input include focus groups, surveys, public meetings and any methods appropriate to the topic. Council utilises strategies outlined in its Community Engagement Strategy and Communications Plan.

There are avenues for members of the public to personally participate in the policy and procedures development of the Council. Several Council Committees comprise or include members of the public. Expressions of interest calling for members of the public to participate in and to join various Committees are publicly advertised annually.

Some of these Committees include:-

- Audit, Risk and Improvement Committee;
- Economic Development Taskforce Committee;
- Australia Day Committee;
- Traffic Committee;
- Access Committee;
- Upper Lachlan Tourist Association (ULTA);
- Crookwell and District Art Gallery;
- YaMad (Youth) Council Committee;
- Crookwell Memorial Hall Management Committee;
- Community Technology Centre (CTC) Committee; and
- Various Public Hall, Showground and Public Cemetery Committees.

Submissions

Members of the public may influence Council decisions concerning matters such as the terms of Council's Operational Plan and Delivery Program, the granting of development and building approvals etc., by making submissions, including comments on, or objections to, proposals relating to those matters.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

FOUR WAYS TO ACCESS GOVERNMENT INFORMATION

The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information from Upper Lachlan Shire Council. The means to access information include:-

1. Open Access Information

Council must publish open access information on its website, free of charge. Where it is not practical for Council to provide open access information on the website, the information will be made available free of charge in at least one other format. Please contact Council on (02) 4845 4108 to access information that is not currently available on Council's website.

Open access information such as Council policies, code of conduct, strategic plans and disclosure log are all available on our website.

2. Proactive Release of Information

Apart from open access information, Council will release as much other available information as possible either free of charge or at the lowest possible cost. There is a Mandatory Proactive Release and an Authorised Proactive Release of information.

Council has developed a Proactive Release Program for information it holds. This program is conducted once a year and a list of information proactively released is included in the Council Annual Report each year.

3. Informal Release of Information

Members of the public may contact Council and ask for information. This is known as an informal request. Council may release information informally, subject to reasonable conditions. Information may be disclosed through informal release where there is no third party personal information and consent involved.

4. Formal GIPA Act Access Application for Release of Information

If information cannot be accessed through any of the above ways, a formal GIPA Act Access Application may be necessary. This is generally a last resort under the GIPA Act 2009, and only necessary if the public are asking for a large volume of information, if providing access would involve an extensive search, or if the information you seek involves personal or business information about third parties who must be consulted before the information can be released.

GIPA Act Access Applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour may also be levied, depending on the type and amount of information sought. To make a formal GIPA Act Access Application please contact Council's Right to Information Officer on (02) 4845 4108.

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DOCUMENTS OPEN ACCESS INFORMATION HELD BY COUNCIL

Types of Information held by Council

Upper Lachlan Shire Council holds information which relate to a number of varying issues. This information includes; policy documents, general information, registers, files, guidelines, plans, reports and other information.

There are a number of documents that are available for inspection free of charge and/or available on Council's Website <u>www.upperlachlan.nsw.gov.au</u>.

Council holds documents in both hard copy and electronic form that relate to a number of different issues concerning the Upper Lachlan Shire area. The documents included below may be available to the public upon request unless there is an overriding public interest not to do so.

Council has a register of Policy documents which is maintained by Council's Executive Assistant to the General Manager. The Government Information (Public Access) Regulation 2009, Schedule 1, requires the following open access information to be mandatorily disclosed on Council's website:-

1. Open Access Information about Council

- The model Code of Conduct prescribed under Section 440(1), of the Local Government Act 1993;
- Council's adopted Code of Conduct under Section 440(3), of the Local Government Act 1993;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Statements;
- Auditor's Report;
- Council Integrated Plans; including the Community Strategic Plan, Delivery Program, Operational Plan and Resource Strategy;
- Equal Employment Opportunity (EEO) Management Plan;
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors;
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees);
- Any Codes referred to in the Local Government Act 1993;
- Returns of the Interests of Councillors, Designated Persons and Delegates;
- Agendas, Business Papers and Minutes of Council/Committee Meetings (except meetings that are closed to the public);
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council in accordance with Section 433, of the Local Government Act 1993;
- Land Register;
- Register of Investments;

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- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political Donations;
- Register of Voting on Planning Matters kept in accordance with Section 375A, of the Local Government Act 1993.

