



# BUSINESS PAPER

## ORDINARY MEETING

Thursday 18 April 2024

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**

9 April 2024

**Councillors**

Dear Members

### **Ordinary Meeting of Council**

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 18 April 2024** 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.”*

<b>1</b>	<b>NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING</b>	
<b>2</b>	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>3</b>	<b>CITIZENSHIP CEREMONY</b>	
	Nil	
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**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**

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

<b>Contact</b>	<b>Phone</b>	<b>Email</b>	<b>Website</b>
Upper Lachlan Shire Council	(02) 4830 1000	<a href="mailto:council@upperlachlan.nsw.gov.au">council@upperlachlan.nsw.gov.au</a>	<a href="http://www.upperlachlan.nsw.gov.au">www.upperlachlan.nsw.gov.au</a>
ICAC	(02)8281 5999 Toll Free 1800463909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	(02) 4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	(02) 9286 1000 Toll Free 1800451524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

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

#### Matter giving rise to pecuniary interest<sup>1</sup>

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

*[Tick or cross one box]*

---

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 March 2024 .....	12
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**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

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

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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 welcomed the public gallery today.*

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

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

Apologies were received by Cr J Marshall.

**22/24** **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 Culhane, P Kensit, M McDonald, 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 Ally Jaffrey, Matthew Arnall and other members of the community.*

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Nil



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ON 21 MARCH 2024**

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**SECTION 5: CONFIRMATION OF MINUTES**

**ITEM 5.1**                    **RESOLVED** by Cr Searl and Cr Woodbridge  
**23/24**

That the minutes of the Ordinary Council Meeting held on 15 February 2024 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**  
**24/24**                        **RESOLVED** by Cr Searl and Cr Woodbridge

1. That Council receive and note the activities attended by the Mayor and Deputy Mayor for February and March 2024.

- 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**

Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

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**ITEM 15.1 – LATE REPORT**

Cr N McDonald and Cr Woodbridge moved that Late report Item 15.1 – Proposal for the declaration of new off leash area - LOT 1 DP 1054839 Woodward Lane, Crookwell be moved forward.

On being put to the meeting the motion was carried

**25/24**

**RESOLVED** by Cr N McDonald and Cr Woodbridge that

1. Item 15.1 Late Report – Proposal for the declaration of new off leash area - Lot 1 DP 1054839 Woodward Lane, Crookwell be moved forward.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-**

Nil

A Motion was moved by the Cr Kensit and Cr Searl that -

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – Proposal for the declaration of new off leash area - Lot 1 DP 1054839 Woodward Lane, Crookwell, be considered at this March 2024 Council Ordinary Meeting, as it is a matter for public consultation.

On being put to the meeting the Motion was Carried.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

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**26/24**

**RESOLVED** by Cr Kensit and Cr Searl that

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – Proposal for the declaration of new off leash area - Lot 1 DP 1054839 Woodward Lane, Crookwell, be considered at this March 2024 Council Ordinary Meeting, as it is a matter for public consultation.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-**

Nil

**ITEM 15.1**

**PROPOSAL FOR THE DECLARATION OF NEW OFF LEASH AREA  
- LOT 1 DP 1054839 WOODWARD LANE, CROOKWELL**

**27/24**

**RESOLVED** by Cr Searl and Cr N McDonald that -

1. Council receive the report on the proposal to Declare new Off-Leash Area.
2. Council determine to give notice of Intention to Declare new Off-Leash area in the Council reserve located on Woodward Lane, Crookwell (Lot 1 DP1054839).
3. That the notice of Intention to Declare new Off-Leash areas seeks submissions from the public for a minimum period of 28 days.
4. A further report be presented to Council after the completion of the public exhibition period to enable Council to consider any feedback and make a determination with respect to relocating the current Off-Leash Area.

- 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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**SECTION 8: CORRESPONDENCE**

**ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF FEBRUARY 2024**  
**28/24 RESOLVED by Cr Searl and Cr Reynolds**

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

1. Office of Local Government – Circular 24-03 – Performance and Suspension Orders.

- 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 9: LATE CORRESPONDENCE**

Nil

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS REPORT**  
**29/24 RESOLVED by Cr Searl and Cr Reynolds**

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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ON 21 MARCH 2024**

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**ITEM 10.2 – 10.6 INFORMATION ONLY ITEMS**

**30/24**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receive and note Items 10.2 – 10.6 the report as information.

- CARRIED

**Councillors who voted for:-**

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

**Councillors who voted against:-** Nil

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11: ENVIRONMENT AND PLANNING**

**ITEM 11.1 DISABILITY INCLUSION ACTION PLAN**

**31/24**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Council notes that community consultation was undertaken between 12 September to 13 October 2023.
2. Council considers the submissions received during the exhibition period.
3. Council notes and endorses the amendments recommended by Council staff in this report (Attachment 1).
4. Council adopts the Upper Lachlan Shire Disability Inclusion Action Plan 2023-2027 (Attachment 1) and makes this available on Council's website.

- 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

**UPPER LACHLAN SHIRE COUNCIL**  
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The Disability Inclusion Action plan can be found on Council's website under – Council – Plans and Reports.

[HTTPS://UPPERLACHLAN.NSW.GOV.AU/WP-CONTENT/UPLOADS/2022/11/UPPER-LACHLAN-SHIRE-DISABILITY-INCLUSION-ACTION-PLAN-ADOPTED-21-MARCH-2024.PDF](https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Upper-Lachlan-Shire-Disability-Inclusion-Action-Plan-Adopted-21-March-2024.pdf)

**ITEM 11.2            REVIEW OF COUNCIL WATER DETERMINATION POLICY  
(PREVIOUSLY REBATE FOR UNDETECTED WATER LEAK  
POLICY)**

**32/24                    RESOLVED by Cr Searl and Cr Reynolds**

1. Council adopts the reviewed Water Determination Policy.
2. Council agrees to a maximum water rebate increase from \$400 to \$800.
3. Council agrees to minimum water rebate calculation revised from \$150 to \$200 to be considered as not significant.
4. Council agrees to determination of ownership of services detailed in Figures 1 and 2.

- 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

To view the Policy visit Council's website.

[HTTPS://UPPERLACHLAN.NSW.GOV.AU/WP-CONTENT/UPLOADS/2022/11/WATER-DETERMINATION-POLICY-DATE-ADOPTED-21-MARCH-2024-RESOLUTION-32-24-REVIEW-FOR-2027.PDF](https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Water-Determination-Policy-Date-Adopted-21-March-2024-Resolution-32-24-Review-for-2027.pdf)

**SECTION 12:        INFRASTRUCTURE DEPARTMENT**

**ITEM 12.1            ROAD CLOSURE - GIBRALTAR ROAD, BIG HILL - AFFIX  
COMMON SEAL**

**33/24                    RESOLVED by Cr Searl and Cr Reynolds**

1. Council authorises the Mayor and Chief Executive Officer to sign all necessary documents and affix the common seal for the closure and reopening of a section of Gibraltar Road.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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- 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**

Nil

**SECTION 14: CHIEF EXECUTIVE OFFICER**

Nil

**SECTION 15: LATE REPORTS**

Addressed earlier in the meeting

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

**ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTHS OF MARCH 2024**

**34/24** **RESOLVED** by Cr Searl and Cr Reynolds

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

1. Gunning Arts Festival – Minutes from Annual General Meeting held 19 November 2023.

**35/24** **RESOLVED** by Cr Searl and Cr Woodbridge that –

1. Council write to Gunning Arts Festival acknowledging the successful office bearers; President - Dianna Nixon, Secretary - Helen Vooren and Treasurer - Michelle Storey.

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

**UPPER LACHLAN SHIRE COUNCIL**  
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**Councillors who voted against:-** Nil

2. Crookwell and District Art Gallery – Minutes from meeting held 23 November 2023.
3. Economic Development s355 Advisory Committee – Minutes from meeting held 18 January 2024.
4. Collector Oval Committee – Minutes from meeting held 1 February 2024.
5. Tuena Hall & Recreation Area Committee – Minutes from Annual General Meeting held 21 February 2024.

**36/24**

**RESOLVED** by Cr Reynolds and Cr Woodbridge that –

1. Council write to Tuena Hall & Recreation committee acknowledging the successful office bearers; President – James Armitage, Vice President – Robyn Hall, Secretary – Gabrielle Saville and and Treasurer - Janelle Parsons

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

**Councillors who voted against:-** Nil

6. Tuena Hall & Recreation Area Committee – Minutes from meeting held 21 February 2024.
7. Upper Lachlan Shire Council Traffic Committee – Minutes from meeting held 7 March 2024.

- CARRIED

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

**Councillors who voted against:-** Nil

**SECTION 17: NOTICES OF MOTION**

Nil

**SECTION 18: QUESTIONS WITH NOTICE**

Nil



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

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**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:

**37/24**                      **RESOLVED** by Cr Searl and Cr Woodbridge

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A (2) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2c), 10A (2d(i)), 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 2:13pm and the public, staff and press left the chambers and live streaming ceased.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

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**318/24**                    **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 2:20pm live streaming returned to the public prior to the meeting closing.

**Resolutions from the Closed Council Meeting**

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

**SECTION 19:        CONFIDENTIAL SESSION**

**ITEM 19.1**                    **AWARD OF CONTRACT - PEJAR ROAD - FIRST CREEK BOX  
CULVERT**

**39/24**                    **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council resolves to award a contract for the project, Pejar Road, First Creek Box Culvert Installation Works, to AJ Parsons Earthmoving Pty Ltd for a lump sum contract price of \$259,420.40 (including GST).

- 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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 21 MARCH 2024**

---

**THE MEETING CLOSED AT 2:23pm**

Minutes confirmed 18 APRIL 2024

.....  
Mayor



## **6 MAYORAL MINUTES**

The following item is submitted for consideration -

6.1	Mayoral Minute	26
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## Mayoral Minutes - 18 April 2024

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**ITEM 6.1**                      **Mayoral Minute**

**FILE REFERENCE**   **I24/101**

### **March 2024**

19 March 2024                      Just4Kids Auction – Gunning with Deputy Mayor

20 March 2024                      Meeting with CEO  
Visit to Taralga Showground and Stonequarry Cemetery with CEO

21 March 2024                      Council Meeting  
Country Mayors Association – Sydney with CEO

22 March 2024                      Country Mayors Association – Sydney with CEO

25 March 2024                      Councillor Budget Workshop  
Meeting with CEO

28 March 2024                      Meeting with CEO

### **April 2024**

8 April 2024                      Meeting with Constituent  
Meeting with CEO  
Meeting with Minister for Local Government  
The Hon Ron Hoenig MP and CEO

17 April 2024                      Meeting with CEO

18 April 2024                      Ordinary Council Meeting

## **8           CORRESPONDENCE**

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





## **10 INFORMATION ONLY**

The following items are submitted for consideration -

10.1	Development Statistics Report	30
10.2	Investments for the month of March 2024	37
10.3	Bank Balance and Reconciliation - March 2024	41
10.4	Rates and Charges Outstanding for the month of March 2024	42
10.5	Grants Report	44
10.6	Action Summary - Council Decisions	49

---

## Information Only - 18 April 2024

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**ITEM 10.1**                      **Development Statistics Report**

**FILE REFERENCE**    **I24/87**

**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 March 2024 to 31 March 2024, and an update on the status of the Planning and Development Control department.

**RECOMMENDATION**      That -

1. Council receives and notes the report as information.

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### **BACKGROUND**

A standard monthly report providing Council with a summary of the development control activities that have occurred in the period 1 March 2024 to 31 March 2024.

### **REPORT**

This report provides Council with an overview of the development control activities that have occurred in the period of 1 March 2024 to 31 March 2024, 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:

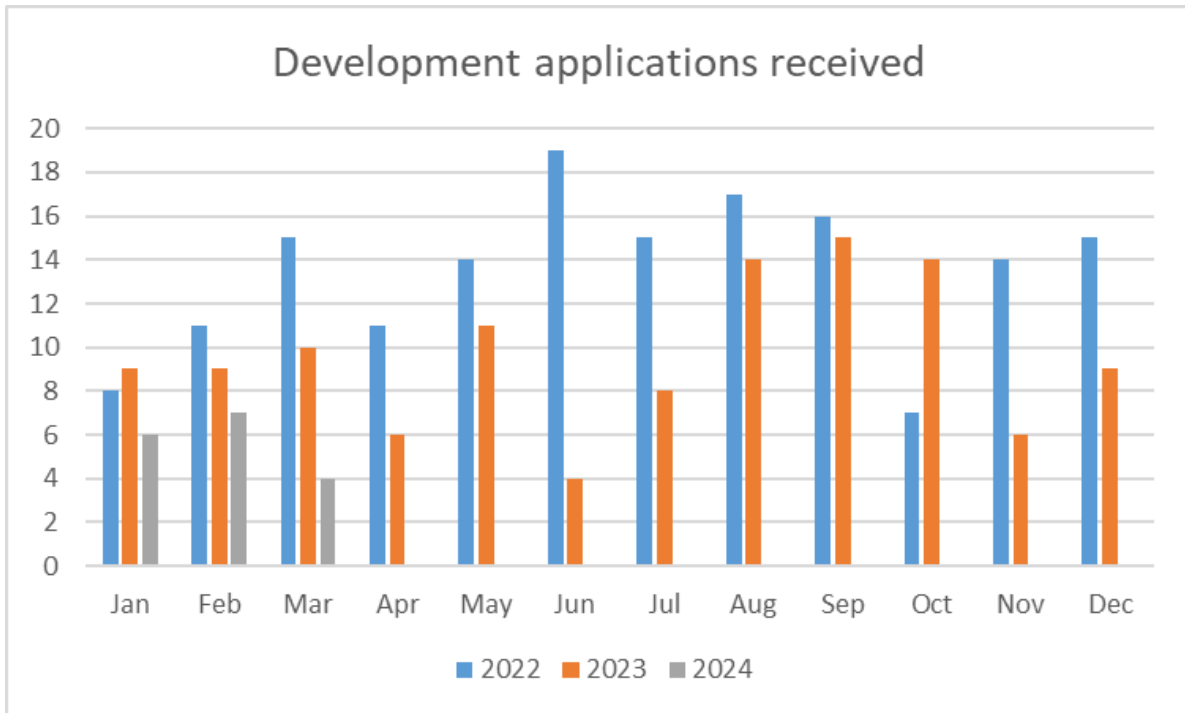
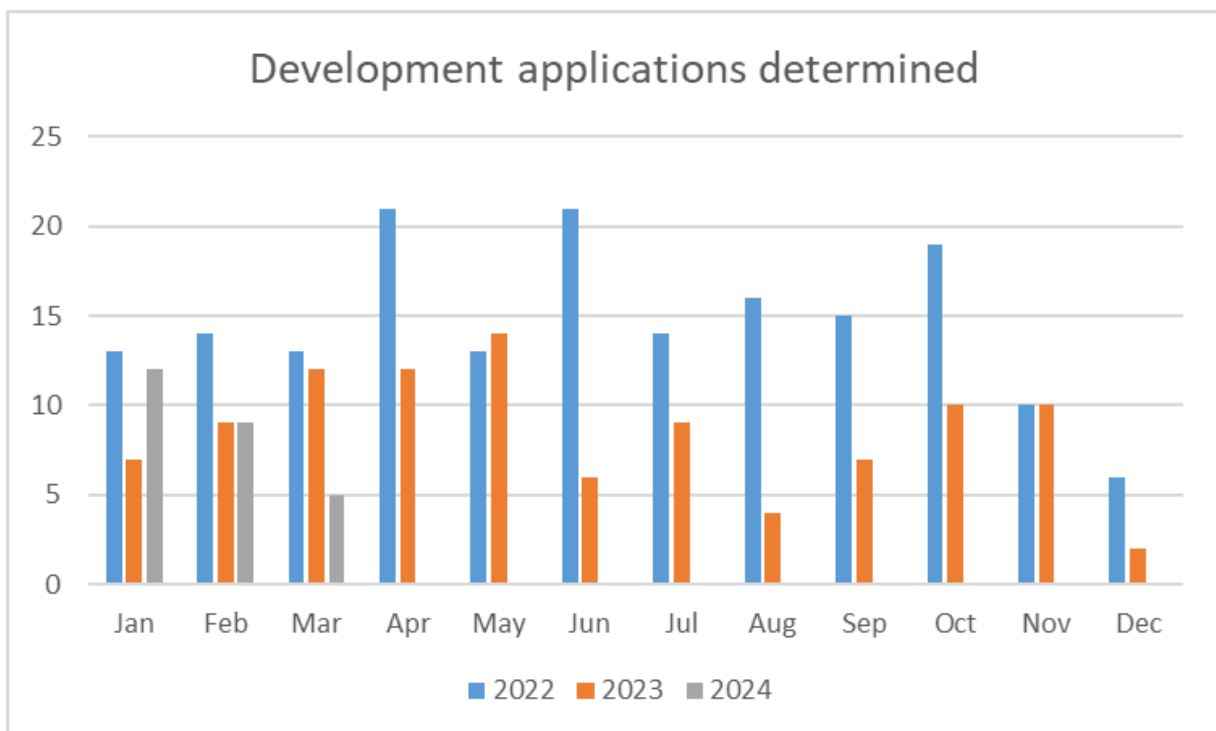


Table 2 - Number of development applications determined per month:



**Information Only**  
**DEVELOPMENT STATISTICS REPORT cont'd**

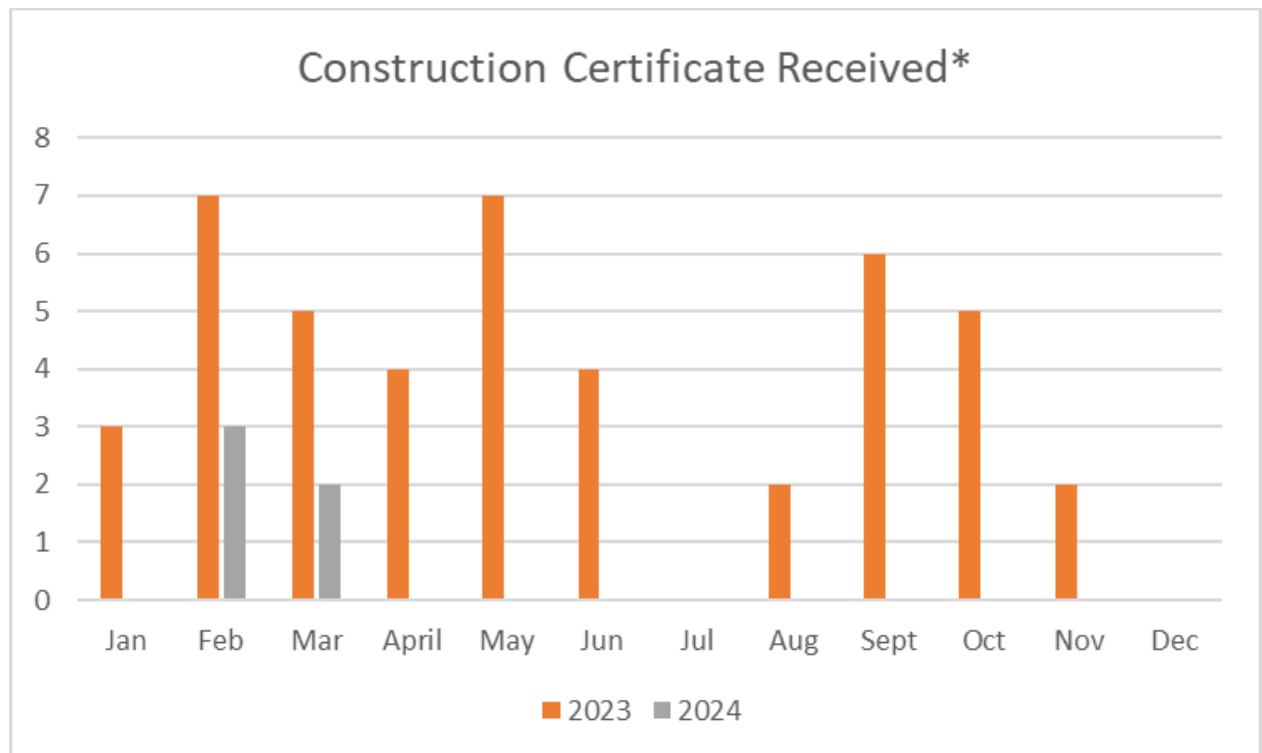
**Development Applications Determined**

**Development Applications Determined By Council (March 2024):**

DA Reference	Proposal	Property Details
DA20/2024	Swimming Pool	Lot 114 DP 750014 130 Gibraltar Road, Marulan
DA204/2023	Dual Occupancy	Lot 3 DP 1287718 10C Holborow Street, Crookwell
DA252/2023	Change of Use	Lot 2 DP 527074 1885 Gurrundah Road, Gurrundah
DA271/2023	Change of Use (conversion of a dwelling)	Lot 2 DP 527074 1885 Gurrundah Road, Gurrundah
DA2/2024	Dwelling	Lot 325 DP 1301003 31 Nicholson Circuit, Crookwell

**Construction Certificates**

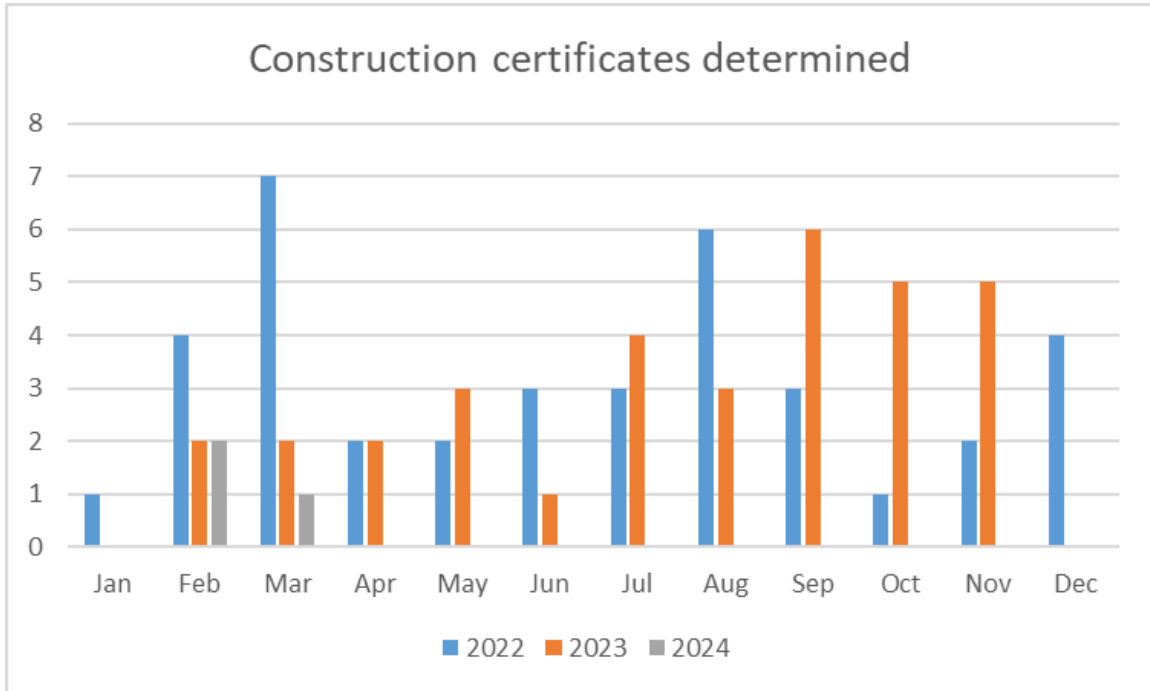
Table 3 – The number of construction certificates received per month are detailed below:



