

**Muswellbrook Shire Council**

**ORDINARY COUNCIL MEETING**

**BUSINESS PAPER**

**28 SEPTEMBER 2021**



**ORDINARY COUNCIL MEETING, 28 SEPTEMBER 2021**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

23 September, 2021

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **28 September, 2021** commencing at 6.00pm.

Fiona Plesman  
**GENERAL MANAGER**

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would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 REQUEST TO WAIVE PROPERTY RATES**

*Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.3 MUSWELBROOK SHIRE AQUATIC & FITNESS CENTRE - BUSINESS PLAN**

*Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.4 FUTURE FUND SCHEDULE AND LONG TERM FINANCIAL PLAN**

*Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.5 HOUSING SUPPORT FOR DOMESTIC AND FAMILY VIOLENCE**

*Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.6 TENDER 2020-2021-0404 HUNTER BEACH PROJECT**

*Item 19.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.7 TENDER NO 2020-2021-0482 - SUPPLY OF SURVEYING SERVICES AND MINOR CIVIL DESIGN**

*Item 19.7 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.8 TENDER 2020-2021-0455 - YARRAWA ROAD UPGRADE WORKS CH14.0-CH16**

*Item 19.8 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.9 TENDER 2020-2021-0463 - REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE - NEGOTIATIONS**

*Item 19.9 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**19.10 REFURBISHMENT AND FIT-OUT OF RESTAURANT INCLUDING FLOOR REPAIRS TO LOXTON HOUSE**

*Item 19.10 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers*

*that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 28 SEPTEMBER 2021**

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 CIVIC PRAYER**
- 3 APOLOGIES AND LEAVE OF ABSENCE**

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

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING  
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **31 August 2021**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

- 5 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.

## **6 PUBLIC PARTICIPATION**



## 7 GENERAL BUSINESS

### 7.1 ELECTION OF MAYOR AND DEPUTY MAYOR

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire is well led and managed</i></b>
<b>Community Plan Strategy:</b>	<b><i>Effective governance of Muswellbrook Shire</i></b>

#### PURPOSE

To elect the office of Mayor and Deputy Mayor for the last three months of this term.

#### OFFICER'S RECOMMENDATION

**The method of voting for the office of Mayor and Deputy Mayor be by open voting / ordinary ballot / preferential ballot. (delete as applicable).**

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

#### BACKGROUND

Due to the postponement off the Local Government Elections from 4 September, 2021 to 4 December, 2021 an election for the Office of Mayor and Deputy Mayor needs to be conducted in September, 2021 for the remainder of the extended term.

#### CONSULTATION

Not applicable.

#### REPORT

The Mayoral election is to be conducted as soon as practicable once the Mayor has advised of their resignation. Details of the method of election follows.

##### i) **METHOD OF ELECTION**

If more than one Councillor is nominated for the Office of Mayor or Deputy Mayor, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

The election is to be held at the Council Meeting at which the Council resolves on the method of voting.

Under the Local Government (General) Regulation 2005 voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Preferential ballot and ordinary ballot will be by secret ballot. In a preferential ballot, preferences must be shown for ALL candidates for votes to be formal.

**ii) ELECTION OF MAYOR AND DEPUTY MAYOR**

Procedures for election of Mayor and Deputy Mayor are governed by the Local Government (General) Regulation 2005 (Schedule 7).

The General Manager is the Returning Officer.

A nomination for the Office of Mayor and Deputy Mayor is to be made in writing by two or more Councillors **(one of whom may be the nominee)** and is not valid unless the nominee has indicated consent to the nomination in writing. A Councillor may be nominated without notice.

Forms for this purpose are included with the Business Paper documents.

The nomination is to be delivered or sent to the Returning Officer.

The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one Councillor is nominated, that Councillor is elected.

**OPTIONS**

Not applicable.

**CONCLUSION**

That the election for Mayor and Deputy Mayor be conducted at the Ordinary Meeting of Council scheduled for 28 September, 2021.

**SOCIAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY IMPLICATIONS**

S225 of the Local Government Act, 1993 - an area must have a mayor who is elected in accordance with S226 of the Local Government Act, 1993 - The mayor of an area is the person elected to the office of mayor by the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**7.2 FIXING DAY AND HOUR OF OCTOBER 2021 COUNCIL MEETING**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire is well led and managed</i></b>
<b>Community Plan Strategy:</b>	<b><i>Effective governance of Muswellbrook Shire</i></b>

**PURPOSE**

To consider scheduling arrangements for Ordinary Council Meeting in October, 2021.

**OFFICER'S RECOMMENDATION**

The October, 2021 Ordinary Meeting of the Council be held in the Council Chambers, Muswellbrook, on Tuesday 26 October, 2021 commencing at 6.00pm.

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

**BACKGROUND**

Council on an annual basis at this time of year considers the scheduling arrangements for Ordinary Council Meetings.

**CONSULTATION**

Not applicable.

**REPORT**

Council currently conducts an ordinary meeting on the last Tuesday of each month commencing at 6.00pm. These meetings deal with a full range of Council business, including consideration of reports from Committees. Due to the rescheduling of the Local Government Elections it is proposed to continue these arrangements for October, 2021.

**OPTIONS**

Council may adopt the proposed date for October 2021 or a variation of the date.

**CONCLUSION**

It is proposed that Council conduct its October 2021 Ordinary Meeting on the Tuesday 26 October, 2021 commencing at 6.00pm.

**SOCIAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Meetings are conducted in accordance with Council's Code of Meeting Practice.

**STATUTORY IMPLICATIONS**

Not applicable.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.

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## 8 MAYORAL MINUTES

<b>8.1 MAYORAL MINUTE - INFRASTRUCTURE CONTRIBUTIONS REFORMS</b>
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**Attachments:** A. Background brief Infrastructure Reform Bill

**Responsible Officer:**

**Author:**

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### MAYORAL MINUTE

The NSW Government introduced the Infrastructure Contributions Bill into Parliament on 22 June, which was then referred to the Upper House Planning & Environment Committee for inquiry and report.

The Committee called for submissions and held a hearing on 16 July 2021 where local government representatives, including LGNSW, appeared as witnesses.

LGNSW made a submission to the inquiry, opposing the passage of the Bill in this form and calling for it to be withdrawn.

The Committee tabled its report on 10 August 2021 and recommended that the Bill not proceed until the draft regulations have been developed and released for consultation and the reviews into the rate pegging system, benchmarking and the essential works list have been published by the Independent Pricing and Regulatory Tribunal.

### RECOMMENDATION

Council calls on the NSW Government to:

1. Withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.

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

**7 BUSINESS ARISING**

Nil

## 8 ENVIRONMENTAL SERVICES

### 10.1 DA 2020/133 - BACKPACKERS' ACCOMMODATION - 14 HAYDON STREET, MUSWELLBROOK

<b>Attachments:</b>	<ul style="list-style-type: none"> <li>A. DA 2020/133 Section 4.15 Assessment</li> <li>B. DA 2020/133 Recommended Conditions of Consent</li> <li>C. DA 2020/133 Plans of Proposal (Revised Plans Submitted 12 August)</li> <li>D. DA 2020/133 Statement of Environmental Effects - Under Separate Cover</li> <li>E. DA 2020/133 - Flood Report - Under Separate Cover</li> <li>F. DA 2020/133 Crime Prevention Through Environmental Design Report</li> <li>G. DA 2020/133 Submission</li> <li>H. DA 2020/133 - Submission from Renotification</li> </ul>
<b>Responsible Officer:</b>	Derek Finnigan - Deputy General Manager
<b>Author:</b>	Hamish McTaggart - Co-Ordinator - Development
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

#### PURPOSE

The report relates to DA 2020/133, involving the construction and operation of Backpackers' Accommodation at Lot 1 and 2 DP 551973 (14 Haydon St, Muswellbrook).

The application was previously reported to Council's July Ordinary Council Meeting where Council passed a resolution to defer its determination. Council's resolution required the submission of updated shadow diagrams that show the development in context with the adjoining building at 12 Haydon Street and for the application to be renotified to adjoining neighbours.

This work has been completed in compliance with Council's request.

The updated shadow diagrams are included in attachment C. Staff also have a Windows Media file showing the progress of the shadow cast by the development on the winter solstice (this media file has been provided to Councillors under separate cover).

Following receipt of the revised plans, Council Officers renotified the development to adjoining owners. Notices of the development application were delivered by hand to the residents if they were home or left in the mailbox.

One (1) submission was received (see attachment H).

While Council Officers acknowledge that the proposed two-storey development would have some impact on the amenity of adjoining properties, it remains the staff recommendation that the development be approved as a development consistent with relevant DCP controls, not being out of character with the B2 Local Centre zone objectives and due to the existing multi-storey tourist and visitor accommodation in the locality (a two-storey motel adjoins 10 Haydon St).

**OFFICER'S RECOMMENDATION**

Council approves Development Application No. 2020/133, for the construction of Backpackers' Accommodation at Lots 1 and 2 DP 551973, 14 Haydon Street, Muswellbrook, subject to the conditions of consent recommended in Attachment B.

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

☐

Cr J. Ledlin

☐

Cr G. McNeill

☐

Cr R. Scholes

☐

Cr J. Foy

☐

Cr M. Bowditch

☐

Cr S. Ward

☐

Cr S. Reynolds

☐

Cr J.F. Eades

☐

Cr B.N. Woodruff

**DESCRIPTION OF THE PROPOSED DEVELOPMENT** The proposed development involves the construction of Backpackers' Accommodation at 14 Haydon Street, Muswellbrook (Lots 1 and 2 DP 551973).

The development involves constructing a new two-storey building with accommodation located on the first floor and parking, entry and building circulation areas on the ground floor.

The development would consist of:

- Eleven (11) off-street car parking spaces and three (3) off-street motor cycle parking spaces
- A lift between the car park and first floor
- Ten (10) accommodation rooms (including an accessible room)
- Managers room, and
- Common room with kitchen, washing and drying facility

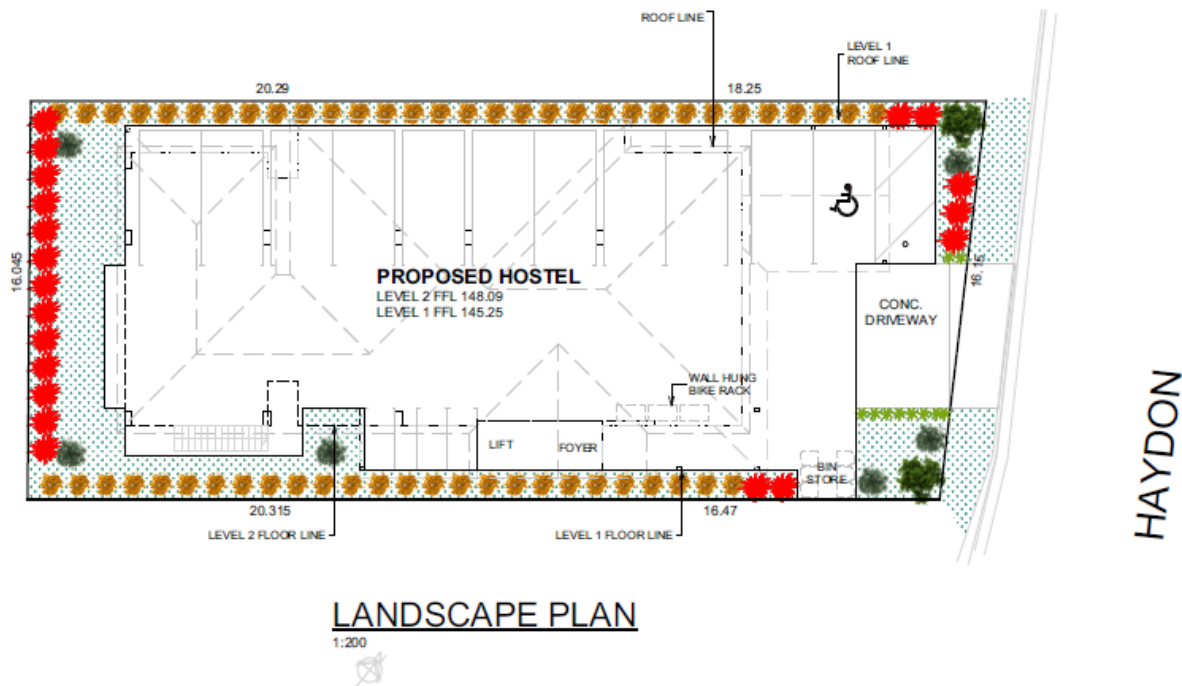
A development application (DA 70/2017) was previously lodged for the construction of a Boarding House on the land. This development application was refused by Council.

The images below provide a 3D perspective of the Backpackers' Accommodation and a site plan.



HAYDON STREET VIEW





## ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A). Council Staff recommend that the development application be approved subject to the recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development complies with the relevant provisions of the Muswellbrook Local Environmental Plan 2009 (MLEP 2009). The site is zoned B2 Local Centre and Backpackers' Accommodation is permissible with consent as a category of 'Tourist and Visitor Accommodation'.
- The proposed development has been assessed against the provisions of the Muswellbrook Development Control Plan 2009 (MDCP 2009). The proposed development complies with the relevant provisions except for the section 14 off-street car parking provisions.
- Council Officers have considered the variation regarding off-street car parking development standard on merit and are satisfied that Council may support the variation. Proposed parking is one (1) space less than the total number prescribed by MDCP 2009, with eleven (11) parking spaces to be provided, a number consistent with the number of available bedrooms. The non-compliance and merit assessment is outlined in greater detail in the attached Section 4.15 Assessment Report.
- The subject land is affected by the 1% Annual Exceedence Probability (AEP) flood event. Council Officers are satisfied that the proposed development could be carried out in accordance with the requirements of section 13 Flood Prone Land of the MDCP 2009. Council's adopted Flood Risk Management Study and Plan identifies that the maximum height of the 1% flood event in relation to the site is 145.21m Australian Height Datum (AHD). The finished floor level for habitable rooms proposed as part of the development would be 148.09m AHD. This would exceed the Muswellbrook DCP minimum requirement for the floor level of habitable rooms to be constructed 0.5m above the height of the 1% flood event.
- The submitted Flood Report (see Attachment E) has concluded that the proposed development would increase the flood afflux by less than 100mm. This is consistent with the requirements of Council's DCP, which permits development to occur on flood affected land where that development does not increase the flood affection of adjoining land by more than 100mm. The Flood Report says the impact of the development on the flood afflux would be 75mm.
- The site is not currently connected to Council's reticulated sewage network. Council Water and Waste Officers are satisfied that the proposed extension could service the development, subject

to its design and construction (at the applicant's expense) in accordance with Council Water and Wastewater requirements.

