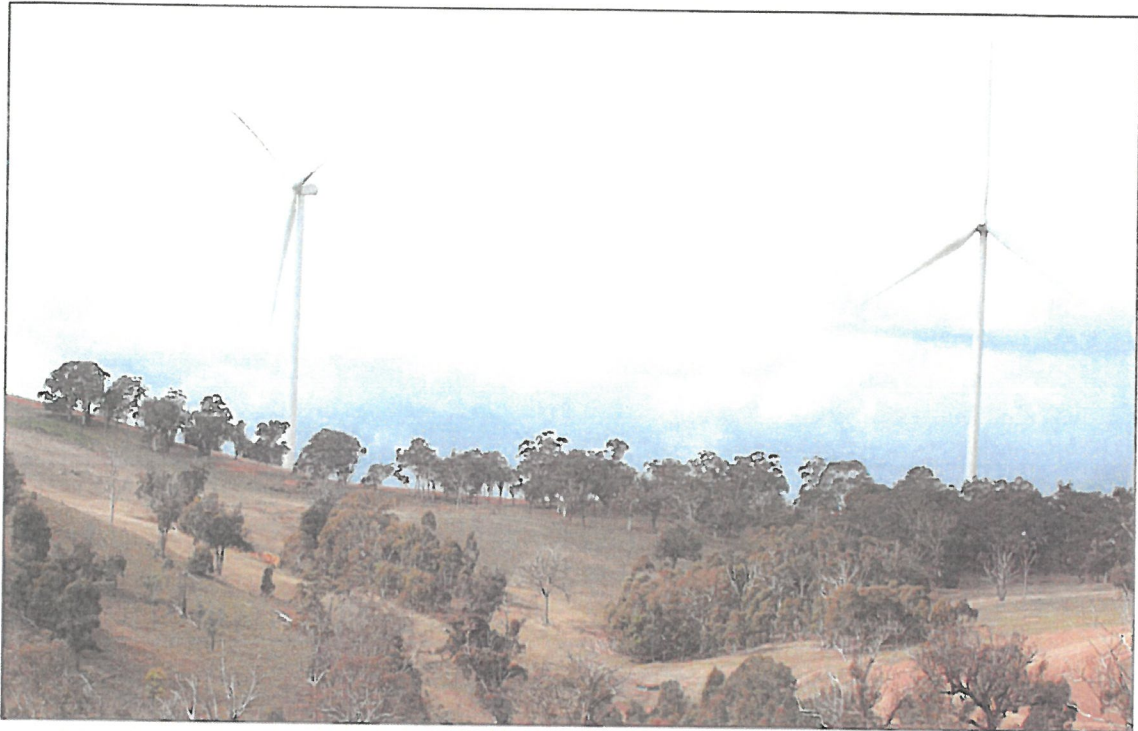


COMMUNITY ENHANCEMENT PROGRAM



UPPER LACHLAN SHIRE COUNCIL

&

CULLERIN RANGE WIND FARM

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

1. INTRODUCTION

Cullerin Range Wind Farm (CRWF) is owned and operated by Cullerin Range Wind Farm Pty Ltd, which is a wholly owned subsidiary of Energy Developments Pty Ltd (EDL). CRWF consists of 15 wind turbines and is located on the Cullerin Range in the Southern Tablelands region of NSW. The Project was assessed in accordance with the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and was approved 21 February 2007. CRWF commenced operations in 2009.

CRWF was previously owned by Origin Energy Ltd (Origin). On 13 July 2016, Origin sold the CRWF to EDL.

2. PURPOSE OF THIS DOCUMENT

This document describes and amends the mechanism for establishing and administering the Community Enhancement Program (CEP) for CRWF as required by the NSW Department of Planning and Infrastructure (the Department).

The CEP is an initiative being delivered jointly by the Upper Lachlan Shire Council (Council) and EDL as the owner of CRWF.

2.1 Development Approval Requirements

The CRWF Development Approval requirements provides that:

Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, a Community Enhancement Program (CEP) to fund (or provide in kind) community infrastructure and services in the locality of the project.

In preparing the Program the Proponent shall consult with the Upper Lachlan Shire Council and local community representatives.

3. BACKGROUND

The CRWF Development Approval issued by the Department required that the Proponent contribute \$25,000 per annum, for the life of the project toward community investment in the Council area.

In partial satisfaction of the Development Approval Requirements, Origin in 2009 (following commissioning of CRWF), made an upfront donation of \$325,000 toward the completion of the Breadalbane Hall. This contribution was made in consultation with the Council and represented the first thirteen years of funding under the Development Approval.