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders;
- Plans of Management for Community Land; and
- Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment Act 1979 applying to land in the local authority's area.

Information about Development Applications (Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications;
- Heritage Consultant Reports;
- Tree Inspection Consultant Reports;
- Acoustics Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals; and
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

Approvals, Orders and Other Documents

- Applications for Approvals under Part 1 of Chapter 7, of the Local Government Act 1993 and any associated documents received in relation to such an application;
- Applications for Approvals under any other Act and any associated documents received in relation to such an application;
- Records of Approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning Approvals;
- Orders given under Part 2 of Chapter 7, of the Local Government Act 1993, and any reasons given under Section 136, of the Local Government Act 1993;
- Orders given under the Authority of any other Act;
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979;
- Plans of land proposed to be compulsorily acquired by Council;
- Compulsory Acquisition Notices; and
- Leases and Licenses for use of Public Land classified as Community Land.

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In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Council will require a formal 'GIPA Access Application' form to be submitted where the information sought:-

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

Under the GIPA Act 2009 when deciding whether or not to release information, Upper Lachlan Shire Council shall consider whether there is an overriding public interest against releasing the information. Access to some documents and information held by Council may be restricted where it is determined that there is an overriding public interest against releasing the information or document.

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible to members of the public during office hours. Persons interested in obtaining access to documents or who wish to seek an amendment to the Council records concerning their personal affairs should contact Council's Public Officer/Right to Information Officer.

The Public Officer – Right to Information Officer

The functions of the Public Officer/Right to Information Officer, are appointed by the General Manager in accordance with Section 342, of the Local Government Act 1993, are outlined in Section 343, of the Local Government Act 1993, as follows:

- May deal with requests from the public concerning the Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of the Council;
- May receive submissions made to the Council;
- May accept service of documents on behalf of the Council;
- May represent the Council in any legal or other proceedings;
- Have such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act.

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In addition to the above responsibilities the Public Officer/Right to Information Officer is responsible for ensuring Council compliance with the GIPA Act. The role includes responsibility for receiving, registering and co-ordinating the review of all GIPA Access Applications and maintaining a disclosure log of GIPA Access applications.

At Upper Lachlan Shire Council the role of Public Officer/Right to Information Officer is the responsibility of the Governance and Records Management Coordinator located in the Administration Office at 123 Yass Street, GUNNING NSW 2581.

If an applicant wishes to obtain information held by Council please contact the Right to Information Officer on (02) 4845 4108 during normal office hours. The Right to Information Officer is responsible for determining applications for access to information or for the amendment of Council held records. If you have any difficulty in obtaining access to Council documents please refer your enquiry to the Public Officer/Right to Information Officer.

To make a formal request for access to information under GIPA Act, the 'GIPA Access Application' form is to be completed and the application fee of \$30.00 is to be paid. In addition, processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within five working days.

If a fee for photocopies and postage of documents provided under the GIPA Act is payable, it will be listed in Council's annual adopted Operational Plan Schedule of Fees and Charges, and is GST inclusive.

GIPA ACCESS APPLICATION REVIEW

Firstly, all applicants should try to resolve a complaint with Council. An applicant for access to information should contact Council directly to find out how to make a complaint.

If you are dissatisfied with the Council's decision with regard to a GIPA Access Application, there are a number of options available. These include:-

- Seek an internal review through the agency (Council) which you originally applied for the information,
- Approach the NSW Information Commissioner for an external review of the Council's decision,
- Request a review through NSW Civil and Administrative Tribunal (NCAT).

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Contacting the Information and Privacy Commission Office

If you require any advice or assistance about access to information or information regarding the GIPA Act and GIPA Regulations you may contact the Information and Privacy Commission as follows:-

Information and Privacy Commission

Postal Address:	GPO Box 7011 SYDNEY NSW 2001
Street Address:	Level 11, 1 Castlereagh Street SYDNEY NSW 2000
Telephone Number:	1800 472 679 (free call)
Facsimile Number:	(02) 8114 3756
Email:	ipcinfo@ipc.nsw.gov.au
Website:	www.ipc.nsw.gov.au
Hours of Business:	9am to 5pm, Monday to Friday

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ITEM 13.5 REQUEST FOR COUNCIL SUPPORT FOR FUNDING APPLICATIONS TO STRONGER COUNTRY COMMUNITIES FUND ROUND 3