\* Estimated numbers only as information obtained from NSW Planning Portal

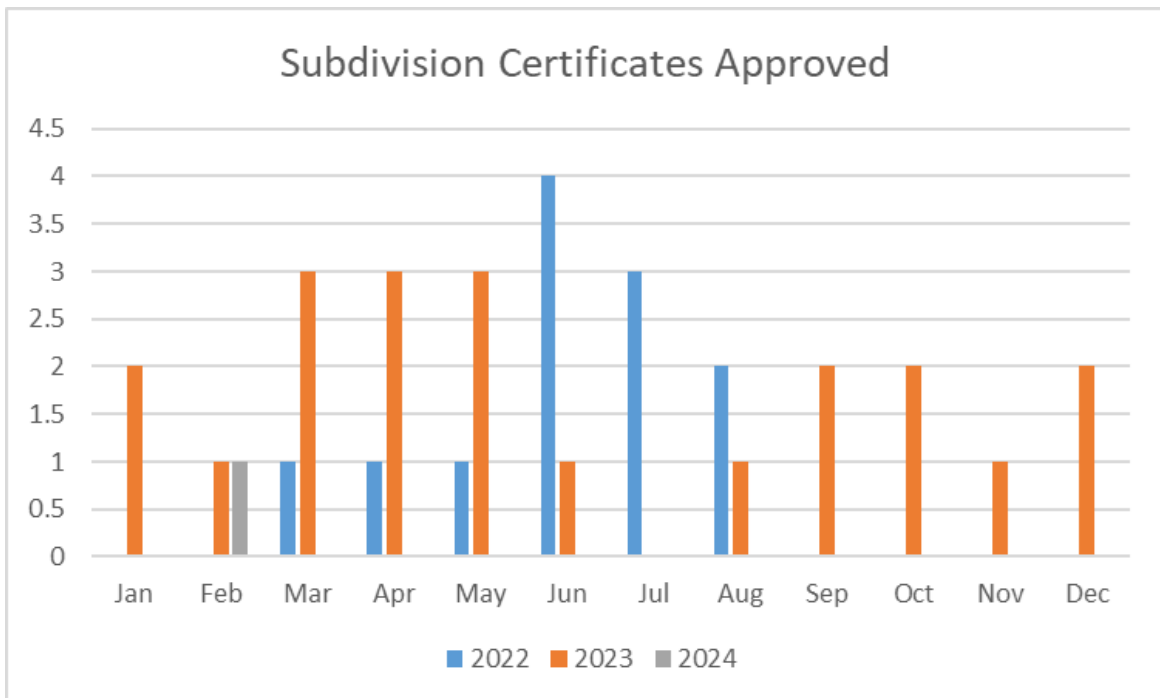
**Construction Certificates**

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



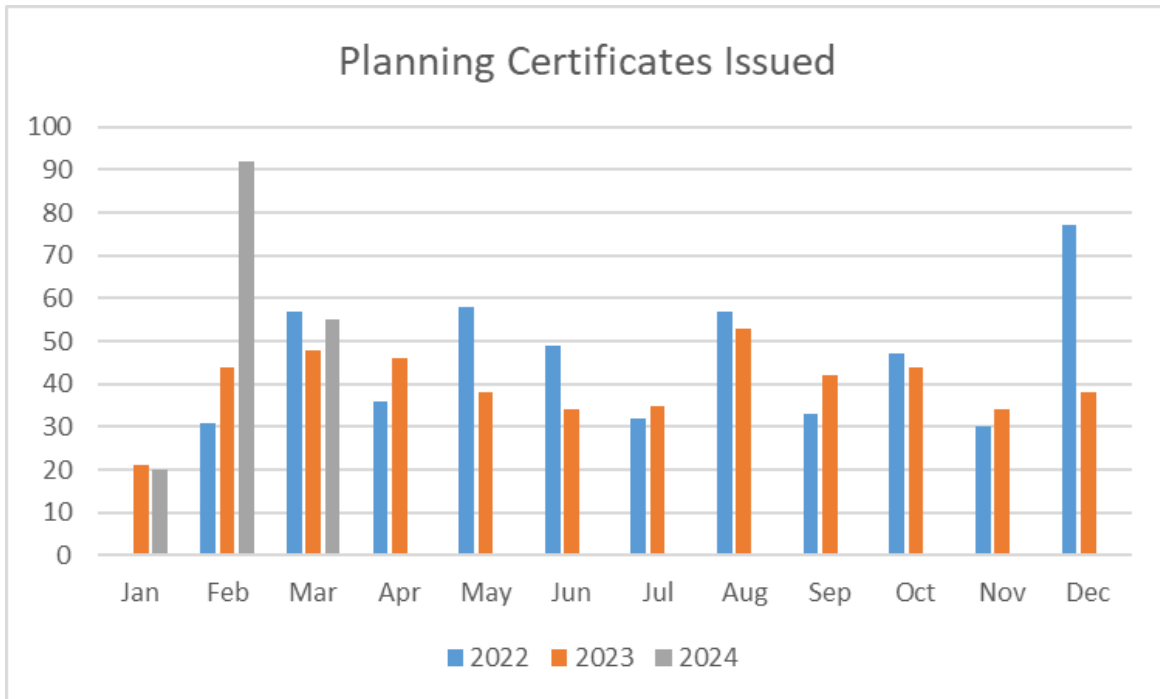
**Subdivision Certificates**

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



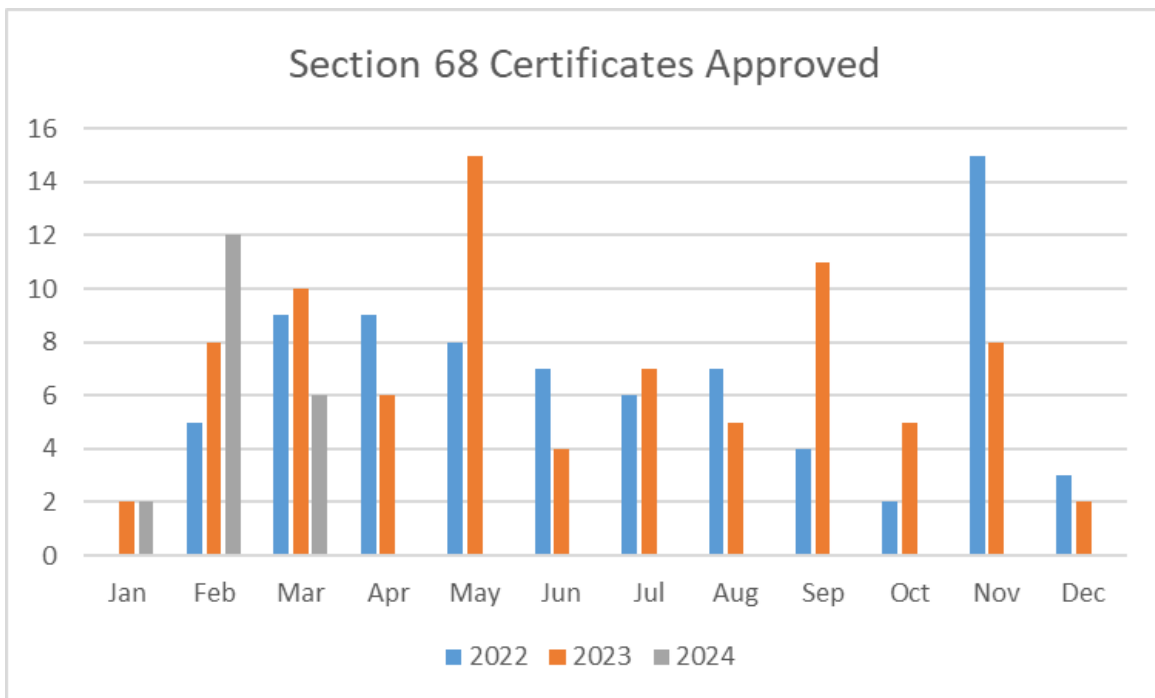
**Planning Certificates**

The number of Planning Certificates issued per month are detailed below



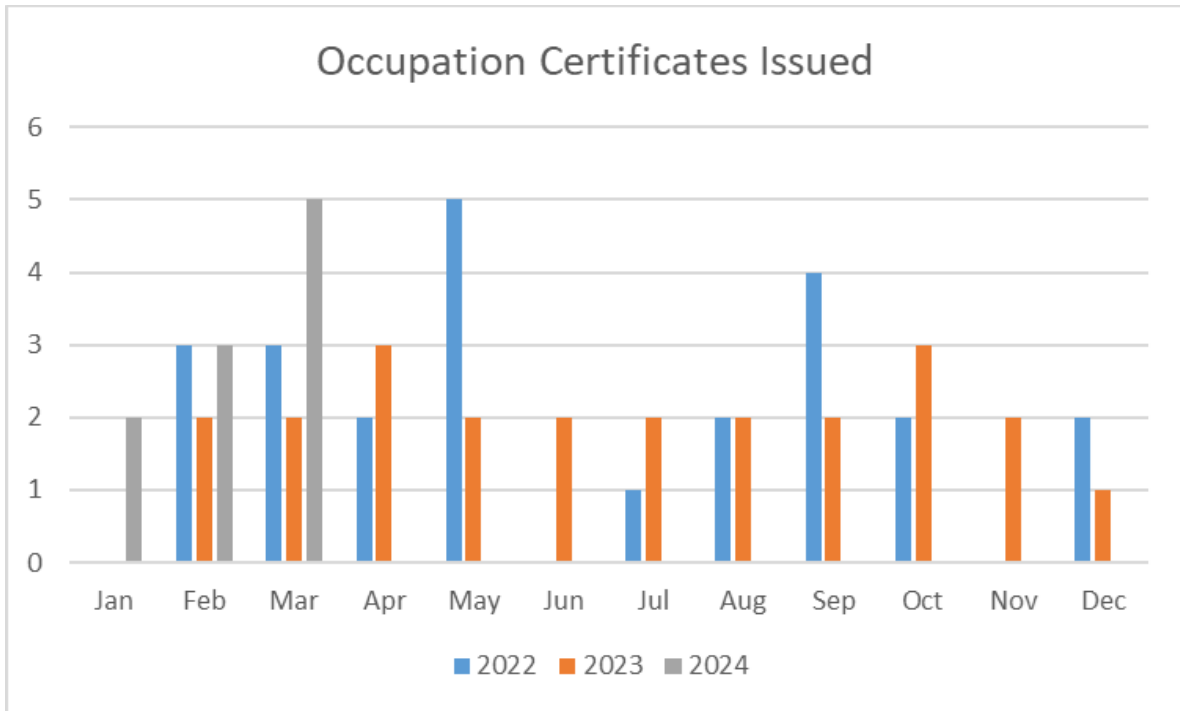
**Section 68 Certificates**

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



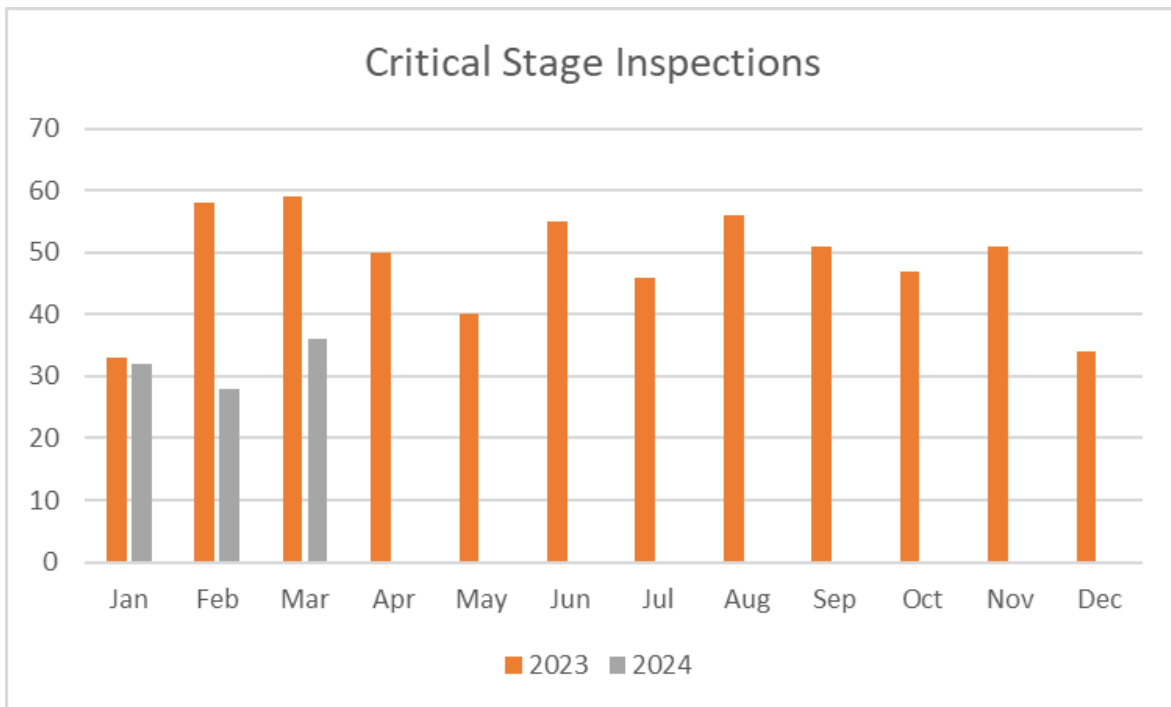
**Occupation Certificates**

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:



***Information Only***  
**DEVELOPMENT STATISTICS REPORT cont'd**

**RECOMMENDATION** That -

1. Council receives and notes the report as information.

**ATTACHMENTS**

Nil



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## Information Only - 18 April 2024

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**ITEM 10.2**                      **Investments for the month of March 2024**

**FILE REFERENCE**    **I24/83**

**AUTHOR**                      **Director of Finance and Administration**

### **ISSUE**

Council Investment Portfolio Register as at 31 March 2024.

**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 31 March 2024**

<b>Investment Institution</b>	<b>Type</b>	<b>Investment Face Value</b>	<b>Interest Rate</b>	<b>Term Days</b>	<b>Maturity Date</b>	<b>Interest Due</b>
CBA	Call	\$300,000	0.25%	N/A	31-03-24	\$36.99
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
Bank of Qld	TD	\$1,000,000	5.15%	196	08-05-24	\$27,654.79
Bank of Qld	TD	\$1,000,000	5.30%	197	15-05-24	\$28,605.48
NAB	TD	\$1,000,000	5.25%	203	22-05-24	\$29,198.63
Bendigo Bank	TD	\$1,000,000	5.06%	203	29-05-24	\$28,141.92
Bank of Qld	TD	\$1,000,000	5.20%	203	05-06-24	\$28,920.55
IMB	TD	\$1,000,000	5.25%	203	12-06-24	\$29,198.63
IMB	TD	\$1,000,000	5.25%	203	19-06-24	\$29,198.63
NAB	TD	\$1,000,000	5.10%	175	26-06-24	\$24,452.05
NAB	TD	\$1,000,000	5.10%	175	03-07-24	\$24,452.05

**Information Only****INVESTMENTS FOR THE MONTH OF MARCH 2024 cont'd**

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
NAB	TD	\$1,000,000	5.10%	161	10-07-24	\$22,495.89
CBA	TD	\$500,000	4.85%	154	24-07-24	\$10,231.51
Bendigo Bank	TD	\$500,000	5.01%	182	07-08-24	\$12,490.68
IMB	TD	\$1,000,000	5.00%	189	21-08-24	\$25,890.41
CBA	TD	\$1,000,000	4.92%	189	28-08-24	\$25,476.16
IMB	TD	\$1,000,000	4.95%	189	11-09-24	\$25,631.51
CBA	TD	\$1,000,000	4.95%	203	18-09-24	\$27,530.14
Bank of Qld	TD	\$1,000,000	5.16%	196	25-09-24	\$27,708.49
CBA	TD	\$1,000,000	5.07%	307	02-10-24	\$42,643.56
CBA	TD	\$1,000,000	4.86%	196	09-10-24	\$26,097.53
Bendigo Bank		\$1,000,000	5.00%	210	16-10-24	\$28,767.12
Bank of Qld	TD	\$1,000,000	5.40%	342	06-11-24	\$50,597.26
Bank of Qld	TD	\$1,000,000	5.40%	349	13-11-24	\$51,632.88
NAB	TD	\$1,000,000	5.30%	356	20-11-24	\$51,693.15
Bendigo Bank	TD	\$1,000,000	5.10%	363	27-11-24	\$50,720.55
		<b>\$28,300,000</b>				<b>\$875,083.01</b>

**COUNCIL INVESTMENT PERFORMANCE: -****BUDGET COMPARISON TO 31 MARCH 2024**

Interest on Investments Received YTD	\$1,075,724
Annual budgeted amount for all funds	\$1,232,000
Percentage of Interest Received YTD	87.32%
Percentage of Year Elapsed	75.34%

Average market interest rate (90 day BBSW)	4.35%
Average return on all investments	5.10%

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.

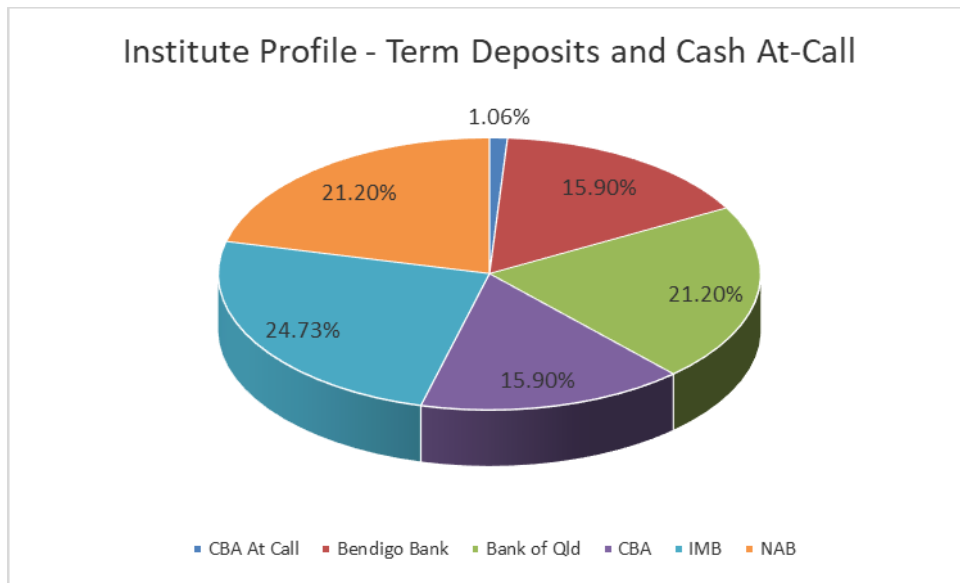
**FINANCIAL INSTITUTION INVESTMENTS PROFILE AS AT 31 MARCH 2024**

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%."*

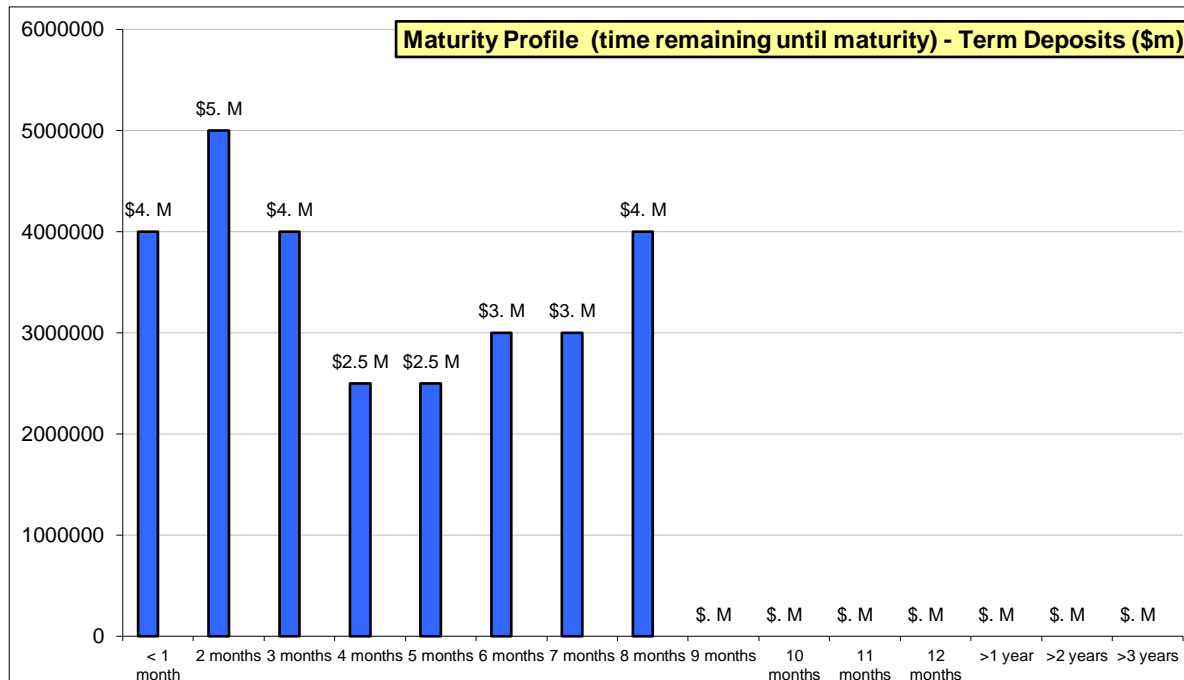
**Information Only**

**INVESTMENTS FOR THE MONTH OF MARCH 2024 cont'd**



**INVESTMENTS - MATURITY PROFILE AS AT 31 MARCH 2024**

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 MARCH 2024 cont'd**

**SUMMARY OF AVAILABLE CASH AT 31 MARCH 2024**

**TOTAL INVESTMENTS: - \$ 28,300,000**

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

General Fund Reserves	\$	15,634,150
Water Supply Fund Reserves	\$	3,834,626
Sewerage Fund Reserves	\$	6,899,327
Domestic Waste Management Fund Reserves	\$	1,929,543
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

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# Information Only - 18 April 2024

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**ITEM 10.3**                      **Bank Balance and Reconciliation - March 2024**

**FILE REFERENCE**    I24/84

**AUTHOR**                      **Director of Finance and Administration**

**ISSUE**

Statement of Bank Balance and Reconciliation as at 31 March 2024.