In addition to these payments, Origin also paid \$100,000 in five instalments to fund community infrastructure and services in the locality of the CRWF.

In satisfaction of the remaining Development Approval Requirements, it is now agreed as between EDL, as the current owner, the Department and Council, that EDL will amortise the

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

balance of funds payable over the remaining years of the assumed 25 year life of the project, at a contribution of \$15,000 per annum (indexed to September 2006 CPI). The FY17 payment is \$18,720. These funds will be distributed by the proposed Community Enhancement Fund (CEF), jointly delivered by Council and the Owner.

4. THE COMMUNITY ENHANCEMENT PROGRAM

4.1 General Guidelines

What is the Community Enhancement Program?

This CEP is intended to replace the current CRWF Community Fund and provide funds from CRWF to enhance and enrich community initiatives throughout the local community. The CEP is an initiative being delivered jointly by the Upper Lachlan Shire Council and EDL (referred to as the Owner hereafter in this document).

Within the CEP the CEF will provide financial contributions to community projects and initiatives that will seek to enhance the community's quality of life and wellbeing.

It is proposed that the CEP is governed by the terms outlined in this document.

What are the objectives of the CEP?

Overall objectives of the CEP are to:

- Benefit the members, associations and businesses located within the target community.
- Support (and not harm) any individual, activity or infrastructure belonging to the Target Community until the end of the life of the Cullerin Range Wind Farm
- Be honest and accountable
- Be lawful and subject to an independent audit.

How much funding will be provided for the CEP and when will it become available?

The total CEP funding commitment is:

- \$325,000 was paid in financial year ending June 2009 for the Breadalbine Hall
- \$15,000 for financial year ending June 2015
- \$100,000 paid by Origin prior to June 2016 to fund community infrastructure and services in the locality of the CRWF
- \$39,690 to be paid by 30 September 2016 by Origin for financial year ending 2016 (including all outstanding CPI)
- Future payments each financial year commencing Year 1
 - Year 1 (Financial Year ending 30 June 2017) - \$15,000 escalated by CPI March 2016 / CPI September 2006, using the All Groups CPI published by the Australian Bureau of Statistics which will be \$18,720;
 - Year 2 and each financial year for the remaining life of the 25-year project until Financial Year ending 30 June 2034 – \$15,000 escalated by CPI March of the

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

prior financial year / CPI September 2006, using the All Groups CPI published by the Australian Bureau of Statistics.

4.2 Termination of CEP

In the event the Upper Lachlan Shire Council undergoes forced amalgamation with another Council, this agreement will be terminated upon the amalgamated Council signing an amended agreement. Any new agreement shall be renegotiated at that time with the new Council body.

4.3 CEP Processing

How do eligible groups apply for funding?

CEF Application Forms in form included as Schedule 1 will be processed and administered by the CEF Committee (the Committee). Incomplete application forms will be returned.

Additional requirements for eligibility are outlined in more detail in Section 5.2.

Who can apply for CEP funding?

The eligible target community as identified in Figure 1 ("Target Community") for the CEP includes:

- Incorporated, Not for Profit community groups, that are located within, or provided a direct benefit to, the community within 20kms of the development, within the Upper Lachlan Shire Council Local Government Area.