- The applicant has provided shadow diagrams for the proposed development. Overshadowing is not viewed to be so significant to warrant the refusal of the proposal, particularly when the site was considered in context with its B2 Local Centre zoning and flooding constraints.
- The proposed development was referred to Council's Building Surveyor, Community Services Officers, Water and Waste Division and Community Infrastructure (Roads and Drainage) Engineers. Comments received through these referrals are referenced in the attached Section 4.15 assessment and have informed the assessment of the proposal by Council Officers.

While Council Officers acknowledge the proposed development will result in change for neighbouring properties, the impacts identified do not substantiate refusal of the development application.

## CONSULTATION

The proposed development was publicly notified in accordance with the Muswellbrook Community Participation Plan. The notification of the development occurred between 13 January 2021 and 28 January 2021.

One (1) submission was received (see Attachment G).

The proposed development was renotified between 12 August 2021 and 30 August 2021. Notices of the development application were delivered by hand to the occupier, if at home, or to their mail box. The following properties were delivered a Notice as part of the renotification of the development:

- 12 Haydon Street, Muswellbrook;
- 16 Haydon Street Muswellbrook; and
- 8 Buddens Lane.

One (1) submission was received by Council through the renotification of the development. A copy of the submission is provided in Attachment H.

Council Officers have considered the matters raised in submissions. A table has been included in the attached Section 4.15 Assessment report summarising the submission and detailing how the matters raised have been considered or addressed.

The submission objects to the development and raises the concern about the safety and additional noise. The submitter references that they are particularly concerned by the way these impacts could affect their welfare due to the age of the person and living situation.

While Council Officers recognise that the proposed development would increase the density of development in the locality it is not clear that safety will be an issue. Council Officers have made the following observations regarding the specific concerns raised in the submission:

- Security – A Crime Prevention Through Environmental Design (CPTED) assessment has been completed in relation to the proposed development and is included as an Attachment F to this report. In considering the issue, Council Officers consider that the higher density accommodation would increase the number of individuals in the area, which in turn improves passive surveillance. An individual's intent on perpetrating criminal behaviour is generally not linked to the type of housing they occupy. A disincentive for crime in the area will be the stay-in house boarding house manager.
- Noise – Council Officers recognise that some noise would be generated by occupants and their coming and going from the site. The development does not include any outdoor areas where occupants could congregate, while the accommodation rooms are reasonably sized, provided with amenities for short term living and a common room provided for the enjoyment of residents. Considering this and the proximity to nearby parkland Council Officers consider it unlikely that occupants would congregate outside the building on the site for longer periods of time and generate noise affecting neighbouring properties. Noise from the occupation of accommodation rooms within the premises would be comparable to noise from a residential property.

The CPTED report includes the following recommendations:

Recommendation 1 - Installation of security lighting Installation of security lighting increase visibility at night when occupants are moving from their Unit to their vehicle. Additionally, lighting at night will deter potential break and enter crimes as the intruder will be clearly visible to people within the public domain.

Recommendation 2 – Fencing

Any fencing proposed along the boundaries of the site is to be a dark colour preferably black. White fencing is not to be installed. Dark fencing allows for vision to drawn to the building rather than the fencing. Dark fencing does not obscure the view of the building.

Recommendation 3 - Management of the landscape vegetation.

The existing native vegetation within the landscape offset is to be retained. In order to ensure clear sightlines to be achieved from the front boundary to the units ow lying shrubs should be pruned to a maximum of 500mm. Tree branches should be pruned to clear branches to a height of 2m.

Recommendation 4 – Avoiding blind spots

Reflective mirrors to be installed on the south-west and north-west fence corners to provide vision around the corner of the building.

Recommendation 5 – On-site manager

An on-site manager is to be present at all times, to manage behaviour of guests and to maintain site cleanliness.

The recommendations have been captured within the recommended conditions of consent.

## OPTIONS

Council may:

- A. Grant development consent to the proposed development subject to the recommended conditions of consent.
- B. Grant development consent to the proposed development subject to amended conditions of consent identified by Councillors.
- C. Refuse development consent to the proposed development and nominate reasons for refusal.

## LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of the *Environmental Planning and Assessment Act 1979* to appeal the determination at the Land and Environment Court.

## CONCLUSION

Council Officers have completed an assessment of the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and consider the proposed development to be in accordance with the relevant provisions.

In view of the findings of this assessment, Council Officers recommend Council grants development consent to the proposed development subject to the recommended conditions of consent contained in Attachment B.

## 10.2 DA 2021/66 - CARPORT - BROOK STREET MEDICAL - 62-68 BROOK STREET, MUSWELLBROOK

<b>Attachments:</b>	<b>A. DA 2021/66 Section 4.15 Assessment</b> <b>B. DA 2021/66 Recommended Conditions of Consent</b> <b>C. DA 2021/66 Proposed Plans</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>James Boyce - Building Inspector</b> <b>Hamish McTaggart - Co-Ordinator - Development</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

### PURPOSE

Development application 2021/66 relates to the construction of a carport at Brook Street Medical Centre adjacent to Possum Gully. Council staff are not recommending strict compliance with the requirements of Section 25 Stormwater Management of the Muswellbrook Development Control Plan 2009, specifically with regards to the registration of easements over stormwater infrastructure and waterways.

This development application has been reported to Council for determination as it is outside the delegations of Council Officers to determine.

### OFFICER'S RECOMMENDATION

**Council approves Development Application 2021/66 for the construction of a carport on Lot 833 DP 1095968, 62-68 Brook Street Muswellbrook, subject to the recommended conditions of consent in Attachment B of the report.**

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

☐

Cr J. Ledlin

☐

Cr G. McNeill

☐

Cr R. Scholes

☐

Cr J. Foy

☐

Cr M. Bowditch

☐

Cr S. Ward

☐

Cr S. Reynolds

☐

Cr J.F. Eades

☐

Cr B.N. Woodruff

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

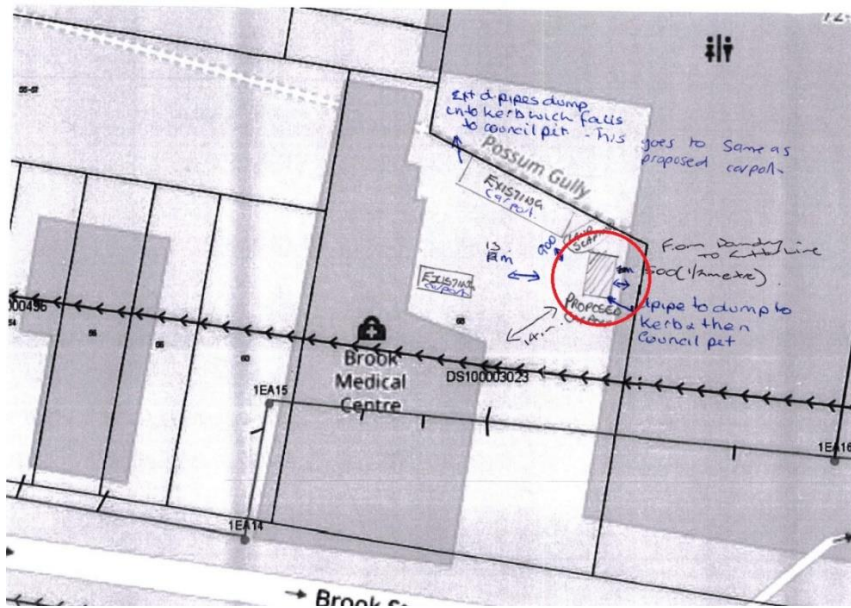
An application has been lodged seeking consent for the construction of a carport on Lot 833 DP 1095968, 62-68 Brook Street, Muswellbrook, formally known as Brook Medical Centre.

The lot is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan (MLEP) 2009.

The carport will be 58.5m<sup>2</sup> in area and will be constructed of metal sheeting and columns. The applicant has proposed the carport be constructed in the existing carpark of the facility to provide shelter for vehicles using the facility.

The Possum Gully waterway is piped underneath the development site and existing Medical Centre.

The images below identify the subject site and the proposed location of the carport. The location of Possum Gully is identified on the image by the line intersected with arrows.



## ASSESSMENT SUMMARY

Council Officers have assessed the development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment B. The proposed development application would comply with relevant requirements of the *Muswellbrook Local Environment Plan 2009* (MLEP 2009)

Key findings of the section 4.15 assessment include:

- The land is zoned B2 Local Centre under the MLEP 2009 and the development is considered ancillary to a Medical Centre and permissible with consent within the zone. The proposed development complies with all other relevant Muswellbrook LEP 2009 provisions, including building height provisions.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the *Muswellbrook Development Control Plan 2009* (MDCP 2009) and meets requirements with the exception of Section 25 Stormwater Management.
- Section 25 of MDCP 2009 requires Council Officers to impose a condition of consent requiring the registration of an easement over a drainage channel or waterway where such a watercourse or piece of infrastructure is located on the land. The Possum Gully waterway is piped as it passes under the site and medical centre.

Council Officers have not recommended that a condition be imposed requiring the registration of an easement as:

- The drainage channel located on the site is contained within existing infrastructure. Council would have authority to carry out works on this infrastructure under the Local Government Act 1993 and Roads Act 1993 if required.
- The existing infrastructure is located under the building footprint of the Medical Centre. The standard terms of drainage easements restrict buildings being located over an easement.

- The proposed development relates to the establishment of a carport in the existing carpark of the medical centre. The carport would have a negligible impact on the existing stormwater infrastructure.
  
- The proposed development is unlikely to have any significant adverse environmental impacts.

## OPTIONS

Council may:

- a) Grant development consent to the proposed development subject to the recommended conditions of consent;
- b) Grant development consent to the proposed development subject to different conditions of consent;  
or
- c) Refuse modification to development consent to the proposed development and nominate reasons for refusal.

## LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of *the Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

## CONCLUSION

DA 2021-66 has been reported to Council for determination as the delegations issued to Council Officers restrict the determination of development applications which are not strictly in accordance with Easement requirements of Section 25 Stormwater Management of MDCP 2009.

The application has been assessed by Council Officers in accordance with the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment report has been included as Attachment A. Staff recommend that Council grant development consent to the proposed development in accordance with the conditions of consent outlined in Attachment B.

**10.3 NET ZERO 2050 ROADMAP**

<b>Attachments:</b>	<b>A. Net Zero Roadmap Technical Report - Under Separate Cover</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Tracy Ward - Sustainability Officer</b> <b>Sharon Pope - Executive Manager - Environment and Planning</b>

**PURPOSE**

The NSW government released the Net Zero Plan Stage One: 2020-2030 plan in March 2020 as part of its Net Zero Strategy. The NSW government has committed to a 35% reduction in the state's greenhouse gas (GHG) emissions by 2030 from a 2005 baseline and has committed to net zero emissions for NSW by 2050.

Currently there is no mandate that councils must take action to help achieve the NSW Government commitment. However, staff have observed new legislation and regulations being introduced that do implement the target in various ways, such as the future waste management requirements, and initiatives such as reductions in stamp duty on purchase of electric vehicles. A mandate is expected to follow in the near future, particularly as a consequence of the Intergovernmental Panel on Climate Change 'Climate Change 2021' report.

Council staff have been participating in a Net Zero Pilot project being run by the Department of Planning, Industry and Environment. The outcome has been a roadmap for Council's operations transitioning towards net zero emissions by 2050.

**OFFICER'S RECOMMENDATION****Council:**

- 1. Adopts the Muswellbrook Shire Council Net Zero Roadmap Strategy in Attachment A for implementation;**
- 2. Commits to a 35% reduction in operational greenhouse gas emissions by 2030 from a 2005 baseline and commits to net zero operational greenhouse gas emissions by 2050;**
- 3. Requests Council staff to create an action plan over the next 12 months, to be submitted for Council's approval, with a timeline and target dates for completion of projects and annual updates on approved projects to ensure actions and targets are being achieved; and**
- 4. Agrees to annual funding of a minimum of \$250,000 (with annual CPI increases) to implement actions identified in the Net Zero Roadmap Strategy. Any unspent funds are to be retained in Reserve for allocation in future budgets.**

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

**BACKGROUND**

Council was invited to participate in the Net Zero Pilot Program being run by the Department of Planning, Industry and Environment. The program assisted Council to compile necessary data and identify challenges to meeting a Net Zero Emissions target by 2050.

Whilst Council does not currently have a net zero emissions commitment, Council adopted a Greenhouse Reduction Strategy on 10 February 2003. Several of the actions have been completed or are part of current business as usual operations, but many have also not been actioned.

Council staff have collaborated with thirty organisations in a pilot project to develop a net zero emissions roadmap. The roadmap was developed on the basis that Council would be interested in setting greenhouse gas reduction targets in line with the NSW Government commitments of 35% below 2005 baseline levels by 2030 and net zero by 2050.

Emissions are divided into three scopes:

- Scope 1 emissions are direct emissions which, for Muswellbrook Shire Council includes emissions from the waste facility and fuel combustion from fleet vehicles.
- Scope 2 emissions are indirect emissions from electricity purchased and used by Council.
- Scope 3 emissions are all other indirect emissions, and include the emissions created by other organisations that Council uses or purchases products from, and includes transport for waste services, and electricity used at the recycling plant where the Shire's recycling is sorted.

The roadmap focuses on the two scopes within Council's control, Scope 1 and Scope 2, although Council does have the ability to make purchasing decisions that preference companies who demonstrate lower emissions in the production or transport process or incorporate reused/recycled materials in their products.

## CONSULTATION

Jonathan Wood – Sustainability Advantage.

