

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

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

---

**THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM**

**SECTION 1: NOTICE OF AUDIO RECORDING OF MEETING**

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

**SECTION 2: APOLOGIES & LEAVE OF ABSENCE**

An apology was received from Clr J Wheelwright.

**131/19**      **RESOLVED** by Clr Searl and Clr McCormack that the apology be received and the leave of absence granted.

- CARRIED

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

**Councillors who voted against:-**      Nil

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Clr Searl declared a Pecuniary Interest in Item 11.1 - 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.

---

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Clr Searl declared a Non Pecuniary Interest (significant) in Item 16 Reports from Section 355 and Other Committees Item 5 – Cullerin Range Wind Farm Section 355 Committee Minutes as he is a non-executive member of Dalton Public Hall Reserve Trust, and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Opie declared a Pecuniary Interest in Item 11.1 - 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 Opie declared a Pecuniary Interest in Item 11.2 – Upper Lachlan Development Controls Rural Subdivision 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 Opie declared a Pecuniary Interest in Item 16 Reports from Section 355 and Other Committees Item 9 – Streetscape Committee Minutes as he is an owner of property in Goulburn Street, Crookwell and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Kensit declared a Pecuniary Interest in Item 11.1 - LEP 2010 Land Use Table Review related to her principal place of residence as she 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 Kensit declared a Pecuniary Interest in Item 11.2 – Upper Lachlan Development Controls Rural Subdivision related to her principal place of residence as she 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 Non-Pecuniary (Significant) Interest in Item 10.4 – Report on Heavy vehicle enforcement action by Roads and Maritime Services as he has an interest in a trucking company

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

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 11.1 - 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 11.2 – Upper Lachlan Development Controls Rural Subdivision 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 Culhane declared a Pecuniary Interest in Item 8.1 Correspondence - Item 8 – Crookwell AP&H Society as he is Treasurer of the Crookwell AP&H Society will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Culhane declared a Pecuniary Interest in Item 11.1 - 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 Culhane declared a Pecuniary Interest in Item 11.2 – Upper Lachlan Development Controls Rural Subdivision 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, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr O'Brien declared a Pecuniary Interest in Item 11.1 - 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.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Clr Cummins declared a Pecuniary Interest in Item 11.1 - 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 Stafford declared a Pecuniary Interest in Item 11.1 - 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 Stafford declared a Pecuniary Interest in Item 11.2 – Upper Lachlan Development Controls Rural Subdivision 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.

Mr Croke declared a Pecuniary Interest in Item 11.1 - LEP 2010 Land Use Table Review as he has relatives/family members that are owners of property within the Upper Lachlan Local Government Area.

Mr Croke declared a Pecuniary Interest in Item 11.2 – Upper Lachlan Development Controls Rural Subdivision as he has relatives/family members that are owners of property within the Upper Lachlan Local Government Area.

**SECTION 5:        CONFIRMATION OF MINUTES**

**132/19                RESOLVED by Clr Searl and Clr O'Brien**

That the minutes of the Ordinary Council Meeting held on 16 May 2019 be adopted.

**- CARRIED**

**Councillors who voted for:-**

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

**Councillors who voted against:-    Nil**

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**SECTION 6: MAYORAL MINUTES**

**ITEM 6.1 MAYORAL MINUTE**

**133/19** **RESOLVED** by Mayor Stafford and Clr Searl

That Council receive and note the activities attended by the Mayor for May 2019 and June 2019.

- CARRIED

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

**Councillors who voted against:-** Nil

**134/19** **RESOLVED** by Clr Opie and Clr Searl

That a letter of congratulations be sent to Robert Armstrong – Award Winning Alto Olive Oil, Kevin Naughton, Davies Newsagency – oldest paperboy, Helen Campbell – retiring CADS piano player, Sunday Gullifer – Filmmaker.

- CARRIED

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

**Councillors who voted against:-** Nil

**SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC**

Mr Peter Davies, Director of Crookwell Taralga Aged Care.

Mr Floyd Davies – Pedestrian Crossing.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**SECTION 8: CORRESPONDENCE**

**ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF JUNE 2019**  
**135/19 RESOLVED by Clr Searl and Clr McCormack**

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

1. Office of Local Government (OLG) – Emergency Services Levy – Changes to Laws Protecting Volunteer and Career Firefighters in NSW – 6 May 2019.
2. NSW Legislative Council – Local Government and Funding for Changes to the Emergency Services Levy.
3. Office of Local Government (OLG) – Council Circular 19-08 Consultation on revised IPC – Guideline 1 Returns of Interests.
4. IPART – Media Release – NSW Valuer Generals final prices for valuation services to councils.
5. NSW Government Transport Roads and Maritime Services (RMS) – Australian Government Black Spot Program – 2019/2020 Financial Year.
6. Floyd Davies – Request to Present at June 2019 Council Meeting – Crookwell Goulburn Street Pedestrian Crossing.
7. Hon Bridget McKenzie – Thank you letter to Mayor John Stafford – Regional Services, Sport, Local Government and Decentralisation.

*Clr Culhane left the Chamber in accordance with his declaration the time being 6.51pm*

8. Crookwell AP & H Society – Request Council funding in advance of grant funds for Stronger Country Communities fund project.

**136/19 RESOLVED by Clr McCormack and Clr Searl that**

1. Council provide financial assistance to the Crookwell AP&H Society by way of cash advance to meet their short-term liquidity shortfall for the Stronger Country Communities Fund Round 1 Crookwell Showground Upgrade Project and that such financial assistance be secured by the future milestone NSW Government payments for the Project.
2. A report be provided to the next Council meeting detailing the financial commitments of the Project and the timeline of payments and repayments of the Project.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

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

**Councillors who voted against:-** Nil

**Abstained:-** Clr P Culhane

*Clr Culhane returned to the Chamber the time being 7.01pm*

9. Crookwell Potato Festival – Letter of Thanks and Compliments for Council Support and Assistance with the Festival.

- CARRIED

**SECTION 9: LATE CORRESPONDENCE**

Nil

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF MAY 2019**

**137/19 RESOLVED by Clr Searl and Clr Culhane**

1. Council receives and notes the report as information.
2. Council request the Minister of Local Government and the Office of Local Government grant an exemption for all the Councillors in relation to Pecuniary Interests under the Code of Conduct to deal with amendments and all matters associated with the Upper Lachlan Local Environmental Plan (LEP).

- CARRIED

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

**Councillors who voted against:-** Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 10.2**                      **MONTHLY WEEDS ACTIVITIES REPORT**  
**138/19**                        **RESOLVED** by Clr Searl and Clr Culhane

1. Council receive and note the report as information.

- CARRIED

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

**Councillors who voted against:-**              Nil

*Clr McCormack left the chamber in accordance with his declaration the time being 7.13pm*

**ITEM 10.4**                      **REPORT ON THE HEAVY VEHICLE ENFORCEMENT ACTION BY**  
**ROADS AND MARITIME SERVICES**  
**139/19**                        **RESOLVED** by Clr Cummins and Clr Opie

1. Council receives the report and notes the information.
2. When Council receives the outcomes and statistics of the compliance action carried out by the RMS and Police, a further report is submitted to Council by the Director of Infrastructure.
3. A report be provided back to Council in relation to safety concerns related to the school bus on Wheeo and Peelwood Roads.

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

**Councillors who voted against:-**              Nil

**Abstained:-**    Clr B McCormack



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- CARRIED

*Clr McCormack returned to the chamber the time being 7.20pm*

**ITEMS 10.3, 10.5 – INFORMATION ONLY ITEMS**  
**10.10**

**140/19**                      **RESOLVED** by Clr Searl and Clr Cummins

1. Items 10.3, 10.5 – 10.10 be received and noted.

- CARRIED

<b>Councillors who voted for:-</b>	Clrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl and J Stafford
------------------------------------	---

<b>Councillors who voted against:-</b>	Nil
--	-----

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11: ENVIRONMENT AND PLANNING**

*Cllrs Opie, McCormack, Kensit, Stafford and Culhane left the Chamber in relation to Items 11.1 and 11.2 in accordance with their declaration the time being 7.23pm*

*Clr Searl assumed the role of Chairperson.*

**ITEM 11.1 LEP 2010 LAND USE TABLE REVIEW**  
**RECOMMENDATION** That -

1. Council prepare a planning proposal under the Environmental Planning and Assessment Act 1979 for submission to the Department of Planning and Environment seeking a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by removing various land uses from the Land Use Table Zones, and;
2. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan-making functions under the Environmental Planning and Assessment Act 1979; and
3. Delegate Council's General Manager to approve all required documentation concerning the Planning Proposal and the subsequent Upper Lachlan Local Environmental Plan 2010 amendment.

***The recommendation lapsed and the matter was deferred due to inability to form a quorum.***

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 11.2      UPPER LACHLAN DEVELOPMENT CONTROLS RURAL  
SUBDIVISION  
RECOMMENDATION      That -**

1. Council adopt the draft amendments to the Upper Lachlan Development Control Plan 2010 (DCP):
2. Council place on public exhibition the amendment to the Upper Lachlan DCP for the minimum period of 28 days as required by the Environmental Planning and Assessment Act 1979; and
3. Council delegate to the General Manager the authority to amend the Upper Lachlan DCP following the public exhibition period.

***The recommendation lapsed and the matter was deferred due to inability to form a quorum.***

*Clrs Opie, McCormack, Kensit, Stafford and Culhane returned to the Chamber the time being 7.32pm.*

*Mayor Clr Stafford resumed the role of Chairperson.*

**ITEM 11.3      REVIEW OF DEVELOPMENT BONDING POLICY**  
**141/19      RESOLVED by Clr Searl and Clr O'Brien**

1. Council adopt the reviewed Development Bonding Policy.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-      Nil**

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

<b>POLICY:-</b>	
Policy Title:	Development Bonding Policy
File reference:	F13/618-04
Date Policy was adopted by Council initially:	15 September 2011
Resolution Number:	349/11
Other Review Dates:	20 February 2014 15 October 2015
Resolution Number:	08/14 281/15
Current Policy adopted by Council:	15 October 2015
Resolution Number:	141/19
Next Policy Review Date:	2021

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

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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**POLICY STATEMENT**

This policy establishes guidelines for the levying of a monetary bond as a guarantee for the completion of development works.

The adoption of a policy addressing the levying of bonds for completion of development works will give certainty and consistency to Council's practice of being able to levy a bond to guarantee completion of works and the rectification of substandard works (on a case by case basis).

This policy shall apply to all applications issued by Council in accordance with the *Environmental Planning and Assessment Act, 1979*.

This policy shall apply to all applications to Council to finalise a development where the applicant agrees to pay a bond for outstanding works as required on the original development consent.

**POLICY:**

- 1.1 A bond amount can be requested by the applicant after providing Council with a minimum of two quotations for the outstanding or uncompleted works.
- 1.2 Council will include a 50% surcharge on top of the highest quotation figure provided above.
- 1.3 The total bond amount shall be determined by Council and provided to the applicant for payment.
- 1.4 The bond is to be held for a maximum of (12) twelve months after the release or issuance of the relevant certificates by Council. Any outstanding or substandard works not completed by the developer within this time are to be completed by Council and the balance of the Bond, if any, refunded to the developer.
- 1.5 A bond may be required for a maintenance period following the release or issuance of the relevant certificates by Council. Such a maintenance bond is to be 5% of the construction costs of the works.
- 1.6 Prior to maintenance works being undertaken during the maintenance period a "show cause" request is to be delivered to the developer by Council with Council carrying out the outstanding work should the developer not comply with the request.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**RELEVANT LEGISLATION AND COUNCIL POLICIES**

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

- Local Government Act 1993
- Local Government (General) Regulations 2005
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Roads Act 1993
- GIPA Act 2009
- Privacy and Personal Protection Information Act 1998
- Conveyancing Act 1919
- Real Property Act 1900
- Release of Subdivision Certificates Policy

**VARIATION:**

Council reserves the right to vary or revoke this policy.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 11.4                      REVIEW   OF   FOOD   PREMISES   COMPLIANCE   AND**  
**ENFORCEMENT POLICY**

**142/19                      RESOLVED by Cllr Searl and Cllr O'Brien**

1. Council adopt the reviewed Food Premises Compliance and Enforcement Policy.
2. A report be provided to Council on the implementation of the policies (Fire Safety Statement and Food Inspections) and report on the current status of the schedule for food and fire records.