254/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

- 1. Council provide in principle support to funding applications to the Stronger Country Communities Fund Round 3 for the following projects:-
 - Crookwell Golf Club new concrete pathways at the Crookwell golf course;
 - Collector Community Association construction and installation of a Multi-Purpose Court at Collector Oval;
 - Kiamma Creek Landcare Group construction of a Park Shelter, double access barbeque and picnic seating at Pat Cullen Reserve Kiamma Creek;
 - Gunning District Association Upper Lachlan Youth Social Inclusion Pilot Program.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 14: GENERAL MANAGER

ITEM 14.1 ELECTION OF DEPUTY MAYOR (SECTION 231 OF THE LOCAL GOVERNMENT ACT 1993)

- 255/19 <u>RESOLVED</u> by Councillor McCormack and Clr Wheelwright
 - 1. Council determine the method of election being by ordinary ballot.
 - 2. The Mayor declared Councillor John Searl elected as Deputy Mayor.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 14.2 COUNCIL AGENDA FORMAT AND COMMITTEES STRUCTURE

256/19 <u>RESOLVED</u> by CIr Searl and Councillor McCormack

- 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 20.5 of the Upper Lachlan Shire Council Code of Meeting Practice.

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: - Clr Culhane, Clr Wheelwright and Clr Cummins.

Staff Representation (non-voting): - General Manager, Director of Finance & Administration, Manager of Finance & Administration and the Asset & Risks Coordinator (as required).

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

Meets: Quarterly.

Minute Secretary: Management Accountant.

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.
- 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

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- 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.

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.

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Staff Representation: David Scott (Chair), Susie Pearman, Chris Wray, Michael Wilson, Rodney Stephenson (LGEA), Brian Smithers (DEPA), General Manager, Director of Environment & Planning, Director of Infrastructure, Manager of Finance & Administration, 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.
- 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, Clr O'Brien and Clr 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.

<u>Note:</u> Where Council decides to act contrary to the Traffic Committee advice, written notification must be provided to the Roads and Maritime

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Service and to the NSW Police Force with no further action taken within 14 days from the date of written notification.

Council Delegate: Clr McCormack; (1 Vote) (Clr Searl and Clr Cummins as alternate representatives).

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.

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.

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Staff Representation: M Wilson - Chairperson (Infrastructure Staff), S Hassett (Coordinator Recreation and Waste), S Roberts (Infrastructure Staff), S Bill (Noxious Weeds), P Cramp (Workshop), Ellie McGeechan (Store), K Kara (Human Resources Coordinator), B Churchill (Coordinator WHS and Environmental Compliance), General Manager (Management), Director of Infrastructure.

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.

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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.

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.

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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.

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: Clr Searl.

Staff Representation: Director of Infrastructure (as required).

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

Collector Pumpkin Festival

Functions of the Committee: The care, control, management and organisation of the Collector Pumpkin 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: Clr Searl.

Staff Representation: Tourism Manager (as required).

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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 Clr 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.

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.

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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.

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: Clr Culhane and Clr 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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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

Staff Representation: - Tourism Manager.

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

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: Clr 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 Clr 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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.
- 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, Doug McIntyre, 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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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: Clr Searl.

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: Clr 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: Clr Searl.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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.

Tony Foley Memorial Gunning District Community Centre Committee

Functions of the Committee: The care control and management of the Tony Foley Memorial Gunning District Community Centre 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 Searl.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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

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:

- 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 Management 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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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. *Meet*: 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.

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: Clr 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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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: Clr Searl.

Meets: Monthly

Collector Wind Farm Community Consultative Committee

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

Meets: As required.

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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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.

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

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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

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.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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)
- Manager of Infrastructure Delivery (Deputy LEMO)

Meets: Quarterly

Minute Secretary: Engineering Executive Assistant.

- CARRIED

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

Councillors who voted against:- Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

ITEM 14.3 COUNCIL MEETINGS - CALENDAR DATES, TIMES AND FREQUENCY

257/19 <u>RESOLVED</u> by Clr O'Brien and Clr Wheelwright

- Ordinary Council Meetings are to be held on the third Thursday of the month at Crookwell (no meeting held in January 2020) with the exception of the Ordinary Council Meeting on Thursday, 21 November 2019, to be held at Gunning. The Council Meetings are scheduled as follows:-
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 17 October 2019 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Gunning on Thursday, 21 November 2019 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 19 December 2019 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 20 February 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 19 March 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 16 April 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 21 May 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 18 June 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 16 July 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 20 August 2020 commencing at 6.00pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 17 September 2020 commencing at 6.00pm.