James Wilkinson and James Moore – Jacob's Consulting

Senior Coordinator Waste Operations

Operations Manager Water and Wastewater

Manager Roads, Drainage and Technical Services

Senior Works Coordinator

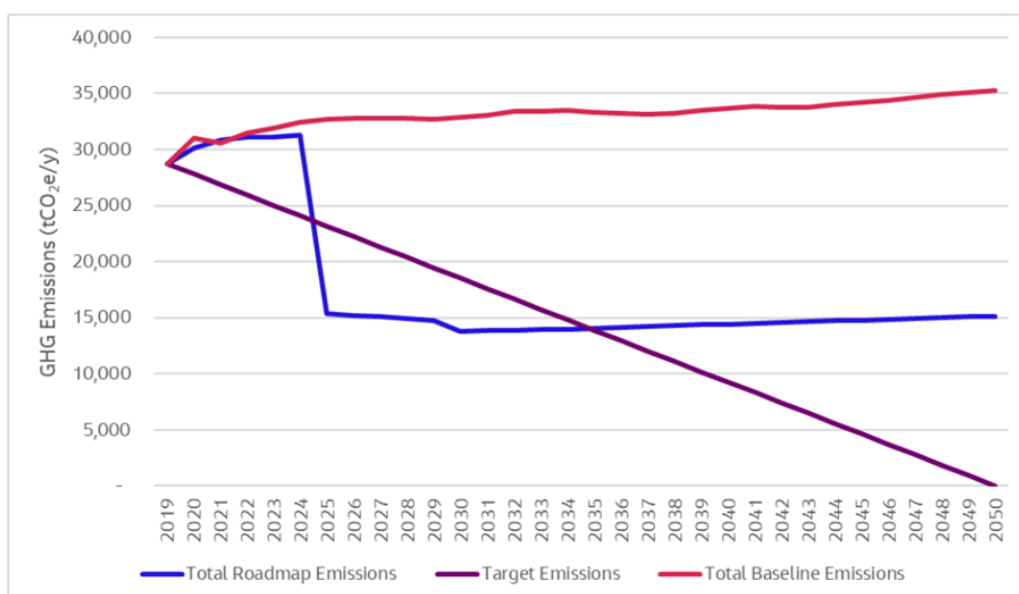
MANEX

## CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the report has been forwarded to the Mayor Councillor Scholes, the Deputy Mayor, Councillor Ledlin, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review.

## REPORT

A key component of developing a roadmap to net zero emissions is understanding what an organisation's business as usual (BAU) operations emissions footprint is (that is, without the implementation of a net zero roadmap), and how this is expected to change over time. The graph below shows Council's BAU projections, the Net Zero commitment and the likely outcome of the Muswellbrook Net Zero Roadmap Strategy provided in Attachment A.





**Figure 1. Emission outcomes from BAU and the net zero emissions roadmap.**

Based on the adoption of each of the presented opportunities (with the exception of energy from waste), there is a considerable reduction in emissions achieved, however there are some residual emissions present. This requires both an ongoing refinement of mitigation strategies over time and offsetting to achieve the 2050 target of net zero.

Council had been making inroads towards a net zero emissions target before the NSW State Government announced this program, with a 40% Renewable Energy Target set in 2015/16.

The three main areas Council will need to act on in order to effectively reduce emissions are:

1. waste management and electricity use (100% renewables required);
2. fuel consumption; and
3. procurement.

Waste reduction is necessary because waste emissions continue long past the day an item is added to landfill. This is due to the methane generated by the breakdown of organic material in the void. Methane is 21 times as harmful to the atmosphere as carbon dioxide and limiting its production is vital to reducing emissions. Many processes can be implemented to convert methane to carbon dioxide including composting and methane capture. Removing putrescibles from the waste stream through a Food Organics and Garden Organics collection service will reduce future methane emissions.

As Council doesn't adequately record methane gas generated at the waste management facility, it is difficult to determine if this would be cost effective at this time, however the NSW government has indicated it may be required as part of approval of new or expanded operations in the future.

With or without flaring, the waste facility is likely to require some type of offset strategy. The quantum would change based on the absence/presence of flaring.

Fleet vehicles contribute substantially to Council's emissions, and Council should begin preparing for the electrification of some of its fleet vehicles.

**Next Steps**

The implementation of the roadmap strategy will require ongoing management. The actions for implementation over the short, medium and long term are presented below.

**1–3 years**

1. Begin collecting more detailed data for missing emissions sources to develop inventory:
    - (i) Require procurement teams to keep records of materials (concrete, steel, asphalt, aggregates, etc), water treatment chemicals, and similar, in physical units (e.g. tonnes or m<sup>3</sup>);
    - (ii) Require construction teams to report on land clearing and land use changes as part of projects;
    - (iii) Integrate requirement for regular reporting of fuel, electricity and materials internally, and also require this information to be reported in external contracts; and
    - (iv) Heating, ventilation and air-conditioning (HVAC) servicing contractors to provide records of refrigerant top-ups in kg of refrigerant.
  2. Refine resourcing plan for waste management to address priority actions, including:
    - (i) Undertake waste auditing to improve waste composition records for landfill;
    - (ii) Develop Council response plan to address actions within the National Waste Policy Action Plan 2019, NSW Waste and NSW Sustainable Materials Strategy 2041 and other relevant strategies;
    - (iii) Identify funding and/or grant opportunities as part of National and State strategies for waste reduction, diversion or similar;
-

- (iv) Investigate opportunities for improved food organics garden organics (FOGO) diversion rates and expansion to commercial FOGO collection;
  - (v) Audit landfill gas monitoring results and investigate areas for improvement;
  - (vi) Investigate landfill gas capture opportunities and source funding for feasibility studies and detailed costings; and
  - (vii) Potential initiation of a Council Waste Management Strategy to address above priorities.
3. Arrange high level energy audits to identify further retrofit opportunities for key buildings, including Muswellbrook Marketplace, Tertiary Education Centre (TEC) Annexe, Bridge St Library, and Council Administration Centre.
  4. Integrate improved energy efficiency requirements into the design for new Council buildings, including the Entertainment Centre and Bridge St mixed use development.
  5. Investigate opportunities for biofuel (B5) procurement and storage at Council depot and transition all petrol and diesel to be replaced with E10 and B5 for Council works where compatible (and integrate requirement into construction contracts for third parties).
  6. Undertake FY2020 and FY2021 updates of emissions inventory using provided tool and National Greenhouse and Energy Reporting (NGER) Calculator.

### 3-6 years

1. Ongoing updates of emissions inventory, including additional detailed emissions source information.
2. Prepare detailed costings of emissions reduction strategies and integrate into Council budget forecasts to identify opportunities for National and/or State funding and grant opportunities.
3. Integrate emissions reduction Key Performance Indicators (KPIs) into construction contracts and identify emissions reduction opportunities for construction works.
4. Review opportunities for further construction works emissions reduction in collaboration with contractors, including opportunities for the use of sustainability rating systems (for example, Infrastructure Sustainability Council of Australia for infrastructure and Green Star for buildings).
5. Implementation of waste reduction programs and domestic and commercial FOGO systems.
6. Undertake design and implementation of energy efficiency retrofit opportunities.
7. Undertake detailed design, tendering and construction for landfill gas capture and generation system.
8. Investigate opportunities for increased renewable energy uptake (distributed, large scale and/or Power Purchase Agreements as appropriate).
9. Produce a Green Fleet Strategy to identify detailed opportunities and requirements for transition of Council's plant and equipment fleet to electric (and potentially hydrogen) as appropriate.

### 2030 and beyond

1. Finalise procurement and/or lease agreements for remaining fleet electrification.
2. Continued collaboration with construction contractors to identify opportunities for further emissions reductions.
3. Review progress against emissions reduction targets (50% below 2019 levels by 2030) and refine strategy for further mitigation as required.

4. Begin investigating offset opportunities and consider development of an offset strategy where mitigations are unable to stay on track with targets.
5. Review ambition for net zero targets (potential to bring forward) and or potential for third-party certifications such as 'Carbon Neutral' under the Climate Active Standard.

## **OPTIONS**

Council may:

### Option 1

Commit to a 35% reduction in operational greenhouse gas (GHG) emissions by 2030 from a 2005 baseline and commit to net zero emissions operational greenhouse gas by 2050, adopt and commence implementation of the Muswellbrook Shire Council Net Zero Roadmap Strategy; The preferred pathway for achieving net zero emissions should follow an emissions reduction hierarchy which prioritises mitigation before compensation. A number of opportunities are available for emissions reduction through to 2050. These are expected to have different financial impacts and costs of abatement.

### Option 2

Not adopt an emissions reduction target or a strategy for emissions reduction. Council will only act when legislation or regulations require action. This is expected to be a more expensive approach in the long-run as when action is required it will be in relatively short time-frames, with potential significant impacts to the annual budget, where Council will be operating in essentially a 'sellers' market. Offsets will become more expensive/difficult to procure over time.

## **CONCLUSION**

The Net Zero Road Map Strategy gives Council a plan to follow to achieve Net Zero. The actions in this plan are achievable and, with some offsetting, Council should be able to reach the 2050 target.

## **SOCIAL IMPLICATIONS**

Committing to a Net Zero plan communicates to the community that Council cares about the impacts of climate change and will take action to mitigate this change. As an area that has experienced weather extremes, Council committing to climate change resilience through future projects that will assist in mitigating some of these extremes demonstrates commitment to the community's wellbeing now and into the future.

## **FINANCIAL IMPLICATIONS**

There will be costs associated with implementing this plan but a lot of these costs come with long term savings, such as savings in fuel costs from electrifying the fleet to reducing energy costs by retrofitting existing buildings with energy efficient devices, installing solar panels and building 5 star energy efficient buildings when constructing new facilities.

Financial implications have not been calculated at this stage. Some actions can be delivered with current resources. Over time, it is expected that achieving Net Zero by 2050, or earlier, will be mandated by State and/or Federal Government.

The main message being conveyed is that the longer an organisation takes to commence moving on a net zero transition, the more expensive and logistically intensive it becomes to implement and achieve Council's objectives within the designated timeframes.

To enable the initial actions to commence it is recommended that Council set aside a minimum of \$250,000 in each budget (adjusted annually by CPI). Any funds not spent in a given year are to be held in Reserve to accumulate toward future years' projects.

Given the intergenerational benefits of transitioning to Net Zero it may be appropriate to borrow funds for specific approved projects.

**POLICY IMPLICATIONS**

A Commitment to a 35% reduction in operational greenhouse gas (GHG) emissions by 2030 from a 2005 baseline and commitment to net zero emissions operational greenhouse gas by 2050 would become a Council Policy that will need consideration in the operational decisions of Council staff.

**STATUTORY IMPLICATIONS**

There are currently no known statutory implications.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

The Operational Plan 2021/2022 includes preparing pathways for Net Zero by 2050 and Climate Change resilience as one of its key deliveries in Environmental Sustainability. Future Operational Plans are likely to include specific actions to implement the roadmap.

**RISK MANAGEMENT IMPLICATIONS**

Climate change resulting from global warming is a considerable risk to organisations and communities. Adopting a net zero target and commencing actions to achieve this transition enables Council to do what is practicably possible in order to mitigate the risk.

**WASTE MANAGEMENT IMPLICATIONS**

The Net Zero strategy has substantial implications on waste management and encourages the implementation of further waste reduction strategies, including education and implementing FOGO.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

The community will be consulted prior to implementation of aspects of the roadmap where there is a direct impact on the community and not just impacts on Council's operations.

**10.4 SUBMISSION ON SPECIAL FLOOD CONSIDERATIONS CLAUSE**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Sharon Pope - Executive Manager - Environment and Planning</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

**PURPOSE**

The Department of Planning and Environment is seeking Council's feedback on inclusion of a Special Flood Considerations clause in Muswellbrook Local Environment Plan 2009 (MLEP 2009). The proposed clause is part of the Flood-prone land package that came into effect 14 July 2021.

**OFFICER'S RECOMMENDATION**

**Council authorises the General Manager to make a submission on Council's behalf to seek inclusion of the Special Flood Considerations clause in Muswellbrook LEP 2009.**

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

**BACKGROUND**

Council's adopted Hunter River Floodplain Risk Management Study and Plan 2019 recommends various changes to the MLEP 2009 to provide more clarity on the matters that need to be addressed by new development. The State Government introduced the *Flood-prone Land Package* for the whole of NSW in July 2021, which also recommends councils update their flood planning provisions to effectively implement the new package.

**CONSULTATION**

The Hunter River Floodplain Risk Management Study and Plan 2019 adopted by Council recommends that Council includes flood clauses, like the one proposed by the Department of Planning, Industry and Environment, in Muswellbrook LEP 2009.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON****REPORT**

The Optional Special flood considerations clause that staff recommend be included in Muswellbrook LEP 2009 is provided below.

***Special flood considerations***

*(1) The objectives of this clause are as follows—*

- (a) to enable the safe occupation and evacuation of people subject to flooding,*
- (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,*
- (c) to avoid adverse or cumulative impacts on flood behaviour,*

*(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,*

*(e) to avoid adverse effects of hazardous development on the environment during flood events.*

*(2) This clause applies to—*

*(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and*

*(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—*

*(i) cause a particular risk to life, and*

*(ii) require the evacuation of people or other safety considerations.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*

*(a) will not affect the safe occupation and efficient evacuation of people in the event of a flood, and*

*(b) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(c) will not adversely affect the environment in the event of a flood.*

*(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

*Direction— Only the following land uses are permitted to be included in the list*

*(a) boarding houses,*

*(b) caravan parks,*

*(c) correctional centres,*

*(d) early education and care facilities,*

*(e) eco-tourist facilities,*

*(f) educational establishments,*

*(g) emergency services facilities,*

*(h) group homes,*

*(i) hazardous industries,*

*(j) hazardous storage establishments,*

*(k) hospitals,*

*(l) hostels,*

*(m) information and education facilities,*

*(n) respite day care centres,*

*(o) seniors housing,*

*(p) sewerage systems,*

*(q) tourist and visitor accommodation,*

*(r) water supply systems*

This optional clause was created to apply controls specifically to land located between the flood planning area and the probable maximum flood. If included in an LEP, it will apply to certain development identified as being sensitive or hazardous due to risk to life, evacuation of people or other safety considerations in the event of a flood.

Muswellbrook Shire is fortunate that most of the urban zoned land is above Probable Maximum Flood levels in the Hunter River and there is sufficient flood free land in Muswellbrook Shire to enable new

development to occur with no future impact from flooding. Because of this, the new clause would generally only be applicable to a minor number of development applications each year. However, due to the operation of s733 of the *Local Government Act* (LG Act), it is important that Council considers new development in line with the best available advice.