- CARRIED

**Councillors who voted for:-**                      Cllrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl and J Stafford

**Councillors who voted against:-**                      Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

<b>POLICY:-</b>	
Policy Title:	Food Premises Compliance and Enforcement Policy
File reference:	F10/618-05
Date Policy was adopted by Council initially:	21 October 2004
Resolution Number:	262/04
Other Review Dates:	15 January 2009, 20 December 2012, 21 May 2015
Resolution Number:	11/09, 415/12, 106/15
Current Policy adopted by Council:	20 June 2019
Resolution Number:	142/19
Next Policy Review Date:	2021

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

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



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**1. SCOPE AND OBJECTIVES**

**1.1. Scope**

The NSW Food Authority administers the NSW Food Act 2003. The Upper Lachlan Shire Council has entered into a Partnership Agreement with the NSW Food Authority and the Authority has appointed the Council to undertake those obligations set out in Category "B" in respect to its food regulation role as an enforcement agency under the *NSW Food Act 2003, as amended*.

Categories are not mentioned in the legislation and food enforcement activities are categorised by the NSW Food Authority merely to identify the various responsibility levels that Councils may elect to undertake. *Category "B"* in respect to the Upper Lachlan Shire Council's regulation and responsibility role includes the intended standards food regulation responsibility and:

- (a) urgent food safety matters;
- (b) urgent food recall investigations;
- (c) six-monthly reporting on food regulation activities;
- (d) routine inspection and enforcement of the retail and food service sector;
- (e) medium and low risk food complaint investigations;
- (f) collaboration on single-case foodborne illness investigations

Mandatory protocols providing detail around these Council responsibilities have been formulated.

The objectives of the Food Act 2003 as defined in Section 3 of the Act include the following:

- (a) to ensure food for sale is both safe and suitable for human consumption,
- (b) to prevent misleading conduct in connection with the sale of food,
- (c) to provide for the application in this State of the Food Standards Code.

The *Food Standards Code* means the *Australia New Zealand Food Standards Code* as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia.

Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly Council is committed to ensuring there is a high level of compliance with the Food Act and Regulations.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

This policy sets Council direction on compliance and enforcement that will facilitate the effective achievement of the regulatory goals of the Food Act in a manner that is:

- authorised by the law;
- procedurally fair;
- accountable and transparent;
- consistent; and
- proportionate.

The policy recognises that most food businesses want to comply with the law and produce food that is safe; correctly described; labelled and advertised.

The compliance and enforcement role of Council is to protect consumers from the minority, who flout the law or act irresponsibly, endangering or defrauding consumers and imposing unfair competition on compliant food businesses.

It is anticipated that as a consequence of this policy food businesses will consider that compliance is an everyday part of business activity. Australian Standard AS3806-2006 *Compliance programs* provides principles for the development, implementation and maintenance of effective compliance programs.

This policy describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objects of the Food Act, 2003.

The policy also sets out the principles the Council will apply in its compliance and enforcement activities.

## **1.2. Objectives**

The objectives of this policy are:

- to provide transparency to consumers and industry on how the Council will make decisions on enforcement action;
- to guide decision making and action by our staff in the use of enforcement options;
- to use regulatory implements in such a way as to best achieve our organisational objectives.

The Upper Lachlan Shire Council administers the provisions of the NSW Food Act 2003 as it applies to the retail sector in the Shire under a Partnership Agreement with the NSW Food Authority.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

## **2. COMPLIANCE & ENFORCEMENT PRINCIPLES**

As regulators we will endeavour to:

- act in the public interest;
- act consistently, impartially and fairly according to law;
- promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- ensure that enforcement action is taken against the right person for the right offence;
- ensure that all relevant evidence is placed before courts or appeal tribunals;
- make food businesses aware of their legal obligations through the widest possible dissemination of information;
- explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- we will provide advice on mechanisms that can be used by food businesses to improve compliance;
- we will confirm our advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time scale and ensuring legal requirements are explained;
- we will advise those we regulate of their right of appeal where provided by law;
- we will provide alleged offenders with an opportunity to discuss the circumstances of their case;

## **3. DECISION MAKING CRITERIA**

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- the knowledge of the alleged offender as to the consequences of their actions;
- the degree of care taken by the alleged offender to ensure they did not commit an offence;
- the age, maturity, intelligence, physical health, mental health or special disability or infirmity of the alleged offender;
- the alleged offender's antecedents and background, including culture and language ability;
- the openness, honesty and cooperation demonstrated by the alleged offender;
- the contrition demonstrated by the alleged offender;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- any mitigating or aggravating circumstances;
- the antecedents of the alleged offender;
- the culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- the staleness, duration and magnitude of the offence;
- the totality of offences that may have been committed;
- the proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;
- the difficulty and resources expended by Council in investigating and proving the elements of the particular offence or the type of offence;
- the efficiency and cost to the Council of the compliance and enforcement option that is used;
- is the enforcement action required to achieve the objectives of the Act;
- whether or not the enforcement action would be perceived as counterproductive for example, by bringing the law into disrepute;
- whether or not the alleged offence is of considerable general public concern;
- the necessity to maintain public confidence in the enforcement of the Food Act;
- the existence of any risk to public health and the nature and extent of that risk;
- the extent to which consumers have been defrauded;
- the need to protect consumers.

The overriding consideration in taking enforcement action will always be the public interest.

#### **4. PRIVACY**

Council must observe the Information Protection Principles set out in the *Privacy and Personal Information Protection Act*, 1998.

This legislation does provide in certain circumstances for information to be shared with other public sector agencies for law enforcement purposes and accordingly the Council will share such information where appropriate.

Reasons for decisions regarding compliance and enforcement action will generally be made available where consistent with the *Privacy and Personal Information Protection Act*, 1998. Reasons will not be given in any case where the information may cause harm to an informant, witness, or the alleged offender, nor in circumstances which would significantly prejudice the administration of justice.

#### **5. APPLICATION OF COMPLIANCE AND ENFORCEMENT OPTIONS**

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

making criteria outlined in Part 3 and 4 will be considered in deciding which, if any, enforcement action is appropriate in each case.

### **5.1 Types of Compliance and Enforcement Action**

The compliance and enforcement options available to Authorised Officers include:

- verbal advice;
- warning letters;
- the issue of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- the issue of a prohibition order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- the seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- the issue of a penalty notice;
- the institution of proceedings in the Local Court;
- publication of the names of offenders immediately after conviction;

#### **5.1.1. Verbal Advice and Warnings**

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and which explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

#### **5.1.2. Written warnings**

Where there is evidence that minor breaches of the Food Act have occurred warning letters may be issued at the discretion of the Authorised Officer.

Warnings letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warnings letters will not normally be issued for a series of offences within a relatively short period of time. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident more significant enforcement action may be appropriate.

Warnings letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of the legislation, specify the maximum penalty for the offence and the intention of the agency to enforce the legislation.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Appeals concerning warning letters will be considered by the Manager Environment and Planning. Warning letters will be followed-up within 3 months to ensure the required actions have been undertaken.

Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

#### **5.1.3. Improvement Notices**

Authorised Officers may serve Improvement Notices under Section 57 of the Food Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food. The orders may also require food be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for warning letters but should only be used where there is intention to proceed to a Prohibition Order following non-compliance. In other circumstances a warning letter or other enforcement option should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions will not be granted for matters related to cleaning or food handling without the prior approval of the Director / Manager Environment and Planning or General Manager.

Appeals concerning Improvement Notices will be considered by the Manager Environment and Planning.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided a copy of the Improvement Notice upon request. The proprietor of the food business should seek an extension of the compliance date in writing before the date of compliance.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issue of Prohibition Order under Section 60 of the Food Act.

The issue of an Improvement Notice does not preclude the issue of a Penalty Infringement Notice in circumstances where these types of actions may be warranted (see Section 5.1.6).

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**5.1.4. Prohibition Orders**

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Part 4 of the Food Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until certificate of clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Food Authority or the person who made the order. If an inspection is not booked within 48 hours of the receipt of the written request for an inspection a certificate of clearance is deemed to have been granted.

Section 65 of the Food Act provides for appeal to the Administrative Decisions Tribunal (ADT) if there is a refusal to issue a Certificate of Clearance. Section 66 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Upper Lachlan Shire Council's Manager Environment & Planning being a duly authorised delegate under Section 109E of the Food Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

**5.1.5. Seizure Powers**

Authorised Officers have power under Section 38 of the Food Act to seize food, vehicles, equipment, and labelling or advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which is evidence that an offence has been committed.

While seizures are undertaken to collect evidence or to prevent further offences being committed they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising material is seized. The impact of a seizure should be considered in the application of any other enforcement action.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Food Act or Regulations in relation to items which have been seized they should be returned as soon as possible to the person from whom the items were seized.

The person from whom items have been seized must also be informed of their right under Section 52 to appeal within 10 days of the seizure to a Local Court for an order disallowing the seizure. Compensation may be paid if there has been no application to a Local Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

#### **5.1.6. Penalty Notices**

A penalty notice is a notice referred to in Part 3 of the Fines Act 1996 to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 120 of the Food Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

Prior to a penalty notice being issued Authorised Officers must prepare briefs of evidence which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court.

The decision making criteria outlined in Part 3 will be considered in the issue of a penalty notice. Penalty notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Food Act.

Penalty notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business. Penalty notices are not available for the serious offences contained in Part 2, Division 1 of the Food Act.

Other serious breaches such as assault of an Authorised Officer, breach of a Prohibition Order, interference with seized items or numerous simultaneous offences should generally proceed by way of prosecution.



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

If payment of the amount specified in the penalty notice is not made and the person does not elect to have the matter dealt with by a court, a penalty notice enforcement order may be made against the person by the Office of State Revenue (OSR). If the person does not pay the amount (including enforcement costs) within 21 days, enforcement action authorised by the Fines Act may be taken in the same way as action may be taken for the enforcement of a fine imposed on a person after a court hearing for the offence.

Representations may be made to the State Debt Recovery Office immediately upon receipt of a penalty notice detailing any mitigating circumstances. The Director of the Fines Division of OSR should be notified of such representations being made. A penalty notice enforcement order may be withdrawn if an error has been made.

A penalty notice enforcement order may, on application, be annulled by the State Debt Recovery Office or, if the Office refuses the application, by a Local Court. If the order is annulled, the alleged offence is to be heard and determined by the Local Court.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence. It should be noted the fines collected by penalty notices are forwarded to consolidated revenue and are not available to the Council.

Penalty notices will be served by post. Penalty notices must be approved by the Director Environment and Planning prior to posting.

Penalty notices issued since 3 May 2008 may be eligible for publication on the NSW Food Authority's internet website. It should be noted that the decision as to whether the particulars of a business being the subject of a penalty notice are to be published on that list rests entirely with the NSW Food Authority. The particulars that are included in the published list include name of the place of the business, the name of the person on whom the notice was served, the suburb, the Council area where the alleged offence occurred, the penalty notice number, the details of the alleged offence, and the date of the offence. These details remain on that website for a period of twelve months. Those eligible for publication on this site are added progressively each week. People listed in the register on this website or with an interest in a business listed can apply to the NSW Food Authority to add, correct or remove information if a business has been sold or disposed of after an alleged offence, or a correction needs to be made. The NSW Food Authority has a *Penalty notice publication protocol* that can be accessed on its website.

#### **5.1.7 Prosecution**

Similarly to the criteria for the issue of a penalty notice being issued Authorised Officers must prepare briefs of evidence which prove each element of the alleged

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

offence it is intended to prosecution. Similarly the prosecution case must also provide a reasonable prospect of a conviction being secured. The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision making criteria outlined in Section 3 will be considered in making a decision to prosecute.

Prosecution will normally be reserved for the more serious breaches. Matters heard in the Local Courts cannot attract the full penalties provided by the Food Act. Where offences are knowingly committed with intent to defraud or risk injury to consumers, consideration will be given to having matters heard before the Supreme Court.