**RECOMMENDATION**      That -

1. Council receive and note the report as information.
- 

**BACKGROUND**

Nil

**REPORT**

**STATEMENT OF BANK BALANCE & RECONCILIATION**

General Ledger Balance brought forward 29 February 2024	2,805,407.44
Add: Receipts for March 2024	<u>4,914,642.38</u>
	7,720,049.82
Deduct: Payments for March 2024	<u>6,165,608.61</u>
<b>Balance as at 31 March 2024</b>	<b><u>1,554,441.21</u></b>
Balance as per Bank Statement 31 March 2024	1,771,763.70
Less: Outstanding Deposits (unpresented Bank file transactions)	<u>4,139.85</u>
	1,767,623.85
Less: Unpresented Cheques/ EFTs	<u>213,182.64</u>
<b>Balance as at 31 March 2024</b>	<b><u>1,554,441.21</u></b>

**POLICY IMPACT**

Nil

**OPTIONS**

Nil

**FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil

**RECOMMENDATION**      That -

1. Council receive and note the report as information.

**ATTACHMENTS**

Nil

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# Information Only - 18 April 2024

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**ITEM 10.4**                      **Rates and Charges Outstanding for the month of March 2024**

**FILE REFERENCE**    **I24/85**

**AUTHOR**                      **Director of Finance and Administration**

**ISSUE**

Rates and Charges Outstanding Report to 31 March 2024.

**RECOMMENDATION**      That -

1. Council receive and note the report as information.

---

**BACKGROUND**

A Summary report of the Rates and Charges outstanding at 31 March 2024 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:-

<b>Description</b>	<b>31/03/2024</b>	<b>31/03/2023</b>	<b>31/03/2022</b>
Total % Rates and Charges Outstanding	19.85%	18.82%	18.16%
Total \$ Amount Rates and Charges Outstanding	\$2.956 million	\$2.663 million	\$2.438 million

**POLICY IMPACT**

Nil

**OPTIONS**

Nil

**FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil

**RECOMMENDATION**      That -

1. Council receive and note the report as information.

**ATTACHMENTS**

1. <a href="#">↓</a>	Rates Collection by Year - April 2024	Attachment
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**Rate Collection 2024 Year**

<b>Rating Categories</b>	<b>Levy Raised to date</b>	<b>Rates Received to 2 April 2024</b>	<b>Rates Outstanding to 2 April 2024</b>	<b>% Rates Outstanding 2 April 2024</b>
<b>Farmland</b>	5,650,165.01	4,444,963.09	1,205,201.92	21.33%
<b>Residential</b>	1,521,734.49	1,166,785.94	354,948.55	23.33%
<b>Rural Residential</b>	849,944.60	673,142.72	176,801.88	20.80%
<b>Business</b>	667,245.23	610,241.03	57,004.20	8.54%
<b>Mining</b>	2,160.52	1,620.82	539.70	24.98%
<b>Water</b>	1,155,830.00	907,009.39	248,820.61	21.53%
<b>Sewerage</b>	1,936,103.57	1,525,494.34	410,609.23	21.21%
<b>Domestic &amp; Comm Waste</b>	1,647,708.23	1,294,688.47	353,019.76	21.42%
<b>Rural Waste</b>	890,324.10	701,782.60	188,541.50	21.18%
<b>Storm Water</b>	49,680.21	38,425.67	11,254.54	22.65%
<b>**Arrears</b>	515,692.10	407,142.04	108,550.06	21.05%
<b>Credits</b>		159,605.16	-159,605.16	
<b>Overall Total Rates</b>	<b>14,886,588.06</b>	<b>11,930,901.27</b>	<b>2,955,686.79</b>	<b>19.85%</b>

I:\2023-2024\Rates\Recs\%oust\_March\_31-2024

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## Information Only - 18 April 2024

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**ITEM 10.5**                      **Grants Report**

**FILE REFERENCE**    I24/103

**AUTHOR**                      **Temporary Grants 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 can 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. <a href="#">↓</a>	Grants Council Report for April 2024	Attachment
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## Grants and Projects Report to Council - March 2024

Grant Applications in progress								
Grantee	Due or Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Changing Facilities Commonwealth Funding	22-Mar-24	Changing Facilities within the MAAC Amenities Building	\$ 200,000		\$ 200,000	\$ 400,000	\$ 400,000	Lodged EOI 15/3/24
Regional Youth - Winter/Spring 2024 Holiday Break	22-Mar-24	Winter Games	\$ 1,058		\$ 7,000	\$ 8,058	\$ 8,058	Application Lodged
		Spring Inflatables	\$ 1,025		\$ 7,000	\$ 8,025	\$ 8,025	Application Lodged
Regional Precincts and Partnerships Program (RPPP)	Mar/Apr 24	Multipurpose Aquatic and Activity Centre remaining works			\$ 7,155,900	\$ 7,155,900	\$ 7,155,900	Application Lodged
Office of Responsible Gambling - 2023/24 Infrastructure Grant Sport and Recreation	18-Dec-23	Tiling of the Toddler and Program Pools at the Multipurpose Aquatic and Activity Centre	\$ 243,242		\$ 243,242	\$ 486,484	\$ 486,484	Application Lodged
Get NSW Active FY 2024/25 Program	12-Dec-23	Grovenor Street Gunning Footpath (GNA24250226)			\$ 259,575	\$ 259,575	\$ 259,575	Application Lodged
	12-Dec-23	Tait Street Crookwell Footpath (GNA24250229)			\$ 328,900	\$ 328,900	\$ 328,900	Application Lodged
	12-Dec-23	Orchard Street Taralga Footpath (GNA242502330)			\$ 171,120	\$ 171,120	\$ 171,120	Application Lodged
	12-Dec-23	Queen Street Binda Footpath (GNA24250231)			\$ 424,800	\$ 424,800	\$ 424,800	Application Lodged
	12-Dec-23	Lin Cooper Crookwell Footpath (GNA24250232)			\$ 176,950	\$ 176,950	\$ 176,950	Application Lodged
Regional Housing Strategy Planning Fund	25-Sep-23	Upper Lachlan Housing Strategy	\$ 27,273		\$ 63,127	\$ 90,400	\$ 90,400	Unsuccessful
2023/24 Country Passenger Transport Infrastructure Grant 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
Grant Projects Funded								
Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
Regional Youth Summer/Autumn Holiday Break Program	3-Nov-23	Autumn Holiday Fun and Games	\$ 483		\$ 7,000	\$ 7,483	\$ 7,483	Mobile games van with laser tag and hamster ball has been booked to attend Taralga, Laggan, Binda, Bigga, Crookwell, Gunning, and Collector
Floodplain Management Program	17-Apr-23	Flood Warning Systems Construction	\$ 47,400		\$ 189,600	\$ 237,000	\$ 237,000	Works are ongoing and planned to be completed in May 2024.
Block Grant Transport NSW		Road Component (\$1,592k), Traffic Facilities (\$77k) and Supplementary component (\$123k).			\$ 1,792,000	\$ 1,792,000	\$ 1,792,000	Regional Road resealing is underway and ongoing. The remaining road component is for Regional Road Maintenance and is being expended as part of routine maintenance with heavy patching works on MR248W (Boorowa Road).

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
<b>Regional Road Repair Program 23/24</b>	30-Apr-23	MR241 Dalton Road Rehabilitation	\$ 332,000		\$ 332,000	\$ 664,000	\$ 664,000	Project work is 95% complete, with the linemarking remaining.
<b>Community Heritage Grants</b>	2-Dec-22	ULSC Oral Aboriginal History Project	\$ -	\$ -	\$ 49,350	\$ 49,350	\$ 49,350	Pre-consultation and early consultation stage - The consultant has written to NSW Heritage requesting written advice on potentially interested people and groups to consult and they declined to respond, made email contact with each of the 3 LALC's, and spoken to Cowra LALC. Phone messages left with Pejar and Onerwal LALC.
<b>NSW Government &amp; Telstra</b>		Tech Savvy Seniors			\$ 3,404	\$ 3,404	\$ 3,404	Sessions were run in March, but the attendance was down. Another set of sessions is planned for later in the year.
<b>Disaster Ready Fund - Round 1 (Commonwealth)</b>	14-Feb-23	Gunning Flood Mitigation Works (Commonwealth approved \$1,377,631.58 with 2,631.58 allocated to NSW Reconstruction Authority for admin costs)	\$ 350,000		\$ 2,400,000	\$ 2,750,000	\$ 2,750,000	Deed has been signed. Procurement works for the design consultant in progress.
<b>Disaster Ready Fund - Round 1 (NSW Government)</b>		Gunning Flood Mitigation Works (NSW Gov't cash waiver amount \$1,025,000)						
<b>OLG NSW Severe Weather and Floods - AGRN 1025</b>		CWL Showground - Diesel Heaters (\$5,5689.11)			\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	All contracts have been awarded. Works to be completed by 30 June 2024.
		CWL Showground - Misting Fans (\$6,223.70)						
		CWL Services Club - Blockout Blinds (9,295.00)						
		CWL Services Club - Ducted Heating/Cooling (\$24,545.46)						
		Emily Chalker - Generator (\$22,099.00)						
		Emily Chalker - Generator change over switches (\$8,527.28)						
		Pejar Road Causeway Upgrade (\$425,506.55)						
		Grabine Road Causeway Upgrade (\$434,563.90)						
	Project Management (\$63,550.00)							
<b>Fixing Country Roads Round 6</b>	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	Signed deeds received. 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	Signed deeds received. Works complete except for line-marking.
<b>Fixing Local Roads - Round 4 - Region South</b>	9-Sep-22	Breadalbane Road	\$ 150,857	\$ -	\$ 1,005,712	\$ 1,156,568	\$ 1,156,568	Construction to start mid April 24 and complete September 2024.
<b>Local Roads and Community Infrastructure Grant - Phase 4</b>		Construction of Toddler Pool, plant and equipment		\$ -	\$ 1,203,040	\$ 1,203,040	\$ 1,203,040	FDC sourcing dark blue tiles for the toddler pool. Procurement of trades continuing.
<b>Local Roads and Community Infrastructure Grant - Round 4 (Road)</b>		Part B funding - allocation for road only projects			\$ 693,945	\$ 693,945	\$ 693,945	Councils is able to access their Phase 4 funding allocations, with projects to be delivered by June 2025.
<b>Regional Emergency Road Repair Fund (Regional and Local Roads Repair Program)</b>		Corrective Maintenance and Rehabilitation Works in the Shire between 1 January 2023 and 29 February 2024			\$ 8,364,154	\$ 8,364,154	\$ 8,364,154	New work plan to be submitted before April 2024.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
<b>Female Friendly Community Sports Facilities</b>	23-Nov-22	Female Friendly and Safe Gunning Pool Change Facilities and Amenities	\$ 15,000	\$ -	\$ 500,000	\$ 515,000	\$ 515,000	Pool Amenities open and complete, Barbour park amenities complete with minor handrail and new gate to be completed.
<b>Stronger Country Communities Fund (Round 5)</b>	23-Sep-22	Program 1 Sustainable fit out for Crookwell Multi Aquatic Activity Centre - includes solar	\$ -	\$ -	\$ 829,915	\$ 829,915	\$ 829,915	Construction of Tiered seating in progress.
<b>Crown Reserves Improvement Fund</b>	3-Jun-22	Power Upgrade Gunning Showground	\$ 39,350	\$ -	\$ 189,860	\$ 229,210	\$ 229,210	Construction works awarded. Completion June 2024.
<b>Multi Sport Community Facility Fund</b>	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. Simplex to install plant.
<b>NSW Planning Portal API Grant Program</b>	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 dependant on Department of Planning.
<b>Open Space Program - Places to Play</b>	4-Mar-22	Proposed Adventure Park in Taralga	\$ -	\$ -	\$ 500,000	\$ -	\$ 500,000	Currently working with funder to change the scope to a pump track at Taralga.
<b>Black Summer Bushfire Recovery Grant</b>	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. Grant extension applied for by Grants officer, extension March 2025. Land is now for sale by Auction.
<b>Local Roads and Community Infrastructure Grant - Phase 3</b>	5-Oct-21	Stage 2 MAAC Multi Purpose Aquatic and Activity Centre: Amenities	\$ 1,200,000	\$ -	\$ 1,209,096	\$ 2,409,096	\$ 2,409,096	Progress on hold while pools are being completed.
		Stormwater in North St, Gordon St, Soudan Rd, Wolseley Rd in Crookwell and Warrataw and Yass St in Gunning	\$ -	\$ -	\$ 355,055	\$ 355,055	\$ 355,055	Works Complete
		Roslyn Road Rectification (150m section)	\$ -	\$ -	\$ 303,857	\$ 303,857	\$ 303,857	Variation request approved in March for unspent Stormwater Funds.
		Gravel re-sheeting Boiler Hill Reid Flat Road, Gorham Bus Route, Bolong Road	\$ -	\$ -	\$ 541,088	\$ 541,088	\$ 550,000.00	Works Complete
<b>Creative Capital Grant</b>		Gunning Shire Hall Rejuvenation	\$ 12,299	\$ 2,000	\$ 92,623	\$ 106,922	\$ 106,922	Curtains are installed. Lighting complete. Disability access ramp drawings finalised with construction, in-house or contractor, to be decided.
	11-Apr-22	Gunning Picture House Gallery Roof Restoration	\$ 5,150	\$ 11,000	\$ 498,522	\$ 514,672	\$ 514,672	Tender has been advertised and will close mid April 2024.
	26-Oct-21	Gunning Court Room upgrade	\$ -	\$ 10,000	\$ 65,559	\$ 75,559	\$ 75,559	Disability access ramp drawings finalised with construction, in-house or contractor, to be decided.
<b>Fixing Local Roads Round 3</b>		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.
<b>Integrated Water Cycle Management</b>	9-Jun-21	Delivery of an Integrated Water Cycle Management (IWCM) Strategy for Upper Lachlan Shire Council.	\$ 116,365		\$ 349,096	\$ 465,461	\$ 465,461	Variation Report has been prepared and is going to the next Council Meeting in April.

Grantee	Submitted	Project	Council Contrib.	Other Contribution	Amount Requested	Subtotal	Project Cost	Comment/Progress
<b>Bushfire Local Economic Recovery Fund (BLERF)</b>	28-Jan-21	Visitors Information Centre	\$ 150,000	\$ -	\$ 2,462,947	\$ 2,612,947	\$ 2,612,947	Glazing fabrication is complete with louvers to be installed by end of April. FDC has advised that the building will be at lockup by end of April. Blockwork rectification planning underway.
<b>Regional Connectivity Program</b>	17-Nov-20	Upper Lachlan Rural Connectivity Solution	\$ 15,000	\$ 90,000	\$ 298,405	\$ 403,405	\$ 403,405	29 of the 35 sites have been completed. Of the 6 remaining sites, 5 are in Upper Lachlan. Proposed completion is May 2024.
<b>Local Roads and Community Infrastructure Grant - Phase 1</b>	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	Plant room structure and roofing are complete with cladding and partitions work commenced. Blockwork is complete with Swimplex commenced installation of equipment. First Aid Room is progressing well with roughing almost ready to start.
<b>Local Roads and Community Infrastructure Grant - Phase 2</b>	7-Oct-20		\$ 863,878					
<b>Heavy Vehicle Safety and Productivity Program Round 7</b>	29-May-20	Peelwood road Upgrade 3km	\$ 60,000	\$ 650,180	\$ 432,100	\$ 1,142,280	\$ 1,142,280	Works complet and PCR lodged and approved in March 2024.
<b>Heavy Vehicle Safety and Productivity Program Round 7</b>	29-May-20	Wheeo Road Upgrade 5km	\$ 85,000	\$ 797,012	\$ 573,288	\$ 1,455,300	\$ 1,455,300	Works complet and PCR lodged and approved in March 2024.
<b>Bridges Renewal Program Round 5</b>	29-May-20	Crookwell River Bridge - Julong	\$ 76,860	\$ -	\$ 768,600	\$ 1,537,200	\$ 1,537,200	Contractor has be reingaged and will be remobilising soon.
<b>Fixing Country Bridges</b>	9-Oct-20				\$ 691,740			
<b>Growing Local Economies Fund</b>	2019	Tablelands Way	\$ 329,215	\$ -	\$ 6,255,079	\$ 6,584,294	\$ 6,584,294	Signed up the contractor week beginning 18th March and a startup meeting is scheduled for week beginning 1 April.

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# Information Only - 18 April 2024

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**ITEM 10.6                      Action Summary - Council Decisions**

**FILE REFERENCE    I24/80**

**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.

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**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	To be discussed as part of efficiency workshop.
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**Council Meeting: 16 March 2023**

38/23	<ul style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li></ul>	DOI	Road opened 15 March 2024.  Official opening scheduled for July 2024.
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**Information Only****ACTION SUMMARY - COUNCIL DECISIONS cont'd****Council Meeting: 21 September 2023**

188/23	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	To be discussed as part of efficiency and service level workshop.
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**Council Meeting: 14 December 2023**

24/23	1. Council endorse the Regional Drought Resilience. 2. Place the Regional Drought Resilience Plan on Councils website.	DEP	Regional Drought Resilience Plan to be placed on website.
243/23	1. Council resolves to retain the following official road names:  1. Soldiers Settlement Road 2. Golspie Road 3. Stone Quarry Road 4. Snipe Flat Road 5. Taralga Road 6. Taralga – Laggan Road	DOI	Letters have been sent to affected property owners.

**Council Meeting: 15 February 2024**

09/24	1. Council endorse the Draft Nature Strip and Trees Policy and the policy be placed on public exhibition in accordance with the legislative requirements outlined in the Local Government Act 1993 (NSW). 2. A further report be submitted to Council following public exhibition.	DEP	DRAFT Policy placed on exhibition 4 March 2024.  Report to come back to future Council meeting.
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**Council Meeting: 21 March 2024**

27/24	1. Council receive the report on the proposal to Declare new Off-Leash Area. 2. Council determine to give notice of Intention to Declare new Off-Leash area in the Council reserve located on Woodward Lane, Crookwell (Lot 1 DP1054839). 3. That the notice of Intention to Declare new Off-Leash areas seeks	DEP	Notice of intention shared for public exhibition on 3 April 2024.  Report to come back to future Council meeting.
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**Information Only****ACTION SUMMARY - COUNCIL DECISIONS cont'd**

	<p>submissions from the public for a minimum period of 28 days.</p> <p>4. A further report be presented to Council after the completion of the public exhibition period to enable Council to consider any feedback and make a determination with respect to relocating the current Off-Leash Area.</p>		
31/24	<p>1. Council notes that community consultation was undertaken between 12 September to 13 October 2023.</p> <p>2. Council considers the submissions received during the exhibition period.</p> <p>3. Council notes and endorses the amendments recommended by Council staff in this report (Attachment 1).</p> <p>4. Council adopts the Upper Lachlan Shire Disability Inclusion Action Plan 2023-2027 (Attachment 1) and makes this available on Council's website.</p>	DEP	Plan placed on Council website 21 March 2024.
32/24	<p>1. Council adopts the reviewed Water Determination Policy.</p> <p>2. Council agrees to a maximum water rebate increase from \$400 to \$800.</p> <p>3. Council agrees to minimum water rebate calculation revised from \$150 to \$200 to be considered as not significant.</p> <p>4. Council agrees to determination of ownership of services detailed in Figures 1 and 2.</p>	DEP/EA	Policy placed on website 21 March 2024
33/24	<p>1. Council authorises the Mayor and Chief Executive Officer to sign all necessary documents and affix the common seal for the closure and reopening of a section of Gibraltar Road.</p>	DOI	<p>Notification sent to Council's solicitor.</p> <p>Paperwork being prepared.</p>
35/24	<p>1. Council write to Gunning Arts Festival acknowledging the successful office bearers; President - Dianna Nixon, Secretary - Helen Vooren and Treasurer - Michelle Storey.</p>	EA/CEO	Letters sent to Gunning Arts Festival committee on 25 March 2024
36/24	<p>1. Council write to Tuena Hall &amp; Recreation committee acknowledging the successful office bearers; President – James Armitage, Vice President – Robyn Hall, Secretary –</p>	EA/CEO	Letters sent to Tuena Hall & Recreation committee on 25 March 2024

**Information Only**

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

	Gabrielle Saville and and Treasurer - Janelle Parsons		
39/24	1. Council resolves to award a contract for the project, Pejar Road, First Creek Box Culvert Installation Works, to AJ Parsons Earthmoving Pty Ltd for a lump sum contract price of \$259,420.40 (including GST).	DOI	Letter of award sent to successful tenderer on 22 March 24.

**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 items are submitted for consideration -

11.1	Upper Lachlan Shire Council Integrated Water Cycle Management Strategy Issue Paper	54
11.2	Upper Lachlan Housing Strategy and Development Control Plan Review	58
11.3	Goulburn Street Crookwell - Tree Replacement	64
11.4	ULSC Nature strip and trees policy	82

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## Environment and Planning - 18 April 2024

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**ITEM 11.1**                      **Upper Lachlan Shire Council Integrated Water Cycle Management Strategy Issue Paper**

**FILE REFERENCE**    **I24/28**

**AUTHOR**                      **Director of Environment and Planning**

### **ISSUE**

The purpose of this report is for Council to contribute 50% of funding for Variation works to enable the completion of the draft Integrated Water Cycle Management (IWCM) Strategy. The IWCM will provide a long-term plan for the provision of appropriate, affordable, cost-effective and sustainable water and sewerage services that meet community needs and protect public health and the environment.

The draft IWCM Strategy presents the strategic direction for Council's water and sewerage business with the Issues Paper being prepared with the consideration of government guidelines.

The Issues Paper has highlighted a number of gaps that require further investigation with funding required to enable these to proceed.

**RECOMMENDATION**      That -

1. Council contribute 50% of the cost variation to allow finalisation of the Integrated Water Cycle Management (IWCM) Strategy. Council Water Fund and Sewer Fund will fund a total cost from Council reserves of \$230,000 split across both funds equally to match with available grant funding.

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### **BACKGROUND**

The purpose of this report is to update Council on the Upper Lachlan Shire Integrated Water Cycle Management Plan Issues Paper and consider allocating additional funds to enable its completion by December 2024. The 'Issues Paper' identified a number of gaps in data and with a joint funded (50/50) variation agreed with DPIE.

The Original Deed was signed in August of 2020, with the 'Issues Paper' to be completed by November 2021, however this delayed due to COVID and subsequently issued to council in November 2023.

Public Works have obtained quotes to close out remaining scope with further studies and data gathering. This was reported to council with the pricing breakdown including project management by Public Works to be complete IWCM project. This constitutes the variation for the following additional scope of works.

## **REPORT**

Integrated Water Cycle Management (IWCM) is the integrated management of the water supply and sewage services within a whole of catchment strategic framework. IWCM is a framework to help identify water management problems, to address these problems, to determine the appropriate management responses and to manage the impacts of the problems so that social, environmental and economic objectives are met.

The IWCM Strategy will provide a long term plan for the provision of appropriate, affordable, cost-effective and sustainable water and sewerage services that meet community needs and protect public health and the environment. The IWCM Strategy is a key component of the NSW Government's Best-Practice Management of Water Supply and Sewerage Guidelines (BPM Guidelines), 2007.

Development of the strategy is based on the BPM Guidelines and the associated IWCM Strategy Checklist prepared by the Department of Planning Industry and Environment (DPIE). The IWCM Strategy is to be reviewed every four years and is meant to be fully updated every eight years. The first phase of the IWCM Strategy development defines the catchment, water resource and urban water issues faced by Council. Once the issues are broadly defined, studies are undertaken to better define issues and look at ways of managing them. Studies involve population and water demand projections, bulk supply and distribution analysis and management option development. This process results in Council adopting a long-term strategy for the integrated delivery of its water supply and sewerage services to its customers (the IWCM Strategy).

