



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**EXTRA ORDINARY COUNCIL  
MEETING**

**BUSINESS PAPER**  
**18 MAY 2021**



**EXTRA ORDINARY COUNCIL MEETING, 18 MAY 2021**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
18 May, 2021

Councillors,

You are hereby requested to attend the Extra Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **18 May, 2021** commencing at 5.30pm.

Fiona Plesman  
**GENERAL MANAGER**

# Order of Business

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## MUSWELLBROOK SHIRE COUNCIL

# AGENDA

### **1 ACKNOWLEDGEMENT OF COUNTRY**

### **2 CIVIC PRAYER**

### **3 APOLOGIES AND LEAVE OF ABSENCE**

### **4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

### **5 PUBLIC PARTICIPATION**

## 6 CORPORATE AND COMMUNITY SERVICES

### 6.1 PUBLIC EXHIBITION OF THE DRAFT 2021/22 OPERATIONAL PLAN, REVENUE POLICY, BUDGET AND FEES AND CHARGES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

#### PURPOSE

This report details the proposed timetable and procedure for the public exhibition and adoption of the Draft 2021/2022 Operational Plan including the Revenue Policy, Budget and Fees and Charges.

#### OFFICER'S RECOMMENDATION

Council endorses the Draft 2021/22 Operational Plan including the Revenue Policy (including Rate Map), Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

Annually, pursuant to section 405 of the New South Wales *Local Government Act 1993*, Council is required to prepare an Operational Plan outlining the activities to be undertaken for the following financial year. A draft Operational Plan must be placed on public exhibition for at least 28 days and, after consideration of any submissions, the final draft must be adopted prior to the beginning of the financial year.

At the April Council meeting Council endorsed the Draft 2021/22 Operational Plan, Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.

Further work has since been undertaken on the Draft Revenue Policy (including Rate Map) which is now ready to be placed on Public exhibition. A copy of the Draft Revenue Policy will be provided at the meeting.

#### CONSULTATION

Councillors, Finance Committee, Manex, Managers and Council officers

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

All Councillors have been consulted during development of the Draft 2021/22 Operational Plan. Council's Finance Committee has overseen development of the 2021/22 Budget, Revenue Policy (including Rate Map) and Fees and Charges.

**REPORT**

Council is required to place the Draft 2021/22 Operational Plan on public exhibition for at least 28 days. At the April Council meeting Council endorsed the Draft 2021/22 Operational Plan, Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.

Further work has since been undertaken on the Draft Revenue Policy (including Rate Map) which is now ready to be placed on Public exhibition.

**The following timetable is suggested for the exhibition and endorsement of the 2021/2022 Operational Plan, Budget, Fees and Charges and Revenue Policy:**

- |                                       |   |
|---------------------------------------|---|
| <b><u>Tuesday 27 April 2021</u></b>   | – Council Meeting seeking approval that the Draft 2021/22 Operational Plan, Fees and Charges and Budget be placed on public exhibition;   |
| <b><u>Wednesday 28 April 2021</u></b> | – Draft 2021/22 Operational Plan, Fees and Charges and Budget be placed on public exhibition on Council's website and in hard copy at Council's Administration Centre and libraries;                                      |
|                                       | – Draft 2021/22 Operational Plan, Fees and Charges and Budget on public exhibition be promoted on Council's Facebook page;  |
| <b><u>Tuesday 25 May 2021</u></b>     | – Council Meeting seeking approval that the Draft 2021/22 Revenue Policy be placed on public exhibition and extend the exhibition period for the 2021/22 Operational Plan, Fees and Charges and Budget;                   |
| <b><u>Wednesday 26 May 2021</u></b>   | - Draft 2021/22 Operational Plan, Fees and Charges, Budget and Revenue Policy (including Rate Map) be placed on public exhibition on Council's website and in hard copy at Council's Administration Centre and libraries; |
|                                       | – Draft 2021/22 Operational Plan, Fees and Charges, Budget and Revenue Policy (including Rate Map) on public exhibition be promoted on Council's Facebook page;   |
| <b><u>Wednesday 23 June 2021</u></b>  | – Draft 2021/22 Operational Plan public exhibition period closes;   |
| <b><u>Tuesday 29 June 2021</u></b>    | – Council Meeting to consider submissions and determine the 2021/22 Operational Plan, Revenue Policy (including Rate Map), Budget and Fees and Charges.   |

**OPTIONS**

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan on public exhibition for at least 28 days.

**CONCLUSION**

It is recommended that the Draft 2021/22 Operational Plan (including the Budget and Fees and Charges) be placed on public exhibition for 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration at an ordinary meeting scheduled for 29 June 2021. Muswellbrook Shire Council's 2021/2022 Revenue Policy be placed on Public Exhibition for 28 days following the 25 May Ordinary Meeting of Council with details of all public submissions, received by close of the exhibition period and reported to Council for consideration at the ordinary meeting scheduled for 29 June 2021.

**SOCIAL IMPLICATIONS**

None identified

**FINANCIAL IMPLICATIONS**

The 2021/22 Operating and Capital Budget is also on exhibition.

**POLICY IMPLICATIONS**

None identified

**STATUTORY IMPLICATIONS**

Section 405 of the Local Government Act, 1993 details Council's obligations to prepare a plan (its **operational plan**) that is adopted before the beginning of each year, detailing the activities to be engaged in by the council during the year as part of the delivery program covering that year which includes a statement of the council's revenue policy for the year covered by the operational plan. The Draft Operational Plan must be placed on public exhibition for a period of at least 28 days. During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.

**LEGAL IMPLICATIONS**

Hard copies of the Draft 2021/2022 Operational Plan will not be made available to the community on this occasion in order to comply with social distancing requirements provided for by the *NSW Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020* under the *Public Health Act 2010*. Section 405(4) of the *Local Government Act 1993* requires that during the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies. Consequently, the map will still be made available for inspection at the administration building. Staff will make arrangements for the maps to be available, subject to precautions for COVID-19 (pre-booking inspections of the map, only one person may view the map at a time, no one may view the map if presenting with flu-like symptoms etc.).

**OPERATIONAL PLAN IMPLICATIONS**

The Draft Operational Plan is required to be prepared each year and placed on public exhibition for a period of at least 28 days.

**RISK MANAGEMENT IMPLICATIONS**

None identified