While the Food Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

The Food Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Council has selected prosecution as the appropriate option, the Council will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication on the NSW Food Authority's internet website. The particulars that are included in the published list include trade name of the place of the business, the name of the convicted, the suburb, the Council area where the alleged offence occurred, the date of the offence, and the decision of the Court. These details remain on that website for a period of two years.

## **6. CONCLUSION**

This policy has no legal status and is not legally binding on the Council. The policy cannot be used to limit the discretion of Council to take any enforcement action.

The policy is only to be interpreted as general guidance on how the Council will undertake enforcement action.

## **RELEVANT LEGISLATION AND COUNCIL POLICIES**

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

- Food Act 2003
- Food Regulation 2015
- Australia New Zealand Food Standards Code
- Australian Standard AS3806-2006 Compliance programs
- Privacy and Personal Information Protection Act, 1998.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Fines Act 1996

**VARIATION**

Council reserves the right to vary or revoke this policy.

**SECTION 12:     INFRASTRUCTURE DEPARTMENT**

**ITEM 12.1            COUNCIL DEPOT LAND ACQUISITION - FURTHER REPORT**

**143/19                RESOLVED by Cllr McCormack and Cllr Searl**

1. Council proceed with the compulsory acquisition of the land described as Lot 101 and Lot 102 DP 1242155 for the purpose of use as a Council Works Depot in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Council make an application to the Minister and the Governor for approval to acquire Lot 101 and Lot 102 DP 1242155 by compulsory process under Section 186(1) of the Local Government Act 1993.
3. That the land Lot 101 and Lot 102 DP 1242155, in Spring Street, Crookwell, designated for the purpose of a Council Works Depot, is to be classified as Operational Land in accordance with the Local Government Act 1993.
4. Council proceed with the compulsory acquisition of the land described as Lot 100 DP 1242155 for the purposes of roads in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
5. Council make an application to the Minister and the Governor for approval to acquire Lot 100 DP 1242155 by compulsory process under Section 177(1) of the Roads Act 1993.
6. Council considers the location of the Crookwell Works Depot at a future Council meeting following the matter being considered by the Building Review Committee.
7. Council ensure that the proper processes have been undertaken in compliance with the Local Government Act 1993 and the Environment and Planning Assessment Act 1979 to reclassify the Community Land to Operational Land.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- CARRIED

**Councillors who voted for:-**                      Cllrs P Culhane, P Kensit, B  
McCormack, R Opie, D O'Brien,  
R Cummins, J Searl and J  
Stafford

**Councillors who voted against:-**      Nil

**ITEM 12.2                      PROPOSED ROAD CLOSURE SECTION OF IRON MINE ROAD,  
CROOKWELL**

**Item withdrawn with no resolution**

1. Council approves the closure of the disused sections of Iron Mine Road, Crookwell, as a public road pursuant to Division 3 – Closing of Council Public Roads by Council of the Roads Act 1993 and noting the roads are identified as Lot 2 to Lot 5 inclusive on the map prepared by Surveyor Flood dated 12 May 2015.

**ITEM 12.3                      RECOMMENDATION TO PLACE THE REQUEST OF SUGGESTED  
NAME FOR FOOTBRIDGE IN PAT CULLEN RESERVE - KIAMMA  
CREEK ON PUBLIC EXHIBITION**

**144/19                      RESOLVED by Cllr McCormack and Cllr Searl**

1. Council endorse the public exhibition for the newly constructed footbridge over Kiamma Creek in Pat Cullen Reserve to be named as Dame Mary Gilmore Bridge.
2. If no public submissions are received Council proceed with the installation of the associated signage with the proposed name at the bridge approaches.

- CARRIED

**Councillors who voted for:-**                      Cllrs P Culhane, P Kensit, B  
McCormack, R Opie, D O'Brien,

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

R Cummins, J Searl and J  
Stafford

**Councillors who voted against:- Nil**

**SECTION 13: FINANCE AND ADMINISTRATION**

**ITEM 13.1 INTEGRATED PLANNING AND REPORTING - ADOPTION OF  
2019/2020 COUNCIL PLANS**

**145/19 RESOLVED by Clr Cummins and Clr Searl**

1. Council, in accordance with Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 and requirements of the Local Government Amendment (Governance and Planning) Act 2016 resolve to adopt the following Strategic Plans:-
  1. Operational Plan 2019/2020;
  2. Delivery Program 2019/2020 – 2022/2023;
  3. Long Term Financial Plan 2019-2028;
  4. Infrastructure Plan 2019-2028; and
  5. Workforce Plan 2019/2020 – 2022/2023.
2. Council approves expenditure and votes money according to the integrated financial budget contained within Council's 2019/2020 Operational Plan.
3. Council make the Revenue Policy, including Fees and Charges, and operational and capital budget as outlined in the 2019/2020 Operational Plan. The net consolidated operating result is a budget surplus, before capital grants and contributions, totalling \$698,588.
4. Council in accordance with Section 506, of the Local Government Act 1993, and the Office of Local Government advice, and in accordance with the Independent Pricing and Regulatory Tribunal of NSW determination, hereby adopt a 2.70% permissible Ordinary (General) Rates Increase for 2019/2020.
5. Council in accordance with Section 566 (3), of the Local Government Act 1993, hereby resolves that the Interest Rate to apply for 2019/2020 to all overdue Rates and Charges be calculated at the maximum permissible Interest Rate of 7.50%,

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

calculated on a daily basis, as determined by the Office of Local Government.

6. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0030930 for Farmland Rating Category inclusive of a Base Amount of \$370.00 per Assessment being 20% of the total amount payable for land categorised as Farmland, for the year 2019/2020.
7. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0038132 for the Residential Rating Category inclusive of a Base Amount of \$240.00 per Assessment being 41% of the total amount payable for land categorised as Residential, for the year 2019/2020.
8. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0034000 for the Residential – Non Urban Rating Category inclusive of a Base Amount of \$240.00 per Assessment being 34% of the total amount payable for land categorised as Residential – Non Urban, for the year 2019/2020.
9. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0098728 for the Business – Crookwell Rating Category inclusive of a Base Amount of \$240.00 per Assessment being 26% of the total amount payable for land categorised as Business - Crookwell, for the year 2019/2020.
10. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0068500 for the Business – Gunning Rating Category inclusive of the Base Amount of \$240.00 per Assessment being 35% of the total amount payable for land categorised as Business – Gunning for the year 2019/2020.
11. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0068500 for the Business – Taralga Rating Category inclusive of the Base Amount of \$240.00 per Assessment being 35% of the total amount payable for land categorised as Business – Taralga for the year 2019/2020.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

12. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0276730 for the Business – General Rating Category inclusive of the Base Amount of \$240.00 per Assessment being 7% of the total amount payable for land categorised as Business – General for the year 2019/2020.
13. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0089690 for the Mining Rating Category inclusive of the Base Amount of \$240.00 per Assessment being 12% of the total amount payable for land categorised as Mining for the year 2019/2020.
14. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Water Supply Annual Charge subject to a Water Access Fee of \$447.00 and a Water Availability Charge of \$447.00, for the year 2019/2020.
15. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Water Supply Annual Charge subject to a Water Access Fee of \$447.00 and a Water Availability Charge of \$447.00, for the year 2019/2020.
16. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Dalton Water Supply Annual Charge subject to a Water Access Fee of \$447.00 and a Water Availability Charge of \$447.00, for the year 2019/2020.
17. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Water Supply Annual Charge subject to a Water Access Fee of \$447.00 and a Water Availability Charge of \$447.00, for the year 2019/2020.
18. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Access Charge of \$803.00 per Assessment categorised as Residential Occupied and an Access Charge of \$527.00 for Residential Unoccupied, for the year 2019/2020.
19. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$803.00, a

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Sewerage Discharge Factor of 0.77 and a Usage Charge of \$3.10, for the year 2019/2020.

20. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$803.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge \$3.10, for the year 2019/2020.
21. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$803.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$3.10, for the year 2019/2020.
22. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Access Charge of \$803.00 per Assessment categorised as Residential Occupied and an Access Charge of \$527.00 for Residential Unoccupied, for the year 2019/2020.
23. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$803.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$3.10, for the year 2019/2020.
24. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$803.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$3.10, for the year 2019/2020.
25. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$803.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$3.10, for the year 2019/2020.



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

26. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Access Charge of \$803.00 per Assessment categorised as Residential Occupied and an Access Charge of \$527.00 for Residential Unoccupied, for the year 2019/2020.
27. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$803.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$3.10, for the year 2019/2020.
28. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$803.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$3.10, for the year 2019/2020.
29. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$803.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$3.10, for the year 2019/2020.
30. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Service Charge of \$466.00 per service for the year 2019/2020.
31. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Availability Charge of \$183.00 per Rateable Assessment. This annual charge is for each vacant property that is categorised as Residential and is in the pickup service area, for the year 2019/2020.
32. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 501, Council make a Commercial Waste Service Charge of \$552.00 per service for each rateable Assessment categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2019/2020.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

33. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Commercial Waste Availability Charge of \$183.00 per Assessment for Rateable Assessments categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2019/2020.
34. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Rural Waste Annual Charge of \$201.30 per Rateable Assessment categorised as Farmland, Residential – Non Urban, and Residential, for properties that do not have a Domestic Waste Management Charge and do not have a Domestic Waste Management Availability Charge for the year 2019/2020.
35. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning and Collector of \$25.00 per Rateable Assessment categorised as Residential, for the year 2019/2020.
36. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning, and Collector of \$50.00 per Rateable Assessment categorised as Business – Gunning, Business – Taralga, and Business – Crookwell, for the year 2019/2020.
37. Under the Local Government Act 1993, pursuant to Section 502, Council make a Water Supply User Pay Consumption Charge for the towns of Taralga, Crookwell, Gunning and Dalton. The charge Tariff 1 - \$3.10 per kilolitre consumed up to a maximum of 200 kilolitres and charge for Tariff 2 - \$4.11 per kilolitre consumed above 200 kilolitres, for the year 2019/2020.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**SECTION 14: GENERAL MANAGER**

**ITEM 14.1 WORK, HEALTH AND SAFETY COMMITTEE MEETING MINUTES**  
**146/19 RESOLVED by Clr Searl and Clr McCormack**

1. Council receives and notes the Work, Health and Safety Committee Meeting Minutes.
2. Council adopts the Return to Work Plan as attached and advises StateCover Mutual Limited.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil



## RETURN TO WORK PROGRAM

Prepared by: Upper Lachlan Shire Council  
Version: May 2019

---

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Contents**

---

<b><u>INTRODUCTION</u></b> .....	
<b><u>DEFINITIONS</u></b> .....	
<b><u>PREVENTING WORK-RELATED INJURY AND ILLNESS</u></b> .....	
<b><u>ROLES &amp; RESPONSIBILITIES</u></b> .....	
1.1 <u>Senior Management</u> .....	
1.2 <u>Managers</u> .....	
1.3 <u>Return to Work Coordinator</u> .....	
1.4 <u>Workers</u> .....	
1.5 <u>StateCover Mutual Limited</u> .....	
<b><u>EARLY INTERVENTION</u></b> .....	
1.6 <u>When an Injury Occurs</u> .....	
1.7 <u>Injury Reporting</u> .....	
1.8 <u>Claims Management</u> .....	
1.9 <u>Weekly Benefits</u> .....	
<b><u>RECOVER AT WORK</u></b> .....	
1.10 <u>Suitable Work</u> .....	
1.11 <u>Recover at Work Plan</u> .....	
1.12 <u>Medical Treatment / Appointments</u> .....	
1.13 <u>Nominated Treating Doctor</u> .....	
1.14 <u>Workplace Rehabilitation Provider</u> .....	
1.15 <u>Retraining &amp; Redeployment</u> .....	
<b><u>RECOVER AT WORK NOT TO DISADVANTAGE WORKERS</u></b> .....	
<b><u>DISPUTE PREVENTION &amp; RESOLUTION</u></b> .....	
<b><u>PRIVACY &amp; CONFIDENTIALITY</u></b> .....	
<b><u>REFERENCES</u></b> .....	
<b><u>APPENDIX 1 – CONSULTATION</u></b> .....	
<b><u>APPENDIX 2 – INFORMATION CONSENT FORM</u></b> .....	

