



BUSINESS PAPER

ORDINARY MEETING

Thursday 19 October 2023

1.30pm

Council Chambers

COUNCIL'S VISION

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

COUNCIL'S MISSION

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

COUNCIL'S AIMS

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

NOTICE OF MEETING

12 October 2023

Councillors

Dear Members

Ordinary Meeting of Council

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 19 October 2023** in the **Council Chambers** commencing at **1.30pm**.

Your presence is requested.

Yours faithfully



Alex Waldron
Chief Executive Officer
Upper Lachlan Shire Council

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

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

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	Nil	

UPPER LACHLAN SHIRE COUNCIL

LEAVE OF ABSENCE

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

Dear Madam

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

Date:

I will be absent for the following reason/s:

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

Yours faithfully

.....
(Councillor Signature)

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

UPPER LACHLAN SHIRE COUNCIL

COUNCILLORS DISCLOSURE OF A PECUNIARY INTEREST

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

To the Chief Executive Officer

I, _____

Declare a Conflict of Interest, being a PECUNIARY Interest.

Name of Meeting: Ordinary Meeting of Council

Date of Meeting:

Page Number:

Item Number:

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

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

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

to be held on the _____ day of _____ 20 .

Pecuniary interest

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

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

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

Matter giving rise to pecuniary interest¹

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

[Tick or cross one box]

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

Current zone/planning control

Proposed change of zone/planning control

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

☐ Appreciable financial gain

☐ Appreciable financial loss

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

Councillor's Signature:

Date:

UPPER LACHLAN SHIRE COUNCIL

COUNCILLORS DISCLOSURE OF A NON-PECUNIARY INTEREST

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

To the Chief Executive Officer

I, _____

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

☐ Significant

☐ Non Significant

COUNCIL MEETINGS

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

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

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

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

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

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

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

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

Signature

Date

5 CONFIRMATION OF MINUTES

The following minutes are submitted for confirmation -

5.1 Minutes of the Ordinary Meeting of Council of 21 September 2023..... 12

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 SEPTEMBER 2023

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

THE MAYOR DECLARED THE MEETING OPEN AT 1.30PM.

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

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

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apologies were received from Cr J Marshall and Mr S Arkinstall (Director of Environment & Planning).

168/23 **RESOLVED** by Cr Searl and Cr Reynolds that the apologies be received and a leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

A minutes silence was observed for the passing of Gary Poile who gave service to community groups in the Upper Lachlan Shire LGA.

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SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

SECTION 5: CONFIRMATION OF MINUTES

169/23 **RESOLVED** by Cr Searl and Cr Woodbridge

That the minutes of the Ordinary Council Meeting held on 17 August 2023 be adopted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

170/23 **RESOLVED** by Cr Searl and Cr Woodbridge

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

– CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

A presentation from Futurebus.

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A motion was moved by Cr Searl and Cr Woodbridge that Council take a five minute adjournment. On being put to the meeting the motion was carried.

171/23

RESOLVED by Cr Searl and Cr Woodbridge that council take a five minute adjournment.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

The meeting adjourned the time being 1.47pm.

Council resumed the meeting the time being 1.54pm

A motion was moved by Cr Woodbridge and Cr Reynolds that Futurebus present at a future meeting.

On being put to the meeting the motion was carried and became the resolution.

172/23

RESOLVED by Cr Woodbridge and Cr Reynolds that Futurebus present at a future meeting.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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A motion was moved by Cr N McDonald and Cr Reynolds to move items 14.1 Election of Mayor and 14.2 Election of Deputy Mayor forward in the meeting business agenda.

On being put to the meeting the motion was carried and became the resolution.

173/23

RESOLVED by Cr N McDonald and Cr Reynolds that items 14.1 Election of Mayor and 14.2 Election of Deputy Mayor be moved forward.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

The Chief Executive Officer as the Returning Officer assumed the Chair to conduct the Election of Mayor and Deputy Mayor the time being 1.44PM.

ITEM 14.1

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

174/23

RESOLVED by Cr Searl and Cr Woodbridge

1. The Chief Executive Officer declared Councillor Pam Kensit elected as Mayor unopposed, and assume the role of Chairperson.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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Cr Kensit as Mayor assumed the role as Chairperson the time being 1.45PM.

ITEM 14.2 ELECTION OF DEPUTY MAYOR

175/23 RESOLVED by Cr Searl and Cr Woodbridge

1. The Mayor declared Councillor M McDonald elected as Deputy Mayor for the remainder of this Council term, unopposed.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF SEPTEMBER 2023

176/23 RESOLVED by Cr Searl and Cr Reynolds

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

1. Office of Local Government – Circular 23-10 – End of Year Reporting requirements for 2022-23 and additional information for 2023-24.
2. Dame Mary Gilmore Society – Closure of Committee – 10 August 2023.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

177/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.2 – 10.8 INFORMATION ONLY ITEMS

178/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receive and note Items 10.2 to 10.8 as information.

- CARRIED

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

Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 AMENDED ACCESS COMMITTEE CHARTER

179/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the amended Upper Lachlan Shire Council Section 355 Access Committee Charter.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 REFERRAL FOR AUDIT - 2022/2023 FINANCIAL STATEMENTS

180/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council resolves that the 2022/2023 Financial Statements be referred for independent audit by external auditors, NSW Audit Office;
2. The Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer sign the Statement by Councillors and Management for the General Purpose and Special Purpose 2022/2023 Financial Statements;
3. Council adopt the 2022/2023 Financial Statements for Council, containing the General Purpose and Special Purpose Financial Statements; and

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4. The Chief Executive Officer be delegated the authority to authorise the Council 2022/2023 Financial Statements for issue immediately upon receipt of the Auditors Report and delegated the authority to finalise the date at which the Auditor's Report and Financial Statements are presented to the public.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.2
181/23

REVIEW OF GATHERING INFORMATION POLICY
RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the Gathering Information Policy.

- CARRIED

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

Councillors who voted against:- Nil

[Gathering-Information-Policy-Date-Adopted-21-September-2023-Resolution-181-23-Review-2026.pdf \(nsw.gov.au\)](#)

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ITEM 13.3 REVIEW OF CODE OF PRACTICE FOR SECTION 355 COMMITTEES

182/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the Code of Practice for Section 355 Committees.

- CARRIED

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

Councillors who voted against:- Nil

<https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Section-355-Code-of-Practice-Policy-Date-Adopted-21-September-2023-Resolution-182-23-Review-2026.pdf>

ITEM 13.4 REVIEW OF SECTION 355 COMMITTEE POLICY

183/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the Section 355 Committee Policy.

- CARRIED

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

Councillors who voted against:- Nil

<https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Section-355-Committee-Policy-Date-Adopted-21-September-2023-Resolution-183-23-Review-2026.pdf>

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SECTION 14: CHIEF EXECUTIVE OFFICER

ITEM 14.1 ELECTION OF MAYOR (SECTION 225-230, LOCAL GOVERNMENT ACT, 1993)

This item was dealt with at the start of the meeting see above.

ITEM 14.2 ELECTION OF DEPUTY MAYOR

This item was dealt with at the start of the meeting see above.

ITEM 14.3 COUNCIL MEETINGS - TIMES AND FREQUENCY

184/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Ordinary Council Meetings are to be held on the third Thursday of the month (with the exception of January 2024 and December 2023) at Crookwell Council Chambers and webcast as per the following schedule of meeting times and dates:-
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 19 October 2023 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 16 November 2023 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 14 December 2023 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 15 February 2024 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 21 March 2024 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 18 April 2024 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 16 May 2024 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 20 June 2024 commencing at 1:30pm.
 - Ordinary Council Meeting to be held at Crookwell on Thursday, 18 July 2024 commencing at 1:30pm.

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- Ordinary Council Meeting to be held at Crookwell on Thursday, 15 August 2024 commencing at 1:30pm.

- CARRIED

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

Councillors who voted against:- Crs S Reynolds and L Woodbridge

ITEM 14.4
185/23

COUNCIL AGENDA FORMAT AND COMMITTEES STRUCTURE

RESOLVED by Cr Searl and Cr O'Brien

1. Council adopts Schedule A as the Agenda for the business of the Ordinary Council Meetings.
2. Council determines and approves Schedule B and Schedule C for the committee structures, committee memberships and appointment of Councillors and staff representations/delegates to committees in accordance with Section 355, of the Local Government Act 1993.

- CARRIED

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

Councillors who voted against:- Nil

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SCHEDULE A

AGENDA

Ordinary Council Meetings

Ordinary Meetings of Council shall be held on the third Thursday of each month (excluding January) commencing at 1:30pm.

The business of the Ordinary Meeting of Council shall be:

Acknowledgement of Country

1. Notice of Webcasting/Recording of Meeting
2. Apologies and Leave of Absence
3. Citizenship Ceremony
4. Declarations of Interest
5. Confirmation of Ordinary Meeting Minutes
6. Mayoral Minutes
7. Presentations to Council/Public
8. Correspondence
9. Late Correspondence
10. Reports – Information Only
11. Reports from Staff - Environment and Planning Department
12. Reports from Staff - Infrastructure Department
13. Reports from Staff - Finance and Administration Department
14. Reports from Staff – Chief Executive Officer
15. Late Reports
16. Reports from Other Committees, Section 355 Committees and Delegates

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- 17. Notices of Motion
- 18. Questions with Notice

- 19. Confidential Session - Closed Council Reports

SCHEDULE B

COMMITTEES, STAFF AND COUNCILLOR MEMBERSHIP

Council Mayor, is Ex-Officio Chairperson of Section 355 committee meetings.

Audit, Risk and Improvement Committee (ARIC)

Functions of the Committee:

Audit, Risk and Improvement Committee will act as an advisory Committee to Council. The primary roles of the Committee is to assist Council in the effective operation of its responsibilities for internal audit, external audit, fraud control, compliance, probity, financial management, risk management, governance and service reviews. The Committee will work with Council's external auditor and internal auditor to facilitate achieving the organisational goals and efficient work practices.

Council Non-Voting Delegate: - Cllr P Culhane

Staff Representation (non-voting): - Manager Risk, Audit and Improvement, Chief Financial Officer & Director of Finance and Administration (Managers as requested).

Other Representation: Canberra Region Joint Organisation accredited committee members – Stephen Coates, Diana Hamono, Rachel Harris and Bryce McNair.

Meets: Quarterly

Performance Review Committee – Chief Executive Officer (CEO)

Functions of the Committee:

- To assess the performance of the Chief Executive Officer against the objectives and performance measures established in the Performance Agreement.
- Council to comply with the Office of Local Government 2022 Guidelines for the Appointment and Oversight of Chief Executive Officer directing that the whole process of performance management be delegated to a Performance Review Panel, including decisions about performance, any actions that should be taken, and the determination of the new Performance Agreement.
- Whilst the Council can undertake the performance management of its Chief Executive Officer, it delegates this task to the Performance Review Panel.

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- It is Council practice to enable Councillors not on the Panel to provide feedback to the Mayor in the week prior to each performance review.
- The Performance Review Panel provides a superior forum for constructive discussion and feedback.
- The result of the Performance Review will be reported to a closed meeting of Council. As per the direction by the Office of Local Government Guidelines for the Appointment and Oversight of Chief Executive Officer, the report in the closed meeting of Council is not to be an opportunity to debate the results, or re-enact the performance management of the Chief Executive Officer.

Council Delegates: The Mayor, Deputy Mayor, Cllr J Searl (Chief Executive Officer's nominated Councillor Representative) and Cllr D O'Brien

Meets: Annually

Local Traffic Committee

Functions of the Committee:

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

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

Council Delegate: Cllr J Searl, alternative Cllr P Culhane

Meets: Quarterly

Minute Secretary: Engineering Executive Assistant

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

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

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SECTION 355 COMMITTEES

Access Committee

Functions of the Committee: Provide input to Council on Council owned and controlled assets/facilities access issues and to assist with the ongoing development of the Disability Inclusion Action Plan.

Council Delegate: Cllr M McDonald, Cllr J Searl and Cllr J Marshall

Minute Secretary: Engineering Executive Assistant.

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

Meets: Quarterly

Biala Wind Farm Community Enhancement Fund Committee

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

Council Delegate: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Scott Keyworth and Paul Hewitt

Wind Farm Representation: Mr Derek Powell (BJCE) (Biala Wind Farm representative)

Meets: Annually

Bigga Memorial Hall Committee

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

Council Delegate: Cllr J Marshall

Staff Representation: Director of Infrastructure (as required).

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Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Binda Hall Committee

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

Council Delegate: Cllr J Marshall

Staff Representation: Director of Infrastructure (as required).

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Breadalbane Community Hall Committee

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

Council Delegate: Cllr J Searl

Staff Representation: Director of Infrastructure (as required).

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Collector Oval Committee

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

Council Delegate: Mayor and Cllr J Searl

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

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Collector Wind Farm Community Enhancement Fund Committee

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

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Council Delegate: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Katie Yeo and Robert Carter.

Wind Farm Representation: Ms Melinda Loew (Collector Wind Farm representative).

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Crookwell & District Arts Gallery

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

Council Delegate: Cllr M McDonald

Staff Representation: - Chief Executive Officer.

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Crookwell & District Historical Society

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

Council Delegate: Cllr P Culhane, alternative Cllr N McDonald

Meets: Second Thursday of each month

Crookwell II & III Wind Farms Community Enhancement Fund Committee

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

Council Delegates: Mayor

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Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Katrina Nixon and Paul Seary

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

Meets: Annually

Crookwell Memorial Hall Committee

Functions of the Committee: The care, control and management of the Crookwell Memorial Hall in accordance with the requirements of the Local Government Act 1993 and Regulations, Council policies and within the funds voted by Council annually. Responsibility for the care, control and management of the Crookwell Memorial Hall in accordance with the Plan of Management arrangement with Council.

Council Delegate: Cllr M McDonald

Staff Representation: - Manager Library Services and Director of Infrastructure (as required).

Meets: Bi-monthly

Cullerin Wind Farm Community Enhancement Fund Committee

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

Council Delegates: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Rachael Foley and Michael Coley.

Wind Farm Representation: Elsbeth Pickerin (Cullerin Wind Farm representative).

Meets: Annually

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Economic Development Advisory Committee

Functions of the Committee: Identify economic development projects, opportunities and actions, develop and promote partnerships and business networks in the local area and assist with the commissioning of an Economic Development Strategy for Council in accordance with the requirements of the Local Government Act 1993 and Regulations, Council policies and within the funds voted by Council.

Council Delegate: Cllr M McDonald, Cllr J Searl and Cllr S Reynolds, alternative Cllr L Woodbridge

Community Representation: Josh Proudman, Cristy O'Sullivan, Doug McIntyre and Robert Cameron.

Meets: Quarterly

Gullen Range Wind Farm Community Enhancement Fund Committee

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

Council Delegate: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Margaret McPherson and Ms Christine McLean

Goulburn Mulwaree Representation: Mr Scott Martin.

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

Meets: Annually

Gunning Arts Festival Committee

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

Council Delegate: Cllr L Woodbridge

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Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Gunning Shire Hall and Showground Precinct Advisory Committee

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

Council Delegate: Cllr L Woodbridge

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

Meets: As required by Upper Lachlan Shire Council Section 355 Committee Policy.

Rye Park Wind Farm Community Enhancement Fund Committee

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

Council Delegate: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

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

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

Meets: Annually

Sport and Recreation Committee

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

Council Delegates: Cllr P Culhane and Cllr D O'Brien

Staff Representation: Coordinator Parks and Biosecurity and Director of Environment and Planning (where required).

Meets: Quarterly

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Stonequarry Cemetery Committee

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

Council Delegate: Cllr N McDonald

Staff Representation: Director of Infrastructure (where required).

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

Taralga Wind Farm Community Enhancement Fund Committee

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

Council Delegate: Mayor

Staff Representation: Chief Executive Officer and Director of Environment and Planning (as alternate representative).

Community Representation: Mr Craig Croker and Mr Brian Corby.

Wind Farm Representation: Ms Lucy Sinclair (Taralga Wind Farm representative).

Meets: Annually

Tuena Hall and Recreation Area Committee

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

Council Delegate: Cllr M McDonald

Meets: Quarterly

Tourism and Event Management Advisory Committee

Functions of the Committee: Advise Council on the development of strategies relating to tourism, help build stronger local community awareness of the importance and value of the visitor community partner with Council to promote the benefits of tourism and events and provide ideas that will help grow the visitor economy on a

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sustainable basis in accordance with the requirements of the Local Government Act 1993 and Regulations, Council policies and within the funds voted by Council.

Council Delegate: Cllr M McDonald, Cllr J Searl and Cllr S Reynolds, alternative Cllr L Woodbridge

Community Representation: Peter Fulton, Samuel Hansen and Stuart Duke.

Meets: Quarterly

Upper Lachlan Australia Day Committee

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

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

Council Delegates: Mayor, Cllr M McDonald, Cllr J Searl, Cllr N McDonald and Cllr S Reynolds

Staff Representation: - Director of Finance and Administration (Voting) and Executive Assistant to the Chief Executive Officer (Non-Voting).

Community Representation: Noelene Cosgrove, Michael Coley, John Shaw, Cheryl John, Dianne Layden, Robert Cameron, Elizabeth Newcombe, Katherine Johnson, Carmel Hills and Norm Fountain.

Meets: Annually

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SCHEDULE C

COUNCIL DELEGATES / REPRESENTATIONS (OTHER THAN COUNCIL COMMITTEES)

Biala Wind Farm Community Consultative Committee

Council Delegate: Cllr P Culhane

Meets: As required

Canberra Region Joint Organisation (CRJO)

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

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

Council Delegate: Mayor

Staff Representation: Chief Executive Officer

Meets: Quarterly

Collector Community Association

Council Delegate: Cllr J Searl

Meets: Monthly

Collector Wind Farm Community Consultative Committee

Council Delegate: Mayor

Meets: As required

Country University Centre Committee

Council Delegate: Cllr N McDonald and Cllr L Woodbridge

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Meets: Monthly

Crookwell Community Consultation Committee (Health)

Council Delegate: Clr P Kensit

Meets: Second Wednesday of the month at 10.30am

Crookwell II and III Wind Farm Community Consultative Committee

Council Delegate: Clr P Culhane

Meets: As required

Gullen Range Wind Farm Community Consultative Committee

Council Delegate: Clr P Culhane

Meets: As required

Gunning District Association

Council Delegate: Clr J Searl

Meets: Monthly

Gunning District Community and Health Service Inc Management Committee

Council Delegate: Clr J Searl

Meets: Monthly

Gunning & District Historical Society

Council Delegate: Clr J Searl

Meets: Fourth Thursday of each month

Gunning Landcare

Council Delegate: Mayor and Clr L Woodbridge

Meets: As required

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Gunning Wind Farm Community Enhancement Program Advisory Group

Council Delegate: Cllr L Woodbridge

Staff Representation: Chief Executive Officer.