- CARRIED

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

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

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

ITEM 14.4 DISCLOSURES OF INTEREST BY COUNCILLORS AND DESIGNATED PERSONS UNDER CLAUSE 4.21 OF THE COUNCIL CODE OF CONDUCT

- 258/19 <u>RESOLVED</u> by Clr Searl and Clr McCormack
 - 1. Council notes the tabling of the Disclosures of Pecuniary Interest Returns by Councillors and Designated Persons to 30 June 2019.

- CARRIED

Councillors who voted for:-Opie, D O'Brien, McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 14.5REVIEW OF COUNCIL'S QUESTIONS WITH NOTICE POLICY259/19RESOLVED by Clr Searl and Clr Wheelwright

1. Council adopts the reviewed Questions with Notice Policy.

- CARRIED

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

Councillors who voted against:- Nil

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

POLICY:-	
Policy Title:	Questions With Notice Policy
File Reference:	F10/618
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	67/05
Other Review Dates:	22 June 2006; 17 September 2009; 21 June 2012; 21 November 2013; 17 November 2016
Resolution Number:	148/06; 392/09; 192/12; 373/13; 318/16
Current Policy adopted by Council:	19 September 2019
Resolution Number:	259/19
Next Policy Review Date:	2022
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A
RESPONSIBILITY:-	
Draft Policy developed by:	General Manager
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

1. Purpose of Policy

The purpose of the policy is to separate Councillors maintenance requests and inquiries from the more substantial matters of which all Councillors may wish to be aware of and to place appropriate questions in appropriate systems for response.

The policy is not intended to prevent Councillors from speaking directly to relevant Directors, and Councillors are encouraged to contact appropriate Directors to either clarify or discuss relevant issues in accordance with the adopted "Interaction between Councillors and Staff Policy".

Questions can be proposed by Councillors by giving notice to the General Manager through the provision of an electronic copy of the Question With Notice giving details of all information required. A Question With Notice may be asked by a Councillor to the General Manager in accordance with Clause 3.14 to 3.16, of the Council Code of Meeting Practice. A Question With Notice must not comprise a complaint against the General Manager or a Council employee and must not imply any wrongdoing.

Council cannot have an agenda item, "questions without notice" as it is inconsistent with the provisions of the Code of Meeting Practice. Allowing questions without notice would avoid the notice provisions in the Code of Meeting Practice.

The Code of Meeting Practice is designed to ensure that all Councillors and the public are aware, by reading the agenda of the meeting, of any business to be considered at an Ordinary Council Meeting.

It also enables Councillors to give careful thought to any pecuniary interest they might have in a matter, rather than having to hastily confront an issue during the meeting.

Council's Code of Meeting Practice, Clause 9.14 to 9.19 explains that a question must not be asked at a meeting unless it concerns a matter on the agenda of the meeting or notice has been given of the question. Information which requires notice to be given of matters to be raised at Council Meetings, further:-

- The opportunity to raise questions at Council Meetings should not be abused. Councillors should bear in mind that there may well be other effective avenues of obtaining information, for example through the General Manager outside the formal meeting cycle.
- As in the case of putting forward notices of motion, Councillors must, in submitting questions with notice, balance their civic responsibility for representing the interests of their community with their obligation to use Council's resources effectively and efficiently.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

- It should be borne in mind that a Councillor is at liberty to ask a question of another Councillor or the General Manager about a matter that is on the meeting agenda during the debate on that matter.
- A Councillor or Council employee may take a question on notice and report the response to the next Council Meeting or provide a response informally to the person who asked the question.
- Councillor must put questions directly, succinctly, respectfully and without argument.

2. Definitions

2.1 Questions With Notice:

- 2.1.1 Those matters of a business nature which require a written response or a report by the General Manager for the attention of Council; or
- 2.1.2 A matter requiring a detailed response by a Councillor to a resident.

2.2 <u>Customer Request Management (CRM) system:</u>

- 2.2.1 Maintenance or repair of a Council asset;
- 2.2.2 A request for action to be taken to satisfy an enquiry from a resident.