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

## **Introduction**

---

Upper Lachlan Shire Council is committed to preventing work-related injury and illness by providing a safe and healthy working environment for all workers and meeting its moral and legislative obligations when an injury or illness occurs.

Upper Lachlan Shire Council takes an active approach to reducing risk and the potential of work-related injuries and illnesses. The workplace Return to Work Program supports the reporting, notification and investigation of incidents in line with work health and safety requirements so preventative actions can be implemented and safe procedures developed and maintained.

The Return to Work Program has been developed by Upper Lachlan Shire Council to assist all workers to understand the actions to be undertaken in the event of a work-related injury or illness. It describes the policies and procedures necessary to enable early intervention, effective injury management and to promote recovery at work.

Workers are made aware of the procedures comprising Council's Return to Work Program, and kept informed of their rights and responsibilities through:

- New staff inductions;
- Toolbox talks;
- Notice boards;
- Staff newsletters;
- Work health and safety committee meetings;
- Council website;
- Ongoing training and development; and
- Prominently displaying a summary of the Program at each place of work and/or through means of computer programs, smartphones and mobile devices.

This Program is a requirement under the *Workplace Injury Management and Workers Compensation Act 1998*. It has been developed to be consistent with StateCover Mutual Limited's Injury Management Program, and to meet the requirements of a Workplace Return to Work Program as detailed in SIRA's published, *Guidelines for workplace return to work programs*.

Development of this Program has been done in consultation with workers representing the different departments/areas of Council and the industrial unions representing Council workers (Appendix 1). The program has been endorsed by Senior Management and will be in effect for 3 years.

This Return to Work Program will be reviewed in June 2022.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Definitions**

---

Injury Management Consultant (IMC)	<p>A facilitator who assists insurers, employers, workers and Nominated Treating Doctors in overcoming barriers to complex return to and recovery at work situations.</p> <p>An Injury Management Consultant is a registered medical practitioner, approved by the State Insurance Regulatory Authority and experienced in occupational injury and workplace-based rehabilitation.</p>
Injury Management Program	<p>An insurer-developed strategy for managing all aspects of work related injuries and illnesses.</p>
Injury Management Plan (IMP)	<p>A coordinated and managed plan that integrates all aspects of an injured workers' recovery from a work-related injury including treatment, rehabilitation and retraining to achieve a timely, safe and durable return to work.</p> <p>The Injury Management Plan is developed by StateCover for the injured worker in consultation with the injured worker, Return to Work Coordinator, Nominated Treating Doctor and any other involved parties.</p>
Nominated Treating Doctor (NTD)	<p>The medical practitioner nominated by the injured worker who is willing to participate in the worker's recovery from a work-related injury and for the purposes of the Injury Management Plan.</p>
Notifiable incident	<p>Arising out of the conduct of a business or undertaking at a workplace is defined by the <i>Work Health and Safety Act</i>, as the:</p> <ul style="list-style-type: none"><li>○ Death of a person;</li><li>○ Serious injury or illness; or</li><li>○ Dangerous incident.</li></ul>
Pre-injury average weekly earnings (PIAWE)	<p>The average weekly earnings for the 52 weeks prior to the injury (if the worker has been with the same employer) or the average weekly earnings for the period of employment (if the worker has been with the employer less than 12 months). This comprises ordinary earnings, overtime and shift allowances.</p>

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Return to Work Coordinator (RTWC)	<p>A key person involved in coordinating the return to and recovery at work for injured workers' and developing Recover at Work Plans in consultation with the injured worker, the worker's manager, Nominated Treating Doctor, StateCover and other key parties.</p> <p>A suitable Return to Work Coordinator must be appointed by Council.</p>
Return to Work Program	<p>A summary of the system Council will use to manage workers with work related injuries or illnesses.</p>
Recover at work	<p>Means staying at work in some way following an injury, using work to build and improve the worker's capacity for work.</p>
Recover at Work Plan (RAW Plan)	<p>A documented plan that details specific tasks to be performed by the injured worker as they recover at work.</p> <p>The Recover at Work Plan is developed by the Return to Work Coordinator for the injured worker in consultation, and in agreement with the worker and their manager and endorsed by the Nominated Treating Doctor.</p>
State Insurance Regulatory Authority (SIRA)	<p>The New South Wales workers' compensation regulator.</p>
StateCover Mutual Limited (StateCover)	<p>Licensed specialised insurer providing workers' compensation insurance and work health and safety support to New South Wales local government.</p>
Suitable work	<p>Work tasks the injured worker is suited to perform based on their certified capacity for work.</p> <p>Terms often used interchangeably to describe suitable work include suitable duties, alternative duties, restricted duties, modified duties, light duties, reduced capacity, suitable employment, etc.</p> <p>Suitable work may include modified or different work tasks, altered hours of work, work at a different site, retraining or a combination of these.</p>
Significant injury	<p>A <a href="#">workplace injury</a> that is likely to result in the <a href="#">worker</a> being incapacitated for work for a continuous period of more than 7 days, whether or not any of those days are work days and whether or not the <a href="#">incapacity</a> is total or partial or a combination of both.</p>

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Workers Independent Review Office (WIRO)	Compensation	Deals with enquiries about the workers' compensation system from injured workers and employers having difficulty navigating the system and provides injured workers with assistance in having their complaints resolved quickly and fairly.
Work health and safety (WHS)		<p>The provision of a safe and healthy work environment for all workers while they perform their work duties.</p> <p>The focus is on the minimisation of harm and elimination of risks to prevent workplace incidents that may result in injury.</p>
Workplace Provider	Rehabilitation	<p>Offer specialised workplace and vocational rehabilitation services to assist injured workers to return to and recover at work.</p> <p>Workplace rehabilitation providers are allied health care professionals, approved by the State Insurance Regulatory Authority to be able to provide rehabilitation services in New South Wales.</p>
Work-related injury; or Workplace injury		A personal injury arising out of or in the course of employment where work with Upper Lachlan Shire Council was the main contributing factor to the injury, entitling the worker to workers' compensation benefits.
Work trial		Places an injured worker with an alternative employer for a short period of time, when the pre-injury employer is unable to provide suitable work.



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Preventing Work-Related Injury and Illness**

---

Upper Lachlan Shire Council is committed to the minimisation of risk and elimination of harm in the workplace. It has an established work health and safety management system to provide a safe and healthy work environment for all workers and any other person that may be involved with or affected by works undertaken by Council.

Council is committed to injury prevention by:

- Developing and implementing health and safety standards and procedures that exceed the minimum legislative requirements;
- Adopting a risk management approach to ensure the health and safety of workers and to achieve compliance with all New South Wales work health and safety related legislation;
- Ensuring that plant, equipment and substances are safe and without risk to the health and safety of personnel;
- Investigating all incidents and implementing effective control measures to prevent recurrence;
- Communicating work health and safety requirements through instruction, training and supervision to improve workers' understanding of workplace hazards, including safe work practices and emergency procedures;
- Consulting with workers on work health and safety issues;
- Ensuring that workers comply with appropriate work health and safety standards, codes of conduct and workplace directions to ensure their own, and others health and safety at work; and
- Monitoring trends in incident notifications and injuries to continuously improve policies and procedures.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

## **Roles & Responsibilities**

---

### **1.1 Senior Management**

Senior Management are committed to providing for the welfare of Council workers and ensuring they are supported through the injury management and recovery at work process if an injury occurs.

Senior Management are responsible for:

- The safety and wellbeing of workers by effectively managing workplace health and safety hazards and risks;
- The provision of adequate resources and training, e.g. staff, time, equipment, funds, etc. for workers to be able to undertake the requirements of their role safely;
- The development and promotion of the Return to Work Program supporting injured workers as they recover at work, and its review every 2 years;
- For displaying a summarised version of the Return to Work Program and SIRA's *If you get injured at work* poster prominently in each workplace;
- Appointing a Return to Work Coordinator with the relevant training, skills and experience to perform the role;
- Regularly monitoring and analysing the frequency of workplace incidents and injuries to improve systems of work; and
- Ensuring Upper Lachlan Shire Council comply with the legislative requirements for work health and safety and workers' compensation.

### **1.2 Managers**

Managers are to promote and support recovery at work. They need to make sure workers are aware of the procedures, obligations and rights associated with recovering at work.

The workers' manager is responsible for:

- Ensuring work health and safety policies and procedures are in place to identify, assess and control hazards and risks in the workplace;
- Assisting workers to complete an Incident and Investigation Report and record the injury in the Register of Injuries before the end of the workday / shift in which the injury occurred;
- Conducting an incident investigation as soon as it is practical to do so;
- Ensuring injured workers are provided with the necessary first aid and/or medical treatment as soon as possible and without delay;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Reporting all injuries immediately to the Return to Work Coordinator, to ensure legislative reporting requirements for workers' compensation are met and to enable injury management and recovery at work to commence;
- Accompanying injured workers to medical appointments with the Nominated Treating Doctor to discuss and offer of suitable employment;
- Facilitate safe access to the worksite for the Return to Work Coordinator and/or workplace rehabilitation provider to aid with identifying suitable employment and upgrades to capacity;
- Assisting the Return to Work Coordinator and/or workplace rehabilitation provider to identify and offer suitable work via the Recover at Work Plan;
- Ensuring injured workers' have a current Certificate of Capacity and Recover at Work Plan at all times;
- Monitoring the injured workers' adherence to, and progress with the Recover at Work Plan in conjunction with the Return to Work Coordinator and/or workplace rehabilitation provider;
- In consultation with StateCover, the worker and the Nominated Treating Doctor ensure the development of the injured worker's Injury Management Plan takes place, and ensure managers comply with their obligations under the Plan;
- Ensuring any provisions e.g. training, workplace modifications, agreed to as part of the injured workers' Recover at Work Plan and/or Injury Management Plan are adhered to;
- Providing all injury related and workers' compensation documentation to the Return to Work Coordinator within 24 hours of receipt, and maintain confidentiality of all information held at the workplace;
- Review any requests for personal leave by the injured worker in consultation with the Return to Work Coordinator, as there may be implications for recovery and entitlement to benefits; and
- Assisting Upper Lachlan Shire Council to comply with the legislative requirements for work health and safety and workers' compensation.

### **1.3 Return to Work Coordinator**

The Return to Work Coordinator is appointed by Council to assist and support workers with understanding the recovery at work procedures and providing suitable work. The Return to Work Coordinator is to provide ongoing positive communication to the injured worker and their support team. The Return to Work Coordinator must have the relevant training, skills and experience to perform the role.

Council's Return to Work Coordinator is:

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

<b>Return to Work Coordinator</b>	<b>Address / Location</b>	<b>Contact Details</b>
Sandra Francis	Crookwell Office	P 48 301 000 F 48 322 066
Natalie Pye	Gunning Office	P 48 451 104 F 48 451 426

The responsibilities of the Return to Work Coordinator include:

- Notifying StateCover within 48 hours of a work-related incident or injury being reported to Upper Lachlan Shire Council;
- Making contact with the injured worker to provide information regarding Council's recovery at work procedures, their rights and obligations and associated workers' compensation benefits;
- Facilitate injured workers to receive the necessary first aid and/or medical treatment without delay;
- Obtaining the injured workers' signed information consent to be able to effectively communicate and liaise with the workers' Nominated Treating Doctor, treating providers and other involved parties to effectively facilitate recovery at work;
- Ensure workers are aware they can access communication assistance for interpretation of language, hearing/sight impairment or speech impairment/impediment;
- Providing PIAWE information to StateCover;
- Identifying suitable work in consultation with the injured worker and their manager in accordance with their capacity for work;
- Develop a Recover at Work Plan, to be agreed to by all parties and endorsed by the Nominated Treating Doctor;
- Monitor, review and upgrade the injured workers' progress with the Recover at Work Plan, in consultation with the injury worker, their manager / supervisor / team leader and Nominated Treating Doctor;
- Ensure all dealings with persons and documentation involved in an injured workers' recovery at work is handled in a respectful and confidential manner;
- Provide all documentation received e.g. Certificate of Capacity, reimbursements, claim forms to StateCover within 24 hours of receipt;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Participate in the development of the injured workers' Injury Management Plan with StateCover, and ensure Council complies with their obligations under the Plan;
- Liaise with involved parties to monitor the injured workers' recovery from injury, coordinate services and ensure the needs of the workers are being met;
- Implement Upper Lachlan Shire Council's procedures to comply with the legislative reporting requirements of the workers' compensation and work health and safety legislation;
- Regularly monitor and review the frequency and type of incidents and injuries with the work health and safety committee and senior management;
- Ensure a summary of the Return to Work Program and SIRA's *If you get injured at work* poster are displayed in all Council work areas; and
- Review all policies and procedures associated with workers' compensation and recovery at work in accordance with legislative requirements and internal controls.