Meets: As required

Kiamma Creek Landcare Group

Council Delegate: Cllr S Reynolds

Meets: Quarterly

Local Government NSW (LGNSW)

Objective: To promote the interests of local government Councils at a divisional level.

Membership: All Councils in NSW.

Council Delegate: Mayor

Staff Representation: Chief Executive Officer

Meets: As required

Rye Park Wind Farm Community Consultative Committee

Council Delegate: Mayor.

Meets: As required

South East Australian Transport Strategy Inc. (SEATS)

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

Council Delegate: Mayor

Staff Representation: Director of Infrastructure

Meets: Quarterly

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Southern Tablelands Bush Fire Management Committee

Council Delegate: Clr N McDonald

Meets: Quarterly

Staff Representation: Director of Infrastructure.

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

Southern Tablelands Regional Arts (STARTS) Advisory Board

Council Delegates: Clr M McDonald

Meets: Quarterly

Southern Tablelands Regional Arts (STARTS) Sub-committee

Council Delegates: Clr J Searl

Meets: Quarterly

Southern Tablelands (Rural Fire Services) Zone Liaison Committee

Council Delegate: Clr P Kensit and Clr N McDonald

Staff Representation: Director of Infrastructure.

Meets: Quarterly

Taralga & District Historical Society

Functions of the Committee: The care, control and management of the history of the Taralga and surrounding villages.

Council Delegate: Clr N McDonald

Meets: As required

Upper Lachlan Joint Regional Planning Panel

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

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Council Delegate: Mayor and Cllr P Culhane

Staff Delegate: Director of Environment and Planning.

Meets: As required

Upper Lachlan Local Emergency Management Committee

Function:

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

Council Delegate: Mayor and Cllr N McDonald

Council Membership:

- Manager of Infrastructure Delivery – (LEMC Chairman)
- Executive Assistant to Infrastructure – (Deputy LEMO)

Meets: Quarterly

Upper Lachlan Landcare Group

Council Delegate: Cllr S Reynolds

Meets: Quarterly

Village and Town Progress Associations

Noting these are not managed by Council and will require an invitation from the Progress Association / committee should they wish for a Councillor delegate attend.

Bigga Progress Association

Council Delegates: Cllr J Marshall and Cllr P Culhane

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Meets: on invitation from Association / Committee

Binda Progress Association

Council Delegates: Clr J Marshall and Clr P Culhane

Meets: on invitation from Association / Committee

Collector Community Association

Council Delegates: Clr J Searl and Clr L Woodbridge

Meets: on invitation from Association / Committee

Crookwell Progress Association

Council Delegates: Clr M McDonald and Clr S Reynolds

Meets: on invitation from Association / Committee

Dalton Community & District Association

Council Delegates: Clr J Searl and Clr L Woodbridge

Meets: on invitation from Association / Committee

Golspie Progress Association

Council Delegates: Clr N McDonald

Meets: on invitation from Association / Committee

Grabben Gullen Community Progress Association Inc

Council Delegates: Clr J Searl and Clr S Reynolds

Meets: on invitation from Association / Committee

Gunning District Association

Council Delegates: Clr L Woodbridge

Meets: on invitation from Association / Committee

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Laggan & District Progress Association

Council Delegates: Clr M McDonald and Clr S Reynolds

Meets: on invitation from Association / Committee

Middle Arm Progress Association

Council Delegates: Clr D O'Brien

Meets: on invitation from Association / Committee

Roslyn Progress Association

Council Delegates: Clr D O'Brien and Clr S Reynolds

Meets: on invitation from Association / Committee

Taralga & District Progress Association

Council Delegates: Clr P Culhane and Clr N McDonald

Meets: on invitation from Association / Committee

Tuena Progress Association

Council Delegates: Clr M McDonald and Clr N McDonald

Meets: on invitation from Association / Committee

SECTION 15: LATE REPORTS

Nil

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

**ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF AUGUST
2023.**

186/23 RESOLVED by Cr Searl and Cr Woodbridge

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

UPPER LACHLAN SHIRE COUNCIL
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1. Gunning Arts Festival Committee – Minutes from meeting held 28 May 2023.
2. Gunning Arts Festival Committee – Minutes from meeting held 2 July 2023.
3. Gunning Arts Festival Committee – Minutes from meeting held 30 July 2023.
4. Crookwell & District Art Gallery – Minutes from meeting held 27 July 2023.
5. Upper Lachlan Access Committee – Minutes from meeting held 30 August 2023.
6. Upper Lachlan Traffic Committee – Minutes from meeting held 7 September 2023.
7. Crookwell Memorial Hall Committee – Minutes from Annual General Meeting held 31 August 2023.

187/23

RESOLVED by Cr Woodbridge and Cr Reynolds that

Council accept the Crookwell Memorial Hall Committee office bearers Robert Bill President, Margaret Wheelwright Secretary and Wal Smart Treasurer.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

8. Crookwell Memorial Hall Committee – Minutes from meeting held 31 August 2023.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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SECTION 17: NOTICES OF MOTION

**ITEM 17.1 NOTICE OF MOTION SHORTCOMINGS IN SPORTS FACILITIES
ACROSS THE UPPER LACHLAN SHIRE.**

188/23 RESOLVED by Cr Culhane and Cr O'Brien

That the Chief Executive Officer commission a review of shortcomings in sports facilities for women across the Upper Lachlan Shire and report back to Upper Lachlan Shire Council

- CARRIED

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

Councillors who voted against:- Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

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

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

189/23 RESOLVED by Cr Searl and Cr Reynolds

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.

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

- CARRIED

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

Councillors who voted against:- Nil

Council closed its meeting at 2.42pm and staff left the meeting.

190/23 **RESOLVED** by Cr Searl and Cr Woodbridge

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

- CARRIED

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

Councillors who voted against:- Nil

Open Council resumed at 3.19pm.

Resolutions from the Closed Council Meeting

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

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SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 ADDITIONAL SLOPE STABILITY WORKS ON WOMBEYAN CAVES ROAD

191/23 RESOLVED by Cr Searl and Cr N McDonald

1. Council awards a commercially acceptable contract to Specialised Site Services for the additional slope stability works on Wombeyan Caves Road, pursuant to Section 55(3)(i) of the Local Government Act 1993, for a lump sum of \$1,827,051.80 (excluding GST).
2. Council stated reasons for the decision of extenuating circumstances to allow proceeding with a contract with Specialised Site Services are as follows:-
 - These additional landslides occurred during a period that is formally declared as a natural disaster;
 - There exists a significant risk of subsequent landslides if remediation efforts are not promptly undertaken;
 - If the works are not undertaken in the near future Wombeyan Caves Road will remain closed to the public for extended periods;
 - There is a substantial likelihood of escalating costs due to inflation if the additional landslide repairs are not promptly addressed;
 - Having two contractors simultaneously undertaking works on Wombeyan Caves Road presents an unacceptably high WHS and operational risks;
 - Based on the lack of responses to the initial procurement for the works, last year, Council conclude that obtaining more competitive or reliable tenders is unlikely (especially in the known time constraints).
3. Council notes the cost of the works are funded by the Australian Government under the AGRN 1034 – NSW Floods, September 2022 declaration.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.2
192/23

PROCUREMENT OF ONE NEW LOADER

RESOLVED by Cr Searl and Cr Woodbridge

1. Council postpones the replacement of the Nissan UD Flocon Truck (Plant 888) and the Plant Trailer (Plant 582), which were initially budgeted for replacement in the 2023/2024 Operational Plan.
2. Council dispose of the existing front end loader (Plant 672) to Highway Tractor Spares.
3. Council resolves to purchase a new front end loader in this financial year in accordance with Council's Procurement Policy, at an estimated cost of \$370,000.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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**ITEM 19.3 ECONOMIC DEVELOPMENT ADVISORY S355 COMMITTEE -
EXPRESSION OF INTEREST FOR COMMUNITY
REPRESENTATIVES**

Recommendation lapsed due to lack of mover and seconder

1. Council appoints three Community Representatives to serve on the Section 355 Economic Development Advisory Committee.

An amendment was moved by Cr Reynolds and Cr Searl that

1. Council appoints four Community Representatives Josh Proudman, Cristy O'Sullivan, Doug McIntyre and Robert Cameron to serve on the Section 355 Economic Development Advisory Committee.
2. The Economic Development Advisory Committee Charter be amended to reflect the committee membership changes.

On being put to the meeting the amendment was carried and became the resolution.

193/23 RESOLVED by Cr Reynolds and Cr Searl

1. Council appoints four Community Representatives Josh Proudman, Cristy O'Sullivan, Doug McIntyre and Robert Cameron to serve on the Section 355 Economic Development Advisory Committee.
2. The Economic Development Advisory Committee Charter be amended to reflect the committee membership changes.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.4 TOURISM AND EVENT MANAGEMENT ADVISORY S355
COMMITTEE - EXPRESSION OF INTEREST FOR COMMUNITY
REPRESENTATIVES

194/23 RESOLVED by Cr Culhane and Cr N McDonald

1. Council appoints three Community Representatives to serve on the Section 355 Tourism and Event Management Advisory Committee of Council.
2. Appoints Peter Fulton, Samuel Hansen and Stuart Duke as the Community Representatives to the Tourism and Event Advisory Committee.

- CARRIED

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 3.19PM.

Minutes confirmed 19 OCTOBER 2023

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Mayor

6 MAYORAL MINUTES

The following items are submitted for consideration -

6.1	Australian Citizenship Ceremonies	50
6.2	Mayoral Minute	51

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ITEM 6.1 Australian Citizenship Ceremonies

FILE REFERENCE I23/359

Australian Citizenship Ceremony

The residents named below will have an Australian Citizenship Ceremony hosted by Council Mayor Pam Kensit.

1. Blake-Dyke, Andrew Antony Mercer - United Kingdom
2. Doctor Naluyimbazi, Jackie - Uganda
3. Poopoola, Olawale Peter - Nigeria
4. Rooker, Jo-Anne - South Africa
5. Smith, Andrew Robert - United Kingdom

Mayoral Minutes - 19 October 2023

ITEM 6.2 Mayoral Minute

FILE REFERENCE I23/341

August 2023

21 September 2023	Council Meeting – September
21 September 2023	CRJO Board Workshop - Bowral
21 September 2023	CRJO Board Dinner – Bowral
22 September 2023	CRJO Board Workshop – Bowral
23 September 2023	Bannaby Church with Clr N McDonald
26 September 2023	Biala Wind Farm S355 Committee Meeting
27 September 2023	Photo with Emily Chalker with Deputy Mayor M McDonald, Clr P Culhane and Clr N McDonald
27 September 2023	Meeting with Chief Executive Officer – ULSC
30 September 2023	Lagan Revisited with Clr N McDonald

October 2023

4 October 2023	Meeting with Chief Executive Officer – ULSC
4 October 2023	Meeting with Taralga AP&H with Clr N McDonald
4 October 2023	NSW Volunteer of the Year Awards – Goulburn with Clr N McDonald
5 October 2023	Meeting Ken Watson with Deputy Mayor M McDonald
6 October 2023	Out and About visit Dalton, Connect at Gunning, Meeting with Collector Oval Chairperson with Deputy Mayor M McDonald and Clr J Searl
9 October 2023	Meeting with Chief Executive Officer – ULSC
9 October 2023	Meeting with Chief Executive Officer – ULSC and Deputy Mayor
9 October 2023	Workshop – Renaming Roads and Weeds with Deputy Mayor M McDonald, Clr J Searl, Clr P Culhane and Clr J Marshall
10 October 2023	Meeting with Chief Executive Officer – ULSC

Mayoral Minutes

MAYORAL MINUTE cont'd

10 October 2023	Tourism and Event S355 Committee Meeting
12 October 2023	Question Time – Sydney – Delegation of Country Mayors
16 October 2023	Meeting with Chief Executive Officer – ULSC
18 October 2023	Meeting with Chief Executive Officer – ULSC
19 October 2023	Ordinary Council Meeting

8 CORRESPONDENCE

The following item is submitted for consideration -

8.1	Correspondence for the month of October 2023	54
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Correspondence - 19 October 2023

ITEM 8.1

Correspondence for the month of October 2023

RECOMMENDATION:

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

1. Office of Local Government – Circular 23-12 – 5 October 2023.

ATTACHMENTS

1. Download	23-12 Circular - NSW Office of Local Government - 5 October 2023	Attachment
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Office of
Local Government

Circular to Councils

Circular Details	23-12 / 5 October 2023 / A871143
Previous Circular	<i>Not applicable</i>
Who should read this	Councillors / General Managers / Planning staff
Contact	Policy Team 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Guidelines on the withdrawal of development applications

What's new or changing

- The Office of Local Government (OLG), with the concurrence of the Minister for Planning and Public Spaces, the Hon. Paul Scully MP, has released the Guidelines on the Withdrawal of Development Applications (the Guidelines).

What this will mean for your council

- The Guidelines have been issued under section 23A of the *Local Government Act 1993* and councils are required to consider the Guidelines in exercising their development application (DA) assessment functions.
- The Guidelines include a policy statement that encourages councils to contribute to providing more appropriate housing to address the State's housing shortfall through the expeditious assessment and determination of DAs.
- The Guidelines require councils to allocate appropriate resources to their planning and assessment teams to ensure development applications are assessed and determined expeditiously.
- The Guidelines strongly encourage councils to avoid practices that delay DA assessment within reasonable timeframes.

Key points

- The NSW Government recognises the importance of providing more housing opportunities for people to help drive down the cost of housing and boost the economic productivity of the State.
- NSW councils have an important role to play in housing delivery through their planning and approval process.
- Many councils across the State, particularly in regional areas, have identified the need to urgently address growing unaffordability of housing.
- The NSW Government will continue to develop a range of policies to address NSW's shortfall in housing.

Where to go for further information

- The Guidelines on the Withdrawal of Development Applications are available on the OLG website.

Brett Whitworth
Deputy Secretary, Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
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10 INFORMATION ONLY

The following items are submitted for consideration -

10.1	Development Statistics Report	58
10.2	Investments for the month of September 2023	65
10.3	Bank Balance and Reconciliation - September 2023	69
10.4	Rates and Charges Outstanding for the month of September 2023	70
10.5	Grants Report	72
10.6	Action Summary - Council Decisions	79

Information Only - 19 October 2023

ITEM 10.1 **Development Statistics Report**

FILE REFERENCE **I23/348**

AUTHOR **Director of Environment and Planning**

ISSUE

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

RECOMMENDATION That -

1. Council receives and notes the report as information.

BACKGROUND

A standard monthly report providing Council with a summary of the development control activities that have occurred in the period 1 September 2023 to 30 September 2023.