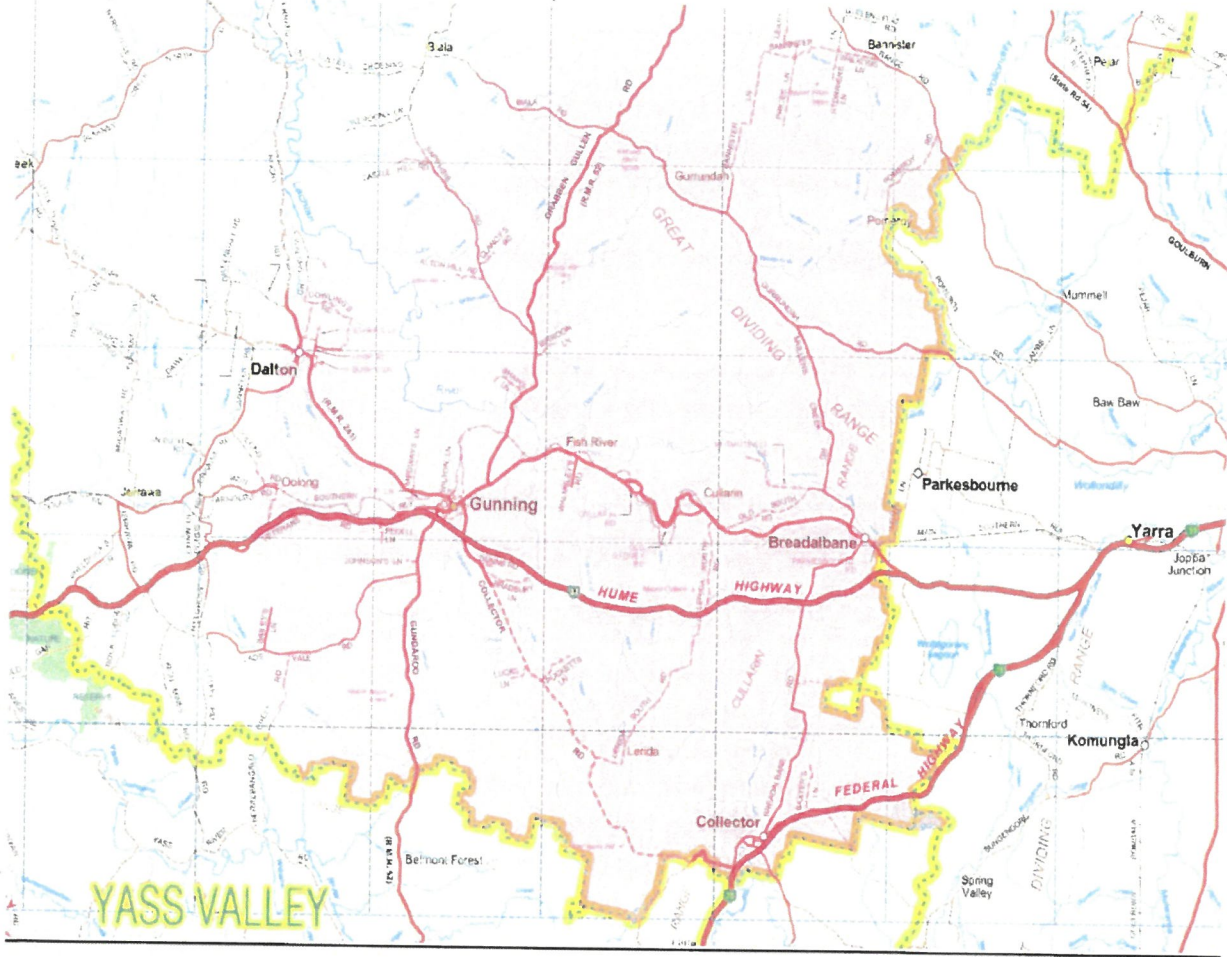
The Target Community excludes:

- Non incorporated groups or groups run for profit
- Individuals – competing in sporting events; fundraising; research projects or individual sporting teams
- Political or overtly religious groups that conduct activities to the exclusion of others – government or political activities; any activity that enforces only one way of thinking and excludes all others
- Groups conducting activities that are outside of the Owner's values – any activity that could bring the Owner into disrepute or involve the Owner's competitors
- Groups conducting activities that cause societal concerns –any activity that promotes gambling, alcohol or tobacco; any activity with animals that contravenes current independent advice on the treatment of animals
- An organisation's ongoing operational costs
- Private companies or commercial entities
- One-off donations to the same organisation more than once per year
- Landowners who have granted a lease or easement to the wind farm owners

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Cullerin Range Wind Farm and Upper Lachlan Shire Council

Figure 1: Target Community area

Cullerin Range Wind Farm 20kms boundary



COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

How often will applications be processed during the year?

Applications will be administered on an annual basis. The application process will adhere (as closely as reasonably possible) to following yearly timelines:

- November - January - requests for applications,
- January - February - the Committee to review applications,
- April - Committee approval of applications and recommendation to the Owner and ULSC,
- May - Approval of recommendations by the Owner and ULSC and notification to applicants,
- July - funds released.

Application processing and funding allocation will consider the funding cycle for other programs and the potential need for more than one funding opportunity each year.

Table 1: CEP Structure

SECTION	COMMUNITY ENHANCEMENT FUND
OBJECTIVES	To address issues directed at improving the quality of life for the people of the target community.
CRITERIA	As outlined in Section 5.2
PROCESS	Applications will be invited yearly. Each eligible application will be assessed and brought to the Committee for review.
ELIGIBLE PARTIES	Target Community organisations within 20kms of the development, within the Upper Lachlan Shire Council Local Government Area.
GOVERNANCE	Committee consensus decision. If the Committee cannot agree on the direction of funding, the Owner will make the final decision. All funding decisions will require Council formal resolution confirming either Committee consensus decision or Owner direction as the case may be.
ADMINISTRATION	Secretarial support will be provided by Upper Lachlan Shire Council.
TIMING	Commencing the date of this agreement. Applications will be assessed in line with the administration and review periods outlined in 4.3.
COSTS	The costs of administering the CEF shall be paid to the Council annually by the Owner upon invoice and be no more than \$5,000 per annum, indexed to CPI over the life of the project starting on the first anniversary date of this agreement.