## **OPTIONS**

That Council authorises:

1. The General Manager to make a submission on Council's behalf to seek inclusion of the Special Flood Considerations clause in Muswellbrook LEP 2009. This is the preferred option as it will better assist Council staff to manage new sensitive land uses in flood prone locations with minimal impact on Council resources; or
2. Resolves not to seek inclusion of the Special Flood Considerations clause in Muswellbrook LEP 2009.

## **CONCLUSION**

The Hunter River Floodplain Risk Management Study and Plan 2019 adopted by Council recommends that Council includes flood clauses, like the one proposed by the DPIE, in Muswellbrook LEP 2009.

## **POLICY IMPLICATIONS**

The proposed changes will be made to Muswellbrook LEP 2009 by the Department of Planning, Industry and Environment at a future date through a change to the Standard Template LEP and a State Environmental Planning Policy.

## **STATUTORY IMPLICATIONS**

The new clause will need to be considered by proponents, staff and Councillors for any new development that it would apply to.

## **LEGAL IMPLICATIONS**

Nil known.

## **OPERATIONAL PLAN IMPLICATIONS**

Nil known.

## **RISK MANAGEMENT IMPLICATIONS**

Transparent information about managing flood risks reduces risks for Council.

## 10.5 MONTHLY REPORT TO COUNCIL - PLANNING, ENVIRONMENT AND REGULATORY SERVICES

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Sharon Pope - Executive Manager - Environment and Planning
<b>Author:</b>	Jo Barker - Coordinator - Customer Service & Administration Tracy Ward - Sustainability Officer Michael Brady - Sustainability Officer Michelle Reichert - Administration Officer
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

### PURPOSE

To provide an update on activities in the Planning, Environmental and Regulatory Services section.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

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

### REPORT

#### PLANNING AND ENVIRONMENT

Due to reallocation of resources during the recent lockdown period statistics on Das, CDCs, swimming pools etc. are unavailable for this month.

#### SUSTAINABILITY

##### **New Sustainability Engagement Trailer**

The Sustainability Team took delivery of Council's new Sustainability Hub trailer as seen in photos. The design, development and realisation of the trailer involved the efforts of many staff. The Sustainability Team hope to use it to more effectively engage with the community. It comes equipped and fitted with solar power and water and will assist to deliver educational messages across the Shire.

Figure 1. Sustainability Engagement Trailer.







### Wood Smoke Reduction

Promotion was done to provide tips to residents on how to reduce wood smoke from wood heaters.

### Museums

Museums continue to be hired out to educational groups. The Australian Museum has decided not to continue to hire out these museum boxes.

### Reuse Shop EOI

Sustainability staff are working with the Waste Department on a document that seeks expressions of interest from organisations to run the Reuse Shop at the Muswellbrook Waste Facility.

### Native Bees Presentations

Dani from Time to Bee completed presentations at schools about the importance of native bees (see photo below). 150 students from Denman Public, St Joseph's Denman and Martindale Public



participated. These presentations are funded through a NSW Government Environmental Trust grant.

*Figure 3. Dani from Time to Bee and Mick from Council at Denman Public School.*

### Drone Footage

The drone owned by Council has been used recently to take footage of restoration projects, Hunter Beach and by the Planning Department.

### Community National Tree Day

This project was assisted by the NSW Government through its Environmental Trust.

In Muswellbrook 40 volunteers planted over 700 native species along Muscle Creek next to the Golf Course. This event was supported by Muswellbrook Girl Guides, Muswellbrook Golf Club, Muscle Creek Landcare and local residents.

In Denman over 30 volunteers planted over 700 native species next to the wetland at Hyde Park. This event was supported by Denman Scouts and Lions. Glencore Mangoola contributed volunteers and funds through the Smarty Grants program. Work on the site was done by local contractor Final Form Regeneration and wooden stakes supplied by Koora Industries.

### Schools National Tree Day

Council sponsored Denman Public School, Denman St Joseph's, Richard Gill School, Muswellbrook Preschool and St James Catholic School to plant over 300 trees. In Denman this included planting some of the critically endangered Denman Pomaderris.



### Muswellbrook Connect

As part of the Muswellbrook Connect Program the Sustainability Unit is supporting local residents with a number of initiatives during lockdown.

Council has supported Penguin and Denman Community Garden to grow and give away free seedlings to residents during lockdown. The Sustainability Hub also has free seeds, fridge magnets and flyers for residents to collect while exercising. Weekly themed Muswellbrook Connect Facebook posts encourage residents to live sustainably during lockdown.

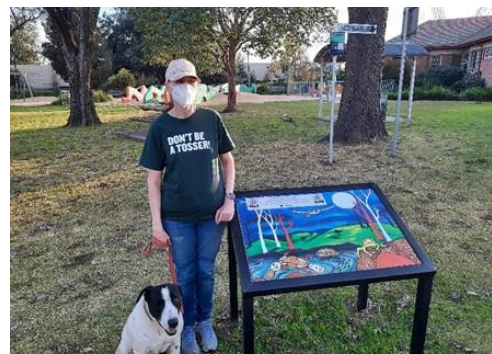
### Cultural Heritage Sign Project

The Follow the Dream Polly Farmer Foundation installed a sign in Simpson Park.



A team of students and tutors at Muswellbrook Follow the Dream worked with Council staff to create a beautiful artwork and record videos of Indigenous people for the Muscle Creek Heritage Project sign.

Muswellbrook Follow the Dream Elder in residence, Uncle Glenc, kindly offered to help with the stories of Muscle Creek, along with community member Mandy Howard who recorded Aunty Bev's story of Muscle Creek. The project was funded from NSW Environmental Trust grants.



### Muscle Creek Weed Control Works

Planning for weed control works started again on Muscle Creek. The Sustainability Unit is responsible for the revegetation work on sloped areas along the Creek.



**Rehabilitation of Muscle Creek for Community and Environmental Benefit Project**

Council continues to improve Muscle Creek's environmental and recreational values. Stage 1 of the Rehabilitation of Muscle Creek for Community and Environmental Benefit (2020) project has now been completed. This involved weed control, especially Privet, over 5000 square metres (see Figure 2 below). This project is situated on steep land between Muscle Creek and the railway line. The next stage of this project involves erosion control and plantings in half the total project site. A geological assessment will be completed before work on the other half of the site begins.



*Figure 2. Before (top) and after (bottom) works with red arrow indicating work site.*

### **Sustainable Futures – Muswellbrook**

The popularity of the Sustainable Futures – Muswellbrook Facebook page has now received 1,333 page likes and 1,370 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promoting the Community Recycling Centres, correct waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.

## 9 COMMUNITY INFRASTRUCTURE

### 11.1 MOUNT PLEASANT OPERATIONS S.138 ROADS ACT 1992 RAIL SALVAGE PROJECT

<b>Attachments:</b>	<b>A. MACH Energy 2021.09.20 - S138 Permit Application - MPO Rail Salvage Project (rev 2) - Under Separate Cover</b> <b>B. MACH Energy Draft Special Conditions Rail Salvage Project 20210920</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Imelda Williams - Technical Officer - Traffic &amp; Roads</b>
<b>Community Plan Issue:</b>	<b><i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i></b>
<b>Community Plan Goal:</b>	<b><i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i></b>

#### PURPOSE

To advise Council of the receipt of an application under s.138 of the *Roads Act 1993* from MACH Energy Australia Pty Ltd for the Mount Pleasant Operations Modification 4: Rail Salvage Project

#### OFFICER'S RECOMMENDATION

- Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* approval generally in accordance with the draft Special Conditions set out in the report;**
- As outlined in the draft Special Conditions, insurance, detailed design and Traffic Management Plans are to be submitted and certified by suitably qualified consultants and accepted by Council;**

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

#### BACKGROUND

MACH Energy's Mount Pleasant Operation (MPO) constructed its Stage 1 Rail, Coal Loading and Hunter River Water pumping infrastructure in 2017-2018 under DA 92/97. The construction of this infrastructure provided connection from the site's coal handling and preparation plant, situated north of Wybong Road (East), to ARTC's Ulan main rail line, which enabled commencement of mining operations and export of thermal coal from the site in late 2018.

MPO then developed, submitted, and received approval for Modification 4 to its Consent which would allow it to construct the Stage 2 - Rail, Coal Loading and Hunter River Water pumping infrastructure project, which is now under construction. The Rail 2 Project is facilitated by approved Section 138 (S138) 2021/0019 and is planned to be completed late 2021.

A requirement of these consent modifications, as approved by the Department of Planning, Industry and Environment (DPIE), is that all Stage 1 Infrastructure must be removed prior to 31 October 2022. These removal works are referred to as the MPO Rail Salvage Project. This report considers the removal of the infrastructure within Council's road reserves and the conditions of approval to be imposed under a s.138 *Roads Act 1993* approval from Council.

**CONSULTATION**

Approval for the new infrastructure was sought as a modification (MOD 4) to the Mt Pleasant Mine Development Consent (DA 92/97) and as such considered by the Department of Planning and Environment (DP&E) under section 75W of the Environmental Planning & Assessment Act 1979. DP&E exhibited the application from 18 January to 2 February 2018 on the Department's website, at the Department's offices, at Council's offices, and at the Nature Conservation Council's offices. The application was advertised in the Muswellbrook Chronicle and Hunter Valley News. The modification was also referred to relevant Government agencies.

The local community is informed by regular newsletters and information provided by the Mount Pleasant Project's Community Liaison Officer.

Roads, Drainage and Technical Services Manager and team.**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A draft copy of the report was forwarded for review to the Mayor, Councillor Scholes, the Deputy Mayor Councillor Ledlin and the Councillor Spokesperson for infrastructure, Councillor Woodruff .

**REPORT**

The infrastructure within Council's Road Reserves were approved under separate s.138 *Roads Act 1996* approvals as follows:

2017/0002 Wybong Road Overland Conveyor Culverts.

2017/0055 Rail Bridge Bengalla Link Road.

2018/0009 Overhead and Buried Services Bengalla Link Road.

2018/0015 Rail and Road works Bengalla Link Road and Old Bengalla Road.

The Muswellbrook Shire Council (MSC) roads directly affected by the MPO Rail Salvage Project are currently maintained by MPO by its existing Road Maintenance Management Plan agreement with MSC. The MPO Rail Salvage Project's high level scope associated with MSC roads are as follows:

- Removal of Mount Pleasant Operations (MPO) owned Active Level Rail Crossing and Rail Infrastructure on Old Bengalla and Bengalla Link Roads and reinstate the road reserve (s.138 2018/0015);
- Decommissioning works, including sealing and filling of the MPO owned Over Land Conveyor culverts under Wybong Road. The culverts will remain in situ. This option negates the significant disturbance to public road traffic during demolition of the structure, in addition to not disturbing the Wybong Road rehabilitation works currently being completed. (s.138 2017/0002);
- Removal of all Stage 1 Rail, Train Loading, Conveyor, Water and Power Supply infrastructure from the rail easements (not within MSC road reserves) and transported off site to salvage/disposal facilities via accesses onto MSC public roads;
- Bulk earthworks material movements across Bengalla Link Road and Old Bengalla Road;
- Decommission and secure redundant/affected private services and road assets;
- Rehabilitation of affected MSC road corridors and assets, equal to or better than pre-existing standards.

The Road Over Rail Bridge on Bengalla Link Road was to be removed as a condition of s.138 (2017/0055). There are currently two (2) options being considered, with Option 2 being reliant on the outcome of external negotiations with affected stakeholders.

**Option 1: Removal of the Road over Rail Bridge**

Removal of the MPO infrastructure within the Council road reserve will involve the implementation of a temporary diversion road to direct traffic safely around the bridge, enabling the demolition and removal of the bridge and associated infrastructure, replacement of materials into the void below the bridge and

reinstatement of Bengalla Link Road carriageway and road reserve to the satisfaction of Council as per designs to be approved by MSC.

**Option 2: Road over Rail Bridge to remain**

The option to leave the bridge in place under management and maintenance of MPO until such time as either:

- (a) MPO remove the infrastructure in the future through s.138 approval separate from this application; or
- (b) Bengalla Link Road is realigned further west, and the road reserve is closed deeming the bridge and associated infrastructure obsolete, at which time MPO would remove the infrastructure without disturbance to the public. This option requires written agreement between MPO and other affected stakeholders to align with the MPO Consent conditions prior to formal acceptance by Council. This written agreement is currently progressing between MPO and the stakeholders, evidence of which will be provided to Council if and when agreement is executed.

Security is currently held by Council in the form of a removal bond for this bridge which will be held until such time as the bridge is removed. The option for the bridge to remain in situ is covered under Condition 37 of the Mining Consent approval with the written agreement of other affected stakeholders. The "Special Conditions" considers both options to cover all bases until such time as the negotiations between MPO and the affected stakeholders are finalised.

**OPTIONS**

Council may decide to:

- Approve delegation to the General Manager to issue the consent for the works under Section 138 of the *Roads Act 1993* generally in accordance with the conditions recommended by staff and outlined in the "Special Conditions" attached;
- Request modification to the conditions; or
- Refuse the delegation.

**CONCLUSION**

Condition 37 of the Department of Planning and Environment Mine approval Consent requires that MPO must remove all infrastructure associated with the development within Mining Lease No. 1645 (ML1645) south of Wybong Road other than infrastructure which other affected stakeholders agrees with the applicant, in writing, to remain in situ. This is to be undertaken and completed no later than 31 October 2022. The existing S.138 *Roads Act 1993* approval with Council also documents which MPO assets are to be removed from the MSC Road Reserves as outlined above. It is therefore recommended that Council approve the Delegation to the General Manager to issue the consent for the works as outlined in the report and Special Conditions.

**SOCIAL IMPLICATIONS**

There will be short term negative impacts for the users of Wybong Road, Bengalla Link Road and Old Bengalla Road due to disruptions to the normal use of the road by construction vehicles and controlled traffic conditions.

**FINANCIAL IMPLICATIONS**

The costs of all works undertaken will be the responsibility of the applicant. Council will cover its costs through the s.138 *Roads Act 1993* Consent Conditions fees.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

Council is the Roads Authority under the *Roads Act 1993* and is acting within its powers.

**LEGAL IMPLICATIONS**

Council is the Roads Authority under the *Roads Act 1993* and is acting within its powers.

**OPERATIONAL PLAN IMPLICATIONS**

Submission of the report complies in principle with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management'.

**RISK MANAGEMENT IMPLICATIONS**

Works are required to comply with the appropriate Standards, particularly Austroads Standards and Traffic for NSW guidelines "Traffic Control at Work Sites" Traffic Guidance Scheme Guidelines. Council holds removal Bonds under the previous s.138 Roads Act 1993 as mentioned in the report.