3. Policy Implementation

- 3.1 Questions With Notice:
 - 3.1.1 Councillors will provide an electronic copy of the Question With Notice giving details of all information required to the Executive Assistant, by 4.00pm on the Monday three weeks immediately preceding the Council Meeting;
 - 3.1.2 Once the copy of the Question With Notice has been provided to the Executive Assistant it will be forwarded to the appropriate Council Officer for investigation and response;
 - 3.1.3 The Council Officer will investigate, provide appropriate comment and complete the report for inclusion in the Questions With Notice section of the Business Paper;
 - 3.1.4 Should substantial resources be required to provide Council with an appropriately detailed report, the Question With Notice may not be responded to until a future Council Meeting;

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

- 3.1.5 Councillors have an obligation to use Council's resources effectively and efficiently and as such, when a Question With Notice has already been responded to by the General Manager, to the satisfaction of Council, the same question or a question substantially relating to the same issue, may not be asked at a future Council Meeting;
- 3.1.6 The General Manager, in consultation with the Mayor, has discretion as to whether a Question With Notice will be accepted and provided a response if it does not comply with Clause 3.1.1 to Clause 3.1.5.

3.2 Work requests for maintenance or repairs

- 3.2.1 Councillors will contact either the Executive Assistant to the General Manager or the Executive Assistant to the Director of Infrastructure who will receive the details and place a maintenance or service request for action on the Customer Request Management System (CRM).
- 3.2.2 The request will be entered into the Customer Request Management System (CRM) and automatically referred to the appropriate officer.
- 3.2.3 If requested, a response will be given by the appropriate Council Officer to the Councillor, or if the Councillor requests, directly to the resident.
- 3.2.4 Council Officers will be aware the request has been made by a Councillor and take appropriate prompt action, or keep the Councillor informed if there are reasons for which appropriate action cannot be taken.

4. Relevant Legislation and Council Policies

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

- Code of Conduct;
- Code of Business Practice;
- Code of Meeting Practice;
- Government Information (Public Access) Act 2009;
- Independent Commission Against Corruption Act 1998;
- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- State Records Act 1998;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Complaints Management Policy;
- Interaction between Councillors and Staff Policy;
- Service Delivery Policy.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

5. Variation:

Council reserves the right to vary or revoke this policy.

ITEM 14.6 STAFF CHRISTMAS FUNCTION AND CHRISTMAS CLOSURE 2019

260/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

1. The Council Staff Christmas Party function be held at the Crookwell Golf Club on Friday, 20 December 2019, commencing at 12.30pm and finishing at 3.30pm.

- CARRIED

Councillors who voted for:-Clrs P Culhane, R Cummins, R Opie, D O'Brien, 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 FOR THE MONTH OF SEPTEMBER 2019

261/19 <u>RESOLVED</u> by Clr Searl and Clr McCormack

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

- 1. Crookwell and District Historical Society Minutes from meeting held 8 August 2019.
- 2. Crookwell District Art Gallery Minutes from meeting held in July 2019.
- 3. Breadalbane Hall Committee Minutes from meeting held 23 June 2019.
- 4. Economic Development Task Force Minutes from meeting held 5 August 2019.
- 5. Economic Development Task Force Minutes from meeting held 2 September 2019.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

262/19 <u>RESOLVED</u> by Clr Cummins and Clr Opie that:

1. The minutes from the Economic Development Task Force Committee meeting held 2 September 2019 be received and noted.

Item 6.1 Economic Growth & Development Planning Report

That Council receive, note and adopt the Economic Growth & Development Planning Report 2019.

Item 6.2 Review of the EDTF Charter

That Council change the meeting composition to accommodate six (6) community representatives and the Economic Development Officer be included as the secretariat.

That Doug McIntyre and Terry Lovelock be appointed to the EDTF Committee as a community representative.

Item 6.3 Community Welcome Day Applications

That Council move all the applications for funding of \$500 each and that the two application from Crookwell split the \$500 offered and receive \$250 each.

Item 6.5 How important is water in the Strategic Planning of our town & villages

That Council research & develop a water sensitive design policy for the Shire.

Item 6.6 Collector RV site suggestion

That the Strategic Planning section of Council consider this proposed site in the upcoming LEP review.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

6. Taralga Historical Society – Newsletter 3 – September 2019.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

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) (b), (c), (d(i)) and (d(ii)) 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:

263/19 <u>RESOLVED</u> by Clr Searl and Clr O'Brien

- 1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
- 2. That pursuant to 10A (2) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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

Council closed its meeting at 8.25pm and the public, staff and press left the chambers.