REPORT

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

Development Applications

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

Information Only
DEVELOPMENT STATISTICS REPORT cont'd

Table 1 - Number of development applications received per month:

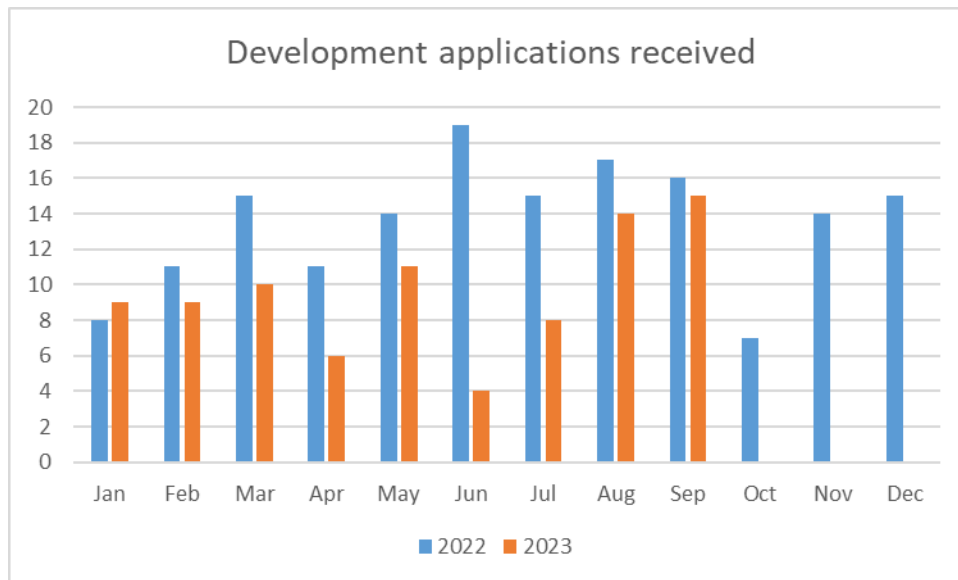
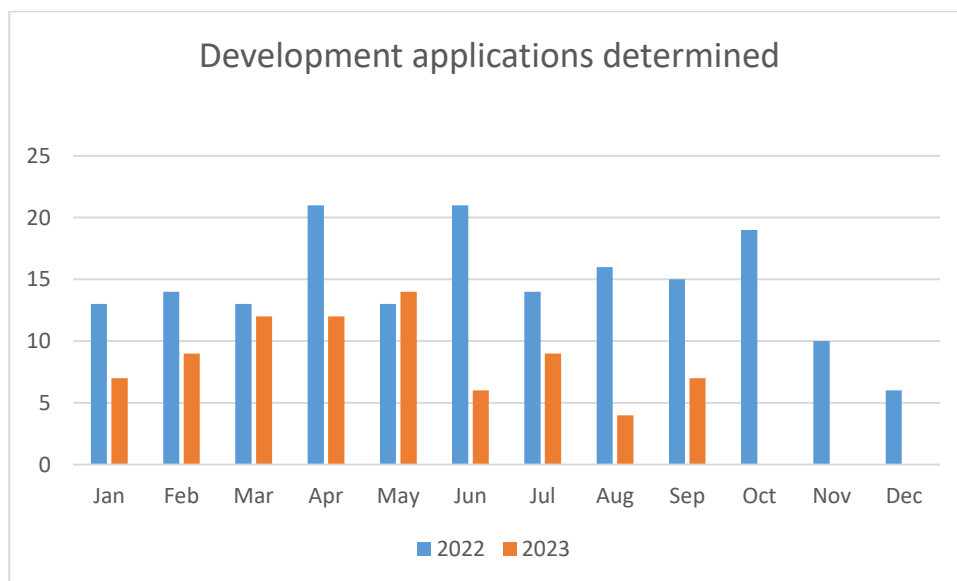


Table 2 - Number of development applications determined per month:



Information Only
DEVELOPMENT STATISTICS REPORT cont'd

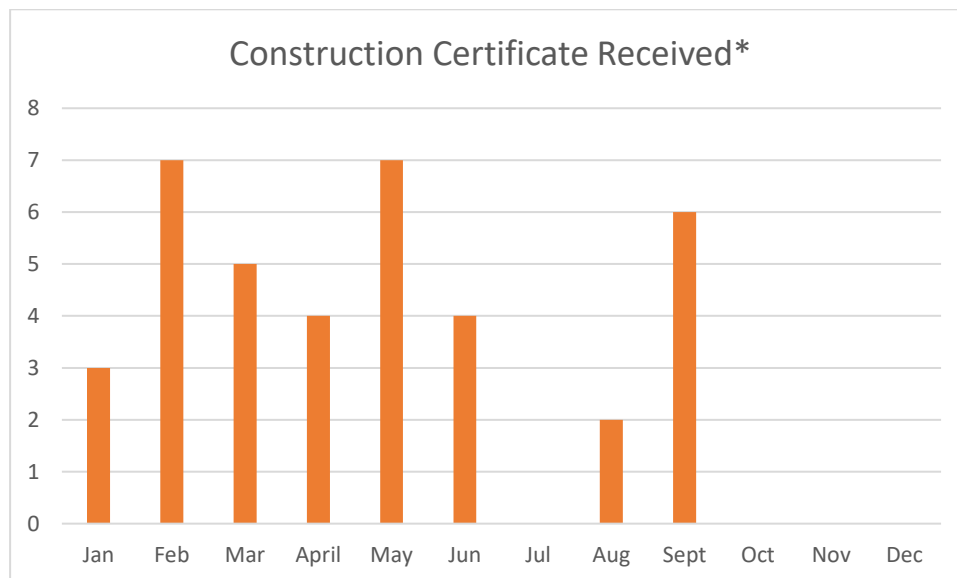
Development Applications Determined

Development Applications Determined By Council (September 2023):

DA Reference	Proposal	Property Details
154/2022.2	Dwelling	1590 Woodhouselee Road, Roslyn Lot 258 DP 1280940 and Lot 261 DP 750052
160/2022	2 Lot Subdivision	241 Hillcrest Road, Myrtleville Lot 17 DP 8040
170/2022	Dwelling	2326 Sapphire Road, Wheeo Lot 1 DP 1239239
171/2022	4 Lot Subdivision	Bourke Street, Collector Lots 1 – 3 DP 126018
200/2023	Secondary Dwelling	2188 Gurrundah Road, Gurrundah Lot 6 DP 1214847
233/2023	Farm Building	121 Blue Hills Road, Yalbraith Lot 166 DP 41578
246/2023	Swim Spa	313 St Stephens Road, Wayo Lot 1 DP 1286067

Construction Certificates

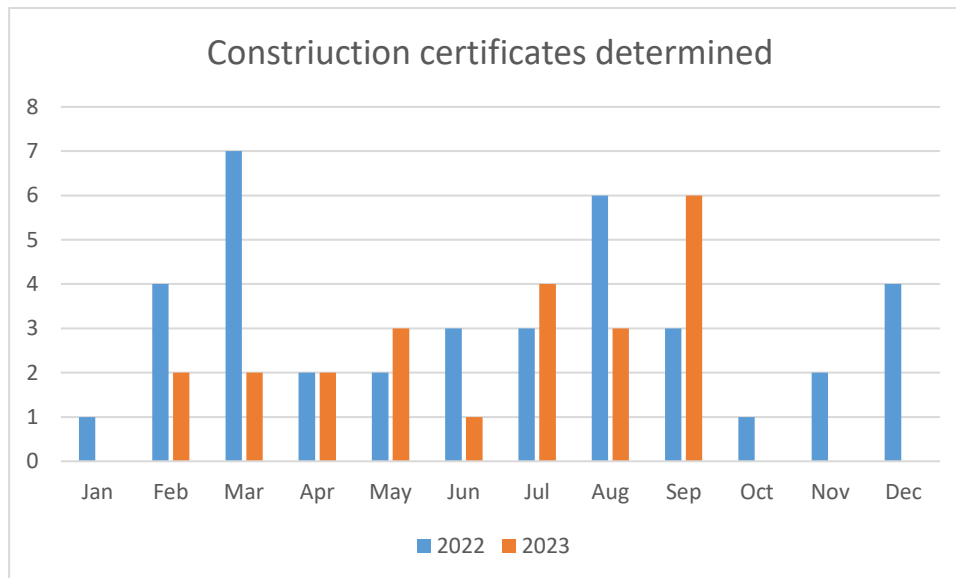
Table 3 – The number of construction certificates received per month are detailed below:



* Estimated numbers only as information obtained from NSW Planning Portal

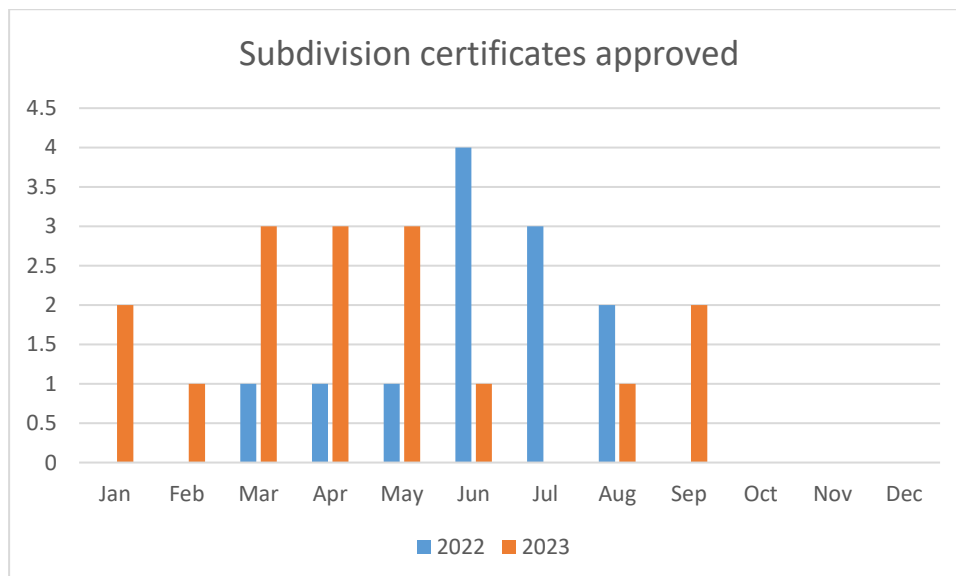
Construction Certificates

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



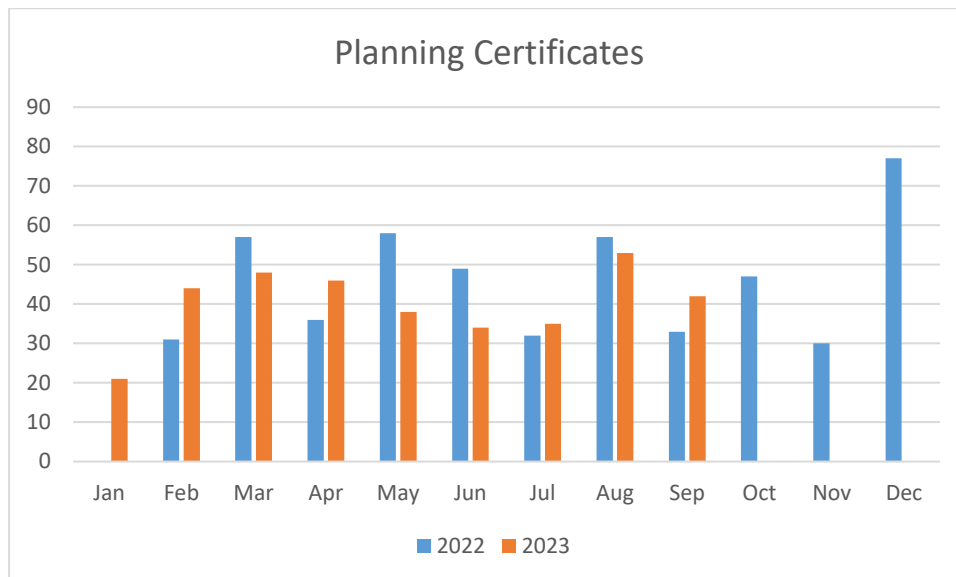
Subdivision Certificates

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



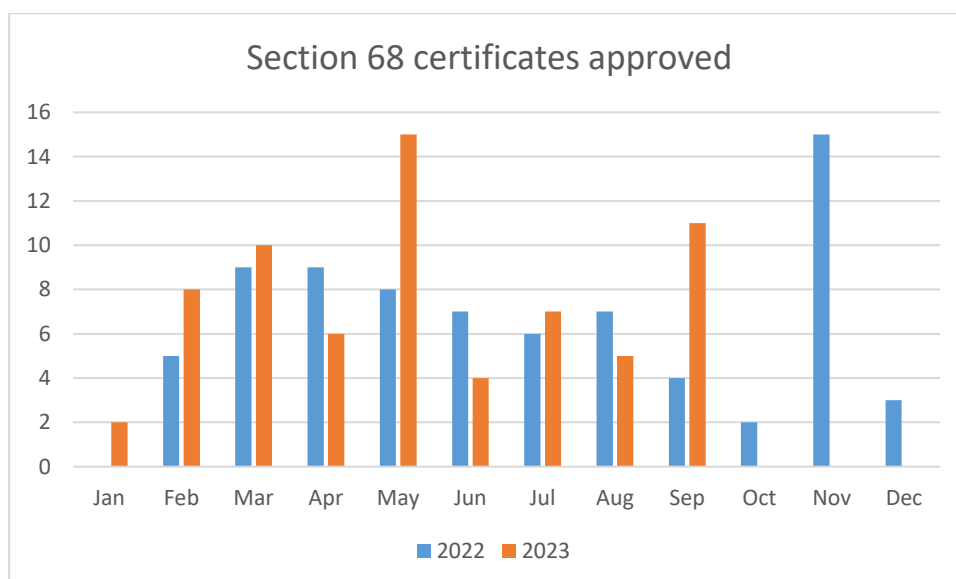
Planning Certificates

The number of Planning Certificates issued per month are detailed below



Section 68 Certificates

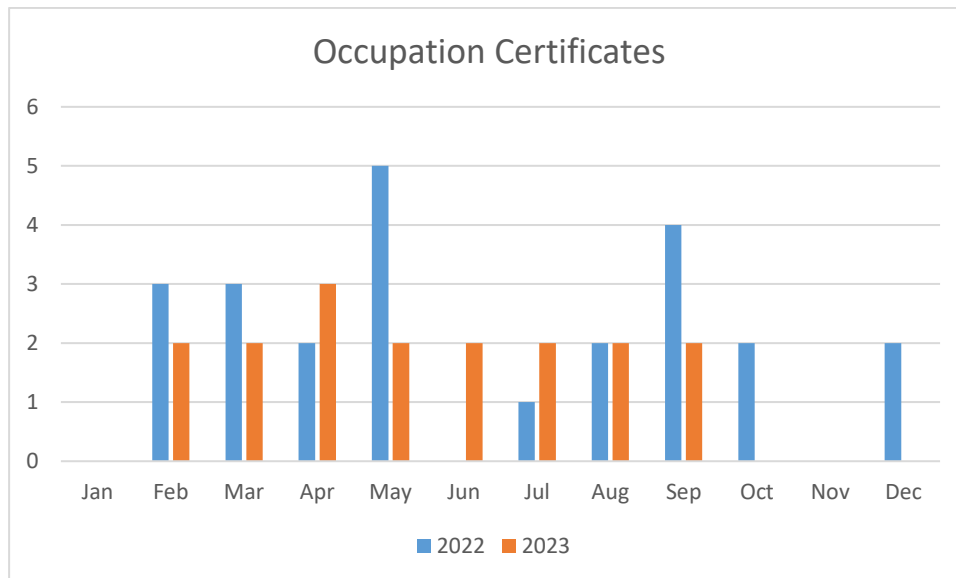
The number of Section 68 Certificates issued per month are detailed below:



Information Only
DEVELOPMENT STATISTICS REPORT cont'd

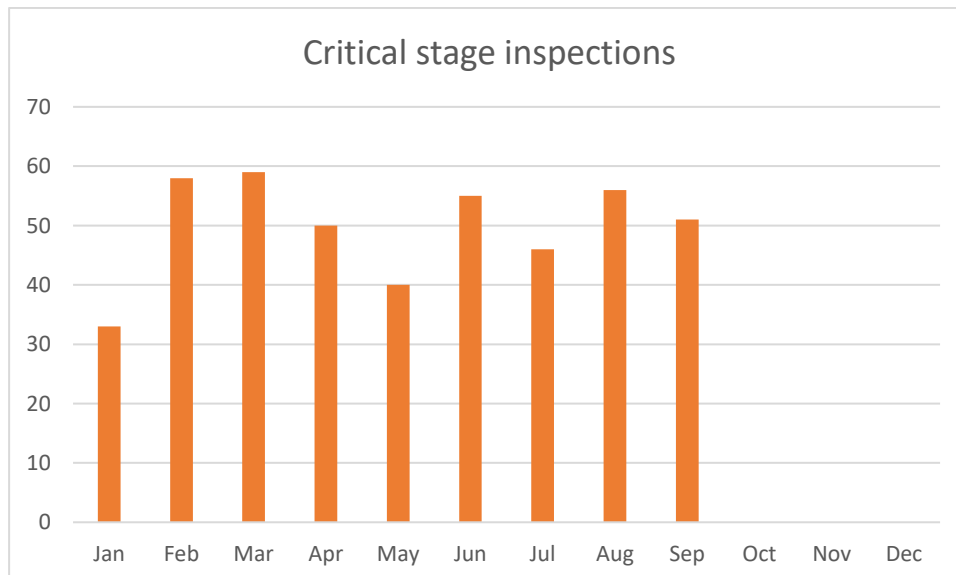
Occupation Certificates

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



Critical Stage Inspections

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



RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Information Only - 19 October 2023

ITEM 10.2 **Investments for the month of September 2023**

FILE REFERENCE **I23/345**

AUTHOR **Director of Finance and Administration**

ISSUE

Council Investment Portfolio Register as at 30 September 2023.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

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

REPORT

Investments to 30 September 2023

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	Call	\$350,000	0.25%	N/A	30-09-23	\$148.63
CBA	TD	\$1,000,000	4.63%	217	05-10-23	\$27,526.30
Bank of Qld	TD	\$1,000,000	4.63%	217	11-10-23	\$27,526.30
Bank of Qld	TD	\$1,000,000	4.50%	217	18-10-23	\$26,753.42
Bank of Qld	TD	\$1,000,000	4.60%	217	25-10-23	\$27,347.95
NAB	TD	\$1,000,000	4.75%	244	01-11-23	\$31,753.42
Bendigo Bank	TD	\$1,000,000	4.65%	251	08-11-23	\$31,976.71
Bank of Qld	TD	\$1,000,000	4.60%	231	15-11-23	\$29,112.33
IMB	TD	\$1,000,000	4.30%	231	22-11-23	\$27,213.70
IMB	TD	\$1,000,000	5.30%	153	29-11-23	\$22,216.44
Bank of Qld	TD	\$1,000,000	4.75%	279	06-12-23	\$36,308.22
Bendigo Bank	TD	\$1,000,000	5.30%	167	13-12-23	\$24,249.32
NAB	TD	\$1,000,000	5.03%	133	20-12-23	\$18,328.49
NAB	TD	\$1,000,000	5.40%	188	03-01-24	\$27,813.70
NAB	TD	\$1,000,000	5.41%	195	10-01-24	\$28,902.74

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

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	TD	\$1,000,000	5.10%	182	17-01-24	\$25,430.14
Bendigo Bank	TD	\$1,000,000	5.35%	182	24-01-24	\$26,676.71
NAB	TD	\$1,000,000	5.44%	210	31-01-24	\$31,298.63
Bank of Qld	TD	\$500,000	5.30%	184	02-02-24	\$13,358.90
Bendigo Bank	TD	\$500,000	5.35%	196	07-02-24	\$14,364.38
NAB	TD	\$500,000	5.37%	190	07-02-24	\$13,976.71
IMB	TD	\$1,000,000	5.20%	183	14-02-24	\$26,071.23
CBA	TD	\$1,000,000	4.98%	189	21-02-24	\$25,786.85
CBA	TD	\$1,000,000	4.92%	190	28-02-24	\$25,610.96
IMB	TD	\$1,000,000	5.05%	196	06-03-24	\$27,117.81
Bank of Qld	TD	\$1,000,000	5.00%	197	13-03-24	\$26,986.30
Bendigo Bank	TD	\$1,000,000	4.95%	197	20-03-23	\$26,716.44
CBA	TD	\$1,000,000	4.92%	210	27-03-24	\$28,306.85
IMB	TD	\$1,000,000	5.00%	210	03-04-24	\$28,767.12
Bendigo Bank	TD	\$1,000,000	4.80%	210	10-04-24	\$27,616.44
NAB	TD	\$1,000,000	5.10%	211	17-04-24	\$29,482.19
IMB	TD	\$1,000,000	5.00%	216	24-04-24	\$29,589.04
IMB	TD	\$1,000,000	5.05%	218	01-05-24	\$30,161.64
		\$30,850,000				\$844,496.03