**WASTE MANAGEMENT IMPLICATIONS**

Not applicable.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Consultation will be undertaken by MACH Energy with the affected stakeholders. General project updates, including development related impacts, will be included in the MPO external newsletter which is delivered to the residents of Muswellbrook. Information will be conveyed to the Community Consultative Committee.



**11.2 GENERAL RECREATION PROGRAMME 2021-2022**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Paul Chandler - Technical Offer - Recreation &amp; Property</b>
<b>Community Plan Issue:</b>	<b><i>Continue to improve the affordability, livability and amenity of the Shire's communities</i></b>
<b>Community Plan Goal:</b>	<b><i>Promote and facilitate increased participation in active and passive recreational activities.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Maintain the sporting and recreational facilities to standard.</i></b>

**PURPOSE**

To submit for Council's consideration a list of proposed projects for the General Recreation Programme 2021-2022.

**OFFICER'S RECOMMENDATION****Council:**

- 1. Approves the General Recreation Programme 2021-2022 as specified in the report; and**
- 2. Approves the transfer of \$15,000 from the General Cemetery Programme (3722.5297.504) to the General Recreation Programme (3710.5293.504).**

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

**BACKGROUND**

Each new financial year the asset manager for Council's sport and recreation assets reports to Council a list of proposed capital works projects for the General Recreation Programme.

This report provides the proposed projects for approval by Council for 2021-2022. The list of proposed projects has been informed by consultation with the Muswellbrook Shire Sport and Recreation Group, facility user group meetings, condition of assets, draft capital works priorities, and the Recreation Needs and Management Study.

**CONSULTATION**

Manager Works, Property and Building Services

Technical Officer Recreation and Property

Works Coordinator Parks

Muswellbrook Shire Sport and Recreation Group

Facility User Groups

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Councillor Spokesperson for Sport, Councillor McNeill

Councillor Spokesperson for Community Engagement, Councillor Reynolds

Councillor Spokesperson for Utilities, Mayor, Councillor Scholes

A copy of the report has been forwarded for review to the Mayor, Councillor Scholes, the Deputy Mayor, Councillor Ledlin, the Councillor Spokesperson for Sport, Councillor McNeill, the Councillor

Spokesperson for Community Engagement, Councillor Reynolds, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff.

## REPORT

The General Recreation Programme budget allocation for 2020-2021 is \$135,000. It is proposed to be supplemented by \$15,000 from the Cemetery General Programme.

The proposed projects include:

#	Project	Description	Cost Estimate
1.	Recreation Needs Study	A Recreational Needs Study was last completed in 2016/2017. This form of document is critical in informing Council to plan the recreational needs for Muswellbrook Shire.	\$55,000
2.	Upgrade Sporting Facilities Irrigation to Smart Controller System	Install irrigation management system at Highbrook Park (Rugby Fields), Weeraman Field, Volunteer Park, and Olympic Park. This allows remote management of the irrigation system and real time information through access to weather systems and irrigation data to ensure water application is managed efficiently.	\$25,000
3.	Topdressing of Sports Fields Programme	<p>Proposed top dressing of both Weeraman Field 1 and Denman Recreation Area Field 1.</p> <p><u>Weeraman Field – Field 1</u></p> <p>Washed sand to give a 20 mm cover.</p> <p>Field will be cored first before topdressing to allow sand to be incorporated into the soil profile assisting with drainage.</p> <p><u>Denman – Field 1</u></p> <p>Washed sand to give a 15 mm cover to assist in alleviation of undulations, this is required to be done a number of times over a length of time.</p> <p>Washed sand to be used instead of an organic blend to ensure drainage works on both fields are not compromised.</p> <p>These works are proposed in late November/early December in consultation with user groups.</p>	\$40,000
4.	Security Cameras	Installation of cameras at Highbrook Playground and Sports Facility, Karoola Park Netball Facility and Denman Indoor Sports Centre to help reduce vandalism and anti-social behaviour.	\$30,000
1.		<b>Total</b>	<b>\$150,000</b>

## OPTIONS

Council could consider and choose different projects and funding priorities.

**CONCLUSION**

The General Recreation Programme budget allocation for 2021-2022 is \$135,000. It is proposed to be supplemented by \$15,000 from the Cemetery General Programme.

**SOCIAL IMPLICATIONS**

The provision of sport and recreation encourages active and passive recreation for all age groups and provides public amenity.

**FINANCIAL IMPLICATIONS**

The General Recreation Programme budget allocation for 2021-2022 is \$135,000 (ledger number 3710.5293.504).

The General Cemetery Programme budget allocation for 2021-22 is \$181,979 (ledger number 3722.5297.504). This includes a carry over allocation of \$91,979.

Should Council approve the transfer of \$15,000 from the General Cemetery Programme to the General Recreation Programme, the resulting budget amounts for 2021-22 will be:

General Recreation Programme: \$150,000

General Cemetery Programme: \$166,979

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

Nil known.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

'Code 5.5: Promote and facilitate increased participation in active and passive recreation activities', *Muswellbrook Shire Council Operational Plan 2020-2021*

**RISK MANAGEMENT IMPLICATIONS**

Risk implications are considered in the evaluation of discrete projects.

### 11.3 GENERAL BUILDING RENEWAL PROGRAMME 2021-2022

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Mardi Eriksson - Technical Officer - Property &amp; Buildings</b>
<b>Community Plan Issue:</b>	<b><i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain and continually improve asset management.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Implement asset management system.</i></b>

#### PURPOSE

To submit for Council's consideration the General Building Renewal Programme for 2021-2022.

#### OFFICER'S RECOMMENDATION

**Council approves the 2021-2022 General Building Renewal Programme as specified in the report.**

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

#### BACKGROUND

Council has a recurrent annual capital General Building Renewal Programme with funds allocated to specific projects. The report provides a list of projects and budget allocations for Council's consideration and approval.

#### CONSULTATION

Manager Works, Property and Building Services

Projects Manager – Property and Building Services

Technical Officer – Property and Building Services

Stakeholders and User Groups

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the report has been forwarded for review to the Mayor, Councillor Scholes, the Deputy Mayor, Councillor Ledlin, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff.

#### REPORT

The capital budget allocation for the General Building Renewal Programme for 2021-22 is \$225,000. The first two items are work that commenced late last year and the third item 'Toybox termite damage repair' was undertaken as emergency works.

#	Project	Description	Cost/Budget Estimate
1.	Rooftop Refrigeration Relocation	To address excessive noise from supermarket refrigeration throughout the Council Administration Offices, the aging oversized plant is being relocated to supermarket loading dock.	\$106,500
2.	Muswellbrook Library Renewal	Continue air conditioning improvements	\$27,550

#	Project	Description	Cost/Budget Estimate
		for summer season and electrical works for installation of Local Emergency Operations Centre generator.	
3.	Toybox termite damage repair	Significant termite damage was found to internal walls of Toybox.	11,950
4.	CWA Path Accessibility upgrade	A multipart and long-standing property issue, it is proposed Council will upgrade the concrete pathway off Market Street to the CWA hall and dental surgery to ensure a continuous path of travel.	\$12,000
5.	MOOSH – Accreditation Audit Repair and Maintenance	Repair and maintenance items were identified during an accreditation audit: <ul style="list-style-type: none"> <li>• Repair and repaint external façade,</li> <li>• Repair, sand and polish internal flooring, and</li> <li>• LED lighting upgrade.</li> </ul>	\$25,000
6.	Stan Thiess Centre floor maintenance	Annual floor sand and polish and repaint and refresh of interior.	\$8,000
7.	Denman Library/CTC rear access ramp replacement and Rekey	Replace rear delivery and access ramps to comply with WH&S regulations. Rekey building to Council's current system.	\$12,000
8.	QEII floor covering replacement and Condition Assessment Report	Replace floor covering in front foyer, conference room and three offices. The existing flooring has become a WH&S hazard.  Condition Assessment report to identify and inform remedial repairs.	\$12,000
9.	Campbells Corner Administration Offices Roof Condition Assessment Report	Condition Assessment report to identify and inform remedial repairs or replacement of aging roof.	\$10,000
		<b>Total</b>	<b>\$225,000</b>

## OPTIONS

Council could identify and prioritise different projects.

## CONCLUSION

The General Building Renewal Programme 2021-2022 has been prepared in consideration of asset condition and the needs of users.

**SOCIAL IMPLICATIONS**

Provision of suitable building infrastructure is required to meet the needs of users.

**FINANCIAL IMPLICATIONS**

Council has an allocation of \$225,000 in the 2021-2022 Capital Budget for the General Building Renewal Programme.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

Nil known.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

'19.01.01 Deliver the approved capital program substantially on time, on budget and in accordance with relevant design and construction standards', *Muswellbrook Shire Council Operational Plan 2021-2022*

**RISK MANAGEMENT IMPLICATIONS**

There are a number of competing priorities for expenditure on Council buildings. The proposed projects include works to reduce risk and improve asset condition, and to improve the level of service for the user.

**WASTE MANAGEMENT IMPLICATIONS**

Nil known.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Consultation will continue to be carried out with the users of Council facilities.

**11.4 FUNDING REQUEST FOR THE UPGRADE OF THE FLUORIDE DOSING SYSTEM AT MUSWELLBROOK WATER TREATMENT PLANT**

<b>Attachments:</b>	<b>A. Minister for Health - Fluoridisation of Public Water Supplies - Plant Upgrades and Staff Training - 20180824</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Irene Chetty - Operations Manager</b>
<b>Community Plan Issue:</b>	<b><i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i></b>
<b>Community Plan Goal:</b>	<b><i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i></b>

**PURPOSE**

Funding is requested to design, construct and commission a new fluoride dosing system for Muswellbrook Water Treatment Plant in the financial year 2021-22. The upgrade will replace an ageing fluoride dosing infrastructure. The upgrade will be 100% subsidised by the NSW Government, Department of Health upon completion of the project.

**OFFICER'S RECOMMENDATION**

- 1. Council approves \$376,800, exclusive of GST, from the Water Reserve for the design and construction of a new fluoride dosing system at the Muswellbrook Water Treatment Plant; and**
- 2. The total cost of the project is to be reimbursed from the NSW Government Department of Health upon completion.**

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

**BACKGROUND**

The NSW Minister of Health has committed 100% reimbursement funding to upgrade ageing fluoride dosing infrastructure across the state. Under this programme, in 2012 Council upgraded the fluoride dosing system at the Denman water treatment plant. The Denman Fluoride Upgrade Project was completed successfully, and the total project cost was reimbursed to Council in the 2016–17 financial year. A similar compliance improvement project is required to upgrade the ageing fluoride dosing infrastructure at the Muswellbrook water treatment plant.

**CONSULTATION**

Consultation on the upgrade proposal and technical specifications was undertaken through collaboration with NSW Department of Planning, Industry and Environment (DPIE), NSW Department of Health and NSW Public Works Advisory (PWA) Principal Water Engineer.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the report will be forwarded to the Mayor, Councillor Scholes, the Deputy Mayor, Councillor Ledlin, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review.

**REPORT**

Council initially approved funding for this project in the Closed Council Meeting on 11 June 2019. The total funds of \$258,980 were approved from the Water Reserve Funds and included in the 2019-2020

Water Capital Funds Budget. The technical specifications and cost estimates were prepared by NSW PWA Principal Water Engineer, specialising in fluoride upgrade projects in 2019. A second review and change in the technical specifications, by NSW DPIE Water Manager, delayed the tendering process to February 2020.

At this time, the emerging pandemic, created reluctance in proceeding with the tendering process, given that the upgrade work was specialised, and project management of contractors had to include a reliable COVID Safety Management Plan. It was then decided to return the funds back into the Water Reserve.

The Asset Management and Operations Team at Water and Wastewater are now confident that, with a robust COVID-19 Safety Management Plan in place, the project to upgrade the fluoride dosing plant may be implemented and completed in the 2021-22 financial year. The estimated costs are listed in Table 1. Since the project is specialised, and the upgrade must meet the NSW Code of Practice for Fluoridation of Public Water Supplies, the selective tendering process will be considered. Details of the major deliverables are depicted in Table 2. Attachments A to the report provides information regarding the 100% subsidy available for the upgrade project.

**Table 1: Project Cost Estimate: Design and Construction – Proposed Upgrade to the Fluoride Dosing Infrastructure at the Muswellbrook Water Treatment Plant**

Item no.	Item (Prepared by NSW PWA Principal Water Engineer)	Cost (\$) Excluding GST
1	Fluoride Dosing Equipment (two-tank system) including supply, installation and commissioning	\$135,000
2	Fluoride room (shed to house the dosing equipment)	\$70,000
3	Concrete slab for the fluoride room	\$15,000
4	Power supply to new fluoride room	\$6,000
5	Service water supply to new fluoride room	\$3,000
6	Drainage facility for the new fluoride room (to sewer system)	\$5,000
7	New safety shower and eyewash	\$5,000
8	Upgrades to main Water Treatment Plant control system to include the new fluoride dosing operation	\$15,000
9	Design, Documentation and procurement cost	\$35,000
10	Project management	\$25,000
	<b>Total</b>	<b>\$314,000</b>
	<b>20% Contingency</b>	<b>\$62,800</b>
	<b>Total Project Cost</b>	<b>\$376,800</b>

**Notes on costs: Prepared by NSW Public Works Advisory Principal Water Engineer**

- 1) The new dosing system will be based on two-tank system design
- 2) Room will be designed to suit the two-tank system
- 3) Previous estimate was prepared in 2019
- 4) To cover the risk of additional cost due to any travel restrictions (due to Covid-19), and recent construction material cost increase etc, contingency allocation increased from 15% to 20%
- 4) Project management cost included



**Assumptions:**

- 1) The fluoride Shed will be prefabricated design supplied by the fluoride equipment contractor

**Table 2: Proposed work Plan for the Project to Upgrade the Ageing Fluoride Dosing Infrastructure**

Work Plan Major Deliverables		Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
1	EOI for shortlisting of specialised Contractors and shortlisting. (Concept design for D&C contract has been prepared and sent to DPI Water for concurrence)										
2	RFT, and evaluation of Tenders and council approval										
3	Award of Contract										
4	Design, Construct and install and commission										

**OPTIONS**

Council may decide to progress with the upgrade project, or decline to upgrade the system, thereby foregoing the 100% subsidy that is available from NSW Department of Health.