5. COMMUNITY ENHANCEMENT FUND DETAILS

5.1 Funding process and criteria

Who will govern the Community Enhancement Fund?

A CEF Committee (the Committee) will be formed to govern the CEF. As the Project is located within the Upper Lachlan Shire Council Local Government Area ("LGA"), the Upper Lachlan Shire Council will be responsible for governance of the Committee. A copy of the CEF Charter is attached as Schedule 1.

The Committee will be constituted under Section 355 of the *Local Government Act 1993*. Section 355 enables councils to obtain the assistance of committees, including those constituted by external individuals (such as citizens from within or outside the local council area).

Committee members will be appointed for four years and the effectiveness of the group will be reviewed annually by a sub-committee comprising: a representative of the Owner and Upper Lachlan Shire Council. A quorum for decision making will be a majority of appointed members.

The Committee would be required to comply with applicable Council policies and statutory requirements. These may include, but are not limited to:

- Code of Conduct.
- Code of Meeting Practice - Section 355 Committees.
- Section 355 Committee policy.
- Work Health & Safety Act.
- Risk Management.
- Privacy and Personal Information Protection Act.
- Government Information (Public Access) Act.
- Local Government Act and Regulations.

What is the role of the Community Enhancement Fund Committee?

The Committee's role will be to:

- Publically call for applications for funding of projects or activities to benefit the local community.
- Evaluate funding applications and make recommendations to the Owner and Council for approval.
- Final determination of recommendation will be by way of Upper Lachlan Shire Council resolution, once prior written approval has been received from the Owner.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

Committee tasks will include:

- Establishing the selection criteria for the evaluation of applications.
- Developing an application form and guide to assist applicants.
- Publically advertising: call for funding applications and selection criteria; calling for nominations for community Committee members when required; appointment of community Committee members
- Evaluating applications against selection criteria.
- Making recommendations to the Owner and Council's Operational Plan and budget process.
- Reviewing funding priorities for upcoming financial years.

Who are the Committee Members?

The Committee, will include:

- An authorised representative from the Owner or Owner delegate or if the Owner elects not to join the Committee or appoint a delegate then an owner of a property hosting a wind turbine;
- Mayor of Upper Lachlan Shire Council or Council delegate;
- General Manager of Upper Lachlan Shire Council or Council delegate; and
- Two community representatives.

For the avoidance of doubt, if the Owner or Owner's delegate are not part of the Committee the Owner may attend the Committee as an observer only.

The Chair of the Committee would be appointed by the agreement of the Committee, and an Executive Officer, appointed by Upper Lachlan Shire Council will be responsible for the provision and distribution of meeting notes and relevant documentation to Committee members. The Executive Officers specific role, i.e. whether they would form part of the committee or have a purely administrative role would be determined by Upper Lachlan Shire Council.

Replacement members are required in the case of a Councillor stepping down from the Committee and must be replaced by another elected member from that Council. If a casual vacancy arises, the Committee would determine a suitable replacement. Observer status may be granted to Upper Lachlan Shire Council elected members on request.

Irrespective of the Owner or the Owner's delegate having voting rights, the Owner has the right to direct how funding should be allocated in the event that the Committee cannot reach a decision on funding allocation.

Who can become a Community Representative?

Persons who live within the Upper Lachlan Shire Council LGA who are able to demonstrate suitable skills and experience relating to the terms of reference, under the Council 355

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

Committee Policy, are eligible to apply. Preference will be given to nominees that live within the Target Community.

Membership on the Committee is purely voluntary.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

How do persons apply to become a Community Representative?

When a vacancy arises, community members will be invited to nominate for the Committee through an advertisement in a local paper and through direct communications from Upper Lachlan Shire Council. Selection of community representatives will be conducted by the sub-committee, however, final membership of the Committee be confirmed by the Upper Lachlan Shire Council.

5.2 FUNDING APPLICATION

How do groups apply for Community Enhancement Fund funding?

Application forms will be made available on the Upper Lachlan Shire Council website and can be requested at any time. Application forms will include a guide to assist applicants to ensure that the application is completed correctly and all supporting documentation is included. Applications should be sent to Upper Lachlan Shire Council via email or post. Incomplete application forms will be returned.