#### **1.4 Workers**

Council workers must take reasonable care at all times and comply with Upper Lachlan Shire Council's work health and safety policies and procedures so as to prevent work-related injuries to self and others. In this regard Council workers have responsibilities to:

- Cooperate with Council policies and procedures to enable it to meet its work health and safety and workers' compensation obligations;
- Participate in on-going training and professional development;
- Report all hazards, incidents and injuries immediately to the manager;
- Where an incident occurs, ensure an Incident and Investigation Report form is completed before the end of the workday / shift;
- Be familiar with Council's Return to Work Program, and its procedures;
- Cooperate with workplace changes designed to assist the recovery at work of fellow workers; and
- Be honest and truthful in the provision of information in respect of any workplace incident, injury or illness.

If a worker sustains a work-related injury or illness, the obligations and rights of the injured worker are to:

- Notify the manager immediately of a work-related incident, injury or illness;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Seek first aid and/or medical treatment as needed and as soon as possible, after sustaining a work-related injury or illness. Refer to Councils First Aid Policy & Procedure on Councils Web-site.
- Complete an Incident and Investigation Report, with assistance if necessary, before the completion of the workday / shift in which the incident occurred, or as soon as practicable thereafter;
- Nominate a treating doctor who is willing to participate in the on-going management of the workers' injury and recovery at work for the purposes of the Injury Management Plan;
- Give consent for the Nominated Treating Doctor to provide information to the Return to Work Coordinator, StateCover and/or workplace rehabilitation provider;
- Request the Nominated Treating Doctor provide a Certificate of Capacity, and regularly review progress towards recovery with the Nominated Treating Doctor by providing up-to-date Certificates of Capacity, until cleared for pre-injury employment;
- Submit all documentation relating to the injury or illness to the Return to Work Coordinator within 24 hours of incurring the expense or receiving the document to enable proactive management and timely facilitation of services;
- Seek approval from StateCover for investigations, treatment and aids as referred or recommended by the Nominated Treating Doctor and/or other treatment provider(s);
- Schedule medical and treatment appointments outside of working hours, where ever possible;
- Undertake suitable work offered by Council, adhering to your capacity for work and Recover at Work Plan, reporting any difficulties performing suitable work to the Return to Work Coordinator and manager as soon as possible;
- Participate and cooperate in the development of the Recover at Work Plans and Injury Management Plans, and comply with the activities and obligations detailed in the Plans;
- Attend medical assessments as arranged and advised by StateCover;
- Be honest and truthful in the provision of all information about the incident, injury or and/or illness;
- Have access to communication assistance for literacy, hearing impairment, sight impairment or speech impairment/impediment;
- Ability to select a workplace rehabilitation provider, in discussion with the Return to Work Coordinator and with the consent of StateCover;
- Ability to change Nominated Treating Doctor in discussion with the Return to Work Coordinator, and with the consent of StateCover;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Contact SIRA or WIRO for advice about the workers' compensation process, or to seek assistance resolving disputes about claim decisions;
- Can seek advice from a union representative or legal practitioner at any time; and
- Involve a support person for assistance at any time. This will require the injured worker's written authority due to privacy and confidentiality.

If an injured worker unreasonably refuses to comply with an offer of suitable work or the obligations of their Injury Management Plan, it may be considered non-compliance under workers' compensation and jeopardise the workers' entitlement to weekly benefits.

**1.5 StateCover Mutual Limited**

The workers' compensation insurer for Upper Lachlan Shire Council is StateCover Mutual Limited. StateCover work closely with Council providing services, assistance and support in work health and safety and workers' compensation with the following responsibilities:


- Make StateCover's Injury Management Program available to Council;
- Make Council aware of their legislative obligations in relation to work health and safety, workers' compensation and recovery at work;
- Contact Council, the injured worker and Nominated Treating Doctor (if necessary) within 3 working days of being notified the worker has sustained a significant workplace injury;
- Make claims liability decisions based on all the available medical and factual information provided within legislated timeframes, advising the injured worker and Council of the decision in writing, including their compensation entitlements and how these may change over time;
- In consultation with Council, the worker and the Nominated Treating Doctor develop and manage the injured worker's Injury Management Plan, and make all parties aware of their obligations under the Plan;
- Inform the injured worker that their entitlement to weekly benefits may be suspended if they do not reasonably comply with their Injury Management Plan and what they must do to prevent suspension;
- Review medical referrals and treatment approvals made by the Nominated Treating Doctor and/or treatment providers under the provision of reasonably necessary;
- Reimburse incurred expenses and pay provider invoices within legislated time frames;
- Consult with key parties when considering referral to a workplace rehabilitation

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

provider. Advise the injured worker they can select their rehabilitation provider;

- Ensure vocational assistance and/or retraining for the injured worker facilitates real opportunities for suitable employment, at Council or with an alternative employer; and
- Provide consistently sound advice to Council and injured workers to facilitate recovery at work.

	Sydney Office	Upper Lachlan Office
	PO Box R1865 Royal Exchange NSW 1225  P: (02) 8235 2800 F: (02) 8004 8253 E: <a href="mailto:claims@statecover.net.au">claims@statecover.net.au</a>	PO Box 42 GUNNING NSW 2581  P: (02) 48 301 000 F: (02) 48 32 2066 E: <a href="mailto:sfrancis@upperlachlan.nsw.gov.au">sfrancis@upperlachlan.nsw.gov.au</a> <a href="http://www.statecover.com.au">www.statecover.com.au</a>



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

## **Early Intervention**

---

### **1.6 When an Injury Occurs**

The worker is to cease the task immediately and report the injury / symptoms to their manager as soon as possible, so injury management can be commenced.

The injured worker is to seek first aid and/or medical attention from a first aid officer, doctor, medical clinic or local hospital without delay. When consulting with a medical practitioner, the injured worker is to request a Certificate of Capacity detailing their capacity for work.

Council's Return to Work Coordinator will be in contact with the injured worker to brief them on the workers' compensation procedures and necessary documentation. This will include information about Council's ability to offer suitable work and support recovery at work, development of a Recover at Work Plan and for Council to obtain signed Information Consent (Appendix 2) from the injured worker.

With the injured workers' Certificate of Capacity, the Return to Work Coordinator will commence identifying suitable work options to establish the Recover at Work Plan.

### **1.7 Injury Reporting**

An Incident and Investigation Report (WHS001) is to be completed by the worker, with the assistance of their manager if needed, before the end of the workday / shift in which the worker was injured. The Return to Work Coordinator is to be immediately notified by the workers' manager.

The injury will be recorded in Upper Lachlan Shire Council's Register of Injuries; File F12/81-05 PERSONNEL ( HUMAN RESOURCES ) - OCCUPATIONAL ( WORKPLACE ) HEALTH SAFETY ( WHS ) - Incident / Injury / Accident Reports – 2019.

The Return to Work Coordinator must notify StateCover within 48 hours of Council becoming aware that a work-related injury has occurred and a claim for workers' compensation may be made. Notification to StateCover usually involves the lodgement of the Incident and Investigation Report, Certificate of Capacity and can also include completed claim forms.

If the injury is a notifiable incident, in accordance with the WHS Act, then it must also be immediately reported to SafeWork NSW on 13 10 50 D2018/9112 Incident Report and Investigation Procedure.

### **1.8 Claims Management**

Upon being notified of a work-related injury or illness StateCover will contact Upper Lachlan Shire Council's Return to Work Coordinator to assist with triage.

If it is considered possible that the worker will be incapacitated for work for more than 7 days, StateCover will contact the injured worker to discuss the circumstances of the injury or illness,

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

treatment plan, injury management and recovery at work. StateCover may also contact the Nominated Treating Doctor, if they need further information about the workers' injury and to determine how best to support the worker's recovery.

If the injury is determined to be significant, StateCover will develop an Injury Management Plan for the injured worker in consultation with the injured worker, Return to Work Coordinator and Nominated Treating Doctor.

StateCover is responsible for determining liability for the workers' compensation claim based on the available factual and medical information. Usually StateCover will make a decision on provisional liability within 7 days of being notified of a work-related injury. The injured worker and Council will be advised in writing of the liability decision.

The Return to Work Coordinator will forward all documentation, invoices and receipts received from the injured worker, and in relation to the work-related injury to StateCover within 24 hours. StateCover will determine if the referrals for services, investigations and treatment are reasonably necessary for the work-related injury or illness and advise the injured workers and providers accordingly.

Payment of invoices and reimbursements will be processed by StateCover within 10 working days of receipt.

### **1.9 Weekly Benefits**

If a worker is absent from work as a result of the work-related injury or illness, and covered by a workers' compensation Certificate of Capacity, then the worker may be entitled to weekly compensation. This entitlement is calculated by Council in reference to the worker's pre-injury average weekly earnings (PIAWE).

The Return to Work Coordinator will provide StateCover with the worker's PIAWE at the time the injury is notified. StateCover will advise Council and the worker, in writing at the time of the liability decision, if the worker is entitled to weekly benefits and the rate at which the worker is to be paid by Council.

Council are to commence paying the worker at the rate advised by StateCover as soon as practicable which is usually as part of the workers normal pay cycle.

## **Recover at Work**

---

Recovery at work encompasses all activities designed to facilitate and promote a return to work, and to increase the workers' capacity for work as they recover. At Upper Lachlan Shire Council this can include:

- Offering suitable alternative work to workers so as to provide them with the opportunity to return to work following a workplace injury;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Proposing suitable work for the Nominated Treating Doctor to consider when reviewing a workers' capacity for work;
- Proposing suitable work to enable workers to upgrade their capacity for work as they recover;
- Liaison between the Return to Work Coordinator, Nominated Treating Doctor, worker, worker's manager and StateCover to establish the Recover at Work Plan and Injury Management Plan;
- Encouraging and supporting the worker to participate in workplace rehabilitation; and
- Fostering good open communication between all parties to be able to identify and address any barriers to recovery at work, if and when they arise.

#### **1.10 Suitable Work**

Suitable work means work for which the injured worker is currently suited, to support recovery after a work-related injury or illness.

Upper Lachlan Shire Council are committed to offering suitable employment to enable injured workers to recover at work. Suitable employment may be provided in various ways, being for example:

- Parts of the pre-injury role that can still be performed safely;
- The same role with different hours;
- Task modification;
- Workplace modification;
- Different duties in the same department/area;
- Different duties in a different department/area;
- Outdoor versus indoor or office work;
- Ability to work from an alternative location or at home;
- Special projects, as identified; and/or
- A combination of the above.

The Return to Work Coordinator in consultation with the injured worker, their manager and/or workplace rehabilitation provider will identify the availability of suitable work based on the:

- Worker's capacity for work;
- Demands and nature of the work tasks;
- Work tasks being the most direct path back to suitable employment;
- Availability of the tasks being reasonably practicable;
- Travel times and mode of transport to the workplace;
- Workloads of others in the work department/area; and

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Goal of ultimately returning injured workers to their pre-injury duties.

Council shall make all offers for suitable work to the injured worker in writing via the Recover at Work Plan. Council's offer of suitable work to injured workers is for a temporary period only, designed to facilitate recovery at work. The provision of suitable work does not constitute a permanent change in the conditions of the workers' employment.

If suitable work cannot be identified at Upper Lachlan Shire Council, then consideration may be given to a work trial to access suitable work with an alternative / host employer. This would be undertaken with the assistance of a workplace rehabilitation provider and in consultation with all involved parties.