**CONCLUSION**

The existing fluoride dosing infrastructure at the Muswellbrook Water Treatment Plant is more than twenty years old and requires an upgrading to current standards. The NSW Government, Minister of Health has pledged a 100% subsidy for the upgrade to comply with NSW Code of Practice for Fluoridation of Public Water Supplies. It is therefore recommended that Council funds the project from the Water Reserve in the current financial year 2021-22. All subsidies related to the project, received from NSW Health when the project is completed, will be returned to the Water Reserve.

**SOCIAL IMPLICATIONS**

Fluoridation of drinking water is a health requirement, detailed in the Australian Drinking Water Guidelines (2011), and covered by the Public Health Act 2010

**FINANCIAL IMPLICATIONS**

The project cost is expected to be funded through the Water Reserve in financial year 2021–22. The Water Fund Reserve, as at 30 June 2021, contained approximately \$5m, and therefore provides availability of funds for this project.

**Ongoing Operational and Maintenance Costs Implications Associated with Capital Project****1. Financial Implications – Capital**

An estimated total project cost of \$376,800, excluding GST, is required for the upgrade of the fluoride dosing infrastructure at Muswellbrook Water Treatment Plant. 100% of the total project cost will be reimbursed by NSW Health upon completion of the project.

**2. Financial Implications – Operational**

Ongoing maintenance and service work for the new fluoride system will be funded through the existing Materials and Contracts, Operating Funds.

**POLICY IMPLICATIONS**

The “Drinking Water Quality Policy MSC051” is relevant to this project.

**STATUTORY IMPLICATIONS**

The Public Health Act 2010 and NSW Code of Practice for Fluoridation of Public Water Supplies, apply

**LEGAL IMPLICATIONS**

Council is required to make every effort to ensure compliance with the fluoride health requirements detailed in the Australian Drinking Water Guidelines (2011), covered by the Public Health Act 2010.

**OPERATIONAL PLAN IMPLICATIONS**

The submission of this report complies with Goal 20.01.02 of the Operational Plan 202122: "Continue substantial achievement of Best Practice Water Supply and Sewerage Guidelines".

**RISK MANAGEMENT IMPLICATIONS**

Upgrading the fluoride dosing infrastructure at the Muswellbrook water treatment plant will curtail the risk of non-compliance with the NSW Code of Practice for Fluoridation of Public Water Supplies and the Public Health Act 2010.

**WASTE MANAGEMENT IMPLICATIONS**

Nil.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil.

**11.5 SECURITY FENCING MUSWELLBROOK WASTE & RECYCLING CENTRE**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Joann Polsen - Senior Co-Ordinator - Waste Operations</b>
<b>Community Plan Issue:</b>	<b><i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i></b>
<b>Community Plan Goal:</b>	<b><i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Operate in accordance with the New South Wales Environment Protection Agency (EPA) Licences.</i></b>

**PURPOSE**

To request Council's consideration of funding to enable the carrying out of security fencing works in order to fully enclose the Muswellbrook Waste & Recycling Centre.

**OFFICER'S RECOMMENDATION**

- 1. Council approves the transfer of \$75,000 funding from the Waste Reserve to enable improvements in security to be carried out at the Muswellbrook Waste & Recycling Centre.**
- 2. Any unexpended funds are to be returned to the Waste Reserve.**

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

**BACKGROUND**

Council's Muswellbrook Waste & Recycling Centre (**MWRC**) is located on 19 hectares. The property is enclosed by a rural fence which is in poor condition. Within the property, the landfill void is enclosed with 1.8 metre chain wire fence to prevent unauthorised entry. Failed sections of this were replaced in 2016-17, and a failed portion of the perimeter fence along the southern boundary was also replaced with 1.8m chain wire fencing.

Council's NSW EPA Licence 5980 specifies that the landfill should be fenced to prevent unauthorised entry and to prevent the incursion of livestock or other animals to the landfill.

**CONSULTATION**

Deputy General Manager

Asset Manager Water & Wastewater

Waste Coordinator

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the report has been forwarded for review to the Mayor, Councillor Scholes, the Deputy Mayor, Councillor Ledlin, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff.

**REPORT**

Council's MWRC is located on 19 hectares at Coal Road, Muswellbrook. The property is enclosed by a rural fence in poor condition. Within the property, the landfill void is enclosed with 1.8 metre chain wire fence to prevent unauthorised entry. Failed sections of this fence were replaced in 2016-17, and a failed portion of the perimeter fence along the southern boundary was also replaced with 1.8m chain wire fencing.

Council's NSW Environment Protection Authority Licence 5980 specifies that the landfill should be fenced to prevent unauthorised entry and to prevent the incursion of livestock or other animals to the landfill.

Sporadically, the MWRC has been a target for theft. The site is remote from the township, cannot be seen from residences, and is attractive to thieves as it contains aggregates materials such as scrap metals, batteries and certain electronic wastes which can attract high resale value. Given the lockdown situation brought about by pandemic controls, the MWRC has been closed and not staffed over weekends.

On the weekend 4 and 5 September 2020, the northern boundary fence which is shared by Muswellbrook Coal Company (MCC), was cut by trespassers gaining unauthorised access to both Council land and MCC land.

Council officers recommend that funding from the Waste Reserve be authorised for the completion of the security fence, and that discussions with neighbours MCC be entered into with regard to the proposed fencing along the shared boundary. Any unexpended funding shall be returned to the Waste Reserve.

A preliminary quotation sought to complete the boundary fencing to 1.8m chain wire indicate a cost of \$55,000 assuming ground preparation work is completed beforehand. Council officers request a budget of \$75,000 to allow for latent site conditions and any contingency requirements.

## **OPTIONS**

Council could choose to fund the completion of security fencing around the Muswellbrook Waste & Recycling Centre, which would improve the security of the site, discourage trespassers, and assure our neighbours or to not fund the completion of the security fencing.

## **CONCLUSION**

In order to satisfactorily improve security at the Muswellbrook Waste & Recycling Centre site, Council officers request a budget allocation of \$75,000 from the Waste Reserve to complete security fencing of the Muswellbrook Waste & Recycling Centre, with any unexpended funding to be returned to the Waste Reserve.

## **SOCIAL IMPLICATIONS**

Improvements to the security fencing will improve the security of the site and mitigate the risk of unauthorised entry.

## **FINANCIAL IMPLICATIONS**

Funding is sought from Waste Reserve, with any unexpended funding to be returned to the Waste Reserve.

### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

#### **1. *Financial Implications – Capital***

Request for \$75,000 funding from the Waste Reserve in order to complete boundary fencing of the Muswellbrook Waste & Recycling Centre site.

#### **2. *Financial Implications – Operational***

Fencing is inspected periodically and repaired as required using an existing operational budget. It is anticipated that completing the fencing will reduce the attraction for trespassers/thieves and therefore reduce the ongoing operational cost of fencing repairs.

## **POLICY IMPLICATIONS**

Nil known.

## **STATUTORY IMPLICATIONS**

EPA legislative provisions.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

Submission of the report complies in principle with item 14.01.8 of the Operational Plan: 'Continue surveillance and regulation of illegal dumping based on reports from the community and staff'.

**RISK MANAGEMENT IMPLICATIONS**

Completing the fencing around the site will reduce the risk of trespassers, reduce the risk of wildlife or feral animal access to the landfill, which in turn reduces the chance of disease transmission.

Any contractor selected to complete the work will be required to comply with Council's policies and shall be supervised by Council officers.

**WASTE MANAGEMENT IMPLICATIONS**

Dilapidated fencing to be removed, wire rolled and recycled as scrap metal, timber posts to landfill.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Consultation will be carried out with neighbours Muswellbrook Coal Company.

## 11.6 DRAFT RECYCLED WATER POLICY

<b>Attachments:</b>	<b>A. Recycled Water Policy</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Irene Chetty - Operations Manager</b>
<b>Community Plan Issue:</b>	<b><i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i></b>
<b>Community Plan Goal:</b>	<b><i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i></b>

### PURPOSE

The report is submitted for Council's consideration of placing a draft Recycled Water Policy on public exhibition for a period of twenty eight (28) days.

### OFFICER'S RECOMMENDATION

- Council approves placing the draft Recycled Water Policy on public exhibition for a period of 28 days; and**
- Council ADOPTS the proposed Recycled Water Policy at the conclusion of the public exhibition period subject to receiving no public comment that could significantly affect the intent of the policy.**

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

### BACKGROUND

Muswellbrook's recycled water treatment works (**RWTW**) supplies high quality recycled water to end-users Mt Arthur Mine (under contract expiring 30 June 2022) and Muswellbrook Golf Course, managed through end user contracts. The Australian Guidelines for Water Recycling (2006) (**AGWR**) outlines a "risk-based approach" in managing the production and quality of recycled water, similar to the risk-based approach outlined in the Australian Drinking Water Guidelines (2011) in managing the production and quality of drinking water. Establishing compliance with the AGWR (2006) requires evidence of a documented risk-based recycled water management plan or system that is in place. The recycled water management plan for the RWTW has been prepared and will be submitted with supporting documents to NSW Department of Planning, Industry and Environment (DPIE) for the Local Government Act Section 60 approval. Section 60 of the Local Government Acts states as follows:

#### **60 Ministerial approval required for certain council works**

*A council must not, except in accordance with the approval of the Minister for Water, Property and Housing, do any of the following—*

- (Repealed)*
- as to water treatment works—construct or extend any such works,*
- as to sewage—provide for sewage from its area to be discharged, treated or supplied to any person,*
- (Repealed)*

#### **Note—**

*Approval is required under Part 3 of Chapter 3 of the [Water Management Act 2000](#) for the construction or use by a council of water supply works or flood works within the meaning of that*

The Recycled Water policy is one of the supporting documents required in the Section 60 approval process of the recycled water management plan.

**CONSULTATION**

Muswellbrook Shire Council Environmental Sustainability Team;  
NSW Dept of Planning, Industry and Environment- Wastewater Principal Technical Advisor;  
Aurecon (Process Designers for the Recycled Water Treatment Works);  
Recycled Water Treatment Works Project Manager Muswellbrook Shire Council  
Muswellbrook Shire Council Water and Wastewater Operations Team

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the report has been forwarded to the Mayor, Councillor Scholes, the Deputy Mayor, Councillor Ledlin, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review.

**REPORT**

The Recycled Water Policy promotes Council's commitment in producing and supplying high quality recycled water that is managed through a risk-based approach stipulated in the AGWR (2006). The Recycled Water Policy statement lists key pledges from Council as follows:

- ensure that protection of public and environmental health is recognised as being of principal importance;
- maintain communication and partnerships with all relevant agencies involved in management of water resources, including waters that can be recycled;
- engage appropriate scientific expertise in developing recycled water schemes;
- recognise the importance of community participation in decision-making processes and the need to ensure that community expectations are met;
- manage recycled water quality at all points along the delivery chain from source to the recycled water user;
- use a risk-based approach in which potential threats to water quality are identified and controlled;
- integrate the needs and expectations of our users of recycled water, communities and other stakeholders, regulators and employees into planning processes;
- establish regular monitoring of control measures and recycled water quality and establish effective reporting mechanisms to provide relevant and timely information, and promote confidence in the recycled water supply and its management;
- develop appropriate contingency planning and incident-response capability;
- participate in and support appropriate research and development activities to ensure continuous improvement and continued understanding of recycled water issues and performance;
- contribute to the development of industry regulations and guidelines, and other standards relevant to public health and the water cycle; and
- continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.

The endorsement of the pledges in the Recycled Water Policy statement will demonstrate Council's commitment to complying with the AGWR (2006).

**OPTIONS**

Council may decide to place the draft Recycled Water Policy on public exhibition or to not place the draft policy on public exhibition.

**CONCLUSION**

The Recycled Water Policy is a vital supporting document in the Section 60 approval process for Council's recycled water management plan. Council's adoption of the Recycled Water Policy demonstrates commitment in complying with the Australian Guidelines for Water Recycling (2006).

**SOCIAL IMPLICATIONS**

Adoption of the Recycled Water Policy demonstrates Council's commitment to complying with all relevant statutory provisions, in particular the NSW Environment Protection Authority's approval and licencing requirements under the Protection of the Environment Operations Act 1997, Australian Guidelines for Water Recycling (2006), and owner's obligations under the Work Health and Safety Act 2011.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Council's Liquid Trade Waste Policy S15 -2.

Existing end user agreements with Mt Arthur Mine and Muswellbrook Golf Course.

Recycled Water Management Plan (currently in the submission process for Section 60 approval).

Council's Revenue Policy.

**STATUTORY IMPLICATIONS**

Local Government Act 1993.

**LEGAL IMPLICATIONS**

Council is required to make every effort to comply with the Section 60 of the Local Government Act 1993 and the Protection of the Environment Operations Act 1997.

**OPERATIONAL PLAN IMPLICATIONS**

The submission of the report complies with the following goals in the 2021-22 Operational Plan:

- 20.01.01 Continue to operate in accordance with the New South Wales Environment Protection Agency (EPA) Licences;
- 20.01.02 Continue substantial achievement of Best Practice Water Supply and Sewerage Guidelines; and
- 20.01.03 Test and monitor water supply and sewerage system, including re-use systems, to ensure legislative compliance with health guideline and licence parameters.

**RISK MANAGEMENT IMPLICATIONS**

The endorsement of the Recycled Water Policy shows Council's commitment in producing high quality recycled water that meets compliance with the risk-based framework in the Australian Guidelines for Water Recycling (2006).

**WASTE MANAGEMENT IMPLICATIONS**

Council is committed to 100% beneficial use of the recycled water produced at the RWTW.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Subject to Council's approval, the draft Recycled Water Policy will be placed on public exhibition for a period of 28 days.



**11.7 BRIDGE STREET RAIL BRIDGE REPLACEMENT PROJECT STATUS UPDATE**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Peter Chambers - Chief Engineer</b>
<b>Community Plan Issue:</b>	<b><i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain and continually improve community infrastructure across the Shire.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Carry out regular asset inspection.</i></b>

**PURPOSE**

The report submits for Council's review an update of information relating to the construction works associated with replacement of the current southern (Ulan Line) rail line bridge crossing at Bridge St, Muswellbrook, by the Australian Rail Track Corporation with a new concrete bridge, proposed to be carried out in November 2021, and to inform Council of the progress of the endorsed concept designs provided to enhance the heritage, cultural and aesthetic properties of the new concrete bridge.