The IWCM Strategy sets the objectives, performance standards and associated performance indicators for the water and sewerage business and ensures right-sized infrastructure and efficient service provision to meet the needs of the community.

The IWCM Strategy, once developed, is to be endorsed by Council and provided to DPIE for their concurrence.

A draft issues paper is the first step in the process and identifies key issues and priorities so solutions can be identified and developed in the next stage, which is the creation of the IWCM Strategy. The Issues paper was completed in November 2023.

The Issues Paper identified a number of key areas where additional information is required to enable informed recommendations to be provided to guide Council in the improvement within the water and sewerage business. The gap analysis completed identified that additional investigations are required to progress to the draft IWCM Strategy.

These investigations provide requisite input into development of the draft IWCM Strategy and focus on:

- Secure yield and groundwater investigations – to incorporate the potential for groundwater as an alternate/supplementary source to achieve water security and drought reliability for Crookwell and Taralga.

- Gunning 72hr monitoring – the data from the sampling and testing regime will be analysed to obtain an assessment of the current effluent quality to assist on scoping a new STP. The final effluent test results will enable the efficiency of the current plant to be assessed and assist in negotiation with the EPA for new licence conditions.
- Gunning Sewage Treatment Options – an overview on the STP options and related effluent reuse and disposal, will be provided for review.
- Gunning bulk water and sewage modelling – Most of the growth in Gunning is expected to occur in several large greenfield developments on the edge of town. These developments will have significant impact on water and sewer loads and therefore augmentation to the existing network will be required to service them.
- Taralga water treatment and off-river storage options – as the current package treatment plant has a limited lifespan, the report will provide an assessment of the costs associated with continuing the use of the package plant compared to the construction of a permanent WTP.

The report would also investigate the options associated with management of the Taralga off-river water storage.

The development of these reports is considered essential to enable the finalisation of the IWCM Strategy and to enable the informed and long-term management of Council's water and sewer assets. This will also provide a level of confidence to the community and future development.

## **POLICY IMPACT**

Council's peak planning documents for its water supply and sewerage businesses are to be set under an IWCM Strategy and Strategic Business Plan.

The IWCM Strategy will address three elements of the Best Practice Management of Water Supply and Sewerage Framework and six requirements of the NSW Government's Best- Practice Management of Water Supply and Sewerage Guidelines 2007.

The IWCM Strategy will be prepared in accordance with:

- Local Government Act 1993
- Local Government (General) Regulation 2021
- NSW Government's Best-Practice Management of Water Supply and Sewerage Framework 2014
- NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007
- National Competition Policy 1995
- National Water Initiative 2004

## **OPTIONS**

The following options are available to Council:

## ***Environment and Planning***

### **UPPER LACHLAN SHIRE COUNCIL INTEGRATED WATER CYCLE MANAGEMENT STRATEGY ISSUE PAPER cont'd**

1. Resolve to fund the additional reports as recommended in the Issues Paper, which would enable the completion of the IWCM Strategy in line with the Governments requirements and in accordance with the signed agreement.
2. Resolve not to fund the additional reports as recommended in the Issues Paper, which would impact on the ability of the IWCM Strategy to be completed.

Option one is recommended.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

To implement the entire scope of works would cost in the vicinity of \$459,820.00 including additional options totalling \$118,971 (ex GST), with the breakdown provided below; Council would need to contribute 50%.

<b>Task</b>	<b>Fee (ex GST)</b>
Groundwater investigation	\$100,350.00
Groundwater PM	\$10,060.00
Gunning STP 72hr monitoring	\$29,000.00
Gunning sewage treatment	\$13,550.00
Gunning bulk water modelling	\$34,090.00
Gunning bulk sewage modelling	\$36,830.00
Gunning off-river storage augmentation	\$26,840.00
Crookwell bulk water modelling	\$34,090.00
Crookwell effluent reuse	\$11,320.00
Taralga water treatment options	\$31,690.00
Taralga off-river storage	\$13,030.00
<b>TOTAL</b>	<b>\$340,850.00</b>
<b>Optional Items</b>	<b>Fee (ex GST)</b>
PEPO	\$16,150
Preliminary Geotechnical Assessment	\$7,500
Preliminary Dam Raising Assessment	\$9,700
Crookwell Dam Raising	\$85,620

It is recommended that these additional funds of \$230,000 may be obtained from the Water Supply Fund (current reserve balance of \$3,658,064) and Sewer Fund (current reserve balance of \$6,980,539) with 50% paid from each fund.

### **RECOMMENDATION** That -

1. Council contribute 50% of the cost variation to allow finalisation of the Integrated Water Cycle Management (IWCM) Strategy. Council Water Fund and Sewer Fund will fund a total cost from Council reserves of \$230,000 split across both funds equally to match with available grant funding.

### **ATTACHMENTS**

Nil

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## Environment and Planning - 18 April 2024

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**ITEM 11.2**                      **Upper Lachlan Housing Strategy and Development Control Plan Review**

**FILE REFERENCE**    **I24/97**

**AUTHOR**                      **Director of Environment and Planning**

### **ISSUE**

As a result of Council being unsuccessful in the Regional Housing Strategic Planning Fund – Round 2, funds are required to be allocated towards the development of a Local Housing Strategy (LHS) and review of the current Development Control Plan (DCP).

**RECOMMENDATION**      That -

1. That the funds allocated towards the completion of the Master Plans for the Crookwell, Gunning and Taralga communities be redirected to enable the development of a Local Housing Strategy and the review of the current Development Control Plan.
2. That the unused wage component associated with the current vacant Strategic Planner position be allocated towards the development of a Local Housing Strategy and the review of the current Development Control Plan.

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### **BACKGROUND**

Upper Lachlan Shire Council was advised in February 2024 that it was unsuccessful in obtaining funding through the Regional Housing Strategic Planning Fund – Round 2, which if successful was to be utilised to enable the completion of a Local Housing Strategy (LHS) and in turn the review of its current Development Control Plan (DCP).

Through the NSW Department of Planning's South East and Tablelands Regional Plan, Council is required to develop a LHS to support new residential development in a planned manner. This document is guided by Council's Local Strategic Planning Statement.

With the number of planning proposals currently being considered by Council there is the potential for an increase in residential subdivisions. The development of these subdivisions and dwelling construction should be guided by Council's DCP. However, as Council's original plan was adopted in 2010 the guiding principles are outdated and provide challenges for both Council and developers in achieving meaningful and sustainable outcomes. This in turn results in protracted discussions and delays in delivering residential development approvals. Therefore the DCP requires reviewing to ensure that all development is considered under current and relevant criteria.

Council resolved at its meeting of 18 May 2023 to proceed with the development of master plans for Crookwell, Gunning and Taralga and based on recent submissions this was to costs in the vicinity of \$120,000.00. Funding being provided via streetscape

funding, Section 94 contributions and budget allocations in the 2023/24 operational plan.

Fundamentally, the development of the Local Housing Strategy should be one of the first local strategic planning documents developed as this will integrate planning for housing with broader local planning for infrastructure, employment and open space provisions. It will also explore the challenges associated with housing with the continuing development pressures, shortage of residential accommodation, lack of diversity and pressures of Council's ageing infrastructure by redefining the potential development areas to provide a higher level of confidence and direction for the community, developer and Council. Whilst, the development control plan will provide planning and design guidelines to support the higher level planning controls.

It is in the opinion of Council's Planning staff the development of the local housing strategy and review of the development control plan are of a higher priority than the master plans, that simply set local goals, objectives and direction for community growth and development in specific areas for the future.

## **REPORT**

Strategic planning is the basis of the NSW planning system. *The Environmental Planning and Assessment Act 1979* provides for plans at the Regional and District level. Councils have the local knowledge and expertise in strategic planning that is necessary to translate higher-order planning objectives in Regional and District Plans into implementable plans at the local level.

LHS are one output of this local strategic planning process. They are produced by Councils with input from the community and set the framework for the local government area's housing development. A LHS provides councils and communities the opportunity to develop a strategy that influences how and where they will grow to support a growing population, ageing community, and a change in household structure.

Figure 1 provides context how a LHS fits within the strategic planning context.

Figure 1: Local Housing Strategies in context.

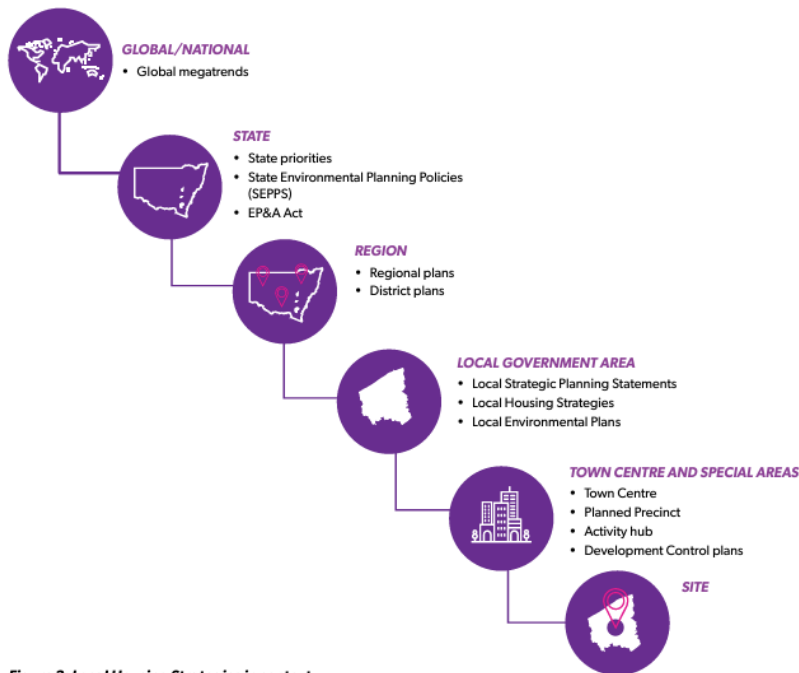


Figure 2: Local Housing Strategies in context

A LHS will enable Council to focus on areas that are able to be developed in a planned and logical sequence. This will guide Council with the planning and development of its assets such as water, sewer, stormwater and road infrastructure.

Whereas, a master plan is high level planning designed to provide a coordinated approach to future development. Master Plans contain a series of illustrations and explanatory text to specify the planning principles and controls within a particular area as a whole. Their intent is to guide landowners, government and the community on how public areas and assets can be improved and where development should occur. To put this into context the Local Strategic Planning Statement and LHS should be developed first and then the master plan process follow focusing on specific areas and how it is envisaged that these areas will be developed. It is essential that Council has an understanding on how and where the community will grow prior to it attempting to determine how it is to be developed and look.

Council commenced the development of its LHS in 2020 with the document reaching the draft stage, however it was never adopted. The draft housing strategy is required to be completed in accordance with the NSW Department of Planning's - South East and Tablelands Regional Plan, however based on the content of the existing draft strategy and the time that has lapsed since its development a new housing strategy should be the focus.



## ***Environment and Planning***

### **UPPER LACHLAN HOUSING STRATEGY AND DEVELOPMENT CONTROL PLAN REVIEW cont'd**

In August 2023 the NSW Department of Planning released funding for the Regional Housing Fund – Round 2, which focused on strategic planning projects that enable, develop and accelerate housing capacity in rural NSW. Council considered a report at its meeting of 16 November 2023 to allocate funding to enable the funding application to proceed and be considered. Council resolved:

*'Council allocate \$30,000 from the Section 94 Developer Contributions Plan – 'Plan Administration' fund towards the development of the Housing Strategy.'*

Unfortunately Council was unsuccessful through the grant program and as such is unable to proceed with the development of the LHS and DCP review unless additional funding is provided.

Council is aware staff are currently managing seven scoping / planning proposal which have the potential to result in future residential subdivisions. There has also been a large subdivision recently registered in Crookwell and the potential for large subdivisions to be released in Gunning.

To guide this potential future development Council relies on documents such as its Local Environmental Plan and Development Control Plan. Noting that Council's Development Control Plan was adopted in 2010 and relies on dated principals.

The DCP provides detailed planning and design guidelines to support the planning controls in an environmental planning instrument (LEP or SEPP). While an LEP will typically have high-level controls, a DCP normally provides more specific controls for detailed design aspects and is designed to provide guidance. Controls that you will often find in DCPs include minimum rates of car parking, setbacks for buildings from the street and minimum landscaping requirements.

For Council to be proactive with respect to potential development it is critical that its current DCP be reviewed and updated to account for current controls and standards. This will ensure that any future development will be of high quality and of a standard that reflects positively on the community/s.

Upper Lachlan Shire has had small but steady growth over an extended period, however with the impact of COVID and the drive for lifestyle change, Council is now experiencing additional development pressures. This is currently being seen through the development and sale of residential land in both Crookwell and Gunning and the six scoping / planning proposals under consideration by Council.

Through the development of all strategic documents, Council will be able to better manage the release of future residential land and ensure all services to such land is provided in a planned manner. Where Council is able to manage the release of land through a logical sequence, it is able to ensure the required services are installed to enable development to proceed.

## ***Environment and Planning***

### **UPPER LACHLAN HOUSING STRATEGY AND DEVELOPMENT CONTROL PLAN REVIEW cont'd**

To enable Council to develop and/or review these essential strategic planning documents funding is required to be allocated, especially as Council was unsuccessful in obtaining funding through the grant process. As detailed above the completion of the LHS and review of the DCP are deemed of higher importance than a master plan and as such it is suggested that the funding allocate towards the development of the master plans be redirected to the development of the LHS and review of the DCP.

The advantages of completing the LHS and DCP review is that it will assist Council in the development and or review of the following strategic documents, which are again deemed essential to enable to the proper management of any future development;

- Infrastructure plans for proposed development areas ,which if planned will enable Council to obtain a better understanding of the impact that future development may have on its assets;
- Section 64 developer contributions plans; and
- Section 7.11 and 7.12 Development Contributions Plans.

#### **POLICY IMPACT**

Council currently has an active Development Control Plan and meets the legislative requirements.

Council does not currently meet the recommendations of the NSW Department of Planning's - South East and Tablelands Regional Plan.

#### **OPTIONS**

1. Continue with the development of the Master Plans for Crookwell, Gunning and Taralga, which will predominantly focus on guiding landowners, government and the community on how public areas and assets can be improved.
2. Redirect funds to enable the development of a Local Housing Strategy and review of the current Development Control Plan. This is the staff recommendation preferred option as it will enable the completion of two critical planning documents. This will also assist in directing development and enable Council to consider the potential impact on existing assets, such as water, sewer, stormwater and road network

#### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Council estimates that to complete both the Local Housing Strategy and Development Control Plan review will cost in the vicinity of \$185,000.

Council has previously allocated funds to the development of strategic planning documents as follows:-

- \$74,361.36 (Council meeting: 18 May 2023) community master plans development;
- \$30,000.00 (Council meeting 18 November 2023) development of housing strategy (as part of grant application); and

## ***Environment and Planning***

### **UPPER LACHLAN HOUSING STRATEGY AND DEVELOPMENT CONTROL PLAN REVIEW cont'd**

- \$30,000.00 for planning consultancies in the 2023/24 Operational Plan.

Therefore a total of \$134,361.36 has been allocated towards the development of strategic planning documents, leaving a shortfall of \$50,638.64 if Council were to prioritise the development of the LHS and DCP review.

As Council's Strategic Planners roles has been vacant for an extended period it is suggested that savings made in this area be utilised to offset the shortfall to enable this project to be completed. Council is advised that if it had a Strategic Planner it would be their role to undertake the recommended works. To cover the shortfall it is suggested council utilise unspent funds from existing vacant positions.

#### **RECOMMENDATION** That -

1. That the funds allocated towards the completion of the Master Plans for the Crookwell, Gunning and Taralga communities be redirected to enable the development of a Local Housing Strategy and the review of the current Development Control Plan.
2. That the unused wage component associated with the current vacant Strategic Planner position be allocated towards the development of a Local Housing Strategy and the review of the current Development Control Plan.

#### **ATTACHMENTS**

Nil

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## Environment and Planning - 18 April 2024

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**ITEM 11.3**                      **Goulburn Street Crookwell - Tree Replacement**

**FILE REFERENCE**    **I24/99**

**AUTHOR**                      **Director of Environment and Planning**

### **ISSUE**

The selection of the tree species to replace the trees recently removed in Goulburn Street, Crookwell has been contentious and with the completion of a community survey Council is required to make a determination on the preferred species.

**RECOMMENDATION**      That -

1. Council nominate the Tulip Tree as the tree species to be planted in the main street precinct of Goulburn Street, Crookwell.
2. The number of street trees to be replanted are reduced from ten to eight trees.

---

### **BACKGROUND**

The trees along Goulburn Street, Crookwell located within the main section of road were removed due to such trees posing a risk to public health and safety.

A community survey was made available on Council's have your say website to assist in selecting a replacement tree. The survey was open **Wednesday 6 March to Tuesday 26 March 2024**.

The survey is now complete, feedback collated and Council is required now to make a determination on the preferred tree.

### **REPORT**

In February 2024 Council removed ten Manchurian Pear trees from the main street precinct based on the risk that they created to public health and safety as a result of falling limbs.

Following the tree removal, there was some contention within the community as to the need to replant and the species to be replanted if any. As a result, the community were engaged and a public survey was made available.

## Environment and Planning

### GOULBURN STREET CROOKWELL - TREE REPLACEMENT cont'd

The location of the trees that were removed is shown in Figure 1 below.

**Figure 1: Red circles identify tree's removed**



The survey provide the community to select from five options including selecting one of three nominated tree species, not to replace the tree or provide an alternate comment.

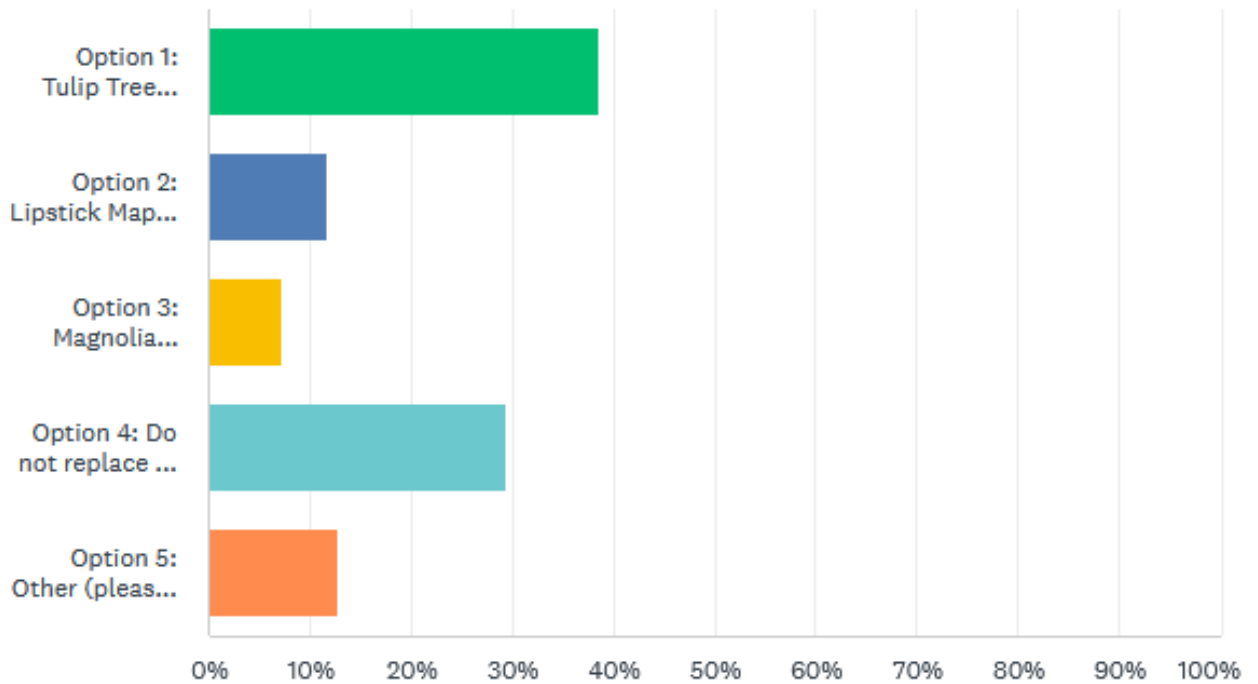
The aim of replacing the trees is to provide both shade in the warmer months but also provide colour during the autumn months.

There were 1,104 response to the survey, however it is noted that there was the ability for an individual to respond to the survey multiple times. When reviewing the times of when the responses were recorded it is suggested that such did occur.

The results of the community survey are below:

- Option 1: Tulip Tree – 38.68 % (427 responses)
- Option 2:” Lipstick Maple – 11.78% (130 responses)
- Option 3: Magnolia Exmouth 7.34% (81 responses)
- Option 4: Do not replace the trees 29.44% (325 responses)
- Option 5: Other 12.77% (141 responses)

**Figure 2: Percentage breakdown allocated to each option**



Based on the results 57% indicated that the trees should be replaced and 30% responded with do not replace the trees. From the results Tulip tree has been the preferred option with 39% of public responses in favour.

Included with this report is an attachment summary of survey comments which includes other tree's the public has suggested.

On review of the alternative suggestions, various concerns have been raised by Councils Parks and Gardens department with respect to specific trees including height and maintenance.

Further information on these suggestions is attached to assist in the determination.

**POLICY IMPACT**

Nil implication

**OPTIONS**

Option 1: The preferred option as per the recommendation.

Council make a determination on the preferred tree species to be replanted, with the preferred species being the Tulip Tree and;  
The number of street trees to be replanted are reduced from ten (10) to eight (8) trees.

It is suggested that the two trees that were located on the western side of the pedestrian crossing not be replanted, this will assist in maintaining the visual appearance of the crossing and allow the installation of another outdoor park-let or similar.

***Environment and Planning***

**GOULBURN STREET CROOKWELL - TREE REPLACEMENT cont'd**

Option 2: Council make a determination on the preferred tree species to be replanted and replace all ten trees removed.

Option 3: Council determine not to replant any trees and place a focus on the heritage significance of the existing built environment.

**FINANCIAL IMPACT OF RECOMMENDATIONS**

The current operating budget will enable the purchase and planting of the selected trees.

**RECOMMENDATION** That -

1. Council nominate the Tulip Tree as the tree species to be planted in the main street precinct of Goulburn Street, Crookwell.
2. The number of street trees to be replanted are reduced from ten to eight trees.