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

Interest on Investments Received YTD	\$371,526
Annual budgeted amount for all funds	\$1,232,000
Percentage of Interest Received YTD	30.16%
Percentage of Year Elapsed	25.00%

Average market interest rate (90 day BBSW)	4.13%
Average return on all investments	4.97%

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

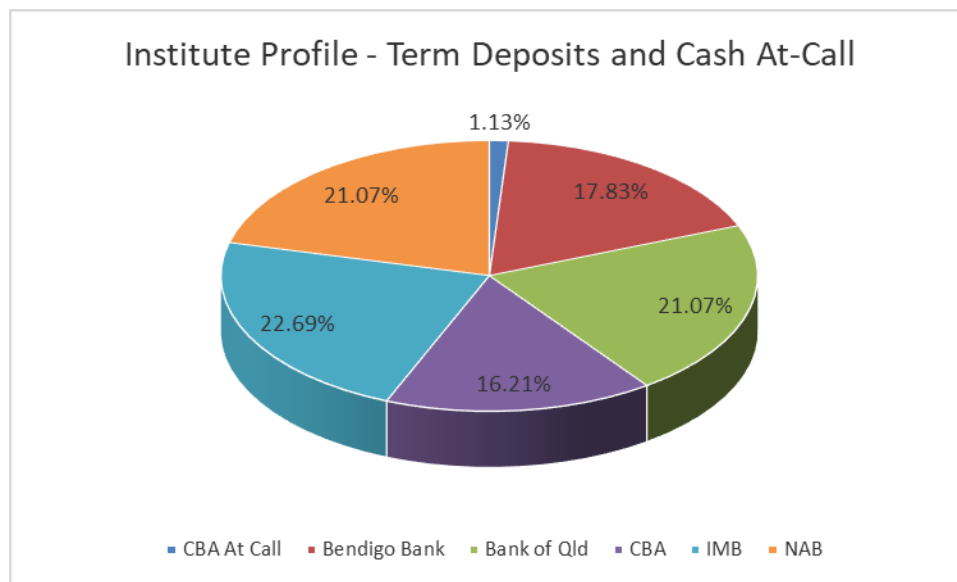
Information Only

INVESTMENTS FOR THE MONTH OF SEPTEMBER 2023 cont'd

FINANCIAL INSTITUTION INVESTMENTS PROFILE AS AT 30 SEPTEMBER 2023

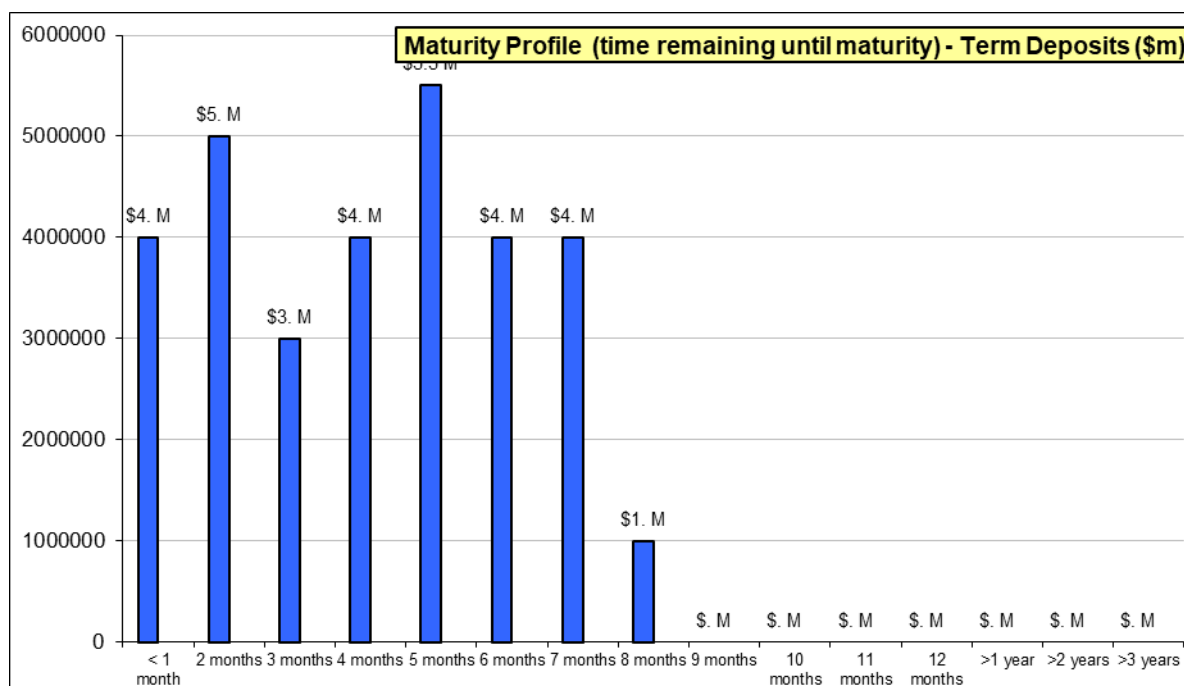
The following chart shows the current distribution of Council's investment portfolio between the authorised financial institutions used. The current distribution of funds between institutions complies with Council's Investment Policy which states:-

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



INVESTMENTS - MATURITY PROFILE AS AT 30 SEPTEMBER 2023

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



Information Only

INVESTMENTS FOR THE MONTH OF SEPTEMBER 2023 cont'd

SUMMARY OF AVAILABLE CASH AT 30 SEPTEMBER 2023

TOTAL INVESTMENTS: - \$ **30,850,000**

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

General Fund Reserves	\$	17,615,086
Water Supply Fund Reserves	\$	3,834,081
Sewerage Fund Reserves	\$	6,864,872
Domestic Waste Management Fund Reserves	\$	2,533,606
Trust Fund Reserves	\$	2,355

POLICY IMPACT

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

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 19 October 2023

ITEM 10.3 **Bank Balance and Reconciliation - September 2023**

FILE REFERENCE I23/346

AUTHOR **Director of Finance and Administration**

ISSUE

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

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

STATEMENT OF BANK BALANCE & RECONCILIATION

General Ledger Balance brought forward 31 August 2023	1,181,725.99
Add: Receipts for September 2023	<u>4,546,011.66</u>
	5,727,737.65
Deduct: Payments for September 2023	<u>5,435,914.12</u>
Balance as at 30 September 2023	<u>291,823.53</u>
Balance as per Bank Statement 30 September 2023	616,231.00
Add: Outstanding Deposits	<u>2,698.35</u>
	618,929.35
Less: Unpresented Cheques/ EFTs	<u>327,105.82</u>
Balance as at 30 September 2023	<u>291,823.53</u>

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Information Only - 19 October 2023

ITEM 10.4 **Rates and Charges Outstanding for the month of September 2023**

FILE REFERENCE **I23/347**

AUTHOR **Director of Finance and Administration**

ISSUE

Rates and Charges Outstanding Report to 30 September 2023.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

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

REPORT

There is an attached report titled "Rate Collection 2024 Year" for the 2023/2024 financial year. A comparison of the rates and charges outstanding percentage to previous financial years is highlighted in the below table:-

Description	30/09/2023	30/09/2022	30/09/2021
Total % Rates and Charges Outstanding	56.29%	55.10%	56.07%
Total \$ Amount Rates and Charges Outstanding	\$8.377 million	\$7.794 million	\$7.524 million

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. 	Rate Collection 2024 Year	Attachment
--	---------------------------	------------

Rate Collection 2024 Year

Rating Categories	Levy Raised to date	Rates Received to 2 October 2023	Rates Outstanding to 2 October 2023	% Rates Outstanding 2 October 2023
Farmland	5,652,723.90	2,334,056.30	3,318,667.60	58.71%
Residential	1,522,187.11	587,956.99	934,230.12	61.37%
Rural Residential	850,118.18	385,398.23	464,719.95	54.67%
Business	666,632.78	460,095.90	206,536.88	30.98%
Mining	2,160.52	541.42	1,619.10	74.94%
Water	1,155,830.00	479,565.06	676,264.94	58.51%
Sewerage	1,932,590.98	814,420.17	1,118,170.81	57.86%
Domestic & Comm Waste	1,642,710.89	708,955.43	933,755.46	56.84%
Rural Waste	890,585.01	390,168.76	500,416.25	56.19%
Storm Water	49,542.91	19,191.15	30,351.76	61.26%
**Arrears	515,692.10	262,849.58	252,842.52	49.03%
Credits		60,702.25	-60,702.25	
Overall Total Rates	14,880,774.38	6,503,901.24	8,376,873.14	56.29%

Prepared by M ClementsDate 4/10/23Authorised by Andrew G. GokeDate 5/10/2023

I:\2023-2024\Rates\Recs\%oust_September 30 - 2023

Information Only - 19 October 2023

ITEM 10.5 **Grants Report**

FILE REFERENCE **I23/353**

AUTHOR **Chief Executive Officer**

ISSUE

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

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

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

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

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

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Grants Report - September 2023	Attachment
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Grants and Projects Report to Council - September 2023

Grant Applications in progress

Grantee	Due or Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Regional Housing Strategy Planning Fund	25-Sep-23	Upper Lachlan Housing Strategy and Development Control Plan Review	\$ 144,000		\$ 186,600	\$ 330,600	\$ 330,600	Application Lodged
2023/24 Country Passenger Transport Infrastructure Grnat Scheme (CPTIGS)	5-Sep-23	Laggan Bus Shelter			\$ 20,000	\$ 20,000	\$ 20,000	Application Lodged
Black Spot Road Program	31-Jul-23	Boorowa Road Safety Upgrade			\$ 1,090,245	\$ 1,090,245	\$ 1,090,245	Application lodged
		Range Road - Safety Upgrade			\$ 156,152	\$ 156,152	\$ 156,152	Application lodged
EPA	19-Apr-23	Illegal Dumping and Flood Waste Recovery Program			\$ 516,442	\$ 516,442	\$ 516,442	Application withdrawn due to not fitting the eligibility criteria
Floodplain Management Program	17-Apr-23	Flood Warning Systems Construction	\$ 47,400		\$ 189,600	\$ 237,000	\$ 237,000	Council has confirmed 1/5 contribution (\$50k) can be funded, awaiting funder announcement, due November 2023.

Grant Projects Funded

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Regional Road Repair Program 23/24	30-Apr-23	MR241 Dalton Road Rehabilitation	\$ 332,000		\$ 332,000	\$ 664,000	\$ 664,000	Design work complete, construction started and expected to be completed December 2023
Community Heritage Grants	2-Dec-22	ULSC Oral Aboriginal History Project	\$ -	\$ -	\$ 49,350	\$ 49,350	\$ 49,350	Application Successful
LGP Procurement Capability Grant Program	28-Apr-23	Procurement Working Group - attend LGP Conference & network			\$ 3,500	\$ 3,500	\$ 3,500	Application Successful
NSW Government & Telstra		Tech Savvy Seniors			\$ 3,404	\$ 3,404	\$ 3,404	Plan to run first sessions in October 2023.
Disaster Ready Fund - Round 1	14-Feb-23	Gunning Flood Mitigation Works	\$ 350,000		\$ 2,400,000	\$ 2,750,000	\$ 2,750,000	Successful Application, Implementation plan due in 2 weeks after funding body agreement.
OLG NSW Severe Weather and Floods - AGRN 1025		Natural Disaster Funding - various programs			\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	Application successful. Funds received. Rob to update SmartyGrants Portal with projects.
Fixing Country Roads Round 6	14-Oct-22	Peelwood Road (co funded by Heavy vehicle safety and productivity program)	\$ 60,000	\$ 432,000	\$ 650,180	\$ 1,142,180	\$ 1,142,180	Issue with funds to supplement ongoing project. All works to be completed by end FY24.
	14-Oct-22	Wheeo Road (co funded by Heavy vehicle safety and productivity program)	\$ 85,000	\$ 573,288	\$ 797,012	\$ 1,455,300	\$ 1,455,300	Issue with funds to supplement ongoing project. All works to be completed by end FY24.
Fixing Local Roads - Round 4 - Region South	9-Sep-22	Breadalbane Road	\$ 150,857	\$ -	\$ 1,005,712	\$ 1,156,568	\$ 1,156,568	Survey complete, design ongoing, to be completed prior to December 23 and construction to start February 24 and complete end of FY24.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Regional Airport Program Round 3	24-Jun-22	Safety Upgrade Crookwell Aerodrome: smoothing ruts on airstrip, laying gravel base and sealing access road and pads for hangar construction and fencing	\$ 124,000	\$ -	\$ 124,000	\$ 248,000	\$ 248,000	Survey completed and design finalised for access roads and gravel pads. Council will do work in house. A contractor is tentatively booked to do the fence.
Local Roads and Community Infrastructure Grant - Phase 4		Council's Contribution for MAAC Stage 2 Heated Pool, Running/Walking Track and Exercise Bikes		\$ -	\$ 1,203,040	\$ 1,203,040	\$ 1,203,040	Application Successful
Local Roads and Community Infrastructure Grant - Round 4 (Road)		Part B funding - allocation for road only projects			\$ 693,945	\$ 693,945	\$ 693,945	Councils will be able to access their Phase 4 funding allocations from July 2023, with projects to be delivered by June 2025.
Regional and Local Roads Repair Program		Corrective Maintenance and Rehabilitation Works in the Shire between 1 January 2023 and 29 February 2024			\$ 3,482,373	\$ 3,482,373	\$ 3,482,373	Work plan has been lodged to TfNSW, repair works ongoing.
Female Friendly Community Sports Facilities	23-Nov-22	Female Friendly and Safe Gunning Pool Change Facilities and Amenities	\$ 15,000	\$ -	\$ 500,000	\$ 515,000	\$ 515,000	Contractor awarded project on 29/8/2023 Greenwich Constructions, starting on 3rd of September.
Creative Capital Grant		Gunning Shire Hall Rejuvenation	\$ 12,299	\$ 2,000	\$ 92,623	\$ 106,922	\$ 106,922	Curtains ordered. Lights installed. Disability access ramp Tender documents prepared, just waiting on final drawings from Architect before being advertised.
Local Government Heritage NSW Grants	2-Dec-22	Local Heritage Advisor, Local Government Heritage Grants (Book Keepers Cottage)	\$ -	\$ 25,000	\$ 25,000	\$ 50,000	\$ 50,000	Book Keepers Cottage work is ongoing
Stronger Country Communities Fund (Round 5)	23-Sep-22	Program 1 Sustainable fit out for Crookwell Multi Aquatic Activity Centre - includes solar	\$ -	\$ -	\$ 829,915	\$ 829,915	\$ 829,915	Application Successful
Crown Reserves Improvement Fund	3-Jun-22	Power Upgrade Gunning Showground	\$ 39,350	\$ -	\$ 189,860	\$ 229,210	\$ 229,210	Application Successful. Design in progress.
2022/23 Walking & Cycling Program	28-Feb-22	Get NSW Active Program 2022/23 Crookwell Carrington & Northcott Street Footpath	\$ -	\$ -	\$ 185,000	\$ -	\$ 185,000	All works complete, PCR to be lodged early October.
Department of Planning & Environment (NPWS)	13-Oct-22	Wombeyan Caves Road - Slope Stabilisation	\$ -	\$ -	\$ 325,000	\$ 325,000	\$ 325,000	Works onsite have started, expected to be completed by December 2023
Transport NSW (TfNSW)	13-Oct-22		\$ -	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	
National Parks and Wildlife Service	15-Jun-23		\$ -	\$ -	\$ 325,000	\$ 325,000	\$ 325,000	
Multi Sport Community Facility Fund	25-Feb-22	MAAC Stage 2 Heated Pool, Running/Walking Track and Exercise Bikes	\$ 1,188,366	\$ -	\$ 1,188,366	\$ -	\$ 2,376,732	Project commenced. Slab has been poured and walls formed. Exercise bikes purchased.
NSW Planning Portal API Grant Program	9-Jun-22	ULSC Planning portal API augmentation. Integrating documents submitted over the planning portal into Council's records management system	\$ -	\$ -	\$ 80,000	\$ 80,000	\$ 80,000	Project progressing. Completion date 30 September depending on Department of Planning.
Open Space Program - Places to Play	4-Mar-22	Wattle Glen Adventure Park Grabben Gullen	\$ -	\$ -	\$ 500,000	\$ -	\$ 500,000	A request has been made to use this Grant on the Multipurpose Aquatic and Activity Centre.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
NSW State Library's Public Library Infrastructure Grant	22-Oct-21	Upper Lachlan Shire Libraries Refurbishment	\$ -	\$ -	\$ 189,564	\$ 189,564	\$ 189,564	Circulation desk delivered and installed in August 2023. Grant to be acquitted by December 2023.
Black Summer Bushfire Recovery Grant	6-Oct-21	Taralga Dam: Preliminary assessments and design	\$ 20,000	\$ -	\$ 875,000	\$ 895,000	\$ 895,000	Dam suitability inspection - Geotech completed on 15th of September.
Local Roads and Community Infrastructure Grant - Phase 3	5-Oct-21	Stage 2 MAAC Multi Purpose Aquatic and Activity Centre: Toddlers pool and amenities	\$ 1,200,000	\$ -	\$ 1,206,096	\$ 2,406,096	\$ 2,406,096	Pipework and clayform installed to Toddler pool then base was prepped and poured. Portion of the structural steel and purlins were delivered to site. Steel cutters onsite prepping amenities building for steel installation
		Stormwater in North St, Gordon St, Soudan Rd, Wolseley Rd in Crookwell and Warrataw and Yass St in Gunning	\$ -	\$ -	\$ 650,000	\$ 650,000	\$ 650,000	Crookwell stormwater is now complete. Gunning stormwater project is in preliminary investigation stage. Council applied for further funding under Disaster Ready Fund Round 1, which was successful. Project will now proceed once investigations are finalised.
Veolia	22-Feb-23	Lin Cooper Sport Amenities Upgrade (demolition and finishings)			\$ 90,900.00	\$ 90,900.00	\$ 90,900.00	Building Complete. Acquittal in progress.
Regional Sport Facilities Fund (Round 2)	8-Oct-21	Lin Cooper Sport Amenities Upgrade	\$ 120,000	\$ -	\$ 978,601	\$ 1,098,601	\$ 998,601	Building Complete. Defects being rectified before acquittal can be finalised.
Veolia Mulwaree Trust	15.09.21	Equipment for Coleman Park Inclusive Play space	\$ -	\$ -	\$ 45,455	\$ 45,455	\$ 45,455	Playground construction commenced and shall be completed by early October 2023.
Creative Capital Grant	11-Apr-22	Gunning Picture House Gallery Roof Restoration	\$ 5,150	\$ 11,000	\$ 498,522	\$ 514,672	\$ 514,672	Tender documents complete and to be advertised.
	26-Oct-21	Gunning Court Room upgrade	\$ -	\$ 10,000	\$ 65,559	\$ 75,559	\$ 75,559	Disability access ramp Tender documents prepared, just waiting on final drawings from Architect before being advertised.
Fixing Local Roads Round 3		Julong Road	\$ 75,000	\$ -	\$ 925,000	\$ 1,000,000	\$ 1,000,000	Works will commence after the timber bridge replacement works are complete.
		Middle Arm Roads						Works complete.
Integrated Water Cycle Management	9-Jun-21	Delivery of an Integrated Water Cycle Management (IWCN) Strategy for Upper Lachlan Shire Council.	\$ 116,365		\$ 349,096	\$ 465,461	\$ 465,461	Issues paper has been drafted, we currently are consolidating a Variation for time and cost to cover Groundwater Investigations. PW have supplied proposals for review.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Bushfire Local Economic Recovery Fund (BLERF)	28-Jan-21	Visitors Information Centre	\$ 150,000	\$ -	\$ 2,462,947	\$ 2,612,947	\$ 2,612,947	All in ground hydraulics and stormwater has been completed for the building. All reinforcement and formwork has been completed and the slab has now been poured. This includes all the structural steel cast-ins. The slab will now sit to be cured and then the structural steel will be installed.
Regional Connectivity Program	17-Nov-20	Upper Lachlan Rural Connectivity Solution	\$ 15,000	\$ 90,000	\$ 298,405	\$ 403,405	\$ 403,405	27 of the 35 sites have been completed with AAA status on 21 sites. The remaining sites are due to be completed by December 2023.
Everyone Can Play	3-Nov-20	Coleman Park Inclusive Play Space	\$ 150,000	\$ 150,000	\$ 300,000	\$ 600,000	\$ 600,000	Playground construction commenced and shall be completed by early October 2023.
Crown Reserves Improvement Fund	8-Jul-20	Crookwell Caravan Park Improvements	\$ 30,000	\$ -	\$ 117,818	\$ 147,818	\$ 147,818	Digital signage installed and operational. Final steps are fencing around entrance to be ordered and installed as well as the signage to go on both buildings.
Local Roads and Community Infrastructure Grant - Phase 1	1-Jul-20	Multipurpose Aquatic and Activity Centre Stage 1 (25m pool and demolition); In addition Coleman Park Playground \$150,000	\$ 770,000		\$ 1,203,040	\$ 2,836,918	\$ 2,836,918	Inground plumbing to the plantroom complete and blockwork partially complete. Backfilling complete around the outdoor pool. Footings for plantroom have been installed and poured. Plantroom slab has been prepped and poured. Steel columns erected around the plantroom and upper deck slab for service vehicle access has been poured. Detail excavation has been completed, formwork and steel cages have commenced.
Local Roads and Community Infrastructure Grant - Phase 2	7-Oct-20				\$ 863,878			
Fixing Local Roads - Phase 2	11-Dec-20	Various Reseals - Cullerin, Bigga, Fullerton, Jerrawa, Peelwood, Collector, Roslyn Roads.	\$ 228,016	\$ -	\$ 4,332,280	\$ 4,560,296	\$ 4,560,296	Peelwood, Fullerton, Jerrawa and Collector are completed. Roslyn and Bigga Roads are completed. Cullerin to start Sep and complete by end of calendar year.
Heavy Vehicle Safety and Productivity Program Round 7	29-May-20	Peelwood road Upgrade 3km	\$ 60,000	\$ 650,180	\$ 432,100	\$ 1,142,280	\$ 1,142,280	Project Extension obtained, works to recommence next financial year.
Heavy Vehicle Safety and Productivity Program Round 7	29-May-20	Wheeo Road Upgrade 5km	\$ 85,000	\$ 797,012	\$ 573,288	\$ 1,455,300	\$ 1,455,300	Upgrade currently in progress. Due for completion Dec 2023.
Bridges Renewal Program Round 5	29-May-20	Crookwell River Bridge - Julong	\$ 76,860	\$ -	\$ 768,600	\$ 1,537,200	\$ 1,537,200	Construction underway. Latent site conditions encountered, foundation redesign required. Commencement of works has been delayed.
Fixing Country Bridges	9-Oct-20				\$ 691,740			
Bridges Renewal Program Round 5	29-May-20	Burra Burra Creek Bridge - Blue Hill Road	\$ 47,973	\$ -	\$ 479,726	\$ 959,452	\$ 959,452	New construction works complete, demolition of existing bridge outstanding.
Fixing Country Bridges	9-Oct-20				\$ 431,753			