A copy of the CEP Application Form is attached as Schedule 2.

Applications will be subject to the administration and review periods as outlined in Section 4.3.

What criteria will be used to evaluate applications?

Due to the limited funds available not all requests that meet the established criteria will be approved. The selection criteria will be confirmed and communicated to the community at the same time that funding applications are advertised.

General selection criteria may include (but are not limited to):

- Direct and indirect community benefit
- Project/program operational efficiencies
- Prior funding to applicant
- Demonstrated need for the project within the community
- Project Benefits
- Target Community Need
- Availability of funding
- Project/program viability

In addition to the above, applications must satisfy the following criteria and not contravene the Owner's Sponsorship and Partnership Guidelines:

- Aim to improve the quality of life for the people in the Target Community.
- Aim to provide facilities and services for the Target Community.
- Not profit individuals or private entities.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

- Provide full financial and legal disclosure on the activity and be subject to independent audit.

Programs or projects with benefits beyond the Target Community will be considered based on their capacity to benefit those people within the target community. Funding will not be allocated to projects/ programs or activities that may harm wind farm operations.

All eligible applications meeting the selection criteria will be reviewed and considered by the Committee. The Committee will meet to discuss and determine, through consensus, the successful application(s). If the Committee cannot agree on the direction of funding, the Owner will make the final decision and all funding decisions will require Council formal resolution confirming either Committee consensus decision or Owner direction as the case may be.

Is the information in applications protected?

The *Privacy and Personal Information Protection Act 1998* (Privacy Act) applies to information that is provided to the Committee. Personal information (as defined in the Privacy Act) provided in the application form will be used for the purpose of administering the CEF only. The Upper Lachlan Shire Council must:

- comply with all applicable provisions of the Privacy Act;
- comply with all reasonable requests or directions of the Owner in connection with an obligation on any person of the Owner under the Privacy Act or in connection with any applicable policy of the Owner;
- not transfer that Personal Information outside of Australia or allow persons outside of Australia to have access to that Personal Information, except to the extent approved by the Owner; and
- take all necessary steps to ensure that such Personal Information is protected against misuse, loss and unauthorised access.

The Upper Lachlan Shire Council separately warrants and represents that any Personal Information it provides to the Owner is:

- lawfully collected;
- accurate, up-to-date and complete; and
- relevant to any application received,

and that each individual concerned has consented to the Council's disclosure of such Personal Information to the Owner and to the Owner's disclosure of such Personal Information in connection with the application or applicable policies of the Owner.

This information may be disclosed in response to an access request under the *Government Information (Public Access) Act 2009*, subject to applicable exceptions under the Act.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

Once an application has been approved and funding issued, the recipient, project, amount funded and fiscal year will be a matter of public record.

The applicant and Upper Lachlan Shire Council acknowledge that:

- (i) Personal Information of the applicant will be collected by Upper Lachlan Shire Council for the purposes of the CEF;
- (ii) copies of the ULSC Privacy Management Plan and the ULSC Privacy Policy are available at www.upperlachlan.nsw.gov.au under Council Policies;
- (iii) any Personal Information collected by Upper Lachlan Shire Council will be dealt with in accordance with the ULSC Privacy Management Plan and the ULSC Privacy Policy.

The parties acknowledge that amendments to the Privacy Act made by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth) ("New Privacy Laws") will come into force on 12 March 2014. The Lachlan Shire Council agrees to take such action as is necessary to implement and comply with the New Privacy Laws to the extent they affect its obligations.

How will applicants know if their project is successful?

All applications lodged will receive a response from the Committee, via email or post, advising of the success of their application. In addition, successful applications will be publicised through the Upper Lachlan Shire Council website, "The Voice" newsletter and any other media deemed applicable by the Upper Lachlan Shire Council. All applications are treated as public documents. Should applicants not want details or components of their application made public, this should be stated clearly within the application.

When an application has been approved the Committee will make the necessary payment arrangements.

What if the project applied for changes once the funding has been approved?

If the scope of the project applied for changes applicants must request, in writing to the Committee, approval for changes. The scope of the program or project funding may only be adjusted with written approval from the Committee.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

What happens if the actual costs are less than the approved funding?

If actual costs are less than the approved funding the applicant may;

1. Submit a written request to change the scope of the project, and if approved, apply the unexpended funds for this purpose.
2. Send a cheque, made payable to the CEF, for the remaining unexpended funds once the final amount has been confirmed by the Committee. Repayments must be submitted to the CEF.

How will the money be managed?