**OFFICER'S RECOMMENDATION**

**Council notes the information contained in the report.**

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

**BACKGROUND**

The Australian Rail Track Corporation (ARTC) is replacing the Ulan Line rail bridge, which is the southern bridge crossing at Bridge Street, Muswellbrook, between June 2020 and December 2021. The project proposes to remove this structurally fatigued rail bridge from the existing rail network and replace it with a new bridge that will meet future load requirements and increase network reliability.

The replacement of this bridge is part of a larger project to construct rail infrastructure on the Ulan Line in Muswellbrook. Work on this project has commenced, however the entire project will extend until approximately June 2022, and therefore ARTC will have a site presence until this time.

A report, entitled 'Replacement of Southern (Ulan Line) Rail Bridge Crossing Bridge Street, Muswellbrook: Bridge Concept Drawings' was submitted to the 26 May 2020 Ordinary Council meeting. The report provided information in relation to the Australian Rail Track Corporation's (ARTC) proposal to replace the Ulan Line rail bridge, which is the southern rail bridge crossing Bridge Street, Muswellbrook, between June 2020 and December 2021, and additional proposed treatment options for the bridge and adjacent retaining walls.

A second report was submitted to the 29<sup>th</sup> April 2021 Ordinary Council Meeting providing concept architectural details of proposed treatments to the bridge for Council's consideration and recommendations.

An outcome of the report has been further consultation with the ARTC project team with regards to treatment options so that the new bridge will retain as much as possible the important heritage, cultural, and aesthetic characteristics of the existing bridge, by advancing concept designs endorsed by Council in the 29<sup>th</sup> April 2021 Ordinary Council Meeting.

**CONSULTATION**

Consultation has been carried out with the Australian Rail Track Corporation in relation to Council's requirement for the new bridge to duplicate as much as possible the existing bridge's cultural, heritage, and aesthetic characteristics.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Consultation in relation to the project has been carried out with Mayor Scholes.

**REPORT****1. Bridge Replacement Works**

Replacement of the southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook, will involve the following key elements:

- Construction of a new 26-metre long (minimum) single span concrete ballast top bridge to replace the existing Bridge Street southern rail bridge. The new bridge will be constructed on the existing rail alignment;
- Demolition and disposal of the existing bridge superstructure, and central pier;
- Reconditioning of a 100-metre long section of existing track formation;
- Construction of a retaining wall to address embankment stability and to support rail track lift of approximately 600 mm. The wall will include a façade panel that is intended to be consistent with the heritage considerations associated with the rail bridge; and
- Landscaping and rehabilitation works.

**2. Heritage considerations**

From the perspective of Muswellbrook Shire Council and the Muswellbrook community, a primary consideration of the project is to retain as much as possible the aesthetic heritage qualities of the existing bridge, which is regarded as an iconic structure redolent of the social and industrial heritage of Muswellbrook, and also to accentuate the bridge through industrial-style facades on the adjacent supporting retaining walls.

ARTC has developed details for the retaining walls and the recommended signage for the Bridge St crossing to highlight and preserve these heritage features of Muswellbrook consistent with Council's recommendations from the Ordinary Council Meeting of April 29<sup>th</sup>, 2021.

*RESOLVED on the motion of Crs Ward and Woodruff that:*

- 1. Council NOTES the information contained in the report; and*
- 2. Council recommends treatment Options 1 and 3 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.*

These endorsed options include:

- 1. Installing a truss façade panel to the outer face of the girder with a rusted finish;*
- 2. Installing a weathered steel façade for the retaining wall; and*
- 3. Develop a landscaping plan to be provided to Council for both hard and soft landscaping elements.*

Architectural views of these endorsed options are shown below in Figures 1 and 3.

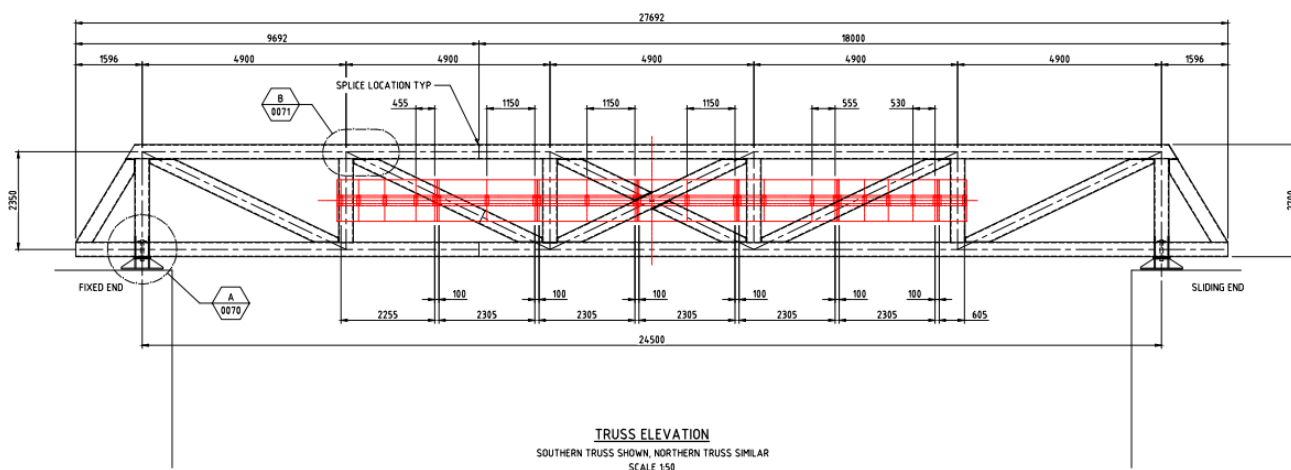
The Rusted Truss Façade Treatment for the bridge girder has been developed in accordance with the recommendation from Council with the Muswellbrook signage widened between vertical truss supports as shown in Figure 3.

Further details including a soft landscaping plan are to be provided in a report to the Ordinary Council meeting in October 2021.

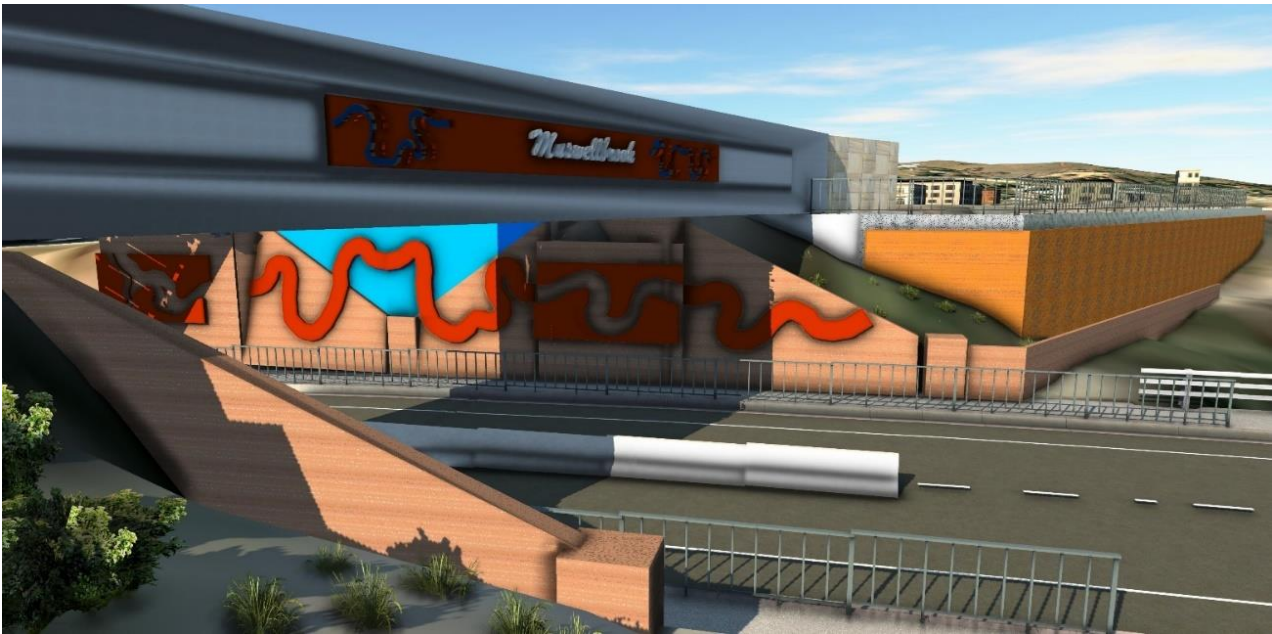
ARTC has committed to completing landscaping works around the abutments of the new Bridge St Underbridge, and within the licenced area of Fitzgerald Park. This work will occur following the retaining wall works, with works scheduled for completion by December 2021.



*Figure 1 – Endorsed Truss Façade with Rusted Finish*



*Figure 2 – Engineering layout for Truss Façade over the concrete girder on Bridge St*

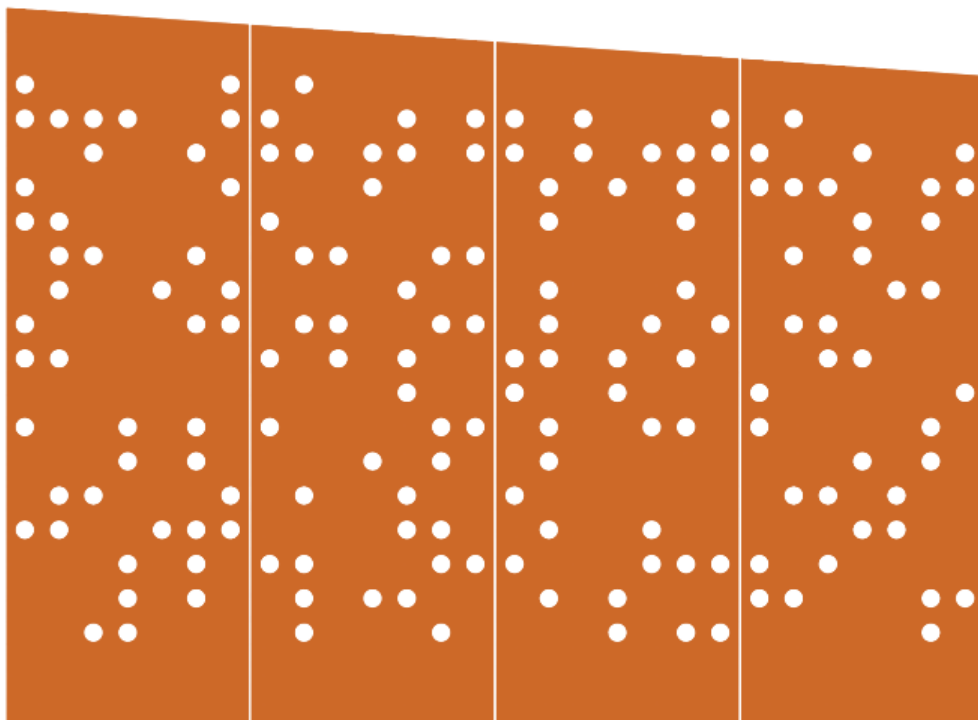


*Figure 3 – Endorsed Weathered Steel Retaining Wall Façade*

### 3. Retaining Wall Panels

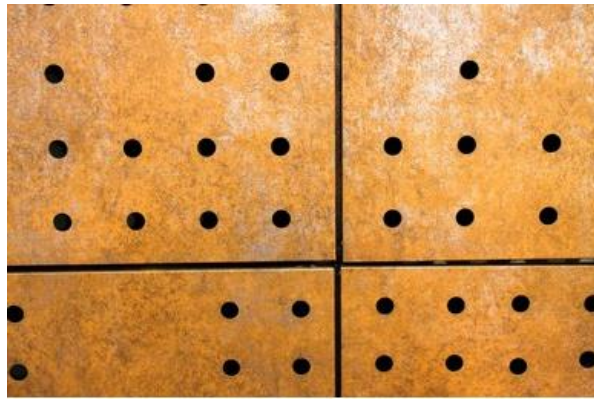
The ARTC project team has engaged a consultant to provide a proposed design consistent with Council's recommendations for the landscaping of the Ulan Line Rail Bridge, commencing with hard landscaping components for the eastern retaining walls consisting of a matrix of patterned Corten panels affixed over steel sheet pile walls. The proposed hole pattern in the Corten panel also provides a number of spaces for its four bolted connection points to the retaining wall. The details of the Corten panels are detailed in Figure 4, with an example shown in Figure 5.

ARTC will develop this current detail further and provide a copy of the design to Council once complete.



*Figure 4 – Corten Panel Matrix*





*Figure 5 – Corten Panel Example*

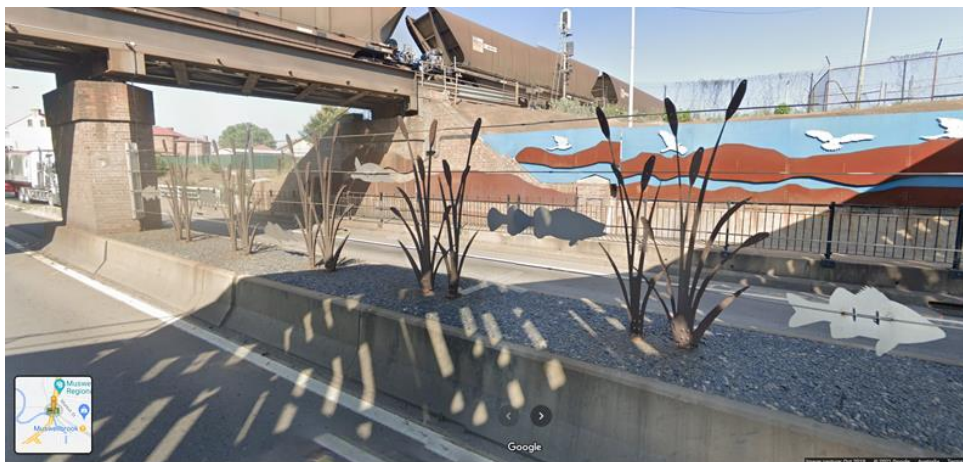
Future landscaping information will include soft landscaping to be guided by the Public Domain Manual.

### **Bridge St Median Artwork**

A pier supporting the existing bridge is proposed to be removed as part of the bridge upgrade works, with the median separating the northbound and southbound Bridge St lanes to remain. An existing steel sculpture of reeds along this median strip and attached to the existing pier will be disturbed during the bridge replacement works.