**ATTACHMENTS**

1. <a href="#">↓</a>	Summary of Tree Survey - Comments	Attachment
2. <a href="#">↓</a>	Suggested tree descriptions	Attachment

**Attachment 1: Option 5 comments**

(Note: not all comments includes based on language and relevance)

Zelcovias or crepe myrtles,
A Tilia variety selected by qualified staff for specific characteristics racterists type
A type of tree suggested by the qualified Parks and Gardens team with local knowledge
Another seating area garden like I front of ensemble and no trees in the actual ground
Anything that doesn't drop leaves
as per [REDACTED] suggestions in the Crookwell Gazette
as per [REDACTED] suggestions in the Crookwell Gazette
Ask [REDACTED] for his professional opinion re : tree replacement
Cercis Canadensis
Chinese Elm
Chinese Pistachio or Crepe Myrtle. Don't need massive dominant trees covering the buildings. 6-8m H with nice colour either in autumn or when flowering.
Chinese Tallow Tree
Chinese Tallow Wood
Crepe Martile
Crepe Martile do well in this area and are hardy,
Crepe Murtle
Crepe Murtle
Crepe Murtle would be perfect. They grow up to 8 m high and 4 m wide. Low water requirement when established. Low maintenance. Non invasive roots. Wind tolerant. Cope well with our unique local weather.
Crepe Myrtle
Crepe Myrtle
Crepe Myrtle
Crepe myrtle
Crepe myrtle
Crepe Myrtle



Crepe Myrtle
Crepe Myrtle / silver birch
Crepe Myrtle "Tuscarora"
Crepe myrtle, they have lovely little glossy leaves, beautiful flowers, smooth bark & I don't think they grow terribly big.
Crepe Myrtle, Zelcovia, Acer maple
Crows Ash
Crow's Ash
Crows Ash with perhaps the Magnolia option
Different tree to be used than those above
Eastern Redbud- Cercis Canadensis
FLINDERSIA australis (Crow's Ash, Australian Teak) Popular as a street tree for its rounded growth habit and non invasive roots. It is noted for its adaptability to a wide range of environments and soil types.
FLINDERSIA australis (Crow's Ash, Australian Teak) Popular as a street tree for its rounded growth habit and non invasive roots. It is noted for its adaptability to a wide range of environments and soil types.
Further discussion with horticulturalist needed. Tulip trees and lipstick maples will grow to big, magnolias can be brittle. Maybe consult with Courtney Whipp.will grow to big,
I believe upper Lachlan has a qualified horticulturist who although I am a tree lover, would have so much more experience in picking a suitable street tree so I am happy to go with his recommendation- I only hope whatever he chooses can be planted as an advanced tree
I dont see the point of replanting now. As it take many years for trees to grow. Im suggesting some planter containers to beautify our street. Maybe these planters should be on the footpath. If trees are planted back in the road. I do not want deciduous types as they loose leaves and make a mess. Iga has them blowing into the store when the door opens on windy days and they make a mess plus a slip hazard.
I love trees & have these tree growing in our garden. I do not think any of the trees suggested are a good idea. Tulip tree is a stunning tree but the leaves are big & they are slippery when wet on the ground. This tree is massive. I love the tree but not for the Main Street. Lipstick maple I also have one of these trees. Very tall with large leaves. Same issue. Magnolia takes very long time to grow. I am concerned as to who is working on the options as it would appear they have no idea. You

<p>need medium size tree that has a smaller leaf that will not create slip problems. There are maples that are meduim size with a fine leaf. I know winter hill tree nursery. They have beautiful trees. I am happy to discuss further [REDACTED] should you want to see the options as full grown trees. Thx for the survey as this is a very important decision. [REDACTED]</p>
I trust you will make a correct decision
I trust you will make a correct decision
I would like all the trees replaced but with further consultation
I would like all trees replaced but with further consultation
I would very much like trees in our Main Street. Perhaps a Crows Ash would be suitable. At present our town looks most unwelcoming.
I'd like to see all trees replaced but I do not agree with the choices above. Can we get further advice on other tree options.
Japanese elm
Japanese elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese Elm
Japanese elm
JAPANESE ELM
JAPANESE ELM
Japanese Elm
Japanese Elm
Japanese elm
Japanese Elm

Japanese Elm (Zelkova serrata Green Vase)
Japanese Elm (Zelkova Serrata)
Japanese Elm (Zelkova)
Japanese elm , Zelkova serrated , perfect for avenues and has stunning autumn colour
Japanese elm or a crepe myrtle cultivar
Japanese Elm would be a suitable replacement tree.
Japanese Elm!! Do some research on them
Japanese Elm, please embrace local expert knowledge
Japanese Elms
Japanese maple
Japanese maple
Japanese Maple
Japanese Maple Zelkova Serrata Green Vase
Japanese Maple, Chinese Elm, Zelkova, Chinese Pustachio
Japanese zelkova
Lipstick maple or a Chinese elm.
London Plane Trees
London Plane Trees
Mainly tulips with the odd Lipstick scattered through
More considered choice
NATIVE TREES!!!!!!!
None
None of the trees suggested are suitable. Chinese Elm Zelkova would be ideal and are already growing well in Crookwell having been previously planted by Council
None of these trees are suitable. Too big or also brittle - especially magnolias. Suggest council consult with horticulturalist.
option 2 with half the number of trees
Or pistachio with its non invasive tap root
Please consider a native tree option

Please do not mulch up the trees in the Matt's Bakery block. Maintain and trim them.
Please replace the trees 🌳 our Main Street looks so barren now☹️
Possibly try to find an evergreen tree that will sustain the temperature's we experience in crookwell
Predominantly Tulip trees with a few Acers scattered through.
Replace all existing trees. Community consultation about which tree to use.
Replace all trees but further consultation as to the type of tree is required.
Replace all trees but not happy with the above choices.
Replace all trees that were in main street. Replace with Crepe Myrtle
Replace trees. Use Japanese Elm as suggested in letter to editor from Margaret Carr
Replace with further consultation.
Replant ASAP
Sensory Garden beds...
Spend the money on Breadalbane-Collector Rd
Sugar maple. They grow well in this locality, are deciduous (VERY IMPORTANT as we need shade in the warmer months and sunlight/warmth in the colder months. Also importantly there must be trees planted. No trees is unacceptable. Another option would be Pin Oaks which appear very suitable if those in Goulburn are any guide ks le
the trees are needed for shade and because the main street looks terrible now.
These species are all too large in height and width, more consideration is needed for something no greater than two thirds the size of the trees removed, and preferably evergreen.
Tilia cordata
Tulip tree is pyramidal- wrong shape. Magnolia Exmouth is evergreen. Both not suitable in my opinion. Lipstick Maple would be showy.
Tulip tree way too big and will cause the same issues in 25 years time. Lipstick maple have terrible growth habits and are not drought hardy at all. Magnolias that are in a high wind laneway that will hold flowers for all of a day. Wow wow wow
Tulip trees and some lipsticks scattered through
Upright crabapple
Your choice

Zelcovia or crepe myrtly
Zelkov Serrata
Zelkova
Zelkova Green Vase
Zelkova Green Vase
Zelkova Green Vase
Zelkova serenata Green Vase
Zelkova Serrata
zelkova serrata
Zelkova serrata Green Vase
Zelkova Serrata - Green Vase (Japanese Elm)
Zelkova Serrata - Green Vase (Japanese Elm)
Zelkova serrata (Japanese Zelkova) OR Crepe Myrtles. MUST have trees. Many buildings shabby. Need shade in summer.
Zelkova Serrata 'Green Vase'
Zelkova serrata 'Green Vase' (Japanese Elm)
Zelkova Serrata 'GreenVase'
Zelkova Serrata 'GreenVase'
Zelkova Serrata "Green Vase"
Zelkova Serrata "Green Vase"
Zelkova Serrata "Green vase" Japanese Elm
Zelkova serrata Green Vase
Zelkova serrata Green Vase - Japanese Elm
Zelkova serrata Green Vase would be perfect (I'm a qualified horticulturist)
Zelkova serrated Green vase
Zelkova serrata(Japanese elm) is ideal for avenues and shade with great colour.
Zilkova serrata Green Vase (Japanese Elm)

05/04/2024, 07:43

Liriodendron tulipifera (Tulip Tree)



[Home](#) > [Products](#) > [Ornamental Trees](#) > [Liriodendron](#) > [Liriodendron tulipifera](#)

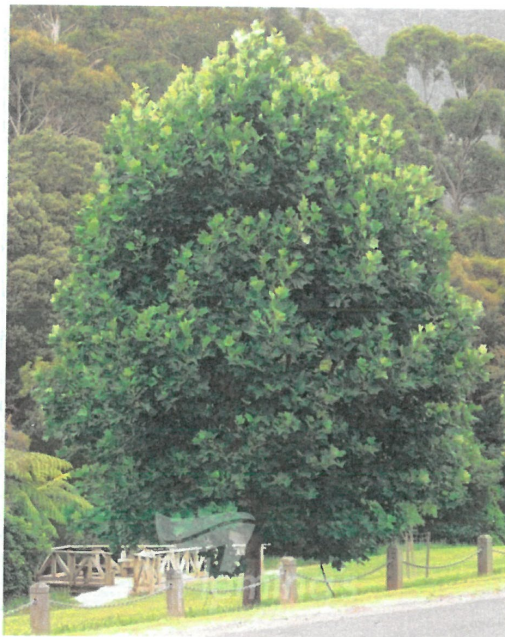
## Liriodendron tulipifera

A magnificent, large ornamental tree with unique foliage and flowers. The species is especially suitable for wide lawns in parks and gardens where its combined attributes of form, leaf shape, summer flowers and rich yellow autumn colour can be appreciated.

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Categories: [Liriodendron](#)



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[Web Information](#)

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<https://www.flemings.com.au/nurseries/liriodendron-tulipifera.html>

1/2

05/04/2024, 07:43

Liriodendron tulipifera (Tulip Tree)

**Genus***Liriodendron***Species***tulipifera***Variety Type**

Ornamental

**Variety***Liriodendron***Growth Rate**

Moderate to fast.

**Foliage**

Mid- to lime-green four-lobed leaves up to 20 cm long, distinctly 'saddle'-shaped. The autumn colour is rich golden-yellow.

**Bark**

Light greyish-brown and lightly fissured.

**Ornamental Fruit**

Samaras, borne in cone-like clusters.

**Tree Habit**

Broadly conical to oval-rounded. Eventually becomes a large tree.

**Flowers**

Fragrant, greenish-yellow, tulip-shaped flowers with orange centres borne in late spring to early summer. Only produced on trees approximately seven years or older.

**Height (m)**

13

**Width (m)**

8

05/04/2024, 07:44

Acer rubrum 'PNI 0268' October Glory®



[Home](#) > [Products](#) > [Top10® Trees](#) > [Autumn Trees](#) > [Acer rubrum 'PNI 0268' October Glory® Lipstick Tree](#)

## Acer rubrum 'PNI 0268' October Glory® Lipstick Tree

Spectacular autumn colours are the most impressive feature of this cultivar. Exceptional autumn colour is achieved in cool to temperate climates of Australia. A uniform growth habit makes this cultivar a superb tree for larger gardens, streets and public parks and gardens.



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Categories: [Acer \(Maple\)](#), [Shade Trees](#), [Autumn Trees](#), [My Top Ten Favourites](#), [Lipstick® Maple Trees](#)



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<https://www.flemings.com.au/nurseries/acer-rubrum-pni-0268-october-gloryr-lipstick-tree.html>

1/2



05/04/2024, 07:44

Acer rubrum 'PNI 0268' October Glory®

**Genus***Acer***Species***rubrum***Variety Type**

Ornamental

**Variety**

Acer (Maple)

**Growth Rate**

Moderate.

**Foliage**

Lustrous, dark green five-lobed leaves with red petioles and a greyish underside. During early autumn the leaves turn a dark pinkish-red and become an effective background colour to compliment the often superb autumn tones of brilliant red-orange to pinkish lipstick-red. The leaf undersides become greyish-pink adding further interest to the display.

**Bark**

Thin, dark grey and roughly textured. The young twigs are bright red.

**Ornamental Fruit**

Samaras, in pairs, often with red-tinged wings.

**Tree Habit**

Broadly ovate to oval rounded.

**Tree Size**

12m x 9m

**Flowers**

Insignificant. Bright red in spring. Female.

**Height (m)**

12

**Width (m)**

9

05/04/2024, 07:46

Lagerstroemia indica x L. fauriei 'Tuscarora'



Home > Products > Top10® Trees > Tough & Hardy Trees > Lagerstroemia indica x L. fauriei 'Tuscarora' Indian Summer®

## Lagerstroemia indica x L. fauriei 'Tuscarora' Indian Summer®

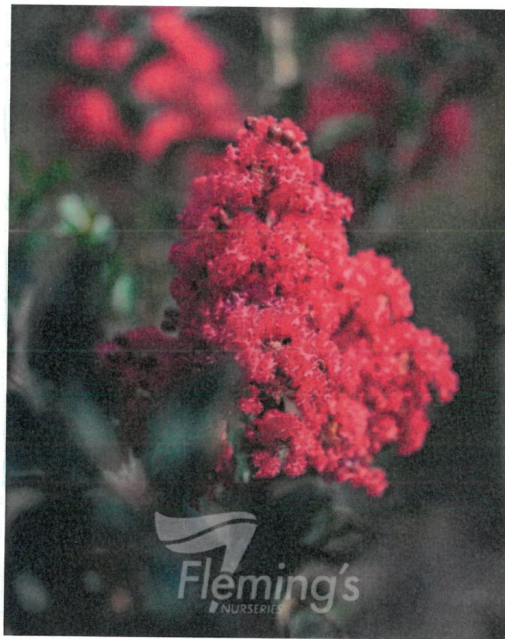
Bred for resistance to powdery mildew. Possibly the best of the deep pink flowering cultivars in the Indian Summer® range. The flowers and highly ornamental bark make this tough tree a useful specimen or screening tree. Also makes an excellent street tree.



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Categories: [Lagerstroemia \(Crepe Myrtle\)](#), [Flowering Trees](#), [Tough & Hardy Trees](#), [Indian Summer® Lagerstroemia](#)



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<https://www.flemings.com.au/nurseries/lagerstroemia-indica-x-l-fauriei-tuscarora-indian-summerr.html>

1/2

05/04/2024, 07:46

Lagerstroemia indica x L. fauriei 'Tuscarora'

[Web Information](#)[Downloads \(0\)](#)**Genus***Lagerstroemia***Species***indica x L. fauriei***Variety Type**

Ornamental

**Variety**

Lagerstroemia (Crepe Myrtle)

**Growth Rate**

Moderate.

**Foliage**

Lustrous dark green, turning reddish-orange in autumn. Young leaves tinged red.

**Bark**

Exfoliating bark (after about three years) reveals a light brown underbark.

**Ornamental Fruit**

Insignificant capsule.

**Tree Habit**

Broad spreading with multi-stemmed, stiff, upright branching.

**Flowers**

Dark, fuchsia-pink flowers with yellow stamens in large panicles from late summer to early autumn.

**Height (m)**

6

**Width (m)**

4

05/04/2024, 07:47

Zelkova serrata 'Green Vase'



[Home](#) > [Products](#) > [Ornamental Trees](#) > [Zelkova](#) > [Zelkova serrata 'Green Vase'](#)

## Zelkova serrata 'Green Vase'

A very adaptable and graceful tree with excellent uniformity and branch structure. Zelkova serrata 'Green Vase' is an attractive choice for use in parks and private gardens where space permits. Excellent street and avenue tree where its natural habit allows vehicular and pedestrian traffic to pass.



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[Make an Enquiry](#)

Categories: [Zelkova](#), [Shade Trees](#), [Avenue Trees](#), [My Top Ten Favourites](#)



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<https://www.flemings.com.au/nurseries/zelkova-serrata-green-vase.html>

1/2

05/04/2024, 07:47

Zelkova serrata 'Green Vase'

[Web Information](#)

[Downloads \(0\)](#)

**Genus**

*Zelkova*

**Species**

*serrata*

**Variety Type**

Ornamental

**Variety**

Zelkova

**Growth Rate**

Moderate to fast.

**Foliage**

Bright green, ovate leaves with distinctly serrate margins. The autumn colours are yellow, coppery-bronze to red.

**Bark**

Highly ornamental. Grey and smooth with numerous lenticels. Small patches flake to reveal a very faint reddish colour.

**Ornamental Fruit**

Inconspicuous.

**Tree Habit**

Vase-shaped, upright branching.

**Flowers**

Inconspicuous.

**Height (m)**

14

**Width (m)**

10

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## Environment and Planning - 18 April 2024

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**ITEM 11.4**                      **ULSC Nature strip and trees policy**

**FILE REFERENCE**    **I24/100**

**AUTHOR**                      **Director of Environment and Planning**

### **ISSUE**

To provide both the community and Council staff clear policy direction with respect to the management of urban nature strips.

**RECOMMENDATION**      That -

1. Council adopt the Nature Strip Policy incorporating the listed changes resulting from the public consultation process.

---

### **BACKGROUND**

The purpose of this report is to seek Council's endorsement of the Nature Strip and Trees Policy incorporating the proposed changes, which were made as a result of the public consultation process.

### **REPORT**

Council considered a report at its meeting of 15 February 2023 in relation to a draft nature strip and trees policy. At this meeting Council resolved to:

1. Council endorse the Nature Strip Mowing Policy and the policy to be placed on public exhibition in accordance with the legislative requirements outlined in the Local Government Act 1993 (NSW).
2. A further report be submitted to Council following public exhibition.

The draft policy was exhibited for public comment with the exhibition period closing on the 2<sup>nd</sup> of April 2024, with one submission being received, which is included as Attachment 1 for Council's information.

The issues raised and the appropriate response from Council officers is provided below.

<b>Issue raised</b>	<b>Comment</b>
Generally in support of the policy	Noted
Note Council's resource and funding challenges and that 'it is not unusual in other shires across the state to have ratepayers responsible for maintaining the footpaths and verges.	Noted

**Environment and Planning**

**ULSC NATURE STRIP AND TREES POLICY cont'd**

Concerns with respect to ensuring that the policy and procedures are clear.	<p>Noted the policy clearly defines what both Council and the property owner are responsible for.</p> <p>The policy was amended to outline that an application is too made to Council for use of the nature strip instead of advising what is or is not permitted.</p>
Concerns with respect to the reduction in service and the impact that same may have on community members who are unable to maintain their nature strip (i.e. elderly, disabled etc)	<p>Comments noted and concur with the concerns raised. Council needs to be aware that if it opens up the option for community members to make an application it will impact upon Council staff time and resources. It may in fact increase the work commitments of Council.</p> <p>Council has a limited Parks and Gardens team that face challenges in maintaining Council land and committing to additional responsibilities will have a detrimental impact upon resources and maintenance levels.</p> <p>Where community members are unable to manage the maintenance of lawns or similar this can be outsourced to a private entity or through care packages.</p>
<b>Roles and Responsibilities</b>	
No clear definition of where responsibilities lie.	The policy has been amended to include additional definitions and clearly define what Council, landowner and/or occupier are responsible for.
Difficult to be prescriptive between property owner and a resident.	The policy has been amended to include additional definitions and clearly define what Council, landowner and/or occupier are responsible for.
Suggest removal of 'and tenants' from heading 1.2	Removed and replaced with 'Occupiers'.
<b>Permission to modify</b>	
Reduce time impact on Council staff and resources through the development of diagrams, fact sheets and guides to advise what is / is not permissible	<p>Noted – agree with the suggestion, however in the interim it is recommended that the application process remain as any application will not impact upon planning staff.</p> <p>It is also very challenging to cover all potential aspect in fact sheets or similar.</p> <p>Taking on board the suggestion Council Officers will develop guides / fact sheets</p>

## **Environment and Planning**

### **ULSC NATURE STRIP AND TREES POLICY cont'd**

	and similar to assist in the application process
Is Council proposing an application fee?	Suggest that a nominal fee be incorporated into Council's fees and charges to cover the time associated with inspections and assessments attached to an application.
<b>Penalties</b>	
Will there be a fine and/or enforcement if property owners do not comply with the policy requirements.	The policy was amended to outline Council enforcement implications.
Enforcement will be another impost on Council	Agree – noting that Council has a responsibility to ensure any construction on a nature strip does not pose any significant risk to the general public. It is suggested that any implication for staff time or similar would be insignificant in comparison to any potential litigation.
<b>Rear Lanes</b>	
Requirement to consider maintenance of rear lanes	Noted and concur, rear lane incorporated into policy.
<b>Existing gardens on nature strips</b>	
Notes the policy defining what is or is not permitted instead of stating the requirement and the need for supporting information.	Noted – refer to prior comments.
Enforcement may be difficult without clear guidelines.	Noted – Council officers would initially work with landowners to address potential issues.  Also note amendments made to the policy regarding enforcement via the Roads Act.

Based on the feedback from the public consultation process and reviewing similar policies from other Local Government organisations, amendments have been made to the policy for Council's consideration.

#### **POLICY IMPACT**

Nil impacts as this process introduces a new policy.

#### **OPTIONS**

Option 1: Adopt the policy – this will provide clear direction to both Council staff and the community with respect to the management of nature strips plus ensure consistency across the Shire.

This being the preferred option.



***Environment and Planning***

**ULSC NATURE STRIP AND TREES POLICY cont'd**

Option 2: Not adopt the policy – this will result in continuing ambiguity as to what areas are or are not to be maintained by Council. By not providing clarity to both staff and the community there will be a direct impact on Council time and costs.

**FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil direct impact, however noting that reducing Council Staff requirements and expectations of maintaining nature strips will provide a higher level of efficiencies in the management of Council owned or managed properties.

**RECOMMENDATION** That -

1. Council adopt the Nature Strip Policy incorporating the listed changes resulting from the public consultation process.

**ATTACHMENTS**

1. <a href="#">↓</a>	Nature Strips and Trees Policy - Date Adopted 18 April 2024 - Resolution XXX-24 - Review 2027	Attachment
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<b>POLICY:-</b>	
Policy Title:	Nature Strip and Trees Policy
File reference:	F10/618-014
Date Policy was adopted by Council initially:	18 April 2024
Resolution Number:	XX/24
Other Review Dates:	
Resolution Number:	XX/24
Current Policy adopted by Council:	18 April 2024
Resolution Number:	XXX/24
Next Policy Review Date:	2027

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

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

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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**Sustainability, Integrity, Respect and Professionalism.**

## **Nature Strip and Trees Policy**

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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## OBJECTIVE

To provide clear policy direction in regard to the development, use and maintenance of nature strips in urban and residential areas throughout the Upper Lachlan Shire Council.

## INTRODUCTION

Nature strips serve an important purpose of providing a buffer between the vehicle carriage way and the private boundary. The space is typically occupied by footpaths, street trees, lawn and a range of public service utilities both above and below the ground.

Council is committed to ensuring that the streetscape in Upper Lachlan LGA is of a standard that improves local amenity, minimises public safety risks and maintains pedestrian access. However, Council does not have sufficient resources to maintain all nature strips across the LGA. This policy reinforces Council's position of not mowing nature strips of residential, commercial or industrial properties.

~~Council does not mow nature strips adjacent to other government facilities including schools, hospitals, Housing NSW properties, Government and non-Government entity managed properties, religious institutions, private childcare centres or other public and private businesses.~~

## PURPOSE

The purpose of this Policy is to:

- confirm and recognise the community's role in maintaining nature strips;
- define the extent of Council involvement in the mowing of footpath/nature strips;
- recognise that the nature strip area is in most cases grassed however in some circumstances it can be modified;
- ensure the mowing, planting and landscaping of nature strips contributes to the overall streetscape and amenity;
- ~~define appropriate criteria for assessing requests by residents to plant out nature strips; and~~
- outline the planting, management and removal of trees on public land.