The meeting adjourned for a short break the time being 8.25pm. The meeting resumed the time being 8.37 pm.

264/19 <u>RESOLVED</u> by Clr McCormack and Clr Searl

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

- CARRIED

Open Council resumed at 9.10pm.

Resolutions from the Closed Council Meeting

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

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SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 ADDITIONAL REBATE FOR UNDETECTED WATER LEAK - 80 WADE STREET, CROOKWELL

Moved by Clr O'Brien and Clr Wheelwright

1. Council approve a write-off of \$1,317.00 in water usage charges on Account Number 1672 for Mr AL and Mrs JB Willis, 80 Wade Street, Crookwell.

An amendment was moved by CIr Culhane and CIr Opie that:

1. Council approve a write-off of \$2583.50 in water usage charges on Account Number 1672 for Mr AL and Mrs JB Willis, 80 Wade Street, Crookwell.

On being put to the meeting the amendment became the motion.

265/19 <u>RESOLVED</u> by Clr Culhane And Clr Opie that:

1. Council approve a write-off of \$2583.50 in water usage charges on Account Number 1672 for Mr AL and Mrs JB Willis, 80 Wade Street, Crookwell.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.2 STRONGER COUNTRY COMMUNITIES ROUND 2 - ACTIVE VILLAGE PROJECT

266/19 <u>RESOLVED</u> by Clr Searl and Clr Wheelwright

1. Council accept the contract from Imagination Play to supply and construct 4 outdoor gymnasiums in Dalton, Collector, Gunning and Taralga at a quoted total fixed price of \$273,602.10 (ex GST).

- CARRIED

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

Councillors who voted against:- Nil

ITEM 19.3 STRONGER COUNTRY COMMUNITIES FUND ROUND 2 - LIGHTS FOOTBALL ACTION - SOCCER LIGHTS AT LIN COOPER FIELD

- 267/19 <u>RESOLVED</u> by Clr Searl and Councillor McCormack
 - 1. Council receive and note the report as information.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.4 PROCUREMENT OF NEW SIDE LOADING GARBAGE TRUCK FOR UPPER LACHLAN SHIRE COUNCIL

- 268/19 <u>RESOLVED</u> by Clr Wheelwright and Clr O'Brien
 - 1. Council purchase one Iveco Acco Euro 6 with Superior Pak Side loading body from Nowra Truck and Tractor for the sum of \$372,529 (Ex GST).

- CARRIED

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

Councillors who voted against:- Nil

Clr McCormack and Clr O'Brien left the chamber in accordance with their declaration the time being 8.44pm.

ITEM 19.5 PROCUREMENT FOR BRIDGE REPLACEMENTS - DESIGN AND CONSTRUCTION QUOTATIONS

- 269/19 <u>RESOLVED</u> by Clr Searl and Clr Wheelwright
 - Council note the engagement of Divall's Earthmoving, by acceptance of quotations, for the replacement of timber bridges at Jeffreys Road / Bridgy Creek for \$221,888 (GST Ex.) and at Peelwood Road / unknown creek for \$169,296 (GST Ex.) with culvert structures;
 - Council note the engagement of InQuik Pty Ltd Bridging Systems, by acceptance of quotations, for the replacement of the timber bridge, for the supply and installation of bridge at Reids Flat Road 2 / Coates Creek for a total price of \$277,877(GST Ex.);
 - 3. Council accept the quotations for the replacement of InQuik Pty Ltd Bridging System for the replacement of Wilcox Road, Clifford's Creek bridge and Julong Road 1 Crookwell River bridge for a total price of \$474,228 (ex GST);
 - 4. Council endorse the replacement of Arthursleigh Road / Sandy Creek Timber Bridge using internal Council staff for the construction of the culvert structure.

- CARRIED

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON 19 SEPTEMBER 2019

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

Councillors who voted against:- Nil

Clr McCormack and Clr O'Brien returned to the chamber the time being 8.45pm.

ITEM 19.6 CROOKWELL AERODROME DEVELOPMENT UPDATE

270/19 <u>RESOLVED</u> by Clr Wheelwright and Clr Culhane

- 1. Council enter negotiations with the two providers seeking a commercial return;
- 2. Council advertise an EOI based on the concept plan B7 if the commercial negotiations fail.

- CARRIED

THE MEETING CLOSED AT 9.10PM

Minutes confirmed 17 OCTOBER 2019

Mayor