#### **1.11 Recover at Work Plan**

The Recover at Work Plan is an individual plan for coordinating and managing the return to work of an injured worker undertaking suitable work.

The Recover at Work Plan is prepared by Council's Return to Work Coordinator or workplace rehabilitation provider, if involved. It is a written offer of suitable work by Council to the injured worker detailing the:

- Worker's pre-injury role;
- Goal for recovery at work;
- Medical restrictions as detailed on the Certificate of Capacity;
- Suitable work and tasks to be performed;
- Location of the workplace;
- Hours and days of work, including start and finish times;
- Supervision arrangements;
- Treatment times and medical appointments; and
- Date for review.

The Plan is developed in consultation with the injured worker, the worker's manager and any other involved parties. If a graded Recover at Work Plan is provided to the Nominated Treating Doctor to review the appropriateness of the suitable work offered, and to endorse the Plan.

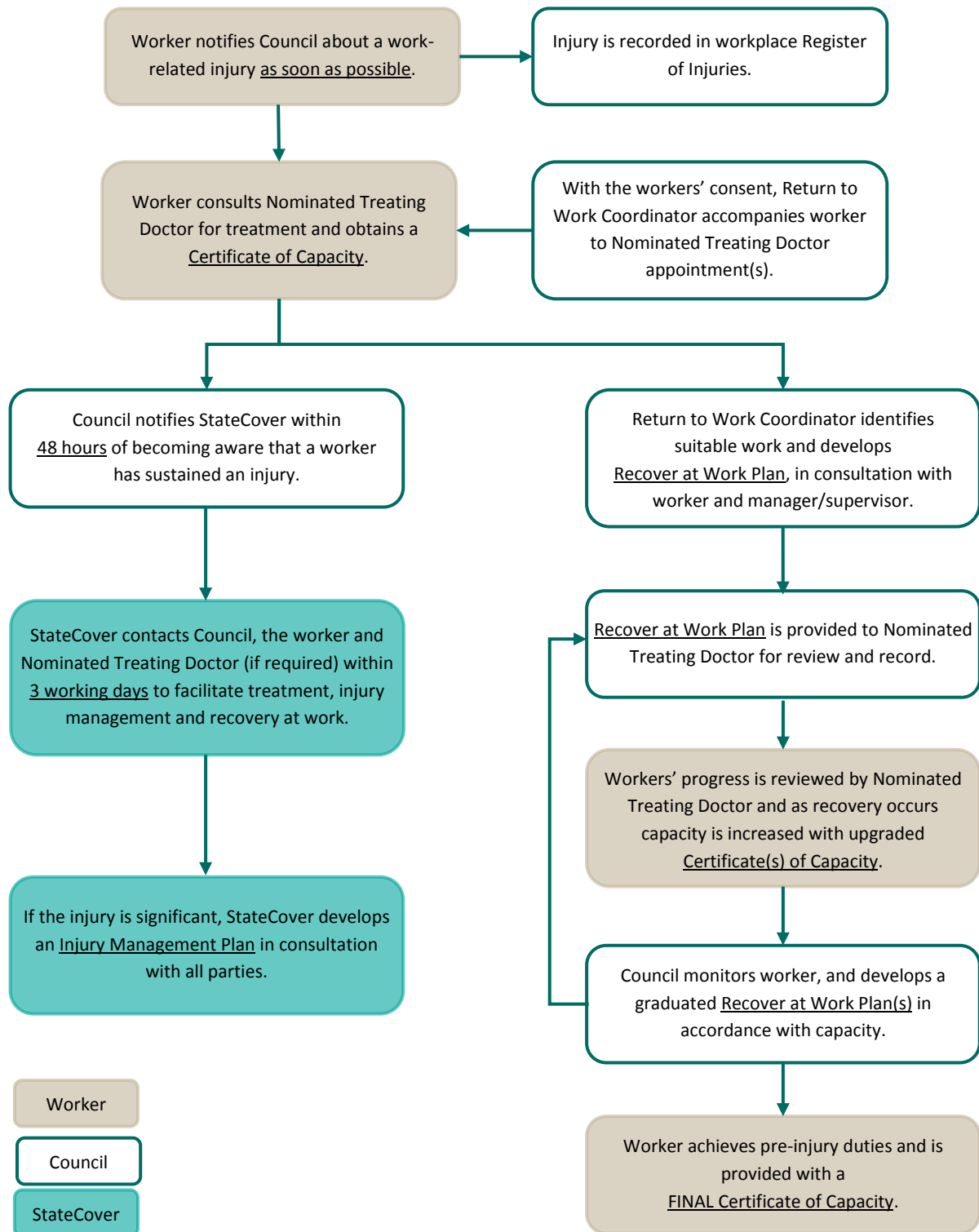
The Recover at Work Plan is regularly reviewed and gradually upgraded in accordance with the worker's capacity for work, to facilitate returning workers to their pre-injury employment.

If the injured worker does not make a reasonable effort to return to suitable work, this may be considered non-compliance. The Return to Work Coordinator will need to alert StateCover and discuss the possible implications with the involved parties.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

Figure – Flowchart outlining the main steps in injury management and recovery at work.



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**1.12 Medical Treatment / Appointments**

The injured worker is to schedule medical treatment and appointments outside of working hours wherever reasonably practicable. This is so as not to disrupt recovery at work, fellow workers or workplace routines.

If it is not possible to schedule an appointment outside work hours e.g. diagnostic imaging or specialist appointment, then the injured worker must liaise with their manager (with plenty of notice) so arrangements can be made to accommodate job requirements and work times.

**1.13 Nominated Treating Doctor**

The Nominated Treating Doctor (NTD) is the treating medical practitioner nominated by the [worker for the purposes of participating in the worker's recovery and return to health following a work-related injury or illness. If the worker does not have a regular doctor, Council can assist by nominating a doctor for the purposes of managing the worker's recovery.](#)

The role of the Nominated Treating Doctor is to be an advocate for the injured workers' recovery, which includes:

- Completing Certificates of Capacity;
- Specifying the workers' capacity for work and medical restrictions if any;
- To refer and review outcomes of diagnostic investigations;
- Implementing an evidence-based treatment plan for the worker;
- Coordinating the medical management of the workers' injury;
- Advising on the suitability of employment offered by Council and endorsing Recover at Work Plans for the worker;
- Promoting an early and safe return to work for the worker;
- Providing information to Council and StateCover in relation to the worker's Injury Management Plan and Recover at Work Plan;
- Liaising with Council and StateCover to assist in the recovery at work process;
- Regular reviews of the worker's progress towards recovery and revision of the workers' medical management as needed;
- Recommending referral to an approved workplace rehabilitation provider, if indicated and not initiated by Council or StateCover; and
- Being suitably available to participate in case conferences to discuss the worker's recovery at work and any barriers to achieving pre-injury duties - with Council, StateCover and/or workplace rehabilitation provider.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**1.14 Workplace Rehabilitation Provider**

A workplace rehabilitation provider may be engaged to undertake vocational assessments, to provide assistance with injury management and/or facilitate recovery at work. Workplace rehabilitation providers are allied health professionals specialising in returning injured workers to suitable work. Workplace rehabilitation providers need to be accredited by State Insurance Regulatory Authority (SIRA).

Referrals for workplace rehabilitation assistance should be considered as soon as it is identified that assistance is indicated. For example:

- Workplace assessment or job demands analysis is required;
- If the nature of the injury is complex;
- There is difficulty engaging with the Nominated Treating Doctor;
- Difficulties identifying suitable work;
- Conflicting expectations of the parties involved; or
- Workplace or interpersonal conflict that may hinder the recovery at work process, etc.

A referral for workplace rehabilitation services can be made by StateCover, Council or at the recommendation of the Nominated Treating Doctor. Injured workers have the right to select their workplace rehabilitation provider, in discussion with the Return to Work Coordinator and StateCover.

Council's agreed workplace rehabilitation provider is:

<b>Workplace Rehabilitation Provider</b>	<b>Address</b>	<b>Contact Details</b>
<b>Joanne Miller</b> Rehabilitation Consultant Workplace Rehabilitation Management		M 0407 892 511 F 02 9891 1771 E

Workplace rehabilitation providers are to:

- Promote an early and safe return to and recovery at work;
- Ensure the needs of the worker and Council are identified by means of adequate and appropriate assessment(s);
- Identify barriers to the worker's recovery and develop strategies to address these;
- Assist Council to identify, modify and/or implement suitable work for injured workers to perform;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Consider workplace industrial relations and human resource matters that may affect the worker's recovery at work;
- Focus on returning the worker to their pre-injury role, or if that is not possible, to suitable alternative work;
- Arrange appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties; and
- Communicate with relevant parties throughout the provision of services to ensure progress towards the recovery at work goal.

#### **1.15 Retraining & Redeployment**

In some cases, an injured worker may not be able to return to their pre-injury employment due to on-going or permanent restrictions, which Council are not able to accommodate in the long-term.

Where it is not possible to rehabilitate the injured worker to return to their pre-injury employment, Upper Lachlan Shire Council will support vocational rehabilitation with the assistance of a workplace rehabilitation provider. This will involve vocational assessments to gather information about the injured workers' education, experience and transferrable skills so potential job options and retraining needs can be identified.

The workplace rehabilitation provider will also provide job seeking assistance, including resume development, job searching, job applications and interview preparation.

Injured workers are encouraged to apply for other positions at Upper Lachlan Shire Council for which they are experienced and skilled to perform, that are within their functional capacity.



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Recover at Work Not to Disadvantage Workers**

---

If a worker requires assistance understanding the workers' compensation and/or recovery at work process due to hearing/sight impairment, struggles with literacy or being from a non-English speaking background, Upper Lachlan Shire Council will provide the appropriate resource and/or interpreter to assist these workers. Further assistance can also be sought from StateCover or the Workers Compensation Independent Review Office (WIRO).

If the worker is not yet in receipt of income support via workers' compensation, Council permits its workers access their personal leave in accordance with award arrangements and supporting Certificates of Capacity. If the absence from work is later accepted as a compensable workplace injury, the worker's leave entitlements will be reinstated, and compensation benefits will be passed onto the worker as soon as practicable.

Upper Lachlan Shire Council is committed to assisting injured workers to recover and will offer suitable employment to facilitate recovery at work and return to health.

The Return to Work Coordinator will forward all documentation, invoices and receipts received from the injured worker to StateCover within 24 hours, to enable the timely approval of services, treatment and reimbursement by StateCover.

Injured workers are engaged by Upper Lachlan Shire Council to participate in the development of their Recover at Work Plan with the Return to Work Coordinator, their manager and Nominated Treating Doctor. Workers' also have the ability to:

- Nominate their own treating doctor;
- Change their Nominated Treating Doctor;
- Select their workplace rehabilitation provider; and
- Involve a support person, e.g. union representative, partner.

Upper Lachlan Shire Council will not dismiss an injured worker within 6 months of the injured worker becoming incapacitated for work as a result of a work-related injury or illness.

However, if a worker is dismissed by Upper Lachlan Shire Council because of a work-related injury and while incapacitated for pre-injury employment, the worker may apply to Council to be reinstated on presentation of a medical certificate stating they are now fit for employment. If Council replaces the worker within two years of dismissing them, the replacement worker must be informed by Council that the dismissed worker may be entitled to be reinstated to their role.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Dispute Prevention & Resolution**

---

Council recognises that for the injured workers' recovery to be successful, communication and cooperation between the involved parties is paramount. Thus, Upper Lachlan Shire Council will make all reasonable efforts to quickly and effectively resolve any dispute or conflict relating to a worker.

The Return to Work Coordinator is to be immediately made aware of any (potential or actual) issue or conflict in the workplace relating to the injured workers' recovery at work. The Return to Work Coordinator will consult each party involved to determine the cause of the issue or conflict and seek a resolution. This may include informal discussions and clarification, modifications to the Recover at Work Plan or workplace, case conferencing, mediation and/or identifying the need to refer to a workplace rehabilitation provider.

If a dispute arises involving the injured worker's capacity for work and/or offer of suitable work, referral to an Injury Management Consultant may be discussed with and organised through StateCover.

Where the worker is questioning their entitlements to compensation benefits, StateCover can assist in providing explanations about legislative entitlements to the injured workers and Return to Work Coordinator.