## SCOPE

This policy applies to the management of all ~~council owned and/or controlled~~ nature strips ~~within the Upper Lachlan Shire LGA urban environment. property owners and occupiers in the Local Government Area.~~

~~Council has had a long-standing practice of relying on residents and businesses to maintain those grassed nature strips adjoining their property. This policy restates this practice identifying the importance of community involvement and cooperation and to ensure consistency across all communities with the Upper Lachlan LGA.~~

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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~~does not extend to the mowing of grass or landscaping on private property and/or on road side verges, nature strips or similar, which are located outside of the communities' 50km/hr road speed limit.~~

This policy does not extend to the mowing of grass or landscaping on private property; which is the responsibility of the owner or occupier of the property.

## PRINCIPLES

Upper Lachlan Shire Council is committed to ensuring that the streetscapes are maintained in partnership with the residents. Nature strips contribute significantly to the streetscape and visual amenity of local neighbourhoods. Council aims to maintain an overall consistency and appearance of nature strips.

Council maintains the street trees but relies on residents to assist with maintaining the grass. Council also relies on residents to keep garden plants within their property trimmed to ensure they do not obstruct pedestrian access on the footpath or nature strip and don't interfere with cyclist or motorist sightlines.

To ensure a safe and visually appealing amenity, the following general principles apply for footpaths or verges:

- The footpath area, either formed concrete, asphalt, bitumen pathway, is to allow pedestrians to walk along comfortably;
- Property owners or residents are responsible for determining the underground and aboveground services within the nature strip (ie. Dial before you Dig);
- No trees or shrubs must be planted in the footpath area without written consent from Council; and
- Council will identify the need for planting of trees within the urban space and ensure that the trees planted will be in accordance with this policy.

## POLICY

### MOWING OF NATURE STRIPS

#### Areas to be Maintained by Council

Council undertakes to maintain the nature strips or verge areas that meet any or all of the following criteria:

- Adjacent to Council owned or operated community, public and recreation facilities;
- Adjacent to parks and reserves; and

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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- Nature strips as detailed above, but only within the town 50km/hr traffic speed limits.

### **Property Owners' (and Tenants') Role Regarding Nature Strips**

Council lacks adequate resources to effectively maintain these diverse areas which, taken together, constitute a large and sparsely spread area of land across the Shire.

The property owner or resident of abutting properties are responsible for maintaining the visual amenity by maintaining the vegetation (excluding street trees) and landscape features on the nature strip including watering, weeding, mowing, removal of loose material that poses as a slip or trip hazard and edging turf. Council does not carry out renovations or maintenance of nature strips.

~~Council will not mow vegetated road verges and nature strips fronting private properties, commercial properties or properties owned by Government authorities, except in key strategic locations.~~

All areas not maintained by Council are to be maintained by the property owner and/or residents of the private property. Grassed nature strips are to be mowed regularly by residents, occupiers or property owners and be kept neat and tidy. This ensures a safe pedestrian environment and a presentable streetscape is maintained.

### **GARDENS AND VEGETATION ON NATURE STRIPS**

#### **Bushland Vegetation on Nature Strips**

Existing remnant bushland vegetation in specific locations adjacent to Council's bushland reserves should be maintained with minimum weed infestation so as not to obstruct pedestrian, cyclist or vehicular traffic.

#### **Gardens on Nature Strips**

Modifications of nature strips from traditional grass to low growing, soft foliage plants are supported by Council. Any resident wishing to carry out modifications to the nature strip must apply in writing to Council for approval prior to any works being carried out.

The following issues (but not limited to) will be assessed in determining the application and must be specifically addressed in the application:

- i. Overall appearance and consistency of the streetscape;
- ii. Alienation of public land i.e. whether public land is being made to look like private land and/or used for private purpose;
- iii. Any effect on access to kerbside parking;
- iv. Any effect on access to adjacent properties;
- v. Any effect on access along the street for the general public, a minimum access width of 1.8metres must be maintained along the nature strip;

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Adopted – 18 April 2024

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- vi. Any effect on visibility of motorists - vegetation must not protrude onto splays at corners;
- vii. Public liability issues, including falling limbs, trip and fall issues relating to roots, thorns, potentially toxic species of plants; and
- viii. The public interest.

Any construction works within the road reserve will require an S138 application in terms of the Roads Act, 1993.

Any proposal must comply with the following:

- ~~The footpath area, either formed concrete/asphalt pathway or unformed grass verge, must be maintained with sufficient clearance (generally 1.2-1.5 metres wide) to allow pedestrians to walk along comfortably;~~
- ~~Where formed path exists, the planting must be kept back from the footpath and kerb edge by a minimum of 300mm to allow for safe pedestrian access along the footpath;~~
- ~~The area to be improved must not be used for any other purpose other than the landscaping of the nature strip, to enhance the existing streetscape aspect of the area. There must not be any alienation of public land for private purposes;~~
- ~~The landscape works must not represent an obstacle or an obstruction of any nature to the adjoining property owner(s) and/or users of the road or nature strip, including pedestrian access, kerb side parking and cyclists;~~
- ~~All vegetation to be planted on the nature strip must be approved by Council, must be kept in a clean, safe, healthy and attractive condition and understory plantings must not exceed 500mm in height;~~
- ~~Hard landscaping elements such as retaining walls, ornaments, rocks and timber shall not be used;~~
- ~~Irrigation systems must not be installed.~~

#### Existing Gardens on Nature Strips

Existing modified nature strips should not be landscaped to look like private land and/or used for a private purpose. Garden plants on nature strips must be kept in a safe, clean, healthy and attractive condition. Understorey plants must be kept ~~to a maximum height of 0.5 metres~~ and maintained so as not to obstruct pedestrian, cyclist or vehicular traffic.

Sight distances for vehicles entering and exiting driveways, cross overs and intersections must be maintained and vegetation must not interfere with the driving task itself. ~~A clearance zone of 1.5 metres beside the road is required so people can still get in and out of cars and rubbish bins can be collected.~~

Any works considered hazardous will require removal or to be made safe at the cost of the relevant property owner/s.

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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~~Hard landscaping elements such as large rocks or boulders, railway sleepers or retaining walls will not be permitted as these items are potential hazards or they may interfere with the driving task itself.~~

Letterboxes must be established on private property with suitable access for Australia Post.

Electrical ~~or solar~~ wiring must not be installed on the nature strip ~~(eg. lighting of trees etc.)~~.

~~Mulch material must be kept stable and properly contained. Allowable treatments include granitic sand, screened granite, crusher grit, blue and white metal grit and finely ground organic mulch which have a diameter of less than 10mm.~~

~~Nature strip soil levels, including mulch, should not be allowed to significantly drop or protrude above the level of the footpath or kerb. Ideally nature strips are gently graded towards the kerb for drainage purposes.~~

Council will not be responsible for replacing plants or landscaping as a result of works. Council will endeavour to restore the disturbed area however, Council reserves the right to remove any existing nature strip landscaping or treatment for the purpose of carrying out works, without being liable to compensate owners for any loss in reinstating the nature strip.

## TREES IN PUBLIC SPACES

### Tree Planting and Species Selection

Council will identify opportunities to increase its tree canopy over the local government area, especially within built up areas.

Council will plant the most appropriate tree species based on site suitability, aesthetic, functional and biological attributes, performance and the potential to contribute to the landscape character.

### Tree Removal (Whole or Limb) and Replacement

Selective tree removal and replacement programs are vital in managing canopy cover to ensure that the numerous benefits trees provide are sustained for future generations.

Council will assess all trees proposed for removal or lopping in Council owned or managed land and implement removal and replacement programs as required.

The risk to public safety (including road users) and property will take priority in tree removal in decisions in emergency situations.



ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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### Requests for Street Tree Planting By Residents

Council will consider requests from residents to plant street trees. Requests will be assessed according to policy and standard requirements.

### TREE MAINTENANCE

Council recognises that trees are a major asset and play an important role in ensuring our Shire is liveable, attractive and healthy. Our trees grow in a harsh environment and require specialised care and management.

Risk management strategies include, but are not limited to, replacement, repair or redirecting of footpaths, tree pruning, diverting services or minor infrastructure, enlarging root zones or tree removal.

Tree maintenance where the tree/s are located on the nature strip, public reserve, open space or similar is the responsibility of Council's Environment and Planning Department.

Tree maintenance where the tree is located within the road reserve is the responsibility of Council's Infrastructure Department.

### TREES AND SHRUBS ON PRIVATE PROPERTY

Property owners are required to maintain trees and shrubs within their property.

### DEFINITIONS

- ~~**Nature strip:** Means any Council owned and/or controlled land located between a constructed road and a parcel of private property, that is, the street verge. It is generally that portion of the street verge that is grassed and may contain street trees, driveways and/or footpaths. It does not include land reserves for a public purpose or bushland.~~
- ~~**Key strategic locations and areas:** Means main roads and locations such as town centres, community facilities and high-profile public domain areas where a grassed nature strip or general maintenance requirement exist.~~
- ~~**Road reserve:** Means the area contained within the statutory width of a road and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary.~~

Key strategic locations and areas: Means main roads and locations such as town centres, community facilities and high-profile public domain areas where a grassed nature strip or general maintenance requirement exist.

Nature strip: means any Council owned and/or controlled land located between a constructed road and a parcel of private property (that is, the street verge) but does

ULSC Nature Strip and Trees Policy  
Adopted – 18 April 2024

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not include land reserves for a public purpose or bushland. It is generally that portion of the street verge that is grassed and may contain street trees.

Owner: every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession

Occupier: includes a tenant or other lawful occupant of premises, not being the owner.

Road reserve: Means the area contained within the statutory width of a road and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary.

Urban Environment: residential lot located within the town boundaries (50km/hr signage).

#### **ENFORCEMENT /COMPLAINEE**

Council approval is required to carry out works within the road reserve, including implementing any alternative treatments other than grass.

Under Section 138 of the NSW Roads Act 1993, it is an offence to conduct works within road reserves without the consent of the coordinating road authority as well as failing to comply with the conditions of consent.

Council has the power to order the rectification of works that have not been conducted in accordance with the Roads Act or previous legislation. Any rectification that is required is to be undertaken at the other party's expense.

Failure to obtain consent or to comply with the Policy will require the property owner to rectify the situation at their own cost as directed by Council.

#### **RELEVANT LEGISLATION AND COUNCIL POLICY AND PROCEDURES**

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

- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*
- *Civil Liability Act 2002*

#### **VARIATION**

Council reserves the right to vary 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	Review of Work Health and Safety Policy	98
13.2	Integrated Planning and Reporting - Adoption of Draft Plans for Public Exhibition	103
13.3	Review of Public Interest Disclosures Policy	111

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# Finance and Administration - 18 April 2024

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**ITEM 13.1**                      **Review of Work Health and Safety Policy**

**FILE REFERENCE**    I24/75

**AUTHOR**                      **Director of Finance and Administration**

**ISSUE**

Recommendation that Council adopt the reviewed Work Health and Safety Policy.

**RECOMMENDATION**      That -

1. Council adopts the Work Health and Safety Policy.

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**BACKGROUND**

Nil

**REPORT**

This report details the review of Council’s Work Health and Safety Policy. The policy is attached with amendments highlighted in yellow for Council’s review.

**POLICY IMPACT**

This is a review of an existing policy.

**OPTIONS**

Nil

**FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil

**RECOMMENDATION**      That -

1. Council adopts the Work Health and Safety Policy.

**ATTACHMENTS**

1. <a href="#">↓</a>	Workplace Health & Safety ( WHS ) Policy - Date adopted 18 April 2024- Resolution XXX - 24 - Review 2027	Attachment
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## ULSC Work Health and Safety Policy

Adopted: 18.April 2024

<b>POLICY:-</b>	
Policy Title:	Work Health and Safety Policy
File reference:	F13/77-10
Date Policy was adopted by Council initially:	22 September 2005
Resolution Number:	30/05
Other Review Dates:	22 September 2005, 24 August 2006, 28 June 2007, 28 August 2008, 21 November 2019, 20 August 2020
Previous Resolution Number:	342/19,141/20
Current Policy adopted by Council:	18 April 2024
Resolution Number:	XXX/24
Next Policy Review Date:	2027

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed;	Work Health and Safety Risk Management Procedure
Procedure/guideline reference number:	F24/34

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	Health and Safety Leader
Committee/s (if any) consulted in the development of this policy::	WHS Committee
Responsibility for implementation:	Chief Executive Officer
Responsibility for review of Policy:	Chief Executive Officer

## ULSC Work Health and Safety Policy

Adopted: 18.April 2024

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~~The General Manager of Upper Lachlan Shire Council (Council) is committed to a strong Workplace Health and Safety Program (the program) that protects its staff, contractors, property and the public.~~

~~An injury and accident-free workplace is our goal and our policy, procedures and culture are reflective of this goal.~~

~~Senior Management are committed to the program, policy and practices forming an integral part of Council from the General Manager through to all Workers. Management will support and encourage everyone's participation in the workplace health and safety program and will provide proper equipment, training and procedures.~~

~~Supervisors are responsible for monitoring the health and safety environment of the workers under their supervision and they must ensure that machinery and equipment is safe to use and that workers comply with safe work practices and procedures. Supervisors facilitate adequate training for workers to protect their health and safety~~

~~Every worker must protect his or her own health and safety by working in compliance with the law using the safe work practices and procedures established by the Council. Employees are responsible for following all procedures, working safely, and, wherever possible, improving safety measures.~~

~~As a Council we are committed to:~~

- ~~• the provision and maintenance of safe systems of work, and effective hazard identification and risk management processes, consistent with our activities and the scale of our health and safety risks~~
- ~~• consultation with workers and their representatives to involve them in decision making where there is an impact on their health and safety~~
- ~~• the establishment, monitoring and review of health and safety objectives and targets to ensure continuous improvement aimed at the elimination of work related illness and injury~~
- ~~• the compliance with all health and safety legislation, codes, and standards~~
- ~~• identifying and communicating health and safety responsibilities for workers and others are identified,~~
- ~~• Assigning adequate authority to allow fulfilment of responsibilities~~
- ~~• Following safe work practices through health and safety training and instruction to workers~~



**ULSC Work Health and Safety Policy****Adopted: 18.April 2024**

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~~Workers are our most important asset, complete and active participation by everyone, every day, in every job is necessary to achieve a safe and healthy work environment.~~

~~This policy shall be displayed in the workplace and made available to other interested parties including regulators, visitors and contractors.~~

~~All staff at all levels should be familiar with the Workplace health Safety Policy~~



~~Colleen Worthy  
General Manager~~

ULSC Work Health and Safety Policy

Adopted: 18.April 2024

## Work Health and Safety Policy

Upper Lachlan Shire Council is committed to the prevention of work-related injury and ill health, through the provision of safe and health work conditions at all Council workplaces, including providing safe work environments, facilities, equipment and systems of work for our workers, including volunteers and contractors, as well as visitors and members of the public.

Council led by the Chief Executive Officer and Directors, will demonstrate this commitment by:

- Establish measurable health and safety objectives and regularly review our performance against them
- Ensure the business (Council) complies with all legislation relating to health and safety
- Identifying and eliminate or minimise all workplace hazards and risk as far as is reasonable practicable
- Ensuring all departments across the business (Council) have and use appropriate resources and process to eliminate or minimise risks to safety
- Consult with and involve workers on matters relating to health, safety and wellbeing
- Continuously improving our WHS management program
- Provide information, instruction and training to enable all workers to work safely
- Ensure appropriate supervision of workers to ensure work activities are performed safely

Workers will:

- Take reasonable care of their own health and safety and that of others
- Follow all safety procedures, instructions and rules
- Participate in training and the consultation process
- Report health and safety hazards, incidents and injuries
- Use safety equipment and personal protective equipment as instructed

The success of our WHS management depends on:

- The commitment of all persons to achieving the policy objectives
- Planning work activities, with due consideration given to WHS
- Undertaking the risk management process in an effective manner
- Communication and consultation between our workers and sub-contractors

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title/Position

V8 18.04.2024

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## Finance and Administration - 18 April 2024

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**ITEM 13.2**                      **Integrated Planning and Reporting - Adoption of Draft Plans for Public Exhibition**

**FILE REFERENCE**    **I24/82**

**AUTHOR**                      **Director of Finance and Administration**

### **ISSUE**

Providing details regarding the preparation and public exhibition of the draft Delivery Program, Operational Plan and Resourcing Strategy documentation.

**RECOMMENDATION**        That -

1. Council, in accordance Sections 403-406, of the Local Government Act 1993, and Sections 8A-8C, of the Local Government Act 1993, place on public exhibition the following suite of draft plans:-
  - Operational Plan 2024/2025;
  - Delivery Program 2024/2025 – 2027/2028;
  - Resource Strategy documents including:-
    - Long Term Financial Plan 2024 – 2033;
    - Infrastructure Plan 2024 – 2033;
    - Workforce Plan 2024/2025 – 2027/2028.

The public exhibition period commences Monday, 22 April 2024 to Friday, 24 May 2024 inclusive, with copies of each plan available for viewing at Council administration offices and libraries, on Council's website and a link is provided to Council's Facebook Page.

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### **BACKGROUND**

In accordance with NSW Government Integrated Planning and Reporting requirements, provisions in Section 403 to 406, of the *Local Government Act 1993*, Council has prepared the 2024/2025 draft plans for public exhibition.

### **REPORT**

The following draft plans have been prepared for public exhibition in accordance with the Integrated Planning and Reporting legislation:-

1. **Operational Plan 2024/2025** (one year plan and budget contains the Fees and Charges and Revenue Policy) – Section 405, of the *Local Government Act 1993*.
2. **Delivery Program 2024/2025 – 2027/2028** (four-year program and budget) – Section 404, of the *Local Government Act 1993*.
3. **Resource Strategy** in accordance with Section 403, of the *Local Government Act 1993*, contains the following:-
  - **Long Term Financial Plan 2024 – 2033;**

## ***Finance and Administration***

### **INTEGRATED PLANNING AND REPORTING - ADOPTION OF DRAFT PLANS FOR PUBLIC EXHIBITION cont'd**

- **Workforce Plan 2024/2025 – 2027/2028; and**
- **Infrastructure Plan 2024 – 2033.**

A workshop was held on 25 March 2024 with the Mayor, Councillors and senior management. The workshop provided the opportunity for Councillors to give feedback with respect to the draft budget and Revenue Policy and for Councillors to consider all pre-plan community submissions to the Operational Plan.

Each of the above-mentioned draft plans, are now to be placed on public exhibition to allow for a period of community consultation. The community is invited to make public submissions to the plans. The public submission period closes on 24 May 2024, and Council will consider all public submissions received at the 20 June 2024 Ordinary Council Meeting.

In relation to the draft Operational Plan 2024/2025, a summary document has been prepared by Council to allow the community a snapshot of Council's Revenue Policy and major projects in the coming twelve-month period.

Please note: The draft-integrated plans will be sent, as separate annexures to this report, directly onto the Councillors iPads.

#### **POLICY IMPACT**

Nil

#### **OPTIONS**

Nil

#### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Council is to adopt the draft 2024/2025 Operational Plan; including the operational budget and capital expenditure works projects budget, Fees and Charges and Revenue Policy. The 2024-2033 draft Long Term Financial Plan is also on public exhibition.

#### **RECOMMENDATION** That -

1. Council, in accordance Sections 403-406, of the Local Government Act 1993, and Sections 8A-8C, of the Local Government Act 1993, place on public exhibition the following suite of draft plans:-
  - Operational Plan 2024/2025;
  - Delivery Program 2024/2025 – 2027/2028;
  - Resource Strategy documents including:-
    - Long Term Financial Plan 2024 – 2033;
    - Infrastructure Plan 2024 – 2033;
    - Workforce Plan 2024/2025 – 2027/2028.

The public exhibition period commences Monday, 22 April 2024 to Friday, 24 May 2024 inclusive, with copies of each plan available for viewing at Council administration offices and libraries, on Council's website and a link is provided to Council's Facebook Page.

***Finance and Administration***

**INTEGRATED PLANNING AND REPORTING - ADOPTION OF DRAFT PLANS FOR PUBLIC EXHIBITION cont'd**

**ATTACHMENTS**

1. <a href="#">↓</a>	Summary Document Mayor Message - Draft Operational Plan 2024/2025	Attachment
2.	Operational Plan - 2024/2025	Appendix
3.	Delivery Program - 2024/2025 - 2027/2028	Appendix
4.	Long Term Financial Plan - 2024-2033	Appendix
5.	Infrastructure Plan 2024-2033	Appendix
6.	Workforce Plan 2024/2025 - 2027/2028	Appendix

### **MAYORAL MESSAGE**

As Mayor of the Upper Lachlan Shire, I am pleased to present the draft 2024/2025 Operational Plan for public comment. Public submissions to the draft Operational Plan close on 24 May 2024 and will be tabled and considered at the Ordinary Council Meeting held on 20 June 2024.

The Council's draft 2024/2025 Operational Plan, 2024/2025 – 2027/2028 Delivery Program and a suite of other integrated plans are prepared for public exhibition.

I encourage everyone to view the integrated plans and submit their feedback in writing to: The Acting General Manager, Upper Lachlan Shire Council, PO Box 42, Gunning NSW 2581 or email [council@upperlachlan.nsw.gov.au](mailto:council@upperlachlan.nsw.gov.au).

### **Council Draft Operational Plan 2024/2025**

Upper Lachlan Shire Council has projected a consolidated operating budget deficit (before capital grants and contributions) of \$4.318 million, with a total net cash flow deficit of \$2.787 million with large \$ transfers from reserves necessary to assist in funding the capital expenditure projects.

Council has prepared a comprehensive capital expenditure works program for the Shire totalling \$16.2 million in 2024/2025. The capital works program consolidates on the past years capital investment and the budget for the next four years has been scheduled to spend \$43.7 million on capital infrastructure works including asset renewal and rehabilitation projects and delivering new community assets.

It is always a delicate balance, managing the needs and expectations of our community, while ensuring that Council remains in a sound financial position. Council has reviewed all community submissions and included a number of those submissions within the draft Operational Plan.



**Cir Pam Kensit**  
**Mayor**

**SUMMARY: UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN 2024/2025**

- Council has prepared a \$35.2 million operating budget. The table below dissects the operational budget by each individual fund.

<b>INCOME STATEMENT</b>	<b>General Fund</b>	<b>Domestic Waste Fund</b>	<b>Water Supply Fund</b>	<b>Sewerage Fund</b>	<b>Consolidated Total</b>
<b><u>OPERATIONAL INCOME</u></b>					
Rates and Annual Charges	9,824,902	1,743,577	1,337,184	1,682,279	14,587,943
User Charges and Fees	5,229,177	1,000	1,265,612	377,152	6,872,941
Interest and Investment Income	885,411	91,463	161,171	290,693	1,428,739
Grants and Contributions provided for Operating Purposes	11,200,486	0	0	0	11,200,486
Net Gain from the Disposal of Assets	456,573	0	0	0	456,573
Other Revenues	687,355	0	0	0	687,355
<b>Total Income from continuing operations</b>	<b>28,283,905</b>	<b>1,836,040</b>	<b>2,763,967</b>	<b>2,350,124</b>	<b>35,234,036</b>
<b><u>OPERATIONAL EXPENSES</u></b>					
Employee Benefits and On-costs	13,462,430	365,342	744,108	642,761	15,214,641
Materials and Contracts	9,905,846	1,300,698	1,101,090	653,663	12,961,297
Borrowing Costs	215,031	0	22,927	5,355	243,313
Depreciation, Amortisation & Impairment of Assets	8,599,817	170,000	896,474	585,986	10,252,277
Net Loss from the Disposal of Assets	0	0	0	0	0
Other Expenses	873,900	0	7,000	0	880,900
<b>Total Expenses from continuing operations</b>	<b>33,057,023</b>	<b>1,836,040</b>	<b>2,771,600</b>	<b>1,887,765</b>	<b>39,552,428</b>
<b>Net Operating Result Surplus/(Deficit) for the year (before Capital Grants and Contributions)</b>	<b>(4,773,118)</b>	<b>0</b>	<b>(7,632)</b>	<b>462,359</b>	<b>(4,318,391)</b>

- Note: The above operational expense includes \$3.0 million expenses, which is funded by a transfer from reserves. The funds relate to the early payment of the NSW Government Regional Emergency Road Repair Fund (RERRF) grant income that was recognised as income in the 2023/2024 financial year and the expenses are outlaid on the projects in 2024/2025.