Funds will be held and distributed by the Upper Lachlan Shire Council who will carry all risks and liabilities associated with the distribution of this funding. The awarded funds will be distributed as agreed with the successful applicant(s) and managed through Upper Lachlan Shire Council.

The CEF will be managed through an External Restricted Reserve Fund account in accordance with the usual Operational Plan processes for preparing a budget and priority projects (this includes community consultation). Upper Lachlan Shire Council will provide services to manage the administration of the CEF.

The Upper Lachlan Shire Council will report to the Owner and produce yearly reports on the distribution of funds and/or quarterly reports related to the External Restricted Reserve Fund, within 30 days after the end of each financial year. In addition, the Owner will produce reports for distribution to the community outlining initiatives funded and delivered.

All amounts in this agreement do not include GST. The Supplier will add the prevailing rate of GST onto all Taxable Supplies made in connection with this agreement, and the Recipient agrees to pay that GST following the receipt of a Tax Invoice from the Supplier. The GST applicable to any Taxable Supplies made in connection with this agreement is payable at the same time as the Consideration for those Supplies. Where a party reimburses the other party for an expense or other amount, the reimbursement will be net of any Input Tax Credit the Supplier is entitled to claim.*

*Terms in capitals in the above clause have the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999.

Independent Auditor

During each year in which there are funds in the CEF, the Upper Lachlan Shire Council must appoint an independent suitably qualified Auditor, within 30 days after the end of each financial year, to reconcile:

- The Monetary Contributions paid by the Owner,
- Any payments made by the Upper Lachlan Shire Council; and

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

- Identify any corrective payments required.

The Owner and the Upper Lachlan Shire Council must make any corrective payments identified by the Auditor as being necessary to reconcile the CEF. The Auditor must provide a report on its work undertaken in accordance with this clause within three months of completing that work.

The Auditor's reasonable costs will be paid by the Owner and the Council will use its reasonable endeavours to ensure these costs are reasonable. The Auditor's costs are in addition to the annual CEP contribution and are payable by the Owner. Council will invoice the Owner on an at cost basis.

Upper Lachlan Shire Council would undertake an annual review of the CEF. This would consider, among other things, drawdown of funds in the year to date, and anticipated drawdown in the next year.

5.3 PROJECT/PROGRAM REPORTING

What reporting is required for approved applications?

Reporting on completed projects is required to ensure that the Target Community and the Committee can be confident that allocated funds have been used effectively.

Standard templates will be provided to all successful applicants. Applicants must submit final reports using these templates. Funding recipients must permit a representative of the CEF to examine records relating to the expenditure of funds to determine if the grant has been properly spent.

When will the report on completed programs/projects be due?

Timing will be agreed at the application approval stage. Agreed project delivery timing will be decided upon on an individual project basis and will follow guidelines stipulated by the Committee.

Can the final reporting date be extended?

Yes. If a project/program is not completed within the required timeframe the applicant may request, in writing, an extension. All extension requests must be submitted to the CEF.

6 COMMUNITY FEEDBACK

The CEP has been established to secure additional benefit to the community from the Project. Community input to the objectives and proposed administrative arrangements for the CEP will assist to make the fund accessible, relevant, trusted and supported by the community.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

7 INDEMNITY

The Upper Lachlan Shire Council indemnifies the Owner and any authorised representative of the Owner (including its personnel, agents, employees, officers and contractors) against any loss, liability, damage or claim (and releases the Owner and each authorised representative of the Owner from, and waives, all claims against them) arising out of, in relation to or in connection (whether directly or indirectly) with this agreement.

The Council's liability to indemnify the Owner is reduced proportionally to the extent that a malicious or negligent act or omission by the Owner or a breach of this agreement by the Owner has contributed to the loss.

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

Schedule 1 – PROJECT APPLICATION FORM

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Cullerin Range Wind Farm and Upper Lachlan Shire Council

Schedule 2 – CEF Committee Charter

COMMUNITY ENHANCEMENT PROGRAM
Cullerin Range Wind Farm and Upper Lachlan Shire Council

Signed for and behalf of

The Upper Lachlan Shire Council ABN 81 011 241 552

Sign here: 
Authorised Officer

Print Name: JOHN BELL

Position: GENERAL MANAGER

In the presence of

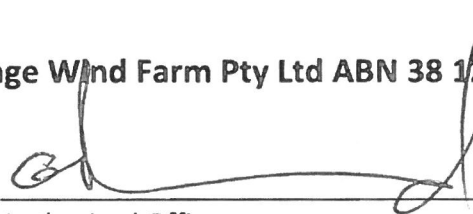
Sign here: 
Witness

Print Name: TINA DODSON

Dated 20/10/16

Signed for and behalf of


Cullerin Range Wind Farm Pty Ltd ABN 38 126 197 126

Sign here: 
Authorised Officer

Print Name: Greg Pritchard

Position: Managing Director

In the presence of

Sign here: 
Witness

Print Name: Lisa Waddell

Dated 19, 9, 16



CULLERIN RANGE WIND FARM COMMUNITY FUND COMMITTEE



PROJECT APPLICATION FORM

The CULLERIN RANGE WIND FARM COMMUNITY FUND aims to support initiatives that strengthen the local community through projects that contribute to neighbouring communities within 20km of the Cullerin Range Wind Farm.