If the workers' compensation claim, or any aspect of the claim is disputed by StateCover the injured worker has the opportunity and right to request a review of the decision. Information on how to request a review will be included in StateCover's written notice of the decision to the injured worker.

If a resolution regarding the dispute is unsuccessful, a formal Application to Resolve a Dispute (ARD) can be made to the Workers Compensation Commission (WCC) where the matter will be arbitrated. By this stage, parties are usually legally represented.

If the injured worker is not satisfied with the explanations provided or the outcome of discussions, further information and assistance can be sought from SIRA or WIRO.

Organisation	Contact Details
State Insurance Regulatory Authority (SIRA)	P 13 10 50 E <a href="mailto:contact@sira.nsw.gov.au">contact@sira.nsw.gov.au</a>
Workers Compensation Independent Review Office (WIRO)	P 13 94 76 E <a href="mailto:contact@workcover.nsw.gov.au">contact@workcover.nsw.gov.au</a>

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Privacy & Confidentiality**

---

Upper Lachlan Shire Council recognises that all information relating to injured workers and their work-related injury is confidential and should not be discussed with, shown to or read by anyone who is not directly involved in the injured worker's recovery.

Council is bound by the *Privacy and Personal Information Protection Act 1998 / Health Records and Information Privacy Act 2002* and *Australian Privacy Principles* in the collection, storage, use and disclosure of health information about its injured workers'.

The Return to Work Coordinator maintains secure injured worker files, on all workers who require assistance returning to work. The injured worker file is the record of Upper Lachlan Shire Council's management of the injured worker throughout the injury management and recovery at work process.

All injured worker files are kept separate from personnel files, with access limited to those who have direct responsibility for coordinating, monitoring or providing recovery at work services to the injured worker, and those involved in providing administrative support.

The Certificate of Capacity is signed by the injured worker to consent for treating medical practitioners, Council, StateCover, treatment providers, workplace rehabilitation providers and the regulator to exchange information for the purpose of managing the workers' injury and workers' compensation claim. Council may release and discuss information with involved parties as specified on the Certificate of Capacity by having the worker sign an Information Consent (Appendix 2).

Injured workers' need to be aware that failure to provide consent may delay processing of their workers' compensation claim and effective facilitation of their recovery at work. Also, the injured worker may withdraw their consent at any time, however doing so may affect their entitlement to compensation benefits and hinder recovery.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

## **References**

---

### **Relevant Legislation**

The following Legislation affects the operation of this policy:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government (State) Award 2017;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Industrial Relations Act 1996;
- Independent Commission against Corruption Act 1988;
- Workplace Relations Act 2008;
- Fair Work Act 2009;
- Equal Employment Opportunity Act 1987;
- Election Funding, Expenditure and Disclosure Act 1981;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Civil Liabilities Act 2002;
- Environmental Planning and Assessment Act 1979;
- NSW State Records Act 1998;
- Trade Practices Act 1974;
- Protected Interest Disclosures Act 1994; and
- Crimes Act 1900.
- 

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

- Council's Code of Meeting Practice;
- Upper Lachlan Shire Council Community Strategic Plan
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Equal Employment Opportunity (EEO) Management Plan;
- Public Interest Disclosures Policy;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Secondary Employment Policy;
- Interaction between Councillors' and Staff Policy;
- Bribes, Gifts and Benefits Policy;
- Fraud and Corruption Prevention Control Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Drug and Alcohol Policy;
- Alcohol and Other Drugs Procedure;

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

- Rehabilitation Procedure and Practice Policy;
- Time in Lieu of Overtime Policy;
- Manual Handling Policy;
- Trauma Management Policy;
- Employment and Retention Policy;
- Higher Grade Pay Policy;
- First Aid Policy;
- Work, Health and Safety Policy;
- Injury Incident and Return to Work Policy and Procedures;
- Protective Clothing and Equipment Policy;
- Smoking in the Workplace Policy;
- Sun Protection – Council Employees Policy;
- Volunteers Policy;
- Performance and Misconduct Policy;
- Call Back Policy;
- Civil Emergency and Defence Force Policy;
- Designated Persons Disclosing Interests – Returns;
- Disclosure of Interests at Meetings Procedure;
- Enforcement Policy;
- GIPA Policy;
- Internal Controls and Procedures Manual;
- Leave Policy;
- Legal Proceedings Reporting Policy;
- Loss of Drivers Licence Policy;
- Media Policy & Procedures;
- New Employees Pre Placement Health Assessment Policy;
- Internal Reporting – Protected Disclosures Policy;
- Public Access Policy;
- Internet and Email Policy;
- Delegations of Authority Procedure;
- Code of Business Practice;
- Statement of Ethical Principles;
- Private Works (Projects and Plant Hire) Policy.
- Health Records and Information Privacy Act 2002
- Privacy and Personal Information Protection Act 1998
- Workers Compensation Act 1987
- Workers Compensation Regulation 2016
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**APPENDIX 1 – Consultation**

---

**Return to Work Program**

**CONSULTATION**

Upper Lachlan Shire Council acknowledges its responsibilities in promoting a safe work place and effective implementation of the Return to Work Program.

The review of Upper Lachlan Shire Council's Return to Work Program has been completed in line with the 2017 guidelines in consultation arrangements with the following delegates.

This Return to Work Program will be in effect for 2 years, from June 2019 and be reviewed by May 2022

<b>Delegate</b>	<b>Signature</b>	<b>Date</b>
Senior Management Team <b>Andrew Croke</b>		
Return to Work Coordinator <b>Sandra Francis</b>		
Workers' Representative <b>Ben Churchill</b>		
Union Representative <b>David Scott</b>		

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**APPENDIX 2 – Information Consent Form**

---

**Information Consent  
for the  
Release of Personal Information**

**Worker's Declaration**

I have discussed this consent form with my employer, Upper Lachlan Shire Council. I understand that any information collected will be kept in a confidentially, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that Upper Lachlan Shire Council will:

- Only collect health information that is relevant and necessary to manage my recovery at work and coordinate the workers compensation claim;
- Only use and disclose information for the purpose for which it was collected;
- Keep any information collected separate from my other personnel records;
- Take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately; and
- Allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health.

Considering the above, I authorise and consent to the collection, use and disclosure of personal and health information relevant to managing my injury and workers compensation claim.

Consent	Signature	Date
Worker		
Upper Lachlan Shire Council		
Interpreter		

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**



**APPENDIX 3 – WHS 001- Accident/Incident/Dangerous Occurrence**

THIS FORM IS TO BE COMPLETED BY THE WORKER INVOLVED

REPORT NO:

Name of worker involved:	Name of Immediate Supervisor:
--------------------------	-------------------------------

**Details of Incident**

Date of Incident:		Time of Incident am/pm:	
Date Reported:	Time reported am/pm:	Name of person incident reported to:	
Describe precisely the location where the incident occurred (e.g. MR54 Segment 10, Memorial Park, Works Office)			
Briefly describe what happened including the sequence of events, how the incident occurred including details of any plant, vehicles, equipment or substances involved?			
Describe injuries the worker suffered (e.g. Strain, sprain, laceration, none)			
What part(s) of the body was affected (e.g. right ankle, left shoulder)			
Was there damage to plant, vehicles or equipment YES / NO		Plant Number involved	
If yes, please describe the damage			
Names of witnesses to the incident			

**Details of treatment provided**

Was first aid treatment provided YES / NO		Name of person providing first aid	
Describe the first aid treatment provided			
Was the worker referred for further treatment YES / NO		If yes, where was the worker referred to Doctor   Hospital   Other	
Did the worker stop work because of the injury YES / NO	If yes, date stopped work	Time stopped work am/pm	
Workers Signature	Date signed	Time signed	

*This form should be completed and handed to your supervisor on the day of the incident.*



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 14.2      CONSULTATIVE    COMMITTEE    EXTRAORDINARY    MEETING**  
**MINUTES**

**147/19**      **RESOLVED** by Clr Searl and Clr Culhane

1. Council adopt the recommendations (listed below) of the Consultative Committee Extraordinary Meeting Minutes from 12 June 2019.

**ITEM 4.1    REVIEW OF THE ASSETS SURVEILLANCE OFFICER POSITION**

That the Consultative Committee notes the changes to the assets surveillance officer position description and council commence external recruitment for this position.

**ITEM 4.2    CUSTOMER SERVICES AND BUSINESS SUPPORT OFFICER POSITION DESCRIPTION**

That the Consultative Committee notes the changes to the Customer Services and Business Support officer position description and council commence external recruitment for this position.

**ITEM 4.3    COUNCIL ORGANISATION STRUCTURE**

That the report be received with amendments as discussed at the meeting.

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

**Councillors who voted against:-**      Nil

- CARRIED

**SECTION 15:    LATE REPORTS**

Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

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

**ITEM 16.1            REPORTS FOR THE MONTH OF JUNE 2019**

**148/19                RESOLVED by Cllr Searl and Cllr McCormack**

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

1. Southern Tablelands Arts (STARTS) – Annual Report 2018.
2. Economic Development Task Force (EDTF) – Minutes from Meeting held 6 May 2019.
3. Economic Development Task Force (EDTF) – Minutes from Meeting held 3 June 2019.

**149/19                RESOLVED by Cllr Opie and Cllr Kensit that**

1. Item 4.1 and Item 5.4 listed below of the Economic Development Task Force Committee Minutes from 3 June 2019 be adopted.

**ITEM 4.1 – Guest Speaker**

**Recommendation:**

That the EDTF recommends with the objective of moving Council from a net energy user to a net energy exporter that the Department of Infrastructure and Environmental and Planning prepare a report as to the path forward to prepare business cases for street lighting, all waste management and energy generation.

**Recommendation:**

Council send a Councillor and a staff member to the SEGRA Conference to be held on 20-22 August 2019 at Barooga NSW in relation to “Don’t Let Recreational Vehicle Tourism Pass You By”.

**Recommendation:**

That the EDTF recommends the Department of Infrastructure and Environment and Planning prepare a recommendation in the next year 2019/20, detailing urban sustainability initiatives for on-site sewer systems in small villages and provide alternatives to specific tank disposal.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 5.4 – The Need for Self-Contained Cabins in Crookwell**

**Recommendation:**

That the EDTF recommends the Department of Infrastructure and Environment and Planning investigate the opportunity for solar powered cabins at the existing caravan park or alternate locations in Crookwell in conjunction with the Housing Strategy.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

4. Crookwell Memorial Hall Management Committee – Minutes from Meeting held 30 May 2019.

*Clr Searl left the Chamber in accordance with his declaration the time being 8.20 pm.*

5. Cullerin Range Wind Farm Section 355 Committee – Minutes from Meeting held 4 June 2019.

**150/19**

**RESOLVED** by Clr Culhane and Clr O'Brien that

1. Item 5.1 listed below of the Cullerin Range Wind Farm Section 355 Committee minutes held on 4 June 2019 be adopted.

**ITEM 5.1 Prioritisation of Project Submissions Received for 2019/2020**

Recommended:

That the projects and amounts listed below be granted funding in the 2019/20 round of grant funding totalling \$17,884.00 (GST inc) on the basis that the projects will be completed and fully acquitted by 30 June 2020.

No	ORGANISATION	AMOUNT
1	Gunning District Association – Supply and installation of 2 double tap water fountains	\$9,820.00

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

	with antifreeze valves, supply and installation of 1 cycle rack	
2	Gunning District Landcare – Purchase of a gazebo, logoed plastic tablecloth, hanging banner and a pull up banner.	\$975.00
3	Gunning Pony Club – Upgrade of 10 show jumps.	\$2,898.00
4	Dalton Public Hall – Minor roof refurbishment.	\$4,191.00
	<b>TOTAL (GST inc)</b>	<b>\$17,884.00</b>

- CARRIED

**Councillors who voted for:-** Cllrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins and J Stafford

**Councillors who voted against:-** Nil

**Abstained:-** Cllr J Searl

*Cllr Searl returned to the Chamber the time being 8.21 pm.*

6. Country Mayors Association of NSW – Minutes from Meeting held 31 May 2019.
7. Access Committee – Minutes from Meeting held 7 June 2019.