**Ordinary (General) Rates:**

- Ordinary (General) Rate peg limit is set by IPART for Local Government. Ordinary Rates are calculated on unimproved land values, at base date 1 July 2022, supplied by the Valuer General's Office.

Rates Description	Increase %	Increased Income
Ordinary (General) Rates	4.50%*	\$391,665

\* The \$ value increases will vary within each individual rating category.

**Sewerage Charges:**

Sewerage Charges	Increase
Sewerage Access Annual Charge for Residential Categories	6% or \$59 increase per Assessment; \$1,028 per Residential property.*
Unoccupied Sewerage Access Charge for Residential Categories	6% or \$39 increase per Assessment; \$675 per Residential property.

\* The Sewerage Access Charge for Gunning, Crookwell, and Taralga are uniform.

- Council utilises the Sewerage Best Practice Pricing Structure. For Non-Residential properties, the charge will be not less than the Annual Residential Sewerage Access Charge of \$1,028. The \$ value increases will vary depending on water consumption and sewerage discharge factors.

**Water Supply Charges:**

Water Charge	Increase
Water Supply Access Charge; and Water Supply Availability Charge	15% or \$78 increase per Assessment; \$601 per annum per connection. *
Water Usage Charge <sup>^</sup>	15% increase:- * \$4.39 per kilolitre for water consumption less than 200 kilolitres * \$5.81 for every kilolitre over 200.

\* The Water Supply Access Charges and water consumption user-pays charges for the towns of Dalton, Crookwell, Gunning and Taralga are uniform.

<sup>^</sup> Note that NSW Government water regulations require a minimum 50% of all town water supplies income to be generated from the water usage charge.

**Stormwater Charges:**

- There is a zero increase. The Stormwater Annual Charge will continue to be levied for the towns of Crookwell, Gunning, Collector and Taralga. This levy will remain at \$25 for Residential properties and \$50 for Businesses.



**Domestic Waste Management (Garbage) Charges:**

<b>Domestic Waste Management Charge</b>	<b>Increase</b>
Domestic Waste Management Charge* (For the Shire)	6% or \$36 increase. \$631 per annum per service
Domestic Waste Availability Charge (All vacant properties in towns where the garbage service is available)	6% or \$15 increase. \$249 per Assessment.

**Commercial Waste (Garbage) Charges:**

<b>Commercial Waste Charge</b>	<b>Increase</b>
Commercial Waste Charge (Business Rate Categories)	6% or \$43 increase. \$748 per annum per service
Commercial Waste Availability Charge (All vacant business land in towns where the garbage service is available)	6% or \$15 increase. \$249 per Assessment.

**Rural Waste Charges:**

<b>Rural Waste Charge</b>	<b>Increase</b>
Rural Waste Charge (Properties that do not have a Domestic Waste Service)	6% or \$16.50 increase per Assessment. * \$273.90 per Assessment

\* The Rural Waste Charge is subject to GST. The annual charge is \$273.90 per annum per service inclusive of GST with 1/11 of the waste charge being remitted to the ATO.

- The Rural Waste Charge entitles ratepayers to dispose of one standard garbage bin (120-litre bin) of waste per week at no cost at any rubbish tip in the Shire. Disposal of sorted recyclable materials will be accepted free of charge at all rubbish tips.

**Loans:**

- There are no new loans forecast this financial year.
- There is no refinancing of existing loans.

**Capital Works Expenditure Highlights – 2024/2025 Total Program \$16.2 million**

<b>Project Description</b>	<b>Project Cost</b>
<b>Plant Replacements (including fleet vehicles) net purchase cost</b>	\$1.9 million
<b>Kerb &amp; Gutter – Capital renewal</b>	\$50,000
<b>Gunning Court House – Toilet Block improvements</b>	\$30,000
<b>Crookwell Stormwater – (subject to grant funding) investigation, design and grant application</b>	\$200,000
<b>Gunning Stormwater – (subject to grant funding) investigation, design and grant application</b>	\$200,000
<b>Roads and Bridges capital budgeted expenditure is as follows:-</b>	
• MR248 Boorowa Road pavement rehabilitation and resealing	\$664,000
• The Tablelands Way upgrade Taralga Road MR256	\$5.5 million
• Bitumen Resealing - Rural Local Roads (throughout the Shire)	\$500,000
• Bitumen Resealing - Regional Roads (throughout the Shire)	\$550,000
• Breadalbane Road reconstruction (R2R & Fixing Local Roads)	\$950,000
• Pavement Rehabilitation – Martyn Street, Taralga	\$180,000
• Pavement Rehabilitation – Woodhouselee Road (R2R)	\$201,168
• Pavement Rehabilitation – Gurrundah Road (R2R)	\$200,000
• Gravel Resheeting program various roads (R2R & Section 7.11)	\$650,000
<b>Water Fund capital improvements includes the following:-</b>	
• 4 Towns water supply mains replacements / rehabilitation works, Integrated Water Cycle Management (IWCM) recommendations and Taralga Dam Design and Assessment.	\$1.42 million
<b>Sewerage Fund capital improvements includes the following:-</b>	
• 3 Towns sewerage mains replacements / rehabilitation works, UV disinfection system, Integrated Water Cycle Management (IWCM) recommendations and Kennedy Street pump station upgrade	\$1.95 million

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# Finance and Administration - 18 April 2024

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**ITEM 13.3**                      **Review of Public Interest Disclosures Policy**

**FILE REFERENCE**    **I24/94**

**AUTHOR**                      **Director of Finance and Administration**

**ISSUE**

Recommendation that Council adopt the reviewed Public Interest Disclosures Policy.

**RECOMMENDATION**    That -

1. Council adopts the reviewed Public Interest Disclosures Policy.
- 

**BACKGROUND**

Nil

**REPORT**

This report details the review of Council’s Public Interest Disclosures Policy (PID). A revised PID Act 2022 was legislated and has taken effect.

The PID Policy is attached with amendments highlighted in yellow and deletions in Red for Council’s review. Council senior management has removed the PID Procedures from the PID Policy and they have been approved by MANEX to supplement the revised PID Policy and revised requirements under the PID legislation.

**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 reviewed Public Interest Disclosures Policy.

**ATTACHMENTS**

1. <a href="#">↓</a>	Review of Public Interest Disclosures Policy - Adopted 18 April 2024 - Review 2027	Attachment
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<b>POLICY:-</b>	
Policy Title:	Public Interest Disclosures Policy (former Public Interest Disclosures - Internal Reporting Policy)
File Reference:	F13/618-13
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	85/05
Other Review Dates:	23 August 2007, 28 August 2008, 20 August 2009, 19 August 2010, 17 November 2011, 20 March 2014 and 20 April 2017 and 16 June 2022
Resolution Number:	85/05, 257/07, 258/08, 333/09, 311/10, 444/11, 64/14, 108/17 and 123/22
Current Policy adopted by Council:	18 April 2024
Resolution Number:	XXX/24
Next Policy Review Date:	2026

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	April 2024
Procedure/guideline reference number:	

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

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 ULSC Public Interest Disclosures – ~~Internal Reporting~~ Policy
 

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ULSC Public Interest Disclosures ~~–Internal Reporting~~ Policy

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## 1. Purpose and context of the Policy

~~The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Upper Lachlan Shire Council and what can be reported and how reports of wrongdoing will be dealt with by Council.~~

~~This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994 (PID Act)*.~~

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the Public Interest Disclosures Act 2022 (PID Act).

Upper Lachlan Shire Council take reports of serious wrongdoing seriously. Public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon Councillor's staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:-

- Protecting those who speak up from detrimental action
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

This policy will be made available on Upper Lachlan Shire Council's website as well as on the intranet. A copy of the policy will be sent to all staff of Council on their commencement.

The internal reporting system established under this policy is not intended to be used for staff grievances, or complaints. ~~Which~~ Council Staff Grievances should be raised in accordance with Council Grievance Policy and complaints in accordance with the Complaints Policy. If a staff member makes a report under this policy which is substantially a grievance, or complaint, the matter will be referred to Manager Human Resources and dealt with in accordance with the Grievance Policy or referred to the Complaints Coordinator and dealt with in accordance with the Complaints Policy.

## 2. Organisational Commitment and Accessibility of the Policy

Upper Lachlan Shire Council strives to deliver on its Customer Service Charter, community goals and strategic priorities as reflected in the Community Strategic Plan (CSP) and supporting documents.

~~Under Section 6D, of the *PID Act*, public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures.~~

Council is committed to the aims and objectives of the *PID Act* 2022. Council is committed to creating a climate of trust, where people are comfortable and confident about reporting wrongdoing and encourage staff to come forward if they are aware of wrongdoing within the Council.

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**ULSC Public Interest Disclosures – Internal Reporting Policy**

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Council will not tolerate and is committed to eliminating all types of serious wrongdoing including corrupt conduct, maladministration, serious and substantial waste of public money, information management, privacy and pecuniary interest contraventions. Council will take all reasonable steps to provide protection to staff that makes such disclosures from any detrimental action in reprisal for the making of the disclosure.

Council will deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it and provide adequate resources to address issues in accordance with Council's PID Procedures and forms. This Policy is made available on the Council's website and intranet site and the policy will be provided to all Council staff.

Council Chief Executive Officer, PID Coordinator and PID Officers shall ensure Directors, Managers (including supervisors and co-ordinators) at all levels in the Council understand the benefits of reporting wrongdoing, receive appropriate training, are familiar with this policy and aware of the needs of those who report wrongdoing.

Council PID Coordinator and PID Officers will properly assess, investigate or otherwise deal with allegations and properly manage any workplace issues that the allegations identify or that result from a report in accordance with Council's PID procedures. Council's Chief Executive Officer will be consulted by the PID Coordinator prior to proceeding with an engagement of an external investigation.

### 3. Who does this Policy apply to?

This policy will apply to:-

- Both Council staff and Councillors;
- Permanent employees, whether full-time or part-time;
- Temporary or casual employees;
- Contractors, consultants and their employees working for Council and/or providing services to Council;
- Other people who perform Council functions whose conduct and activities could be investigated by an investigating authority, including volunteers and Section 355 committee members.

The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Upper Lachlan Shire Council.

### 4. Roles and Responsibilities

Certain people within Council have responsibilities under the PID Act. A person may make a report to the following people at Council:-

- Chief Executive Officer (CEO)
- A Disclosure Officer - a list of disclosure officers and their contact details can be found in the Public Interest Disclosure Procedures.
- A Manager - this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the

## ULSC Public Interest Disclosures ~~–Internal Reporting~~ Policy

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report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

The roles and responsibility of Council staff and senior management are fully described in the Public Interest Disclosure Procedures.

### ~~a. The role of Council Staff and Councillors~~

~~Council staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. Councillors and staff must follow the PID Procedures.~~

~~All Council staff and Councillors are obliged to:-~~

- ~~• Report all known or suspected wrongdoing and support those who have made reports of wrongdoing;~~
- ~~• If requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;~~
- ~~• Treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;~~
- ~~• Respect the rights of any person the subject of reports.~~

~~Council staff and Councillors must not:-~~

- ~~• Make false or misleading reports of wrongdoing;~~
- ~~• Victimise or harass anyone who has made a report.~~

~~Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code of Conduct may result in disciplinary action.~~

### ~~b. The role of Upper Lachlan Shire Council~~

~~Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.~~

~~Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them in accordance with the PID procedures. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.~~

~~Council (via the PID Co-ordinator) must report on our obligations under the PID Act and statistical information about public interest disclosures in our Annual Report and to the NSW Ombudsman.~~

### ~~c. Roles of Key Positions~~

#### ~~General Manager~~



### ULSC Public Interest Disclosures ~~– Internal Reporting Policy~~

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~~Council's Chief Executive Officer has ultimate responsibility for maintaining the internal reporting system, workplace reporting culture, implementing this policy and ensuring Council complies with the PID Act.~~

~~To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors will receive training on their responsibilities.~~

~~The General Manager can receive reports from staff and Councillors and has a responsibility to:-~~

- ~~• Assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;~~
- ~~• Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;~~
- ~~• Ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;~~
- ~~• Make decisions following any investigation or appoint an appropriate decision maker;~~
- ~~• Take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;~~
- ~~• Refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC);~~
- ~~• Refer any evidence of a reprisal offence under Section 20, of the PID Act, to the Commissioner of Police or the ICAC.~~

### **Disclosures Coordinator**

~~The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for reporting to the NSW Ombudsman.~~

~~The Council Disclosures Coordinator is the Director of Finance and Administration. Clause 3.15, of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, requires the Complaints Coordinator to be a Disclosures Coordinator.~~

~~The Disclosures Coordinator has the responsibilities outlined in the PID Procedures. a responsibility to:-~~

- ~~• Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);~~
- ~~• Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;~~
- ~~• Coordinate the Council's response to a report;~~
- ~~• Acknowledge reports and provide updates and feedback to the reporter;~~
- ~~• Assess whether it is possible and appropriate to keep the reporter's identity confidential;~~
- ~~• Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;~~
- ~~• Where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;~~
- ~~• Ensure Council complies with the PID Act;~~

### ULSC Public Interest Disclosures –~~Internal Reporting~~ Policy

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- ~~Provide six monthly reports to the NSW Ombudsman in accordance with Section 6CA of the PID Act.~~

#### ~~Disclosures Officers~~

~~Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and this policy, receive reports of wrongdoing and assist staff and Councillors to make reports in accordance with the PID Procedures.~~

~~Council Disclosures Officers includes; the Manager of Governance, Chief Financial Officer and Manager Human Resources.~~

~~Disclosures Officers have a responsibility to:-~~

- ~~Document in writing any reports received verbally, and have the document signed and dated by the reporter;~~
- ~~Make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;~~
- ~~Discuss with the reporter any concerns they may have about reprisal or workplace conflict;~~
- ~~Carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.~~

#### ~~Mayor~~

~~The Mayor can receive reports from staff and Councillors about the Chief Executive Officer. Where the Mayor receives such reports, the Mayor has a responsibility to manage the report in accordance with the PID Procedures.~~

- ~~Assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;~~
- ~~Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;~~
- ~~Refer reports to an investigating authority, were appropriate;~~
- ~~Liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;~~
- ~~Refer actual or suspected corrupt conduct to the ICAC;~~
- ~~Refer any evidence of a reprisal offence under Section 20, of the PID Act, to the Commissioner of Police or the ICAC.~~

#### ~~Managers (including Supervisors and Coordinators)~~

~~Managers, Supervisors and Coordinators play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. These roles should be aware of this internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing.~~

~~Managers, Supervisors and Coordinators have a responsibility to manage any PID report made to them as a mandatory report, in accordance with the PID Procedures:-~~

- ~~Encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;~~
- ~~Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy;~~

## ULSC Public Interest Disclosures – ~~Internal Reporting~~ Policy

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- ~~Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;~~
- ~~Notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.~~

### ~~5. What should be reported?~~

~~You should report any suspected wrongdoing within the Council or any activities or incidents you see within the Council that you believe are wrong.~~

~~Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman’s Guideline B2: What should be reported?~~

~~All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This may include:~~

- ~~Harassment or unlawful discrimination;~~
- ~~Practices that endanger the health or safety of staff or the public.~~

~~Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. Council will respond to all reports and make every attempt to protect the staff member making the report from reprisal.~~

#### ~~a. Corrupt Conduct~~

~~Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this may include:-~~

- ~~The improper use of knowledge, power or position for personal gain or the advantage of others;~~
- ~~Acting dishonestly or unfairly, or breaching public trust;~~
- ~~A Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust. Some examples include; taking or offering bribes, public officials dishonestly using influence, blackmail and fraud.~~

#### ~~b. Maladministration~~

~~Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this may include:-~~

- ~~Making a decision and/or taking action that is unlawful;~~
- ~~Refusing to grant an approval for reasons that are not related to the merits of their application.~~

~~The conduct covered by these terms includes:-~~

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- ~~Contrary to law, including:-~~

- ~~A decision or action contrary to law;~~
- ~~A decision or action ultra vires (i.e. the decision-maker had no power to make the decision or to do the act);~~
- ~~A decision or action contrary to lawful and reasonable orders from people or agencies with authority to make or give such orders;~~
- ~~A breach of natural justice or procedural fairness;~~
- ~~Improperly exercising a delegated power (e.g. a decision or action not authorised by a delegation or acting under the direction of another);~~
- ~~Unauthorised disclosure of confidential information;~~
- ~~A decision or action induced or affected by fraud.~~

- ~~Unreasonable, including:-~~

- ~~A decision or action inconsistent with adopted guidelines or policies or with a decision or action which involves similar facts or circumstances not justified by any evidence, or so unreasonable that no reasonable person could so decide or act (e.g. irrational);~~
- ~~An arbitrary, partial, unfair or inequitable decision or action;~~
- ~~A policy that is applied inflexibly and without regard to the merits of an individual case;~~
- ~~A decision or action that does not take into account all relevant considerations or that takes into account irrelevant considerations;~~
- ~~Serious delays in making a decision or taking action;~~
- ~~Failing to give notice of rights;~~
- ~~Giving wrong, inaccurate or misleading advice leading to detriment;~~
- ~~Failing to apply the law;~~
- ~~Failing to rectify identified mistakes, errors, oversights or improprieties;~~
- ~~A decision or action based on incorrect or misinterpreted information;~~
- ~~Failing to properly investigate.~~

- ~~Unjust, including:-~~

- ~~A decision or action not justified by any evidence or that is unreasonable;~~
- ~~A partial, unfair, inequitable or unconscionable decision or action.~~

- ~~Oppressive, including:-~~

- ~~An unconscionable decision or action;~~
- ~~Where the means used are not reasonably proportional to the ends to be achieved;~~
- ~~An abuse of power, intimidation or harassment.~~

- ~~Improperly discriminatory, including:-~~

- ~~The inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so;~~
- ~~Applying a distinction not authorised by law, or failing to make a distinction which is authorised or required by law.~~

- ~~Based wholly or partly on improper motives, including:-~~

- ~~A decision or action for a purpose other than that for which a power was conferred (i.e. in order to achieve a particular outcome);~~
- ~~A conflict of interest;~~
- ~~Bad faith or dishonesty;~~

## ULSC Public Interest Disclosures ~~–Internal Reporting Policy~~

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- ~~Seeking or accepting gifts or benefits in connection with performance of official duties;~~
- ~~Misusing public property, official services or facilities.~~

### ~~c. Serious and substantial waste of public money~~

~~Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this may include:-~~

- ~~Not following a competitive tendering process for a large scale contract;~~
- ~~Having bad or no processes in place for a system involving large amounts of public funds.~~

~~In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste. The following delineation of the definition of serious and substantial waste may be of assistance to public officials or public authorities:-~~

#### ~~Absolute~~

~~Serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant.~~

#### ~~Systemic~~

~~The waste indicates a pattern which results from a system weakness within public authorities.~~

#### ~~Material~~

~~The serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority's capacity to perform its primary functions.~~

#### ~~Material by Nature Not Amount~~

~~The serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate. (Alternatively; this type of waste may constitute 'maladministration' as defined in the PID Act.)~~

~~Waste may take many forms, for example:-~~

- ~~Misappropriation or misuse of public property;~~
- ~~The purchase of unnecessary or inadequate goods and services;~~
- ~~Too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;~~
- ~~Personnel being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment; and~~
- ~~Programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.~~

~~Waste may result from such things as:-~~

- ~~The absence of appropriate safeguards to prevent the theft or misuse of public property;~~
- ~~Procurement procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose; and~~

## ULSC Public Interest Disclosures ~~–Internal Reporting Policy~~

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- ~~• Procurement practices where the lowest price is not obtained for comparable goods or services without adequate and appropriate justification.~~

### ~~d. Breach of the GIPA Act~~

~~A breach of the Government Information (Public Access) Act 2009 (GIPA Act) is a failure to properly fulfil functions under that Act. For example, this may include:-~~

- ~~• Destroying, concealing or altering records to prevent them from being released;~~
- ~~• Knowingly making decisions that are contrary to the legislation;~~
- ~~• Directing another person to make a decision that is contrary to the legislation.~~

### ~~e. Local Government Pecuniary Interest Contravention~~

~~A local government pecuniary interest contravention is a failure to comply with requirements under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council Committee Meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this may include:-~~

- ~~• A senior Council staff member recommending a family member for a council contract and not declaring the relationship;~~
- ~~• A Councillor participating in consideration of a DA for a property they or their family have an interest in.~~

## 6. Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure, **in accordance with the PID procedures.**

~~The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.~~

## **7. When will a Report be treated as a Public Interest Disclosure?**

**Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act 2022, as described in the PID Procedures.** ~~These requirements are:-~~

- ~~• The report must be about one of the following five categories of serious wrongdoing; – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or Local Government pecuniary interest contravention;~~

## ULSC Public Interest Disclosures –~~Internal Reporting~~ Policy

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- ~~The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;~~
- ~~The report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see Section 8), an investigating authority or in limited circumstances to an MP or journalist (see Section 9).~~

Reports by Council staff are not public interest disclosures if they:-

- ~~Mostly question the merits of government policy (see Section 17);~~
- ~~Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see Section 18).~~

### ~~8. Who can receive a Report within the Council?~~

~~Council staff are encouraged to report general wrongdoing to their Supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.~~

~~The following positions are the only people within the Council who are authorised to receive a public interest disclosure. Any Supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (Section 4).~~

~~If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.~~

- ~~General Manager (address to PO Box 42, GUNNING NSW 2581 and mark confidential)~~
- ~~Mayor (address to PO Box 42, GUNNING NSW 2581 and mark confidential)~~
- ~~Disclosures Coordinator – is the Director of Finance and Administration.~~
- ~~Disclosures Officers – includes; the Manager of Governance, Chief Financial Officer and Manager Human Resources~~

### ~~9. Who can receive a Report outside of the Council?~~

~~Council staff and Councillors are encouraged to report wrongdoing within the Council but internal reporting is not your only option. You can also make a public interest disclosure to:-~~

- ~~An investigating authorities;~~
- ~~A Member of Parliament (MP) or a journalist, but only in the limited circumstances outlined below.~~

#### ~~a. Investigating Authorities~~

~~The PID Act lists a number of investigating authorities in NSW that Council staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.~~

~~The relevant investigating authorities for the Council are:-~~



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- ~~• The Independent Commission Against Corruption (ICAC) – for disclosures about corrupt conduct.~~
- ~~• The NSW Ombudsman – for disclosures about maladministration.~~
- ~~• The Auditor General – for disclosures about serious and substantial waste.~~
- ~~• The Information and Privacy Commissioner (IPC) – for disclosures about a breach of the GIPA Act.~~
- ~~• The Office of Local Government (OLG) – for disclosures about local councils.~~

~~You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.~~

~~You should be aware that the investigating authority may well discuss any such reports with the Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to Council staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.~~

#### ~~b. Members of Parliament or Journalists~~

~~To have the protections of the *PID Act*, Council staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:-~~

- ~~• The General Manager.~~
- ~~• A person nominated in this policy, including the Mayor for reports about the General Manager.~~
- ~~• An investigating authority.~~

~~Also, the Council or the investigating authority that received your initial report must have either:-~~

- ~~• Decided not to investigate the matter.~~
- ~~• Decided to investigate the matter, but not completed the investigation within six months of the original report.~~
- ~~• Investigated the matter but not recommended any action as a result.~~
- ~~• Not told the person who made the report, within six months of the report being made, whether the matter will be investigated.~~

~~Most importantly - to be protected under the *PID Act* - if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see Section 19).~~

#### ~~c. Other external reporting~~

~~If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the *PID Act*. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.~~

~~For more information about reporting wrongdoing outside the Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.~~



## 10. How to make a Report of Serious Wrongdoing

When a public official reports suspected or possible wrongdoing their report will be a PID if it has certain features which are set out in the *PID Act*. You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. ~~Upper Lachlan Shire Council's Internal Reporting Form is also available for Council staff or Councillors to use to make a report.~~

There are three types of PIDs in the *PID Act*. These are as follows:-

1. Voluntary PID: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. Mandatory PID: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. Witness PID: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

More information about the types of PIDs is in the NSW Ombudsman's Guidelines 'Dealing with Mandatory PIDs' and 'Dealing with Witness PIDs'.