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Bridges Renewal Program Round 5	29-May-20	Peelwood Creek Bridge - Cooksvale Rd	\$ 55,262	\$ -	\$ 552,614	\$ 1,105,228	\$ 1,105,228	New construction works complete, demolition of existing bridge outstanding. Updated 23/05/2023
Fixing Country Bridges	9-Oct-20				\$ 497,352			
Showground Stimulus Funding Program Tranche 2 19/20	25-Apr-20	Gunning Showground Amenities Fit out	\$ -	\$ -	\$ 37,400	\$ 37,400	\$ 37,400	Project Commenced.
Stronger Country Communities Fund (Round 3)	18-Sep-19	Gunning Showground Amenities Construction	\$ 50,000	\$ -	\$ 672,747	\$ 722,747	\$ 722,747	Project Commenced.
Regional Growth Growing Local Economies Fund	5-Jul-18	Grabine Road Upgrade	\$ 200,000	\$ -	\$ 3,300,000	\$ 3,500,000	\$ 3,500,000	Project being finalised. Council has applied to reclaim \$460k out of the \$605k overspent under AGRN 1025.
Growing Local Economies Fund	2019	Tablelands Way	\$ 329,215	\$ -	\$ 6,255,079	\$ 6,584,294	\$ 6,584,294	Bridge successful tender engaged, roadworks redesign nearing completion.

Information Only - 19 October 2023

ITEM 10.6 **Action Summary - Council Decisions**

FILE REFERENCE I23/337

AUTHOR **Chief Executive Officer**

ISSUE

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

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

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

REPORT

Summary sheet includes the following Council Resolutions:-

Council Meeting: 21 April 2022

84/22	1. That the Upper Lachlan Shire Council move to reinstitute a Youth Council committee.	CEO	Policy to be reviewed and a further meeting be convened with relevant Councillors.
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Council Meeting: 16 June 2022

115/22	1. Council defer decision on the draft Nature Strips and Trees Policy.	DEP	Policy to come back to future Council meeting after Councillor workshop occurs.
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Information Only**ACTION SUMMARY - COUNCIL DECISIONS cont'd****Council Meeting: 20 October 2022**

229/22	<ol style="list-style-type: none">1. Council resolve to close as public road the Council roads located shown as Lot 1 DP 1224882 and Lot 2 DP 1224882 in the vicinity of Laggan Road.2. Council resolve that upon closure, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening on Laggan Road	DOI	Advice provided to Council's Legal team R J McCarthy – ongoing process.
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Council Meeting: 16 March 2023

38/23	<ol style="list-style-type: none">1. Wombeyan Caves Road remains closed between Langs Road and the Wombeyan Caves Reserve until additional funds are secured to complete the works required to provide a safe road for road users.2. Council seeks further grant funding in order to carry out the additional works required to address the safety issues which prevent the Wombeyan Caves Road from being open for public use.3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with the preferred tenderer once the additional funds are secured to complete the Slope Stability Works.	DOI	Work commenced in mid September 2023.
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Council Meeting: 20 April 2023

49/23	<ol style="list-style-type: none">1. Council resolve to close two sections of public road of approximately 6991 m² near Devil's Elbow on Grabben Gullen Road, Merrill.2. Council resolve that upon closure of the two sections of road, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening at this location on Grabben Gullen Road, Merrill.	DOI	Road Closing process currently being prepared by Robert J McCarthy & Co.
60/23	<ol style="list-style-type: none">1. Council discontinues the current tender process; and that2. Council decline to accept all tenders received due to the lack of any	DOI	Negotiations are in progress with supplier for a design and

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

	commercially advantageous submissions; and that 3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with both Bridge and Marine Engineering and Saunders Civilbuild Pty Limited with the intent to enter a contract with one supplier for construction of a new Bridge over Curaweela Creek as their alternative submissions are within budget and meets Council's requirements.		construction contract to be prepared.
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Council Meeting: 18 May 2023

73/23	1. Council exhibits the Draft Liquid Trade Waste Policy (the Policy) for public exhibition and comment for 28 days; and 2. Council considers a further report on the outcome of the exhibition and for adoption of the policy.	DEP / Manager WWS	Exhibition period closed. Further report to come to Council for consideration.
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Council Meeting: 20 July 2023

144/23	1. Council consider the option to sell the former Westpac Bank House building at 106-108 Goulburn Street Crookwell, Lot 1 DP 314755. 2. Council seek an EOI for the former Westpac Bank House for a market appraisal and best use option by an agent, including an agent with Commercial property experience.	DFA	Council has called EOI and a report will be provided to the November 2023 Council Meeting.
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Council Meeting: 17 August 2023

167/23	1. Council decline to accept all tenders received and discontinue with the tender process with respect to the construction of the Gunning Pool Amenities Block. 2. Council's Acting Chief Executive Officer be delegated authority to develop a negotiation strategy and enter into direct commercial negotiations with the preferred	CEO	Negotiations and contract work completed. Construction work has commenced.
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	<p>tenderer, Greenwich Build Pty Ltd, for refurbishment and construction of the Gunning Pool Amenities Block.</p> <p>3. In the event direct negotiations are not successfully concluded and a contract is not agreed to, the Council's Acting Chief Executive Officer may seek to retender the Gunning Pool Amenities Block project in the near future.</p>		
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Council Meeting: 21 September 2023

172/23	1. Futurebus presents at a future meeting.	EA	Presentation rescheduled for a later date. As a workshop.
180/23	<p>1. Council resolves that the 2022/2023 Financial Statements be referred for independent audit by external auditors, NSW Audit Office;</p> <p>2. The Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer sign the Statement by Councillors and Management for the General Purpose and Special Purpose 2022/2023 Financial Statements;</p> <p>3. Council adopts the 2022/2023 Financial Statements for Council, containing the General Purpose and Special Purpose Financial Statements; and</p> <p>4. The Chief Executive Officer be delegated the authority to authorise the Council 2022/2023 Financial Statements for issue immediately upon receipt of the Auditors Report and delegated the authority to finalise the date at which the Auditor's Report and Financial Statements are presented to the public.</p>	CEO/DFA/ EA	Copy of signed certification statements were forwarded to Council Auditors on 22 September 2023.
181/23	1. Council adopts the Gathering Information Policy.	EA	Policy placed on website 22 September 2023
182/23	1. Council adopts the Code of Practice for Section 355 Committees	EA	Code place on website 22 September 2023 and copy of Code sent to s355

			committees on 5 October 2023.
183/23	1. Council adopts the Section 355 Committee Policy	EA	Policy place on website 22 September 2023 and copy of Policy sent to s355 committees on 5 October 2023.
184/23	<p>1. Ordinary Council Meetings are to be held on the third Thursday of the month (with the exception of January 2024 and December 2023) at Crookwell Council Chambers and webcast as per the following schedule of meeting times and dates:-</p> <ul style="list-style-type: none"> • Ordinary Council Meeting to be held at Crookwell on Thursday, 19 October 2023 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 16 November 2023 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 14 December 2023 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 15 February 2024 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 21 March 2024 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 18 April 2024 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 16 May 2024 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 20 June 2024 commencing at 1:30pm. 		

	<ul style="list-style-type: none"> • Ordinary Council Meeting to be held at Crookwell on Thursday, 18 July 2024 commencing at 1:30pm. • Ordinary Council Meeting to be held at Crookwell on Thursday, 15 August 2024 commencing at 1:30pm. 		
185/23	<ol style="list-style-type: none"> 1. Council adopts Schedule A as the Agenda for business of the Ordinary Council Meetings. 2. Council determines and approves Schedule B and Schedule C for the committee structures, committee memberships and appointment of Councillors and staff representations/delegates to committees in accordance with Section 355, of the Local Government Act 1993. 	EA	Correspondence sent to s355 Committees advising of Council representative on 5 October 2023.
187/23	<ol style="list-style-type: none"> 1. Council accept the Crookwell Memorial Hall Committee office bearers Robert Bill President, Margaret Wheelwright Secretary and Wal Smart Treasurer 	EA	Correspondence sent to Committee on 10 October 2023.
188/23	<ol style="list-style-type: none"> 1. The Chief Executive Officer commission a review of shortcomings in sports facilities for women across the Upper Lachlan Shire and report back to Upper Lachlan Shire Council. 	CEO	Review to commence, subject to current workloads/ capacity.
189/23	<ol style="list-style-type: none"> 1. Council awards a commercially acceptable contract to Specialised Site Services for the additional slope stability works on Wombeyan Caves Road, pursuant to Section 55(3)(i) of the Local Government Act 1993, for a lump sum of \$1,827,051.80 (excluding GST). 2. Council stated reasons for the decision of extenuating circumstances to allow proceeding with a contract with Specialised Site Services are as follows:- <ul style="list-style-type: none"> • These additional landslides occurred during a period that is formally declared as a natural disaster; • There exists a significant risk of subsequent landslides if 	DOI	Contract document is being finalised.

	<p>remediation efforts are not promptly undertaken;</p> <ul style="list-style-type: none"> • If the works are not undertaken in the near future Wombeyan Caves Road will remain closed to the public for extended periods; • There is a substantial likelihood of escalating costs due to inflation if the additional landslide repairs are not promptly addressed; • Having two contractors simultaneously undertaking works on Wombeyan Caves Road presents an unacceptably high WHS and operational risks; • Based on the lack of responses to the initial procurement for the works, last year, Council conclude that obtaining more competitive or reliable tenders is unlikely (especially in the known time constraints). <p>3. Council notes the cost of the works are funded by the Australian Government under the AGRN 1034 – NSW Floods, September 2022 declaration.</p>		
192/23	<ol style="list-style-type: none"> 1. Council postpones the replacement of the Nissan UD Flocon Truck (Plant 888) and the Plant Trailer (Plant 582), which were initially budgeted for replacement in the 2023/2024 Operational Plan. 2. Council dispose of the existing front end loader (Plant 672) to Highway Tractor Spares. 3. Council resolves to purchase a new front end loader in this financial year in accordance with Council's Procurement Policy, at an estimated cost of \$370,000. 	FM	Request for Quotations have been called with a closure date of 26 October 2023.
193/23	<ol style="list-style-type: none"> 1. Council appoints four Community Representatives Josh Proudman, Cristy O'Sullivan, Doug McIntyre and Robert Cameron to serve on the Section 355 Economic Development Advisory Committee. 2. The Economic Development Advisory Committee Charter be amended to reflect the committee membership changes. 	EA	Correspondence sent on 28 September 2023.

Information Only

ACTION SUMMARY - COUNCIL DECISIONS cont'd

	<ol style="list-style-type: none">1. Council appoints three Community Representatives to serve on the Section 355 Tourism and Event Management Advisory Committee of Council.2. Appoints Peter Fulton, Samuel Hansen and Stuart Duke as the Community Representatives to the Tourism and Event Advisory Committee.	EA	Correspondence sent on 4 October 2023.
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POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

11 ENVIRONMENT AND PLANNING

The following item is submitted for consideration -

11.1	Review of Council Priority Weeds Policy	88
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Environment and Planning - 19 October 2023

ITEM 11.1 **Review of Council Priority Weeds Policy**

FILE REFERENCE I23/25

AUTHOR **Acting Director of Environment and Planning**

ISSUE

Report to Council to review the Priority Weeds Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Priority Weeds Policy.

BACKGROUND

Nil

REPORT

This report details the review of Priority Weeds Policy (previously Noxious Weed Policy). The Policy is attached with amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

VARIATION

Council reserves the right to vary or revoke this policy.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Priority Weeds Policy.

ATTACHMENTS

1. ↓	Priority Weeds Policy (previously Noxious Weed Policy) - Date Adopted 15 September 2022- Resolution 206 22 - Review 2025.	Attachment
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POLICY:-	
Policy Title:	Priority Weed Policy (Previously Priority Weeds Policy)
File reference:	F10/618
Date Policy was adopted by Council initially:	21 May 2009
Resolution Number:	178/09
Other Review Dates:	20 August 2009, 15 November 2015
Resolution Number:	306/09, 359/15
Current Policy adopted by Council:	15 September 2022
Resolution Number:	206/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	Biosecurity Act 2015 Biosecurity Regulation 2017 South East Regional Strategic Weed Management Plan 2023-2027
Procedure/guideline reference number:	This can be found on NSW Government website under NSW Legislation.

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

Priority Weeds Policy
Adopted: 15 September 2022

OBJECTIVE

This Policy aims to put in place a framework to responsibly and effectively eradicate, control **or** manage priority weeds within the Upper Lachlan Shire Council area to ensure that agricultural production, biodiversity and the environment are protected.