THE APPLICATION PROCESS

- Complete your application on the Cullerin Range Wind Farm Application form below;
- Submit your application either by post or email to P O Box 42, GUNNING NSW 2581 or council@upperlachlan.nsw.gov.au
- The closing date for applications is XX/XX/XXXX. No late applications will be accepted;
- The application will be assessed by the Cullerin Range Wind Farm Community Fund Committee;
- You will be notified of the success or otherwise of the application;
- At the completion of the project you will be required to provide a summary report of costs and photos of the completed project (where applicable).

APPLICANTS DETAILS

Date of Application:	
Name of Applicant:	
Title and Head of Organisation:	
Applicant / Organisation	
Postal Address:	
Street Address:	
City:	Post Code:
Contact Person:	Phone:
Email:	Website:



CULLERIN RANGE WIND FARM COMMUNITY FUND COMMITTEE



PROJECT DETAILS

Project Title

Project Summary

Project Location

Attach any approvals given or required by regulatory authorities for this project.	Yes	No	N/A
Has your local council been consulted about the project?	Yes	No	N/A

Applications for Capital works projects must be accompanied by an approved Development Consent from Council or written confirmation from Council that consent is not required.

Attached: Yes No (Please circle as appropriate)

Project starting date:

Project Details – attach any plans, site map, photos and any additional information to support the project

Attached: Yes No (Please circle as appropriate)

Who will benefit from the project? List target groups, numbers of members/users and expected frequency of use:

We welcome applications supporting:

- Projects and organisations that provide benefits and shared value to the communities in which we operate
- Projects and organisations which meet the objectives of the Cullerin Range Wind Farm Community Fund Projects and organisations which behave in a consistent manner with the Owner's (Energy Developments Pty Ltd (EDL)) values and sustainability principles
- One-off social/community events or fundraisers



CULLERIN RANGE WIND FARM COMMUNITY FUND COMMITTEE



Exclusions

The following will not be considered:

- Individuals (athletes, fundraising, projects)
- Political organisations or campaigns
- Religious organisations for religious activities which may be considered exclusionary
- An organisation's ongoing operational costs
- Activities which contravene current independent advice on treatment of animals
- Private companies or commercial entities
- Activities which promotes gambling/alcohol/tobacco
- One-off donations to the same organisation more than once per year
- Activities which are usually exclusively funded by government
- Activities which provide a direct financial benefit to employees of EDL, Lachlan Shire Council or their contractors
- Landowners who have granted a lease or easement to the wind farm owners

Attach letters of support - Attached: Yes No (Please circle as appropriate)

Project Outcomes:



CULLERIN RANGE WIND FARM COMMUNITY FUND COMMITTEE



Recognition of the Cullerin Range Wind Farm Community Fund

If your application is successful, your organisation will be required to organise public acknowledgement of the funding. Please indicate how the Cullerin Wind Farm Community Fund contribution would be recognised:

[Empty response area for public acknowledgement details]



CULLERIN RANGE WIND FARM COMMUNITY FUND COMMITTEE



ESTIMATED PROJECT COST (Total ex GST)

Total Funding sought:

Other funding (Total ex GST):

Has your organisation committed funds to this project? Yes No (Please circle as appropriate)

Cash:

In Kind:

Has your project been formally costed (E.g. Quotes sourced)? Yes No (Please circle as appropriate)

Have all approvals for the project been obtained? Yes No (Please circle as appropriate)

Has the funding from all other sources been secured? Yes No (Please circle as appropriate)

Details:



Cullerin Range Wind Farm Community Fund Committee Charter

ROLE

The Committee's role:

1. Publically call for applications for funding of projects or activities to benefit the local community.
2. Evaluate funding applications and make recommendations to Council.

LEGAL STATUS

The Committee is constituted under Section 355 of the Local Government Act 1993.

COMPLIANCE

The Committee and members will be required to comply with applicable Council Policies and statutory requirements.