### What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the *PID Act* as:-

- Corrupt conduct - such as a public official accepting a bribe
- Serious maladministration - such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- A government information contravention - such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- A local government pecuniary interest contravention - such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- A privacy contravention - such as unlawfully accessing a person's personal information on an agency's database
- A serious and substantial waste of public money - such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

~~If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.~~

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**~~11. Can a report be anonymous?~~**

~~There will be some situations where you may not want to identify yourself when you make a Report. Although these Reports will still be dealt with by the Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.~~

~~It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the Report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.~~

**~~12. Feedback to staff who report wrongdoing~~**

~~Council staff and Councillors who report wrongdoing will be told what is happening in response to their Report.~~

**~~a. Acknowledgement~~**

~~When you make a Report, the Council will contact you, in accordance with timeframes outlined in Council's Customer Service Charter, to confirm that your Report has been received and to advise:-~~

- ~~• The timeframe within which you will receive further updates;~~
- ~~• The name and contact details of the people who can tell you what is happening or handle any concerns you may have.~~

~~After a decision is made about how your Report will be dealt with, the Council will send you an acknowledgment letter, providing:-~~

- ~~• Information about the action that will be taken in response to your report;~~
- ~~• The likely timeframes for any investigation or other action;~~
- ~~• Information about the internal and external resources or services available that you can access for support;~~
- ~~• We will provide this information to you within fifteen working days from the date you make your Report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the *PID Act*.~~

~~If you make a Report which meets the requirements of the *PID Act* but the Report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.~~

~~Note: *PID Act* requires, as part of acknowledgement, a copy of this policy to be provided to a person reporting wrongdoing within 45 days of the report being made.~~

**~~b. Progress Updates~~**

~~While your Report is being dealt with, such as by investigation or making other enquiries, you will be given:-~~

- ~~• Information about the progress of the investigation or other enquiries and reasons for any delay;~~
- ~~• Advice of any decision by the Council not to proceed with the matter;~~

## ULSC Public Interest Disclosures ~~-Internal Reporting Policy~~

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- ~~Advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.~~

### ~~e. Feedback~~

~~Once the matter has been finalised you will be given:-~~

- ~~Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;~~
- ~~Advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.~~

### ~~13. Maintaining Confidentiality~~

~~The Council realises reporters may want their identity and the fact they have made a Report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.~~

~~Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.~~

~~If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.~~

~~If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.~~

~~Any Council staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.~~

### ~~14. Managing the risk of reprisal and workplace conflict~~

~~When a Council staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.~~

~~Depending on the circumstances, the Council may:-~~

- ~~Relocate the reporter or the staff member who is the subject of the allegation within the current workplace;~~
- ~~Transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;~~
- ~~Grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.~~

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~~These courses of action are not punishment and will only be taken in consultation with the reporter.~~

### 15. Protections ~~against reprisals~~

When you make a voluntary PID you receive special protections under the PID Act.

Council are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. Council are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

~~The Council will not tolerate any reprisal against Council staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.~~

The *PID Act* provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:-

- Injury, damage or loss;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to employment;
- Dismissal from, or prejudice in, employment;
- Disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action.

Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

~~It is important for Council staff and Councillors to understand the nature and limitations of the protection provided by the *PID Act*. The *PID Act* protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.~~

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### ~~a. Responding to allegations of reprisal~~

~~If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.~~

- ~~• All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.~~

~~If the Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Council will:-~~

- ~~• Assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;~~
- ~~• If the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;~~
- ~~• If it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;~~
- ~~• Take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;~~
- ~~• Refer any breach of Part 8, of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;~~
- ~~• Refer any evidence of an offence under Section 20, of the PID Act, to the ICAC or NSW Police Force.~~

~~If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.~~

~~If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the OLG, the Ombudsman or ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.~~

### ~~b. Protection against legal action~~

~~If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.~~

## ~~16. Support for those reporting wrongdoing~~

~~The Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process, such as stress management or counselling services. Council has an Employee Assistance Program (EAP) that may be utilised.~~

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~~Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.~~

### ~~17. Sanctions for making false or misleading statements~~

~~It is important all Council staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.~~

### ~~18. The rights of persons the subject of a Report~~

~~The Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a Report confidential, where this is practical and appropriate.~~

~~If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:-~~

- ~~• Advised of the details of the allegation;~~
- ~~• Advised of your rights and obligations under the relevant related policies and procedures;~~
- ~~• Kept informed about the progress of any investigation;~~
- ~~• Given a reasonable opportunity to respond to any allegation made against you;~~
- ~~• Told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.~~

~~Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.~~

### 19. Related Legislation and Council Policies

- Public Interest Disclosures Act 2022; ~~1994;~~
- Public Interest Disclosures Regulation 2022; ~~2014;~~
- Ombudsman Act 1974;
- NSW Ombudsman Public Interest Disclosures Guidelines;
- ~~NSW Ombudsman's Guideline B2: What should be reported?~~
- Independent Commission Against Corruption Act 1988;
- Government Information (Public Access) Act 2009;
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- ~~Environmental Planning and Assessment Act 1979;~~
- Work Health and Safety Act 2011 and Regulations;
- ~~Anti Discrimination Act 1977;~~

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- ~~Fair Work Act 2009;~~
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- ~~Equal Employment Opportunity Act 1987;~~
- Code of Conduct;
- ~~Code of Meeting Practice;~~
- Disciplinary Policy;
- Complaints ~~Management~~ Policy;
- Fraud and Corruption Prevention Policy;
- Grievance Policy;
- Harassment Policy; and
- Code of Business Practice.

## 20. Variation

Council reserves the right to vary or revoke this policy.

ULSC Public Interest Disclosures - ~~Internal Reporting~~ Policy

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**21. Flow Chart of Internal Reporting Process**



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**~~22.~~ Resources**

~~The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.~~

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)  
 Phone: 02 8281 5999  
 Toll free: 1800 463 909  
 Tel. typewriter (TTY): 02 8281 5773  
 Facsimile: 02 9264 5364  
 Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
 Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
 Address: Level 7, 255 Elizabeth Street,  
 Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman  
 Phone: 02 9286 1000  
 Toll free: 1800 451 524  
 Tel. typewriter (TTY): 02 9264 8050  
 Facsimile: 02 9283 2911  
 Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
 Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
 Address: Level 24, 580 George Street,  
 Sydney NSW 2000

~~For disclosures about serious and substantial waste:~~

~~Auditor-General of the NSW Audit Office  
 Phone: 02 9275 7100  
 Facsimile: 02 9275 7200  
 Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
 Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
 Address: Level 19, Darling Park Tower,  
 201 Sussex Street, Sydney NSW 2000~~

~~For disclosures about local councils:~~

~~Office of Local Government (OLG)  
 Phone: 02 4428 4100  
 Tel. typewriter (TTY): 02 4428 4209  
 Facsimile: 02 4428 4199  
 Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
 Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
 Address: 5 O'Keefe Avenue, Nowra NSW 2544~~

~~For disclosures about breaches of the~~

~~GIPA Act:  
 Information & Privacy Commissioner (IPC)  
 Toll free: 1800 472 679  
 Facsimile: 02 8114 3756  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
 Address: Level 17, 201 Elizabeth Street,  
 Sydney NSW 2000~~

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~~Upper Lachlan Shire Council~~

~~INTERNAL REPORTING FORM~~

Date Received: \_\_\_\_\_

Name of Employee/Councillor: \_\_\_\_\_

Confidentiality Requested: \_\_\_\_\_ Yes/No

Details of Disclosure: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Signature of Receiver: \_\_\_\_\_

Position Title of Receiver: \_\_\_\_\_

Assessment/Action Taken:  
(including discussions/referral of matter) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Result of Action:  
(including advice of action to Applicant) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Notice/Knowledge of any Remedial Action: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of General Manager/ Disclosures Coordinator:

\_\_\_\_\_ **Date** \_\_\_\_\_

## **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 months of April 2024	138
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# Reports from Other Committees, Section 355 Committees and Delegates - 18 April 2024

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ITEM 16.1

Reports from Committees for the months of April 2024

**RECOMMENDATION:**

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

1. Crookwell District Art Gallery – Minutes from meeting held 22 February 2024
2. Collector Oval Meeting – Minutes from meeting held 19 March 2024

**ATTACHMENTS**

1. <a href="#">↓</a>	Crookwell District Art Gallery - Meeting minutes - 22 February 2024	Attachment
2. <a href="#">↓</a>	Collector Oval S355 Committee meeting minutes - 19 March 2024	Attachment

**Crookwell District Art Gallery**

**Agenda for Monthly Meeting March 28<sup>th</sup>, 2024 at 4.30pm.**

Apologies

Minutes of the previous Meeting

Correspondence

Treasurers Report

“Art from any Angle” Show (May 3 - 5)

“Crookwell Collection” framing refurb.

Website/Publicity Update

Other Business

**Crookwell District Art Gallery****Minutes of the meeting held on February 22<sup>nd</sup>, 2024**

Karen Harwood opened the meeting at 4.30pm.

**PRESENT:**

Karen Harwood, Jane McCracken, Jeremy Goodman, Caroline Greig, Steve Carroll, Mandy McDonald, Jeffery Vaughn, John Carter, Margie Carr, Nicola Johnson, Ron & Anne Cummins, Heather Linford.

**APOLILOGIES:**

Susie Rescei, Margot Luntungan, Jenny McCarthy, Ann Goodman

**MINUTES OF THE PREVIOUS MEETING:**

The Minutes were accepted as a true record of the meeting. (Moved Jane McCracken, sec. Karen Harwood)

**CORRESPONDENCE:**

Nil.

**TREASURERS REPORT:**

Jane McCracken tabled the Report showing an opening balance of \$2,707.20, income of \$5,573.00, expenses of \$5,074.00, leaving a closing balance of \$3,205.50.

Jane also reported the Term Deposit of \$20,860.74 has been re-invested at 3.7% to 20/6/2024. The Report was accepted. (Moved Jane McCracken, sec. Caroline Greig)

**ART OFF YOUR WALL SHOW REPORT:**

Karen Harwood reported the Show a success with 123 entries and 38 (31%) sold, with an overall profit of \$968.98. It was discussed to hold AOYW every second year ie next event 2025.



**HIGH SCHOOL EXHIBITION REPORT:**

Heather Linford reported that while attendance from the school fraternity was low, the first exhibition in The Gallery was seen as a great success. It was felt attendance would be better if the event was held again next year, and would be better if held in term 4 (maybe Nov.)

**2024 SHOW PROGRAMME DEVELOPMENT:**

Jeremy Goodman distributed an altered programme showing some changes including the Committee's decision to defer the "Artists with a Disability" Show to 2025, enabling us to gain a better understanding of the concept.

**WEBSITE / PUBLICITY UPDATE:**

Caroline Greig outlined some changes to website content she had made and noted she would be following up the Gallery front door vinyl graphics project in the coming weeks.

**OTHER BUSINESS:**

Jeffery Vaughn reported on a visit to the Archibald Show at the Goulburn Regional Gallery.

Karen Harwood closed the meeting at 4.55pm.

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

<b>Date:</b> 19/03/2024	<b>Meeting Time:</b> 6:00 pm	<b>Venue:</b> Oval Pavilion
<b>Type of meeting</b>	General Meeting	
<b>Chairperson</b>	Keith Fincham	
<b>Secretary</b>	Holly Fincham	
<b>Treasurer</b>	Charlie Reardon	
<b>Attendees</b>	John Searle, Greg Roos, Keith Fincham, Holly Fincham, Andrew Chiswell, Charlie Reardon	
<b>Apologies</b>	Serenity Riche, Michael Duck	

Presidents Report	
	* Focused on Progressing Lawn Mower – Quote, Council letter, Ratch support

Treasurer Report	
	<ul style="list-style-type: none"> <li>- Charlie Reardon has been added to Westpac Banking</li> <li>- Andrew Chiswell to retain access</li> <li>- Charlie to provide to statements to Auditor:               <ol style="list-style-type: none"> <li>1. Statement numbers 13 to 17 which will cover the period from 31 July 2019 to 31 July 2020</li> <li>2. Statement Number 22 covering the period 31 July 2021 to 29 October 2021</li> </ol> </li> <li>- Pick up invoice from Bob for the fanbelt</li> <li>- Double check on need to Pay Dan and Trista for mowing costs</li> </ul>

Read Previous Minutes	
	Read and accepted – moved by Keith – seconded by Charlie

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

Update Agenda Item 1: - Purchase of Lawn Mower	
Update	<ul style="list-style-type: none"> <li>- Keith was contacted by mower company who advised they could hold the original quoted price for Mower</li> <li>- Received a letter from council and s355 committee advising they would like the mower purchase to go ahead</li> <li>- Keith spoke with 2 Ratch community members who advised if the mower was purchased there wouldn't be any repercussions in applying for Ratch grants in the future.</li> </ul>
Discussion	<ul style="list-style-type: none"> <li>- Need to vote to rescind previous motion on 1 February 2024</li> <li>- Need to vote on purchasing mower</li> <li>- Andrew sought clarification:               <ul style="list-style-type: none"> <li>* if the mower is purchased it is still not according to the rules, currently unable to find the rules</li> <li>* previously consulted Ratch and they advised we cannot buy an asset for council</li> <li>* Committee has gone to great lengths to date to abide by the rules of Ratch</li> </ul> </li> <li>- Charlie stated most members haven't received the rules so can't comment and the council will not take the mower.</li> <li>- John stated the letter from the council and the s355 is a good letter and is on letterhead approving the purchase and we should go ahead in the purchase.</li> <li>- Discussions on the below motions – Andrew requested the whipper snipper be added to Motion Number 2.</li> </ul>
Conclusions	<p><u>Motions put to the Committee as follows:</u></p> <p><b>1). <u>Recission Motion</u></b> – ‘That the motion of the Committee on 1 February 2024 to return grant funding for the purchase of the mower be rescinded’.</p> <ul style="list-style-type: none"> <li>* <u>Moved by</u> John Searle</li> <li>* <u>Seconded by</u> Keith Fincham</li> </ul> <p><u>Voted:</u></p> <ul style="list-style-type: none"> <li>* In favour – Charlie, John, Keith, Holly, Greg, and Serenity – emailed vote</li> <li>* Against - Andrew</li> </ul> <p><b>2). <u>Further Motion</u></b> – ‘That the Collector Oval Committee proceed with the purchase of a mower (and a whipper snipper, if funds are available) with the approved grant funding’.</p>

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

	<p>* <u>Moved by</u> John Searle</p> <p>* <u>Seconded by</u> Keith Fincham</p> <p><u>Voted:</u></p> <p>* In favour – Charlie, John, Keith, Holly, Greg, Andrew and Serenity – emailed vote</p>	
Resolution –	<u>Person Responsible</u>	Deadline
Keith to purchase mower with funding Look into a whipper snipper with remaining funds	Keith Fincham	asap

Agenda Item 2: - Veolia \$1000 grant		
Update	Missed Grant Deadline	
Discussion	-Unfortunate that we missed the deadline -No one put down as the responsible person	
Conclusions	Apply for next funding round for Veolia grant and nominate a responsible person	
Resolution –	<u>Person Responsible</u>	Deadline
Wait for funding to become available	ALL	

Agenda Item 3: - Overflow Carpark and RV Parking		
Update	Discussion to Town Planning Meeting on 19 February 2024.	
Discussion	- Town meeting was postponed due to illness - Next meeting on 27 March 2024.	
Conclusions	- Chat with Town planning committee - Requires update of electricity and possible effluent area -Requires council discussion	
Resolution	<u>Person Responsible</u>	Deadline
Keith and Andrew to discuss at Town Planning meeting	Keith and Andrew as members of the planning committee	27 March 2024

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

Agenda Item 4: - Oval Redevelopment Project		
Update	Stewie is available doing works on the pump track soon and has offered services to quote for tree removal	
Discussion	<ul style="list-style-type: none"> <li>- should approach Stewie to get a quote on Tree Removal as he is doing works for pump track</li> <li>- need to make a decision on keeping the trees for mulch or burning to remove quickly</li> <li>- Are trees too close to highway for burning due to smoke hazard</li> <li>- Andrew has previously met with Stewie for removal of gravel to stockpile – would like the old driveway to be seeded with grass</li> <li>- Andrew is meeting with Divals on Thursday 21 March 2024 to discuss quote for oval – tree removal and reshaping the oval to plan specifications.</li> <li>- this meeting with Divals will provide a competitive quote with Stewie – thoughts are that Stewie will provide local services</li> </ul>	
Conclusions	<ul style="list-style-type: none"> <li>- Andrew will set up a meeting with Stewie for tree removal quote</li> <li>- Charlie will find out about burn requirements</li> <li>- Discussion to be had on keeping trees for Mulch</li> </ul>	
Resolution	Person Responsible	Deadline
- Charlie to speak with Greg Granger – SES Fire for tree burning	Charlie	
- Andrew to speak with Stewie to get a quote	Andrew	

Agenda Item 5: - Grants coming up in April	
Update	What Grants are available in 2024
Discussion	<ul style="list-style-type: none"> <li>- meet with council who can tell us about all grants coming up and provide assistance if they agree with Collectors need for the project</li> <li>- s355 meet in April and there is \$250,000 available</li> <li>- Should we redo our previous project requests for e.g. power upgrade, Defib machine, additional BBQ etc.</li> </ul>
Conclusions	<ul style="list-style-type: none"> <li>- Meeting to be had next time Council is available to discuss upcoming Grants</li> <li>- Holly to redo applications and resubmit</li> </ul>

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

Resolution –	<u>Person Responsible</u>	Deadline
- Holly to redo AE3 funding application for new round – and send it to Committee for input	Holly	April
- Keith and John to meet with Alex from Council soon	Keith	

Agenda Item 6: - Amenities Enhancement Project		
Update	Meetings set to gain quotes	
Discussion	<ul style="list-style-type: none"> <li>- Plan of Management needed to do any works on the oval – put to Council and for Council approval</li> <li>- Andrew meeting with Divals for reshaping of oval and tree removal on Thursday 21 March 2024</li> <li>- Quote received by Irrigear – Charlie would like to see the points from the quote and could possibly gain a second competitive quote for the project – Andrew will provide the points to Charlie.</li> </ul>	
Conclusions	Andrew to put points to Council and Council then to hopefully assist in developing a Plan of Management	
Resolution –	<u>Person Responsible</u>	Deadline
- Charlie getting a second quote for oval irrigation project	Charlie	
- Andrew to work to get plan of management		
- Andrew continuing project by getting quotes and assessing grant funding available for the projects	Andrew	

Agenda Item 7: - Water Options for oval	
Update	John to update
Discussion	<ul style="list-style-type: none"> <li>- Andrew stated Council has objections to water as they do not want to spend the \$1000 each year to maintain the water quality</li> <li>- should we add it again to the new funding proposal in April and possibly state we will gain additional funding to maintain the project ourselves</li> <li>- John – ppl could possibly bring their own water to the oval and council have made it clear they don't support the project.</li> </ul>

## COLLECTOR OVAL COMMITTEE

### GENERAL MEETING 19/03/24

Conclusions	Add it to the AEP and see what happens		
Resolution –	<u>Person Responsible</u>	Deadline	
Holly to add it to project	Holly	April funding	

Agenda Item 8: -			
Update	1). Security upgrade for blocking access to kids playground 2). Heritage Trees 3). What to do with old mower		
Discussion	1). Keith to add to meeting with Council as they will need to decide on adding things like chains and bollards etc to prevent cars from driving near playground  2). Can the Committee purchase 2 heritage trees one on either side of the car park entrance.  3). Council have agreed to donate old mower to the community via CCA – where will it live – who can access it etc. Possible implement a sign in and out sheet  * Sign in and out sheet definitely needed for New and Old mowers as when Council comes to maintain them sometimes we are unable to locate * Suggest to Dan he might want to join to oval committee * Insurance covers those who are on the Committee when operating the mower * need a mower Coordinator * possibly add it to the intranet page and have a booking system * we don't want to discourage volunteers but they need to be covered if something happens * we don't want the new mower taken away from the oval precinct as it will get damaged.		
Conclusions	* possibly Keith to maintain key access		
Resolution –	<u>Person Responsible</u>	Deadline	
Next meeting to vote on mower coordinator and discuss	ALL	Next May meeting	

**COLLECTOR OVAL COMMITTEE**  
**GENERAL MEETING 19/03/24**

Date for Next Meeting	
Date:	28 May 2024 at 6pm.
Meeting closed:	7:32pm

Attached: NA



## **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.



# **Chief Executive Officer's Statement**

## **Confidentiality**

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the Pecuniary Interest and Disciplinary Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.



## **CONFIDENTIAL SESSION**

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

### **RECOMMENDATION**

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 19.1 and 19.2 in confidential session for the reasons indicated:

Item 19.1 Hardship request for rebate of water reuse - Taralga and District Showground and Recreational Co-operative Ltd

*This report is considered to be confidential in accordance with Section 10A(2b) of the Local Government Act, 1993, as it relates to discussion in relation to the personal hardship of a resident or ratepayer.*

Item 19.2 Request to return land - Taralga and District Showground and Recreational Co-operative Ltd

*This report is considered to be confidential in accordance with Section 10A(2f) of the Local Government Act, 1993, as it relates to matters affecting the security of the Council, Councillors, Council staff or Council property.*





## **19 CONFIDENTIAL SESSION**

The following items are submitted for consideration -

- 19.1 Hardship request for rebate of water reuse - Taralga and District Showground and Recreational Co-operative Ltd
- 19.2 Request to return land - Taralga and District Showground and Recreational Co-operative Ltd