Key issues to meet this objective include:-

1. To outline Council's regulatory functions under and in accordance with the provisions of the Biosecurity Act 2015.
2. To meet the requirements of the South East Regional Weed Management Plan.
3. To undertake effective eradication or control programs for priority weeds growth on Council owned lands.
4. To ensure that private owners and occupiers of lands control priority weeds through an inspection program and the enforcement of the Biosecurity Act 2015.
5. To maximize weed control awareness and education within the local communities.

LEGISLATIVE PROVISIONS:

(1) Biosecurity Act 2015.

The Biosecurity Act 2015 (section 22) governs the control functions of local control authorities.

Section 36:

- (1) A person who becomes aware of, or suspects, the presence of biosecurity matter in a part of the State in which it is prohibited matter has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk posed or likely to be posed by the prohibited matter is prevented, eliminated or minimised.
- (2) A biosecurity duty arises under this Division only if the person—
 - (a) is the owner, occupier or person in charge of, or has the care, custody or control of, premises, a carrier or other thing in relation to which the prohibited matter is present or suspected of being present, or
 - (b) becomes aware of, or suspects, the presence of prohibited matter as a result of any consultation or other work carried out in relation to premises, a carrier or other thing in the person's professional capacity, or
 - (c) is a person of a class prescribed by the regulations.

Priority Weeds Policy
Adopted: 15 September 2022

Section 12

Private occupiers of land must control priority weeds on land

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control priority weeds on the land as required under the order.

Section 13

Public authorities' obligations to control priority weeds on own land

- (1) A public authority that is an occupier of land to which a weed control order applies must control priority weeds on the land as required under the order, to the extent necessary to prevent the weeds from spreading to adjoining land.
- (2) A public authority must provide information as to the name and contact details of an occupier of land owned by a public authority, and a description of the land occupied, to the relevant local control authority, if the land is subject to a weed control order.

Section 14

Local control authorities' obligations to control priority weeds on own land

- (1) A local control authority that is an occupier of land subject to a weed control order must control priority weeds on the land as required under the order.
- (2) A local control authority must control priority weeds on any road (other than a freeway, toll way or State work within the meaning of the Roads Act 1993) in the local area of the authority that is subject to a weed control order as required under the order.
- (3) The obligation to control priority weeds on a road is a joint obligation with any occupier required to control the weeds under section 17 or 17B.

Priority Weeds Declaration:

The Biosecurity Act 2015 provides for the Minister for The Department of Primary Industries to issue an order declaring a plant priority, either in the whole state or a portion of the state.

Priority Weeds are those weeds listed in the South east Regional Strategic Weed Management Plan 2023-2027 for the Upper Lachlan Shire Council and the whole of the South East Region.

Regional priority weeds are regulated through the general biosecurity duty and each weed has a management category. Regional recommended measures are listed for each weed and communicate how landholders and stakeholders in the region should discharge their general biosecurity duty for that weed.

Priority Weeds Policy
Adopted: 15 September 2022

POLICY STATEMENT

Council has responsibility, as the local control authority under the **Biosecurity Act 2015 and the South East Regional Weed Management Plan to** carry out functions as specified in **the** Act. Regular reporting of priority weed programs will be provided to Council to ensure that these programs are relevant and available to the community.

Council will monitor the spread of Priority Weeds within Upper Lachlan Shire Council and implement strategies to **prevent**, eradicate or control infestations which will include:

1. Undertake priority weed control programs on land owned and controlled by Council
2. Establish and implement a Private Property Inspection program, focusing on the early identification and control of priority weeds
3. Educate and advise landholders and the community on priority weed awareness to assist in weed identification and control programs
4. **Carry out the** priority weed regulatory program that utilises all regulations and offences under the Biosecurity Act 2015.
5. Work cooperatively with Government Agencies and neighbouring LCA'S to promote priority weed control
6. Review strategies to ensure appropriate outcomes are achieved
7. Report annually in respect to the effectiveness of weed control programs

Control of Priority Weeds on Land Owned or Occupied by Council

Council will undertake an ongoing priority weed control program on land that it owns or occupies. These programs will be aimed at eradicating or controlling priority weeds to the extent specified in the **South East Regional Weed Management Plan and the Biosecurity Act 2015.**

The overriding aim of this program will be to prevent the spread of priority weeds from lands under the responsibility of Council to areas free of weeds or where weeds are under control. It is intended that this program will set a positive example for weed control within the community.

All complaints received regarding priority weeds growth on Council land will be investigated by **Biosecurity Officers** and appropriate action taken.

Control of Priority Weeds on Private Property

Council will continue an ongoing routine private property inspection and regulatory program which will aim to facilitate a maximum level of priority weed control compliance on privately owned lands within Upper Lachlan Shire Council. The

Priority Weeds Policy
Adopted: 15 September 2022

primary aim of this program is to obtain the co-operation of landholders with **Biosecurity** Officers acting in a professional manner with landholders.

All complaints received regarding priority weeds growth on privately owned lands will be investigated by **Biosecurity** Officers and appropriate action taken to ensure that control actions are conducted as required by this Policy.

A priority weed inspection is an observation by Council's authorised **Biosecurity** Officers where the presence of weed infestations can be clearly identified.

Where private land owners / occupiers have clearly failed to comply with the requirements of the Biosecurity Act 2015 Council will give consideration to instigating legal action utilising offences prescribed under the Biosecurity Act 2015.

Communication and Education Program

Council will engage with our community in relation to priority weed control with the implementation of a communication and education program aimed at providing the community with the most up to date information on the presence, spread and control options of priority weeds within our area.

Council will support Weed Officer training programs to enable and facilitate effective weed control information to be provided to Council and the community.

Regional Co operation

Council will work cooperatively with Government Agencies and neighbouring Local Control Authorities to productively address and promote weed control on a regional level.

Council will contribute to the **Local Land Services South East Regional Committee** and make staff available to play a role in regional weed control forums and functions.

Budgetary Implications

Council will investigate the possibilities of obtaining supplementary revenue sources to further promote weed control programs within Upper Lachlan Shire Council.

Council will seek to identify opportunities to maximise resources to support programs and activities that have a beneficial effect on weed control outcomes within the community.

Related Legislation

- Biosecurity Act 2015
- Biosecurity Regulation 2017

Priority Weeds Policy
Adopted: 15 September 2022

- **South East Regional Weed Management Plan 2023-2027**

Related Documents

- ULSC Pesticide Notification Plan

Related Delegations

- Weed Officers delegations under Division 2 Section 375 of the Biosecurity Act 2015.

Variation

Council reserves the right to vary, amend or revoke this Policy.

12 INFRASTRUCTURE DEPARTMENT

There were no items submitted for this section at the time the Agenda was compiled.

13 FINANCE AND ADMINISTRATION

The following items are submitted for consideration -

13.1	Presentation of the 2022/2023 Annual Report	98
13.2	Review of Payment of Expenses and Provision of Facilities Policy	100
13.3	Review of Legal Proceedings Reporting Policy	122
13.4	Review of Petitions - Administration Policy	127
13.5	Review of Related Party Disclosures Policy	130
13.6	Financial Sustainability Review and Special Rates Variation Proposal - Project Update	152

Finance and Administration - 19 October 2023

ITEM 13.1 **Presentation of the 2022/2023 Annual Report**

FILE REFERENCE I23/336

AUTHOR **Director of Finance and Administration**

ISSUE

Presentation of the Upper Lachlan Shire Council 2022/2023 Annual Report.

RECOMMENDATION That -

1. Council resolves to adopt the Upper Lachlan Shire Council Annual Report for 2022/2023 in accordance with Section 428, of the Local Government Act 1993, Part 9, Division 7, of the Local Government (General) Regulation 2021 and other applicable legislation.
2. Council notify the Office of Local Government by providing a URL link to Council website.

BACKGROUND

Nil

REPORT

Councils are required to prepare an Annual Report in accordance with Section 428, of the *Local Government Act 1993*, Part 9, Division 7, of the *Local Government (General) Regulation 2021* and *Environment Planning and Assessment Act 1979*, along with other applicable legislation.

The Upper Lachlan Shire Council is required, within 5 months after the end of each financial year, to furnish the Office of Local Government with a copy of the Annual Report.

Upper Lachlan Shire Council has prepared an Annual Report relating to Council's operations and achievements with respect to the identified objectives and performance targets in Council's 2022/2023 Operational Plan and Delivery Program.

The *Local Government (General) Regulation 2021* stipulate information that is required to be included in Council's Annual Report, including Clauses 132, 186, 217-218.

All reporting requirements have been met and a copy of the 2022/2023 Annual Report is an Appendix to this report.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council resolves to adopt the Upper Lachlan Shire Council Annual Report for 2022/2023 in accordance with Section 428, of the Local Government Act 1993, Part 9, Division 7, of the Local Government (General) Regulation 2021 and other applicable legislation.
2. Council notify the Office of Local Government by providing a URL link to Council website.

ATTACHMENTS

Nil

Finance and Administration - 19 October 2023

ITEM 13.2 **Review of Payment of Expenses and Provision of Facilities Policy**

FILE REFERENCE **I23/340**

AUTHOR **Director of Finance and Administration**

ISSUE

This report provides a recommendation for adoption of the reviewed Payment of Expenses and Provision of Facilities Policy after a public exhibition period.

RECOMMENDATION That -

1. Council under Section 252, of the Local Government Act 1993, review the Payment of Expenses and Provision of Facilities Policy.
2. Council under Section 253, of the Local Government Act 1993, gives public notice of its intention to adopt and amend the Payment of Expenses and Provision of Facilities Policy allowing 28 days public exhibition period for members of the community to make public submissions.

BACKGROUND

At the Ordinary Council Meeting held on 15 September 2022 Council Resolution Number 208/22 was adopted that stated as follows. That:-

1. Council in accordance with Section 252, 253 and 254, of the Local Government Act 1993, adopts the Payment of Expenses and Provision of Facilities Policy as publicly exhibited.

REPORT

Providing details of a review of the Payment of Expenses and Provision of Facilities Policy.

Section 252, of the *Local Government Act 1993*, states that a Council must adopt a Payment of Expenses and Provision of Facilities Policy. A copy of this policy is attached to this report and has been reviewed with amendments to the policy being highlighted in yellow.

The policy is required to be placed on 28 days public exhibition following the review at this October Ordinary Council Meeting.

POLICY IMPACT

This is a review of an existing Council policy.

OPTIONS

Finance and Administration

REVIEW OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY
cont'd

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Councillor fees and expenses are outlined in the attached Council policy.

RECOMMENDATION That -

1. Council under Section 252, of the Local Government Act 1993, review the Payment of Expenses and Provision of Facilities Policy.
2. Council under Section 253, of the Local Government Act 1993, gives public notice of its intention to adopt and amend the Payment of Expenses and Provision of Facilities Policy allowing 28 days public exhibition period for members of the community to make public submissions.

ATTACHMENTS

1. 	Payment of Expenses and Provision of Facilities Policy - Date Adopted 15 September 2022 - Resolution 208 22 - Review 2025	Attachment
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POLICY:-	
Policy Title:	Payment of Expenses and Provision of Facilities Policy
File Reference:	F10/618-08
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	67/05
Other Review Dates:	25 August 2005; 24 August 2006; 23 August 2007; 28 August 2008; 20 August 2009; 19 August 2010; 16 August 2011; 20 September 2012; 18 July 2013; 21 August 2014; 20 August 2015; 17 August 2017; 21 September 2017, 20 September 2018, 15 September 2022
Resolution Number:	231/05; 237/06; 258/07, 259/08; 334/09; 313/10; 315/11; 318/12; 226/13; 247/14; 227/15; 255/16, 259/17; 301/17, 277/18, 208/22
Current Policy adopted by Council:	14 December 2023
Resolution Number	XXX/23
Next Policy Review Date:	2025

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

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

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ULSC Payment of Expenses and Provision of Facilities Policy

Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to assist them undertake their civic duties.

It ensures accountability and transparency, and seeks to align payment of Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	Councillors: Vehicles under 2.5 litres - \$0.81 per/km Vehicles over 2.5 litres - \$0.95 per/km As calculated on a per kilometre basis by the rate set by the Local Government (State) Award.	Per month
Accommodation	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually (require tax invoice payment evidence)	Maximum up to \$300 per night
Sustenance (Meals) associated	\$120 per Councillor (Includes 3 meals)	Per day
Sustenance within Shire	\$120 (Includes 3 meals)	Per day
Professional development	\$1,900 per Councillor	Per year
Superannuation Guarantee Contribution to Nominated Fund	11% of Members Fee and Mayoral Fee	Per month

ULSC Payment of Expenses and Provision of Facilities Policy

Expense or facility	Maximum amount	Frequency
Conferences and seminars	\$120 per Councillor Council will pay cost of conference / seminar	Per day
ICT telecommunication allowance	\$90 per Councillor	Per month
ICT smart devices and data plan (Council expense)	Provided to all Councillors \$35 per month	Per month
Carer Expenses	Reimbursement of \$30 per hour up to maximum of 5 hours on each occasion (require tax invoice payment evidence)	Per hour rate paid monthly
Access to facilities in the Council Chambers	Provided to all Councillors	Not relevant
Council motor vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
ICT smart phone device and data plan (Council expense)	Provided to the Mayor	Per month
Furnished office	Provided to the Mayor	Not relevant
Executive Assistant to support Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement each month and no later than within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Ordinary Meeting every twelve months as part of Council's Annual Report and it is published on Council's website.

ULSC Payment of Expenses and Provision of Facilities Policy

Part A - Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Upper Lachlan Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council **Chief Executive Officer** is empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy Objectives

- 2.1. The objectives of this policy are to:-
 - Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.
 - Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
 - Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
 - Ensure facilities and expenses provided to Councillors meet community expectations.
 - Support a diversity of representation.
 - Fulfil the Council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:-
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.

ULSC Payment of Expenses and Provision of Facilities Policy

- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
- **Equity:** there must be equitable access to expenses and facilities for all Councillors.
- **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or Political Benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council Ordinary Meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:-
 - Production of election material.
 - Use of Council resources and equipment for campaigning.
 - Use of official Council letterhead, publications, websites or services for political benefit.
 - Fundraising activities of political parties or individuals, including political fundraising events.

Part B - Expenses

5. General Expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific Expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed in accordance with their authorised expenditure per year, and the Mayor may be reimbursed in accordance with his/her authorised expenditure per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - For public transport fares
 - For the use of a private vehicle or hire car
 - For parking costs for Council and other meetings
 - For toll charges
 - For Cab charge card or equivalent
 - For documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. Given Council's location near an interstate border, travel to the Australian Capital Territory will be considered as general travel.
Arrangements and expenses for this travel will be governed by Clauses 6.1 - 6.4.

ULSC Payment of Expenses and Provision of Facilities Policy

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- 6.6. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
 - 6.7. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be reimbursed by a resolution of Council only per year. No amount is set aside in Council's annual budget.
 - 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Chief Executive Officer prior to travel.
 - 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council Ordinary Meeting prior to travel.
 - 6.10. The case should include:-
 - Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties.
 - Who is to take part in the travel?
 - Duration and itinerary of travel.
 - A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
 - 6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
 - 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
 - 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
 - 6.14. Bookings for approved air travel are to be made through the Chief Executive Officer's office.
 - 6.15. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.17. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.18. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Upper Lachlan Shire Council local government area.
- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually. For accommodation expense above daily limits threshold for Councillors, the approval of the expense shall be by the Chief Executive Officer prior to a booking confirmation.
- 6.20. The daily limits for accommodation and meal expenses outside NSW or Australia are to be determined in advance by the Chief Executive Officer, being mindful of Clause 6.19.
- 6.21. Councillors will not be reimbursed for alcoholic beverages and minibar expenses.

Refreshments for Council related meetings

- 6.22. Appropriate refreshments will be available for Council Ordinary Meetings, approved Council committee meetings, Councillor Briefings, Councillor Workshops, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
- 6.23. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.24. Council will set aside funds per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.25. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

- 6.27. Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:-
- Details of the proposed professional development.
 - Relevance to Council priorities and business.
 - Relevance to the exercise of the Councillor's civic duties.
- 6.28. In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.29. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.30. Council will set aside funds annually, in its budget to facilitate Councillor Attendance at conferences and seminars. This allocation is for all Councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.31. Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:-
- Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties.
 - Cost of the conference or seminar in relation to the total remaining budget.
- 6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18 - 6.21.

Information and communications technology (ICT) expenses

- 6.33. Council will provide Councillors with a telecommunications allowance for expenses associated with appropriate ICT devices and services per annum for each Councillor. This includes expenses related to personal mobile phones and tablets, data, associated services and home internet costs.
- 6.34. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:-
- Receiving and reading Council business papers.
 - Relevant phone calls and correspondence.
 - Diary and appointment management.
- 6.35. Councillors may seek reimbursement for other applications on their mobile electronic communication device that are directly related to their duties as a Councillor as approved by the Chief Executive Officer.

Special requirement and carer expenses

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of reasonable carer's expenses for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.42. Each Councillor may be provided with minor items of consumable stationery for the maintenance of a home office, such as a ream of plain paper, on request and approval by the Chief Executive Officer.

7. Insurances

- 7.1. In accordance with Section 382, of the Local Government Act 1993, Council is insured against Public Liability and Professional Indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.
- 7.5. Council is insured against Councillors' and Officers liability claims. Councillors are included as a named insured on this Policy.
- 7.6. Council is insured against Personal Accident liability claims. Councillors are included as a named insured on this Policy

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:-
- A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - A Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - A Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:-
- Of legal proceedings initiated by a Councillor under any circumstances.
 - Of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
 - For legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council Ordinary Meeting prior to costs being incurred.

Part C - Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:-
- Use of the Council Chambers, when and where available, appropriately furnished to include telephone, desk and appropriate refreshments (excluding alcohol).
 - Postage of official correspondence – all mail is to be directed through the Council's own mailing system and records management EDMS.
 - Use of a Council owned smart device for official business use.
 - Personal protective equipment for use during site visits.
 - Use of a Council owned Laptop Computer or Tablet, if required.
 - Minor items of consumable stationery.
 - A name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Assistant to the Chief Executive Officer or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to Councillors upon request:-
- Business cards.