These may include but not limited to:

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulation 2005;
- Environmental Planning and Assessment Act 1979;
- Independent Commission against Corruption Act 1988;
- NSW State Records Act 1998;
- Work Health and Safety Act 2011;
- Public Interest Disclosures Act 1994;
- Government Information (Public Access) Act 2009;
- Crimes Act 1900;
- Privacy and Personal Information Act 1998;
- Code of Conduct;
- Code of Meeting Practice – Section 355 Committees;
- Internal Controls and Procedures Manual;
- Interaction between Councillors and Staff Policy;
- Fraud and Corruption Prevention Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Delegations of Authority Policy;
- Code of Business Practice;
- Bribes, Gifts and Benefits Policy;
- Complaints Management Policy;
- Grievance Policy;
- Records Management Policy;
- Disciplinary Policy; and
- Risk Management Policy.

RESOURCES

The Council will appoint an Executive Assistant (non-voting) to the Committee.

The Committee is to be serviced by Council and will be provided with a reasonable amount of assistance.

ROLES AND RESPONSIBILITIES

The Committee will act as an advisory body to Council and Energy Developments Limited (EDL) and has no executive powers, except those expressly provided by both parties. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of the Committee rests with the Council and the General Manager as defined by the Local Government Act 1993, and associated Regulations.

The responsibilities of the Committee may be revised or expanded by the Council, with the agreement of EDL, from time to time. The Committee's responsibilities are to assist Council to discharge its responsibilities with due care and diligence.

The Committee will review its effectiveness and performance on an annual basis.

COMPOSITION

The Committee shall be comprised of:

- Mayor of Upper Lachlan Shire Council or his/her delegate;
- General Manager of Upper Lachlan Shire Council or his/her delegate;
- One authorised representative from EDL or his/her delegate or if EDL elects not to join the Committee or appoint a delegate then an owner of a property hosting a wind turbine); and
- Two community representatives.

Delegates may attend all meetings of the Committee. If delegates attend in the presence of the sitting member for whom they are an alternative, they attend only as an observer. For the avoidance of doubt, if EDL or EDL's delegate are not part of the Committee the Owner may attend the Committee as an observer only.

Irrespective of the Owner or the Owner's delegate having voting rights, the Owner has the right to direct how funding should be allocated in the event that the Committee cannot reach a decision on funding allocation.

Any vacancies occurring on the Committee by way of resignation, removal or insufficient community expressions of interest may be filled by the Council in such a way as it determines for each vacancy, with the exception of the Cullerin Range Wind Farm representative whose appointment, removal or replacement remains at the discretion of EDL.

The Chair of the Committee shall be appointed by the Committee.

A quorum for the Committee requires a simple majority of the appointed members, including at least one Upper Lachlan Shire Council Representative and the EDL Representative. Meetings can be held in person, by telephone or by video conference.

Note: All Committee members will be provided with agendas for all meetings a week in advance of the meeting.

CONFLICT OF INTEREST

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may arise. The final arbiter of such a decision is the Chairperson of the Committee.

INDUCTION

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

REVIEW OF THE CHARTER

At least once every two years the Community Enhancement Committee will review this Community Enhancement Committee Charter.

APPOINTMENT

Appointments to the Committee will be made by Council and ratified by EDL for a period of one year (date to coincide with meeting of the Committee for the funding round). Council may only advertise for Community representatives or reappoint existing members for a further term without advertising (up to a maximum of 4 years) with the agreement of EDL.

REMOVAL OF A MEMBER

Council, in consultation with EDL, may remove any Committee member at any time, with the disclosure of reason being given. The Committee member has the right of appeal.

MEETINGS

The Committee will meet at least annually.

EDL, Council, or the Committee Chair will have the power to call an extraordinary meeting at any time to discuss business of an urgent nature.

REPORTING

The minutes of every meeting, including recommendations to the Council, and EDL, will be completed in an approved format, distributed to members, and forwarded to the General Manager's Executive Assistant within three working days of the meeting being held.

REMUNERATION

No Sitting fee will be paid to members of Committees.

INSURANCE

Members of the Committee are covered by Council's insurance policies.

TERMS OF REFERENCE

- Identify priority projects/activities for funding that will benefit the local community.
- Regular review of selection criteria for the evaluation of applications.
- Regular review of Application Form and guide to making an application.
- Publically advertise for applications.
- Evaluate applications against the selection criteria.
- Make recommendations to Council and EDL for endorsement of the Project within budget limits of contribution received annually.
- Review funding priorities for upcoming financial year.
- The Owner has the right to direct how funding should be allocated in the event that the Committee cannot reach a decision on funding allocation.