**151/19**

**RESOLVED** by Cllr Opie and Cllr Searl that

1. Item 4.1, Item 5.1 and Item 7.1 listed below of the Access Committee minutes from meeting held 7 June 2019 be adopted.

**ITEM 4.1 ASSESSMENT OF DISABLED ACCESS TO HEALTH CARE CENTRE CROOKWELL**

1. Council consider road pavement and kerb & gutter upgrade works as part of the future Operational Plan and Delivery Program;
2. A CRM 4070/2019 customer request is created for Council staff to fix the footpath edge drop off with topsoil in Action List dot point 3 from the 5 April Meeting.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 5.1 ITEMS FOR DISCUSSION**

1. The Council accept the resignations of the Access Committee Chairperson Karen Schafer and further accept the resignation of Committee members Elizabeth Egan and Marlene Lannan.
2. A report be provided to Council as to what recommendations have been put forward since September 2018 by the Access Committee and what action has been taken.

**ITEM 7.1 ASSESSMENT OF DISABLED ACCESS TO THE HEALTH CARE CENTRE, CROOKWELL**

1. The Committee receive and note the report as information.
2. That Council acknowledge the priority need for seeking appropriate funding to upgrade the access to current DDA standards.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

8. Local Traffic Committee – Minutes from Meeting held 6 June 2019.

**152/19**

**RESOLVED** by Clr Cummins and Clr O'Brien that

1. Items 4.1 to 4.8 listed below of the Local Traffic Committee meeting held 6 June 2019 be adopted.

**Item 4.1 St Mary's Primary School, Crookwell – Proposal of pedestrian crossing in Wade Street**

1. This matter be deferred until a concept design is provided for the consideration of the Local Traffic Committee.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 4.2 Laggan Markets - Event Parking near Laggan Hall NSW 2583**

1. Council writes to the event organiser that the proposed location is not suitable for vehicle parking, and
2. Traffic Management Plan (TMP) for the event to be provided to Council, and
3. The event organisers are responsible for event parking during the event day.

**ITEM 4.3 Request for new Driveway ahead signage for 607 Bannaby Road Taralga**

1. Council install signs associated with a concealed driveway on the west approach to the driveway, and
2. Council to trim the marked trees on the road reserve to improve the sight distance for the east approach (see photos).

**ITEM 4.4 Park Street and Robertson Street, Crookwell NSW**

1. Give Way sign, hold line and other associated road markings to be installed at this intersection to guide drivers as per the attached design including any bitumen widening required.

**ITEM 4.5 Parking on Yass Street, Gunning NSW 2581**

1. Council not to accept the request for installing angle parking bays from Waratah Street to Nelanglo Street in Yass Street;
2. Council to mark traffic lane of 3.5 metres in each direction in this segment as shown in the attached design (Diagram 6);
3. New No Parking Zone signs to be installed north and south of the school crossing (see Diagram 6, School Zone Drop Off/Pick Up area red lines).

**ITEM 4.6 School Bus Stop Location on Rye Park Road near Blakney Creek North Road, Blakney Creek NSW 2581**

1. The Committee recommends for Council to approve the request of installing a school bus stop in the clear roadside area in Rye Park Road (west of the intersection).
2. The Committee recommends for Council to fund and undertake the work of the school bus installation.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 4.7 Proposed School Bus Stops at Brayton Road and Gibraltar Road, Brayton NSW 2579**

1. Council install a southbound bus stop and a north bound bus stop on Brayton Road, at 10 metres north of the Gibraltar Road intersection.
2. The Committee recommends for Council to fund and undertake the works of these two school bus installations.

**ITEM 4.8 Jerrawa Road and Coolalie Road Intersection Changes**

1. This matter be deferred for further consideration of the Local Traffic Committee.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

*Clr Opie left the Chamber in accordance with his declaration the time being 8.40 pm.*

9. Streetscape Committee – Minutes from Meeting held 11 June 2019.

**153/19**

**RESOLVED** by Clr Searl and Clr O'Brien that

1. Item 4.1 listed below of the Streetscape Committee meeting held 11 June 2019 be adopted.

**ITEM 4.1 Detailed Engineering Design, Cost Estimate and Procurement and Installation of Streetscape Items (Bin Enclosures, Seats and Noticeboards).**

1. That the Streetscape Committee recommends to Council to purchase the models or types of seats (CPS18-TI-AR), bins (ABEH240-TI) and noticeboards (2PUN122-SM-NB) so that detailed engineering design can be completed and installation progress without further delay.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

2. That the Streetscape Committee recommends to Council to fund \$30,000 worth of bus shelters works as a part of the Streetscape project.
3. Council thank Mr Asif Faisal for his service and positive input into the Streetscape Committee and wish him well in his future career.

- CARRIED

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

**Councillors who voted against:-** Nil

**Abstained:-** Clr R Opie

*Clr Opie returned to the Chamber the time being 8.43 pm.*

10. Upper Lachlan Tourist Association – Minutes from Meeting held 4 June 2019

**154/19**

**RESOLVED** by Clr Searl and Clr McCormack that

1. Item 12 and 16 listed below of the Upper Lachlan Tourist Association meeting held 4 June 2019 be adopted.

**Item 12 Cultural Grant Round**

That the Upper Lachlan Tourist Association recommends to the Upper Lachlan Shire Council that the applications from the Taralga District Progress Association and Upper Lachlan Dame Mary Gilmore Society be funded as requested.

**Item 16 General Business**

The Upper Lachlan Tourist Association asks the Upper Lachlan Shire Council to please advise on the progress and processes in place to streamline event approvals.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien,



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

R Cummins, J Searl and J  
Stafford

**Councillors who voted against:-** Nil

11. CRJO – Minutes from Board Meeting held 24 May 2019

- CARRIED

**SECTION 17: NOTICES OF MOTION**

See Closed Council Session

**SECTION 18: QUESTIONS WITH NOTICE**

**ITEM 18.1 ALLOCATION OF ADDITIONAL ROADS TO RECOVERY FUNDS**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**ITEM 18.2 MOWING ON COUNCIL VERGES**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 18.3      CUSTOMER      REQUEST      MANAGEMENT      -      RESPONSE  
TIMEFRAMES**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**ITEM 18.4      COUNCIL POLICY AND PROCESS - EMAIL DELIVERY**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**ITEM 18.5      CORRESPONDENCE FROM EPA**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**ITEM 18.6      GENERAL MANAGER'S CONTRACT**

Refer to the Business Paper for 20 June 2019 Council Meeting for the General Managers comments.

**CLOSED COUNCIL ITEMS**

*Mayor Stafford announced that the meeting would now be moving into Closed Session and read the statement below.*

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) (a), (c) and (d(i)) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**155/19**                    **RESOLVED** by Clr Searl and Clr Kensit

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) (a), (c) and (d(i)) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

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

**Councillors who voted against:-**           Nil

Council closed its meeting at 9.01pm and the public, staff and press left the chambers.

*The meeting adjourned for a short break the time being 9.02pm.*

*The Meeting resumed the time being 9.13pm.*

**156/19**                    **RESOLVED** by Clr Cummins and Clr Searl that Council extend the closure of the meeting to 9.30pm in accordance with Clause 18.2 of the Code of Meeting Practice.

**157/19**                    **RESOLVED** by Clr O'Brien and Clr McCormack

That Council move out of Closed Council and into Open Council.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

Open Council resumed at 10.29PM.

**Resolutions from the Closed Council Meeting**

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

**SECTION 19: CONFIDENTIAL SESSION**

**ITEM 19.1 REVIEW OF THE WASTE MANAGEMENT STRATEGY FOR UPPER LACHLAN**

**158/19** **RESOLVED** by Clr Cummins and Clr Opie

1. Council approve the start of a trial period as a waste transfer station immediately.
2. Council adopt, fund and implement the transfer station option for the Crookwell waste management facility.
3. Council proceed with the design and construction stage of the proposed transfer station at the Crookwell waste management facility.
4. Council write to the Environmental Planning Authority (EPA) advising of the decision to implement a transfer station and commence modification to existing licence for the Crookwell landfill.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**159/19**                    **RESOLVED** by Clr Kensit and Clr Searl that Council extend the closure of the meeting to 10.00pm in accordance with Clause 18.2 of the Code of Meeting Practice.

**ITEM 19.2                    TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL**

**160/19**                    **RESOLVED** by Clr Searl and Clr Kensit

1. Council accept and sign the schedule of rates contract with Park Pty Ltd, Ocwen Energy Pty Ltd and Liberty Oil Australia for the supply and delivery of bulk fuel for the period of July 2019 to 30 June 2021.

- CARRIED

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

**Councillors who voted against:-**                    Nil

**ITEM 19.3                    POTENTIAL SALE OF FORMER SALEYARDS SITE, LOT 3 DP 1112816 LAGGAN ROAD, CROOKWELL**

**RECOMMENDATION:** That -

1. Council do not concur with the Crookwell Taralga Aged Care request for a joint valuation of Lot 3 DP1112816 and further do not concur with the request for removal of a covenant on the land as part of the potential land sale.
2. The Mayor and General Manager be authorised to negotiate the potential land sale to Crookwell Taralga Aged Care for the entire parcel of Lot 3 DP1112816 in accordance with the Council land valuation. All purchase costs being the responsibility of the purchaser of the land.
3. An appropriate covenant on the land is provided restricting the development of the land for the purpose of Seniors Housing within the meaning of Clause 10, 11, 12 and 13 of State Environmental Planning Policy (Housing for Seniors or people with a disability) 2004 (SEPP).

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

4. An appropriate covenant on the land is provided stating that the development if it is not undertaken within a period of 5 years that the land be returned to Council at the purchasers cost at the original sale price.

An Amendment to the Motion was moved by Clr Cummins and Clr Kensit that

1. The potential land sale be deferred to allow further discussions with Crookwell Taralga Aged Care after a Councillor workshop with a presentation from the Director of Environment and Planning on how the expansion of Crookwell Taralga Aged Care facility in Crookwell fits into the proposed Strategic Housing Plan.

On being put to the Meeting the amendment became the Motion.

**161/19**

**RESOLVED** by Clr Cummins and Clr Kensit

1. The potential land sale be deferred to allow further discussions with Crookwell Taralga Aged Care after a Councillor workshop with a presentation from the Director of Environment and Planning on how the expansion of Crookwell Taralga Aged Care facility in Crookwell fits into the proposed Strategic Housing Plan.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

- CARRIED

**162/19**

**RESOLVED** by Clr O'Brien and Clr McCormack that Council extend the closure of the meeting to 10.30pm in accordance with Clause 18.2 of the Code of Meeting Practice.

*A Croke, M Shah, T Dodson, D Cooper and D Crosbie left the meeting at 10.03pm and did not return to the meeting.*

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**ITEM 19.4                      NOTICE OF MOTION - GENERAL MANAGER'S CONTRACT AND REVIEW**

**163/19                      RESOLVED by Clr Cummins and Clr Opie**

1. That any General Manager's Contract and any General Manager's KPI's be presented to the whole of Council for consideration and approval.
2. That any General Manager's appointment be considered by the whole of Council before being approved.

- CARRIED

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

**Councillors who voted against:-**                      Nil

**ITEM 19.5                      MAYORAL MINUTE - GENERAL MANAGER'S CONTRACT OF EMPLOYMENT**

**164/19                      RESOLVED by Clr Searl and Clr O'Brien**

1. Council accept the notification from incumbent General Manager, John Bell, that he is not seeking renewal or re-appointment to the role of General Manager.
2. Council formally write to John Bell accepting his notification.
3. Council thank and acknowledge John Bell for his service to the former Gunning Shire Council and the Upper Lachlan Shire Council for the past 22 years of employment.
4. Council engages the services of a suitable executive recruitment consultant to search for candidates to fill the vacant General Managers position.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 JUNE 2019**

---

**Councillors who voted for:-**                      Cllrs P Culhane, P Kensit, B  
McCormack, R Opie, D O'Brien,  
R Cummins, J Searl and J  
Stafford

**Councillors who voted against:-**      Nil

**THE MEETING CLOSED AT 10.30PM**

Minutes confirmed 18 JULY 2019

.....  
Mayor