Administrative support

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only; i.e. booking training and associated accommodation. Administrative support is provided by Council's Executive Assistant to the Chief Executive Officer or their delegate.
- 9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the Mayor

- 10.1. Council will provide to the Mayor a maintained motor vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.
- 10.3. The Mayoral Fee allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4. A parking space at Council's offices will be reserved for the Mayor's Council-issued motor vehicle for use on official business, professional development and attendance at the Mayor's office.
- 10.5. Use of a Council owned smart device and mobile telephone for official business use.
- 10.6. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space, when available or at least, access to the Council Chambers as a meeting room.
- 10.7. In performing his or her civic duties, the Mayor will be provided with administrative and secretarial support, including support from Council's Executive Assistant to the Chief Executive Officer and other support as determined by the Chief Executive Officer.
- 10.8. As per Section 4, Council's Executive Assistant to the Chief Executive Officer provides support to the Mayor's office for work on official Council business only, and not for matters of personal or political interest, including campaigning.

Part D - Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:-
 - Local travel relating to the conduct of official business.
 - Carer costs.
- 11.4. Final approval for payments made under this policy will be granted by the Chief Executive Officer.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Chief Executive Officer for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Chief Financial Officer.

Advance payment

- 11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance per day of the conference, seminar or professional development will be approved by the Chief Executive Officer.
- 11.9. Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:-
 - A full reconciliation of all expenses including appropriate receipts and/or tax invoices.
 - Reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, Council will make payment directly to the supplier or reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council Chief Executive Officer will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:-
- Council will issue a tax invoice to a Councillor for the expense required to be paid.
 - The Councillor will reimburse Council for that expense within 14 days of the tax invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the tax invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the Councillor's monthly member fee allowance.

Timeframe for reimbursement

- 11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.
- 12.2. If the Councillor and the Chief Executive Officer cannot resolve the dispute, the Councillor may submit a Notice of Motion to a Council Ordinary Meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive Officer to purchase any such equipment. The Chief Executive Officer will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's Annual Report.

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Ordinary Meeting every twelve months and published in full on Council's website. These reports will include expenditure summarised as a total for all Councillors.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken annually.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the Chief Executive Officer.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E - Appendices

Appendix I: Related Legislation, Guidance and Policies

Relevant Legislation and guidance

- Local Government Act 1993, Sections 252 and 253.
- Local Government (General) Regulation 2021, Clauses 217 and 403.
- A New Tax System (Goods and Services Tax) Act 1999;
- Crimes Act 1900;
- Environmental Planning and Assessment Act 1979;
- Government Information (Public Access) Act 2009;
- Independent Commission against Corruption Act (ICAC) 1988;
- Ombudsman Act 1974;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 2022;
- State Records Act 1998;
- Superannuation Guarantee (Administration) Act 1992;
- Office of Local Government – Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2017;
- ICAC publication “No Excuse for Misuse, preventing the misuse of Council resources”;
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies

- Access to Information Policy;
- Bribes, Gifts and Benefits Policy;
- Code of Business Practice;
- Code of Conduct;
- Code of Meeting Practice;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Councillor Training and Development Policy;
- Delegations of Authority Policy;
- Designated Person Disclosing Interests Returns Policy;
- Digital Information Security Policy;
- Disclosures of Interest at Meetings Policy;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Policy;

- Harassment Policy;
- Interaction between Councillors and Staff Policy;
- iPad Policy;
- Public Interest Disclosures - Internal Reporting Policy;
- Internet and Email Policy;
- Local Government (State) Award 2023;
- Mobile Telephone Policy;
- Procurement Policy;
- Privacy Policy;
- Privacy Management Plan;
- Related Party Disclosures Policy;
- Salary Sacrificing Policy;
- Code of Practice for Council Section 355 Committees;
- Section 355 Committee Policy;
- Social Media Policy;
- Statement of Ethical Principles.



Appendix II: Definitions

The following definitions apply throughout this Policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
Chief Executive Officer	Means Chief Executive Officer / General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • Ordinary meetings of Council and committees of the whole • Meetings of committees facilitated by Council • Civic receptions hosted or sponsored by Council • Meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

Finance and Administration - 19 October 2023

ITEM 13.3 **Review of Legal Proceedings Reporting Policy**

FILE REFERENCE I23/349

AUTHOR **Director of Finance and Administration**

ISSUE

Recommendation that Council adopt the reviewed Legal Proceedings Reporting Policy.

RECOMMENDATION That -

1. Council adopts the Legal Proceedings Reporting Policy.

BACKGROUND

Nil

REPORT

This report details the review of Council's Legal Proceedings Reporting Policy. The Policy is attached with amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Legal Proceedings Reporting Policy.

ATTACHMENTS

1. Legal Proceedings Reporting Policy - 18 April 2019 - 9019 - 2023	Attachment
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POLICY:-	
Policy Title:	Legal Proceedings Reporting Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	27 September 2007
Resolution Number:	292/07,
Other Review Dates:	15 October 2009, 17 May 2012, 19 March 2015, 18 April 2019
Resolution Number:	436/09, 154/12, 58/15, 90/19
Current Policy adopted by Council:	19 October 2023
Resolution Number:	XXX/23
Next Policy Review Date:	20232026

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

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

ULSC Legal Proceedings Reporting Policy
Adopted: 19 October 2023

LEGAL PROCEEDINGS REPORTING POLICY

OBJECTIVE

To meet the legislative requirements of Clause 413A, *Local Government (General) Regulation* 2005 2021 and to ensure that the Council are informed on legal matters in a timely manner.

POLICY

Directors are to ensure that there is effective and timely escalation of communicating legal matters to the General Manager Chief Executive Officer, Mayor and Councillors by ensuring:

- i. That Managers escalate acknowledgement of receipt of a fine, penalty or costs to the Director in a timely manner;
- ii. That Managers report to the Director any matter that has a high potential to evolve into legal action against Council in a timely manner; and
- iii. That the information received is provided to Councillors by at least the next available Council meeting.

DEFINITIONS

Nil

LEGISLATIVE OBLIGATIONS AND APPLICABLE STANDARD:

Clause Section 413A *Local Government (General) Regulation* 2005 2021.

CONTENT:

Reporting to Councillors

In accordance with clause section 413A of the *Local Government (General) Regulation* 2005 2021, if a court or tribunal orders a council to pay any fine or other penalty, or to pay costs in relation to any legal proceedings, it is the duty of the General Manager Chief Executive Officer to ensure that the following information is made available to each Councillor as soon as practicable after the order is made:

- a) The date on which the order was made;
- b) The amount of the fine, penalty or costs; and
- c) The act or omission giving rise to the fine or penalty (subject to materiality i.e. as a minimum, fines or penalties of \$5,000 or more), or the nature of the legal proceedings giving rise to the costs, as the case may be:
 - On receipt of a notice being issued by a Government agency against Council;
 - Any matter that may potentially lead to legal action being taken against Council; and

ULSC Legal Proceedings Reporting Policy
Adopted: 19 October 2023

- If an appeal against a Council decision is lodged in the Land Environment Court.

Annual Reporting

On an annual basis, as part of the Annual Report, Councillors will be provided with an update on the status of Councils outstanding legal matters and contingent liabilities (that may result in additional, future costs in relation to the legal matter), to ensure the Council is kept informed of its potential financial exposure to penalties or the like for a failure to comply with legal and financial obligations.

Reporting Court Orders

Within three (3) days of receiving notification that a court or tribunal has made orders with respect to Council incurring a fine or penalty, or is to pay costs in relation to any legal proceedings Managers in all sections are required to provide information forward the notification by phone, confirm by email and report in person where relevant, to the Director responsible for their division.

In absence of the Departmental Director, the Acting Director or Manager is to inform the General Manager Chief Executive Officer directly. The Manager Chief Executive Officer must then provide a report to the next available Council Meeting containing the following information:-

- a) The date on which the order was made;
- b) The amount of the fine, penalty or costs; and
- c) The act or omission giving rise to the fine or penalty (subject to materiality i.e. as a minimum, fines or penalties of \$5,000 or more), or the nature of the legal proceedings giving rise to the costs, such as the case may be.

Managers are required to inform their Manager Governance Director of matters that may require legal advice, and matters with potential to escalate to legal action such as a threat of a claim against Council's Public Liability Insurance, for example a trip incident on a footpath. The Manager Governance will maintain a register of potential legal risks, classifying each risk in accordance with the Audit and Risk Management Policy framework.

Notification to the Director Manager Governance can be made via Content Manager (file note) or by phone or email and shall be confirmed acknowledged in writing by email or file note as soon as possible.

The Director Manager Governance will then ascertain the critical detail of the matter and for matters rated as high risk inform consult with the relevant Director General Manager within 24 hours of being notified by the Manager.

The Director may then assess the risk, and (if deemed necessary) advise the General Manager Chief Executive Officer, who may (if deemed necessary) will then report to the Mayor, and/ or provide advice to all Councillors (by Confidential memo) within one (1) working day. within two (2) hours of being notified of the incident report

ULSC Legal Proceedings Reporting Policy
Adopted: 19 October 2023

to Council as required.

Where there is an incident with a higher potential to escalate to legal action the notification process will be more urgent with notification to the General Manager Chief Executive Officer as soon as possible.

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Local Government Act 1993;
- Local Government (General) Regulation 20052021;
- State Records Act 1998;
- Code of Conduct for Local Councils in NSW and Code of Conduct Procedures;
- Records Policy;
- Gathering Information Policy;
- Internal Audit and Risk Management Policy;
- Code of Conduct Procedures.

VARIATION

Council reserves the right to vary or revoke this policy.

Finance and Administration - 19 October 2023

ITEM 13.4 **Review of Petitions - Administration Policy**

FILE REFERENCE I23/350

AUTHOR **Director of Finance and Administration**

ISSUE

Recommendation that Council adopt the review of Petitions – Administration Policy.

RECOMMENDATION That -

1. Council adopts the Petitions – Administration Policy.

BACKGROUND

Nil

REPORT

This report details the review of Council's Petitions – Administration Policy. The Policy is attached with amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Petitions – Administration Policy.

ATTACHMENTS

1. ↓	Petitions - Administration Policy - 18 April 2019 - 9119 - Review 2023	Attachment
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POLICY:-	
Policy Title:	Petitions – Administration Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	28 April 2005
Resolution Number:	105/05
Other Review Dates:	16 July 2009, 17 May 2012, 19 March 2015, 18 April 2019
Resolution Number:	272/09, 155/12, 59/15, 91/19
Current Policy adopted by Council:	19 October 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

ULSC Petitions Administration Policy
Adopted: 19 October 2023

Objective

The aim of this policy is to define the responsibilities of staff and the procedures applicable for the placement of petitions by members of the public within Council owned or Council controlled premises.

Policy

That Upper Lachlan Shire Council staff members are directed not to allow the placement of petitions from any members of the public within Council owned or Council controlled premises without first gaining the permission of the **Chief Executive Officer**.

Petitions from the various Federal and State members dealing with issues that affect the Upper Lachlan Shire Council community may be placed within Council owned or Council controlled premises after authorisation from the **Chief Executive Officer**.

Petitions from members of the public dealing with local issues that affect the Upper Lachlan Shire Council community will be provided to the **Chief Executive Officer and Council Mayor** to seek authorisation before being placed within a Council owned or Council controlled premises.

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Local Government Act 1993;
- Local Government (General) Regulation **2021**;
- Government Information (Public Access) Act (GIPA) 2009;
- State Records Act 1998;
- Code of Business Practice;
- Code of Conduct for Local Councils in NSW and Code of Conduct Procedures;
- **Council Customer Service Charter.**

Variation

Council reserves the right to vary or revoke this policy.

Finance and Administration - 19 October 2023

ITEM 13.5 **Review of Related Party Disclosures Policy**

FILE REFERENCE I23/351

AUTHOR **Director of Finance and Administration**

ISSUE

Recommendation that Council adopt the reviewed Related Party Disclosures Policy.

RECOMMENDATION That -

1. Council adopts the Related Party Disclosures Policy.

BACKGROUND

Nil

REPORT

This report details the review of Council's Related Party Disclosures Policy. The Policy is attached with amendments highlighted in yellow for Council's review.

POLICY IMPACT

This is a review of an existing policy of Council.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Related Party Disclosures Policy.

ATTACHMENTS

1. ↓	Related Party Disclosures Policy - Date Adopted 17 September 2020 - Resolution 163-20 - Review 2026	Attachment
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POLICY:-	
Policy Title:	Related Party Disclosures Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	15 June 2017
Resolution Number:	178/17
Other Review Dates:	15 June 2017, 21 September 2020
Resolution Number:	163/20
Current Policy adopted by Council:	19 October 2023
Resolution Number:	XXX/23
Next Policy Review Date:	2026

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

OBJECTIVE

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

PURPOSE

The purpose of this policy is to:-

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

Definitions

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

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

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

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

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

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

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

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

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

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

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

The Act - the *Local Government Act 1993*

The Regulation - the *Local Government (General) Regulation 2021*

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

POLICY

Introduction

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

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

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

Policy Statement

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

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

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

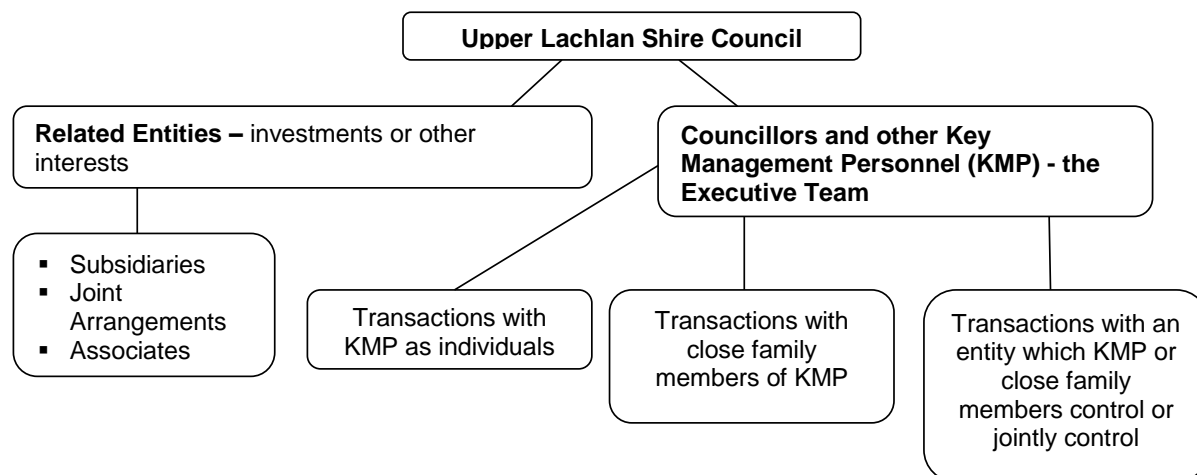
Regard must also be given to transactions that are collectively but not individually significant.

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

Related Parties

Related parties of Council are as follows:-

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



Entities Related to Council

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint

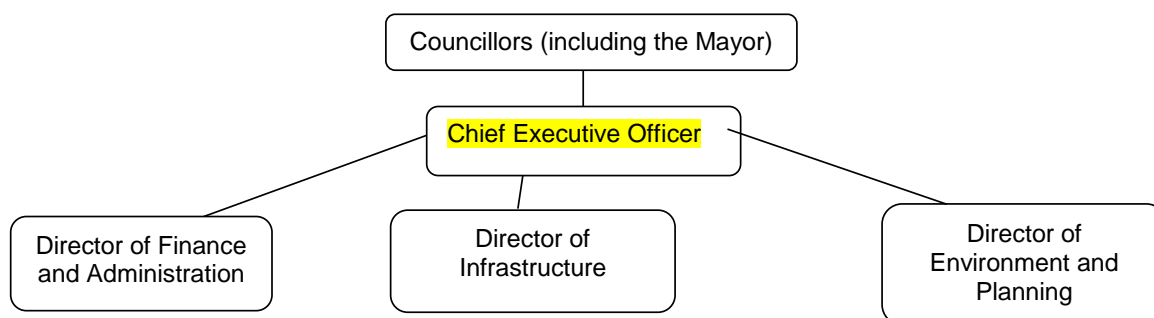
ULSC Related Party Disclosures Policy
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control over an entity Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify related party transactions/parties. This information will include all joint arrangements.

Key Management Personnel (KMP)

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



Close Family Members of KMP

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

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

DISCLOSURE

Council Disclosure

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

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

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Related Party and KMP Disclosure

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

1. Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
2. KMP Compensation (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:-
 - Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees.
 - Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care.
 - Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation.
 - **Employment** Termination Benefits.
3. Where related party transactions have occurred:-
 - The nature of the related party relationship
 - Information about the transactions, outstanding balances and commitments, including terms and conditions
4. Separate disclosure for each category of the related party.
5. For the types of transactions to be disclosed refer to Related Party Transactions section.

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

Notifications by Key Management Personnel

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

KMPs must complete the related party relationships notification using the Key Management Personnel Form (see Appendix B), notifying any existing or potential related party relationships between Council and any related parties of the KMP, to the **Chief Financial Officer** by no later than the following periods during a financial year:-

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

Related Party Transactions

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

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

Procedures

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

The method of reporting is for KMPs to provide details of related parties and related party transactions **in the Appendix A format to the Chief Financial Officer.**

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

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

Review

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

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

LEGISLATIVE PROVISIONS

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

- AASB 10 - Consolidated Financial Statements;
- AASB 11 - Joint Arrangements;
- AASB 124 – Related Party Disclosures;
- AASB 128 – Investments in Associates and Joint Ventures;
- Corporations Act 2001;
- Environmental Planning and Assessment Act 1979;
- Government Information (Public Access) Act 2009;
- Independent Commission against Corruption Act 1988 and ICAC Guidelines;
- Local Government Act 1993;
- Local Government (General) Regulations 2021;
- Local Government Amendment (Governance and Planning) Act 2016;
- Local Government Code of Accounting Practice and Financial Reporting Guidelines;
- Local Government (State) Award 2023;
- Office of Local Government Tendering Guidelines for NSW Local Government;
- Ombudsman Act 1974;
- Privacy and Personal Information Protection Act 1998;
- Public Interest Disclosures Act 2022;
- State Records Act 1998;
- Work Health and Safety Act 2011 and Regulations;
- Code of Conduct for Councillors, staff, contractors and delegates of Council;
- Council Bribes, Gifts and Benefits Policy;
- Council Code of Business Practice;
- Council Code of Meeting Practice;
- Council Disciplinary Policy;
- Council Fraud and Corruption Prevention Policy;

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

- Council Government Information (Public Access) Policy;
- Council Payment of Expenses and Provision of Facilities Policy;
- Council Public Interest Disclosures – Internal Reporting Policy;
- Council Purchasing and Acquisition of Goods Procurement Policy and Procedures.

VARIATION

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Appendix A – Related Party Transactions Notification



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL

Financial Year ... **2019-2020** **[insert relevant year]**...

Name of Key Management Person:

.....

Position of Key Management Person:

.....

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Disclosure

I
(Full name) (Position)

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

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

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

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

Signature of named Key Management Person:

Dated:

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Appendix B – Examples of Related Parties and Transactions



EXAMPLES – RELATED PARTIES AND TRANSACTIONS

Some specific examples of related party transactions may include:

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

Company that is a Related Party of Council – Example 1

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Key Management Personnel – Close Family Members – Example 2

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

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

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

Key Management Personnel – Close Family Members – Example 3

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

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

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

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

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

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

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

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

Contentious Issues

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL (EXAMPLE)

Financial Year 2022/2023

Name of Key Management Person:

Julie Smith

Position of Key Management Person:

Mayor

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

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

1. has previously entered into **and** which will continue in the 2022/2023 financial year
2. has entered into, or is reasonably likely to enter into, in the 2022/2023 financial year

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

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

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

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

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

Disclosure

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

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

as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the **2022/2023** financial year.

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

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

Signature of named Key Management Person: Julie Smith

Dated: 30 June 2023

ULSC Related Party Disclosures Policy
Adopted 19 October 2023

Appendix C – Related Party Register



RELATED PARTY REGISTER

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

Finance and Administration - 19 October 2023

ITEM 13.6 **Financial Sustainability Review and Special Rates Variation Proposal - Project Update**

FILE REFERENCE **I23/352**

AUTHOR **Director of Finance and Administration**

ISSUE

To provide Council with an update on the Project Delivery Timetable for the Financial Sustainability Review, Special Rates Variation (SRV) application proposal and community consultation process.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

In June 2015, as part of the NSW Government Fit for the Future program Upper Lachlan Shire Council submission was to be a Stand Alone Council with a Council Improvement Proposal. The submission stated Upper Lachlan Shire Council would consider applying for a special rates variation from 2020/2021 to increase the Operating Performance Ratio in 2024/2025 to 2.90%. At 30 June 2022, Council Financial Statements reports an Operating Performance Ratio of a negative -4.58% and projected to be declining in future years in Council Long Term Financial Plan. The NSW Government deemed Upper Lachlan Shire Council Fit for the Future on 18 December 2015.

As at 2023, Upper Lachlan Shire Council has not previously applied for a special variation. A snapshot of special rate variation determinations shows that only 42 councils of 128 total councils (or 33%) in NSW have not applied for a special variation since 2011. Council is aware of a number of neighbouring Council's intention to apply to IPART for a special rates variation in 2024/2025 and future years.

The concept of Upper Lachlan Shire Council starting the special variation project process, with an intention to engage the services of a suitably qualified consultant, was outlined at the Councillor Workshop held on 27 June 2023. Following the workshop, Council held an Extraordinary Council Meeting on 31 July 2023 and Council Resolution 148/23 stated as follows: That -

1. Council allocate funding of \$115,000 (GST Exclusive) in the 2023/2024 Operational Plan to engage the services of a consultant to prepare a Financial Sustainability Review, Long Term Financial Plan gap analysis and Asset Management Strategy gap analysis on Council business operations. In addition, prepare a capacity to pay report, Resourcing Strategy updates, community engagement and prepare the application for a Special Rate Variation to General Income addressing the IPART special variation assessment criteria.

2. Council's Director of Finance and Administration enter into direct commercial negotiations for the purpose to engage the services of AEC Group Ltd to undertake the Financial Sustainability Review and other associated analysis reports to support a Special Rate Variation application.
3. Council provides in principle support for the intention to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a special variation to general ordinary rates income in accordance with Section 508A, of the Local Government Act 1993. The special variation is proposed to take effect in the 2024/2025 financial year.

REPORT

Councils may apply to the Independent Pricing and Regulatory Tribunal (IPART) for a special variation to increase their general ordinary rates income by applying under Section 508(2) or Section 508A, of the Local Government Act 1993 (Act). A special variation allows a Council to increase its general income above the rate peg to provide the services and infrastructure desired by their communities. A special variation can be either for a single year or over multiple years and can be permanent or temporary.

Councils submitting a special variation application are to notify IPART of their intention by 24 November 2023. Final applications are to be lodged with IPART by 5 February 2024. IPART will make determinations of special variation applications in May 2024.

It is mandatory under IPART guidelines for a Council to resolve an intention to apply for a special rates variation prior to lodging a special variation application. The Financial Sustainability Review will be presented by AEC Group Ltd to the 16 November 2023 Council Meeting and the decision by Council to resolve an intention to apply for a special rates variation will be made at that meeting. Council will accept the draft amended Long Term Financial Plan and other Resourcing Strategy documents, such as a Workforce Plan for public exhibition at the 14 December 2023 Council Meeting.

AEC Group Ltd were engaged by Council to provide financial analysis, demonstrate financial need, calculate rates modelling SRV options, facilitate community consultation engagement and complete the special variation application. There is a Councillor Workshop with AEC Group Ltd, scheduled on 20 October 2023, to consider rates options modelling to finalise SRV options to be presented to the public for their consideration as part of the community engagement process. An attachment to this report is the AEC Group Ltd Project Deliverable Summary.

The objective of community engagement is to ensure that the community is adequately informed and consulted about both the need for and impact of the proposed SRV. Council's community consultation plan includes as follows:-

- The processes to build community awareness and information, through factsheets, media releases, webpage, and other communication methods.
- The processes of formal consultation, being the exhibition of draft documents, face to face community meetings, drop in sessions and online submissions.
- Mail a letter to all ratepayers on the proposed SRV options seeking feedback.

Finance and Administration

FINANCIAL SUSTAINABILITY REVIEW AND SPECIAL RATES VARIATION PROPOSAL - PROJECT UPDATE cont'd

- The key audience, being all ratepayers and other stakeholders.
- Other key information, including details such as why the SRV is needed, SRV options and the potential increases for ratepayers under the SRV.

There will be extensive community consultation as outlined in this report. Council will consider all community feedback at November & December Council Meetings. The SRV Community Meeting / Drop-in Sessions will be scheduled and publicised for the following dates:-

Town	Venue	Date & Time
Bigga	Bigga Memorial Hall	Wednesday, 1 November 2023
Tuena	Tuena Hall	Wednesday, 1 November 2023
Taralga	Taralga War Memorial Hall	Thursday, 2 November 2023
Crookwell	Emily Chalker Building	Thursday, 2 November 2023
Gunning	Gunning Shire Hall	Thursday, 2 November 2023
Collector	Collector Oval Pavilion	Friday, 3 November 2023

Financial Sustainability

It is evident that Council's operating budget income is not sufficient to address the Shire's deterioration in the asset class conditions and is not adequate to address the declining long-term financial sustainability of Council. Large annual cost escalations in operational activities which are well above CPI and above the rate-peg maximum increase determination, these increases include; the emergency services levy (ESL), audit fees, salaries and wages increases under Local Government Award, insurances, energy costs, asset depreciation and capital works project materials expenses escalation in the past 3 years.

In addition, cost shifting from other levels of government is equivalent to 5% of Council's annual operating budget. Intervention is now necessary and the special rate variation option will form part of an intervention strategy to focus on productivity improvements in forward years.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. 	Financial Sustainability Review and SRV October 2023 Council Meeting Report	Attachment
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DELIVERABLE SUMMARY



Stage 1- Project Initiation

Planned Date	Completion Date	
04-Aug-23	04-Aug-23	Inception Meeting – Project Sponsor
04-Aug-23	04-Aug-23	Inception Report
16-Aug-23	16-Aug-23	Meeting – Management
17-Aug-23	17-Aug-23	Project Initialisation Workshop – Councillors

Stage 2 - Data Collection & Analysis

14-Aug-23	15-Aug-23	Technical Report - Socio-economic Profile
14-Aug-23	15-Aug-23	Technical Report - Past & Current Financial Performance Report

Stage 3 - Independent Forecast of Service and Asset Costs and Revenues, Long Term Sustainability Assessment and Gap Analysis

22-Sep-23	6-Oct-23	Asset Management Approach Discussions
11-Oct-23		Discussion – service managers

Stage 4 - Options Analysis

Major Actions

12-Oct-23		Interim finding and recommendations Report
13-Oct-23		Rates Impact Modelling (current structure & for options)
20-Oct-23		Workshop - Councillors & EMT – Options (including Interim findings and recommendations), Rates modelling and community engagement communications
		Options Report (public document) – media commence on 26 Oct from Mayor and Media Release – survey open 26 Oct and close 10 Nov

Stage 5 - Community Engagement

30-Oct-23		Community Presentation of Key Findings & Options (3 towns)
01 to 10 -Nov-23		Council to continue with other engagement – like drop in sessions, social media, etc.
10-Nov-23		Council to provide data – analysing Hay Your Say data
13-Nov-23		Community Engagement Summary as an addendum to FSR

Stage 6 - Strategy & Implementation Plan

Major Actions

03-Nov-23		Draft FSR & Implementation Plan
07-Nov-23		Meeting with EMT - Draft FSR (virtual)
07-Nov-23		Meeting with Councillors - Draft FSR (virtual)
16-Nov-23		Presentation to Council - Final FSR & Resolution of Intent to Apply to IPART
16-Nov-23		Final FSR

Stage 7 – Resource Strategy Update

01-Dec-23		LTFP, Workforce Plan & Infrastructure (Asset) Strategy Update (including any other plans) – 14 Dec 2023 Council meeting to put on public exhibition
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Stage 8 – Special Rate Variation Application

aecgroup.co.uk

17-Nov-23		Register intent to apply with IPART
15-Dec-23		Prepare IPART application

3

14 CHIEF EXECUTIVE OFFICER

There were no items submitted for this section at the time the Agenda was compiled.

16 REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

The following item is submitted for consideration -

16.1	Reports from Committees for the month of September 2023.	160
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Reports from Other Committees, Section 355 Committees and Delegates - 19 October 2023

ITEM 16.1

Reports from Committees for the month of September 2023.

RECOMMENDATION:

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

1. Collector Oval Committee – General Meeting – 31 August 2023.

ATTACHMENTS

1. 	Collector Oval Committee - General Meeting - 31 August 2023.	Attachment
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COLLECTOR OVAL COMMITTEE

GENERAL MEETING 31/08/23

Date: 31/08/2023	Meeting Time: 7:10 pm	Venue: Oval Pavilion
Type of meeting	General Meeting	
Chairperson	Andrew Chiswell	
Secretary	Holly Fincham	
Attendees	Michael Duck, Keith Fincham, Serenity Warby, Murray Rainey, John Searl, Charlie Reardon	
Apologies	None Received Absent members: Andrew Harris, Julianne Dowling	

Read Previous Minutes	

Business Arising from Previous Minutes	

Presidents Report	
Andrew Chiswell	President deferred to Agenda as a way of covering relevant topics but noted the core issue of the purchase of fixed v non-fixed assets in the context of a S355 Committee.
Conclusion	Meeting requested between Council and Committee Executive to discuss ongoing stalemate between purchases of fixed and non-fixed assets for Collector Community.

Treasurer Report	
Murray Rainey	<p>The Treasurer presented a table of Oval Committee financial activity and the following financial position;</p> <ul style="list-style-type: none"> • Balance - \$56,937.23 • Uncommitted Funds - \$6,972.23 • Mower purchase

COLLECTOR OVAL COMMITTEE

GENERAL MEETING 31/08/23

	<ul style="list-style-type: none"> ○ Treasurer explained that Council had asked us to forward mower funds to Council, who would then purchase mower and assume ownership of the same. He explained that according to the Collector Windfarm Fund rules the Collector Oval Committee cannot purchase a mower for Council. This position has been verified by Paul McDonald from Ratch with reference to Ratch's legal section. ○ JS to organise a meeting with Council Admin to discuss in person this and other issues at the oval. ○ Ratch will advise after legal consultation whether a MOU between the Oval Committee and the Collector Community would be sufficient to resolve the impasse. <p>Car Park completed however additional funding needs to be applied for. There is money in uncommitted funds however this will need to be replenished if used.</p>		
Conclusion			
Resolution	Person Responsible	Deadline	
That the meeting accept the Treasurers Report			

General Business			
Andrew Chiswell	<u>Water testing.</u> <ul style="list-style-type: none"> - Puretec requested a water test in order to provide the best advice on filtration. 		
Resolution	Person Responsible	Deadline	
1).	<u>Motion Moved by:</u> Michael Duck		
	<u>Seconded by:</u> Serenity Warby.		
2). Bridge Timbers. The Treasurer foreshadowed a project to mount the old bridge timbers on metal poles and use them for seating and traffic control around the oval.	-Murray to draw up a plan/idea -Charlie will be able to assist in moving timber		
3). Car Park Lighting – requested additional lighting to make the car park safer at night time for people leaving Committee meetings, Active Farmer Groups and safer for the Community.	Serenity to investigate options		

COLLECTOR OVAL COMMITTEE

GENERAL MEETING 31/08/23

Conclusions			
Resolution	Person Responsible	Deadline	
That the Committee acquire a test on the bore water at the oval. MD/SW - Carried	AC	ASAP	

Agenda Item 1: - Recent Funding Outcome			
Update			
Discussion	<ul style="list-style-type: none"> 75% of all our AEP applications have been rejected. Reasoning is not provided when rejection occurs. From the last round of funding from the Council S355 funding committee the Oval Committee was successful in one of six projects. The power upgrade, drinking water at the oval, the defibrillator, pavilion upgrade and new BBQ were all unsuccessful. Funding top up for the carpark was the only successful project application. 		
Conclusions			
Resolution	Person Responsible	Deadline	

Agenda Item 2: - Community Trust Funding			
Update			
Discussion	<ul style="list-style-type: none"> The Community Trust is open for applications. The President and Treasurer have applied for drinking water at the oval and additional funding to cover additional work on the carpark project. 		
Conclusions	Car park application has been submitted for additional funding. Waiting on application to be determined.		
Resolution	Person Responsible	Deadline	

COLLECTOR OVAL COMMITTEE

GENERAL MEETING 31/08/23

Agenda Item 3: - Carpark and Fence Update			
Update	Consider additional projects.		
Discussion	<ul style="list-style-type: none"> The carpark project has hit very soft soil that needs to be removed and replaced with remedial material. The estimate for this work was approximately \$4K. It was anticipated that the final figure might be less than this. With the carpark completed the fence will now be finished and straightened. Discussion on a possible bollard to be placed in bike pathway to prevent cars from driving in the wrong way 		
Conclusions	Application submitted for variation funding. Waiting on results for application		
Resolution –		<u>Person Responsible</u>	Deadline

Agenda Item 4: - Overflow carpark	
Update	
Discussion	<ul style="list-style-type: none"> The President foreshadowed there is likely to be a need for an overflow carpark adjacent to the roadway. This would be a future project and possibly make use of the granite material from the old driveway. Current carpark capacity is 12 vehicles. The President noted that the soil at the western side of the new driveway was likely to be very soft and that the eastern end appeared more stable and therefore more suitable. Discussion to be held with Pump track developers to understand parking requirements. John Searl advised Council should be involved as it's a community issue – limited car parking Advised needs a Community Consultation Priority Plan

COLLECTOR OVAL COMMITTEE

GENERAL MEETING 31/08/23

Conclusions	Discussions to be had with other Committees to decide need for Car parking in Collector. Council meeting to be held and discussions around Community Consultation Priority Plan Meeting to be set by John Searl with Council		
Resolution –		<u>Person Responsible</u>	Deadline

Agenda Item 5: - Mower			
Update			
Discussion	<ul style="list-style-type: none"> A MOU was proffered as a potential solution to the purchasing dilemma. 		
Conclusions	<ul style="list-style-type: none"> Meeting requested between council and committee to discuss non-fixed asset purchasing. 		
Resolution –		<u>Person Responsible</u>	Deadline
1). Executive to develop an MOU to ensure the mower is owned by the Collector community and		Holly Fincham to provide MOU template	N/A
2). Seek support of Ratch Australia and the Council for the MOU.		Andrew to meet with John and Council	As soon as possible

Agenda Item 6: - Association v S355			
Update			
Discussion	<ul style="list-style-type: none"> The President summarised the problem with purchasing assets for the oval from Windfarm funds, particularly non-fixed assets such as the mower because of their portability and the rules of the Collector Windfarm Trust. Discussions held around who is responsible for Insurance if move to an Association Suggested if non-fixed asset issue can be solved by meeting with Council we may not need to move in this direction. 		
Conclusions	<p>JS again proposed a face to face meeting with key Council members to resolve this issue and other.</p> <p>JS suggested Council will not be happy with Committee moving to an Association due to legal issues.</p> <p>Meeting to be set with Council</p>		

COLLECTOR OVAL COMMITTEE**GENERAL MEETING 31/08/23**

Resolution –	<u>Person Responsible</u>	Deadline
	John Searl	

Date for Next Meeting	
Date	TBA
Meeting closed: 8:55 pm	

Attachment: Finance Report 31 Aug 2023

17 NOTICES OF MOTION

There were no items submitted for this section at the time the Agenda was compiled.

18 QUESTIONS WITH NOTICE

There were no items submitted for this section at the time the Agenda was compiled.