Two key issues have been highlighted with regards to disturbing this artwork.

1. The southern support for the artwork is to be removed.
2. Support for the power supply to the centre median is to be removed.



*Figure 6 – Steel Sculpture on Bridge St Median north of bridge*

Prior to the determination of the suitability of any retention of the sculpture following the removal of the pier supporting the existing bridge, Council officers recommend that ARTC liaise with Transport for New South Wales (TfNSW) and provide feedback to Council including a safety audit for the proposed works to determine the potential risks associated with driver error following these significant changes to the road. Liaison with TfNSW will consider retention or removal of the existing median strip as shown in Figure 6 above.

### **Project timeframe**

The proposed timeframe for the project includes the following:

- |                                     |                         |
|-------------------------------------|-------------------------|
| 1. Site mobilisation                | June 2020               |
| 2. Bridge substructure construction | July 2020 to April 2021 |

The main works will be undertaken during ARTC scheduled rail possessions as follows:

1. Works for piling access August 2020
2. Bridge piling works September 2020, November 2020, and February 2021
3. Abutment and deflection wall April 2021, May 2021 and August 2021
4. Bridge superstructure construction August 2021 to November 2021
5. Bridge commissioning November 2021

This work includes demolition of the existing bridge, sliding of bridge superstructure into position, and the associated track works.

6. Site demobilisation works December 2021 to March 2022

This work includes landscaping and all associated clean up works.

## **ARTC Bridges – Muswellbrook – Project Update – August 2021**

### **Bridge St Underbridge**

#### **1. Status of Works / Schedule**

- a. Bridge substructure now complete. New precast abutment beams were successfully installed during the August Rail closedown (10 to 12 August 2021).
- b. Fabrication continuing on the Precast Superstructure elements (Girders and Deck Units). Girders scheduled for delivery in September 2021.
- c. New bridge scheduled for commissioning in November 2021 (22 to 26 November 2021). This will include demolition of the existing structure, and installation of the new girders and deck units. Note that demolition of the central pier may not be completed due to the volume of work required for this closedown. If omitted, then the works will be completed in December 2021.
- d. Clean-up works to commence in December 2021. This will include completion of the retaining wall, landscaping local to the bridge abutments and restoration of the licenced area in Fitzgerald Park. This work will continue until approximately March 2022.
- e. All works at the Bridge St site scheduled for completion by end of March 2022.

#### **2. Other Items**

- a. Traffic
  - i. Minimal requirement for any traffic stoppages in the next 3 months.
  - ii. Full road closure of Bridge St required during commissioning of the new bridge. This will be required from Monday 22/11 through to approximately 0600 on Wednesday 23/11.
  - iii. The full road closure in November will be the last planned closure required during daytime for the project.
- b. Aesthetic treatments
  - i. Retaining Wall – Corten Façade Panel design works currently in progress. Copy of design to be provided to council for comment when available (circa end September 2021). Façade panel installation works to commence in December 2021.
  - ii. Truss Façade Panel for Bridge – Design works currently in progress. Copy of design to be provided to council for comment when available (Circa end September 2021). Note that the exiting council signage will be installed directly to the truss façade. Truss Panel to be installed during ARTC February 2022 rail possession.
  - iii. Landscaping works – ARTC currently developing landscaping plans for the site, with a concept design for endorsement expected for the October 2021 Ordinary Council Meeting.

- iv. Fitzgerald Park remediation works – Design works currently in progress. Concept design is to be provided to council for the October 2021 Ordinary Council Meeting. Works to commence early 2022 with works completed by March 2022.
- v. Existing Muswellbrook Signage – As above this will be installed onto the new truss façade panel. Note that the existing signage will be removed in November 2021, with signage reinstalled along with the truss façade in February 2022. Muscle Ck and Hunter River Underbridge

### 3. Status of works / schedule

- a. Bridge Substructure approximately 90% complete. Substructure works scheduled for completion by the end of September 2021.
- b. Bridge Superstructure works in progress. Bridge is being built onsite in a specially fabricated casting yard. Segment 1 (8 in total) of the new bridge successfully launched at the start of August 2021.
- c. New Bridge scheduled for completion in February 2022.
- d. Clean-up works to commence in April 2022. This will include demolition of the existing bridges, scour protection works, revegetation works and demobilisation of the site.
- e. All works at the Muscle Creek and Hunter River site scheduled for completion by the end of June 2022.



*Muscle Creek and Hunter River Pier 2 and Pier 3 of the new bridge.*





*Abutment beam in position. Note – concrete beams on either side are the deflection wall pile caps.*



*Pier 2 and Pier 3 of the new bridge.  
Pier 3 Headstock being poured in this picture.  
Hunter river flows between these two piers.*





*View looking west along the superstructure of new bridge*



*View looking east (back toward bridge St) along the superstructure of the new bridge*



*Superstructure segment 1 launched.*

*The steel frame at the front of the bridge is the launch nose which is removed at completion of the works*

## **OPTIONS**

## **CONCLUSION**

The report has been submitted for Council's information. A further report will be submitted to Council providing detailed treatment options for the bridge, retaining wall and ancillary structures, and additional landscaping plan for the areas of the retaining wall and the licenced area of Fitzgerald Park.

## **SOCIAL IMPLICATIONS**

From the perspective of Muswellbrook Shire Council and the Muswellbrook community, a primary consideration of the project is to retain as much as possible the aesthetic heritage qualities of the existing bridge, which is regarded as an iconic structure redolent of the social and industrial heritage of Muswellbrook.

Ongoing collaboration between Muswellbrook Shire Council and Australian Rail Track Corporation ensures that any potential disruptions during construction are minimised, and ongoing project progress and construction activities can be communicated to the Muswellbrook community.

## **FINANCIAL IMPLICATIONS**

The full cost of the project will be borne by the Australian Rail Track Corporation.

## **POLICY IMPLICATIONS**

Nil known.

## **STATUTORY IMPLICATIONS**

Nil known.

## **LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

The submission of the report complies in principle with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management'.

**RISK MANAGEMENT IMPLICATIONS**

Some of the steel superstructure elements of the existing Ulan Line rail bridge crossing Bridge Street, Muswellbrook, are reaching the end of their theoretical fatigue life. This poses a risk to the reliability of the rail network and requires ongoing frequent maintenance and repairs. ARTC is replacing the existing bridge with a new rail bridge that will meet future load requirements and increase network reliability.

**WASTE MANAGEMENT IMPLICATIONS**

Waste management is entirely the responsibility of ARTC.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Muswellbrook Shire Council will continue to provide updates on the construction for the replacement of the southern Ulan Rail Bridge works through its website and respond to any feedback from the community directly with its ongoing consultation with Australian Rail Track Corporation (ARTC). ARTC will also provide similar updates on their own website as part of their activities, in consultation with Muswellbrook Shire Council.

**11.8 MAJOR PROJECTS STATUS REPORT**

<b>Attachments:</b>	<b>A. 2021-22 Capital works status report updated to 28 September 2021 - Under Separate Cover</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Community Plan Issue:</b>	<b><i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain and continually improve community infrastructure across the Shire.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Implement prioritised (but responsive) rolling works program of maintenance.</i></b>

**PURPOSE**

To submit for Council's information the list of capital projects updated to 28 September 2021.

**OFFICER'S RECOMMENDATION**

**Council notes the information contained in the report.**

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

**REPORT**

The capital projects status report, updated in tabular form to 28 September 2021, is provided under separate cover to enable Councillors and the public to view the report in a more legible format.

**11.9 COVID LOCKDOWN AND COUNCIL SERVICE DELIVERY**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

**PURPOSE**

To provide council with information on council's service delivery post COVID lockdown period.

**OFFICER'S RECOMMENDATION**

**Council notes the report.**

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

**BACKGROUND**

Council activated its Business Continuity Plan – Pandemic on 5<sup>th</sup> August 2021. From 20<sup>th</sup> September 2021 all council's work sites were out of lockdown and fully operational. All service providers were required to provide a report to the General Manager on 'recovery' or return to normal service to ensure appropriate resources can be allocated where required.

**CONSULTATION**

MANEX

BCP team

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Mayor Scholes

**REPORT**

This report provides a brief summary of the current status of each key service area; waste, water, wastewater, planning and environment, roads, major projects, community service and customer service including forward management plans to address service delivery challenges resulting from the COVID lockdown period. The services most severely impacted by COVID to date are Planning and Environmental Services, Major Projects (construction of new Aquatic Centre and Donald Horne Building). Moderate delays to service are expected in Road works (maintenance), however this unit reports they expect to be operating to schedule by the end of the year.

**STATUS: Corporate services – Customer Service and Administration; Finance; Information Technology**

Customer service remained at work during the lockdown period 'manning' the phones providing a direct response to phone enquiries and requests from the community. Telephone traffic was very busy throughout the lock down period. There were many general enquiries and many complaints in relation to delays in planning approvals and processing construction certificates etc. Most of the finance department

was required to work from home and work with the external auditors who were auditing council's accounts throughout September.

No remediation is required in corporate services however it is understood that the Customer Service and Administration team is extremely busy supporting Planning; Finance is working to very tight timetable as a consequence of change to the Council Election date (the need to prepare 2022/2023 Budget now).

### **STATUS: Planning and Environmental Services**

Planning and environmental services have been hit by a perfect storm of challenges over the past 18 months; all direct impacts of COVID, some due to lockdowns (requirement to work from home), some due to planning reforms (eplanning etc) aimed at 'rebooting' the economy post COVID and an increase in development applications (DA) and construction certificates (CC) (for home renovations, extensions etc).

Lockdown required all planning staff to work from home which compromised officers productivity due to poor connectivity to council's corporate IT systems critical to process DA's, CC's, CDC's; inspection of on-site pool fences, swimming pool compliance, food shops and skin penetration/beauty businesses, and on-site sewer management systems over the past 2 months has been extremely difficult resulting in a significant backlog.

Normally there are between 40 to 50 DA's waiting for processing; currently there a 67 undetermined DA's and Section 4.55's, this is an unprecedented backlog. Officers will work to catch up in the next few months but in the main we will likely be reporting lower numbers of certified systems/premises for this year (which will affect revenue).

Customer complaints and frustration is high and council officers are making every effort to process applications as quickly as possible.

This table gives numbers of new applications (dark blue) to determined applications (light blue) by month.



**RESPONSE PLAN:** All permanent part time and casual Administration staff will be given additional hours until DA's and CC's are back to approx. 45.

Going forward Council is focusing on full integration between councils record system and the NSW Government eplanning portal (to address the need to manually transfer documents between systems).

### **STATUS: Waste**

The Waste team has now consolidated and returned to a normal roster, the team is currently stretched processing a back log of recyclables and green waste. These works will be caught up with existing resources.



**STATUS: Water & Wastewater**

Water and Wastewater team have done an outstanding job operationally with no reduction in service. However capital works in this area is experiencing delays (in progressing capital projects).

**RESPONSE PLAN:** An EOI will shortly go out to create a panel contract for project managers – this will be used to catch up works and improve the progress of capital projects.

**STATUS: Roads and Drainage**

There is little, if any, diminution of service in this area. The proposed panel contract for project managers will assist in catching up in any project areas that require assistance.

**STATUS: Community Services Portfolios**

- **Muswellbrook Shire Libraries**

- All services were altered to contactless home delivery.
- All loans during the lockdown were continually extended 2 weeks so that people did not need to return the stock. As stock returns there will be an increase in restocking the shelves at both branches
- Muswellbrook Library reopened 20 September, home delivery resumes to a fortnightly service and school holiday activities will as planned will be delivered virtually.
- Denman Library reopening delayed as the shelves needed to be restocked due to books being taken from the Collection to service Home Delivery customers.

It should be noted that after the last lockdown period it did take our vulnerable community members some time to resume their library visits and the demand for home delivery services was still in demand.

- **Muswellbrook Aquatic & Fitness Centre**

- Indoor Centre closed due to construction.
- Fitness Centre was closed, members are slowly returning, 10 customers returned the first day of reopening.

- **Muswellbrook Art Gallery**

- Current exhibition period at lockdown interrupted which has pushed the exhibition schedule back.
- Max Watters Sculpture installation and opening has been deferred.

- **Community Service Officer – Partnership**

- Partnership meetings such as Denman Chamber of Commerce/Denman Food & Wine Affair were deferred;
- Work with Denman RSL and Cattle Dog Muster cancelled due to the events being cancelled;
- No network meetings were attended with Upper Hunter Country Tourism
- The Blue Heeler Film Festival has been dramatically changed to a virtual workshops with schools and on line film festival

- **Community Service**

- The September Citizenship Ceremony was deferred.
- Denman Information Centre was closed and will reopen in the coming weeks.
- Network meeting stalled included Information meeting with Compass Housing
- Aboriginal Reconciliation Meeting was deferred

**Hospitality Unit**

- Gallery Café reduced capacity to take away menu only, major reduction in revenue.
- Planning for the opening of the new Splash! Café in the Aquatic Centre is complete.
- Planning is now underway to activate a Bakery in the Marketplace.

**STATUS: Governance**

Governance is working to a very tight timetable due to the change in the LG Election. The Annual Report is due to be submitted to the October Council meeting. A new Community Strategic Plan, Delivery Program and Operational Plan are required to go to Council for endorsement by 30 June 2022. These plans will need to meeting the requirements of the new Integrated Planning and Reporting framework distributed by OLG this month.

**OPTIONS**

Not applicable

**CONCLUSION**

Council officers are responsibly managing a return to full capacity for all council services.

**SOCIAL IMPLICATIONS**

Until service capacity is increased some frustration will be experienced in the community, particularly in relation to planning and environmental services.

**FINANCIAL IMPLICATIONS**

Providing additional administrative support to the planning department will result in increased operational expenditure – wages and salaries.

**Ongoing Operational and Maintenance Costs Implications Associated with Capital Project****1. Financial Implications – Capital**

None expected

**2. Financial Implications – Operational**

Additional wages/salaries/contracts expenditure in Administration of approx.. \$50k

**POLICY IMPLICATIONS**

All mitigation actions are in line with council policy

**STATUTORY IMPLICATIONS**

Additional expenditure is required to meet statutory requirements.

**LEGAL IMPLICATIONS**

No legal implications

**OPERATIONAL PLAN IMPLICATIONS**

No implications

**RISK MANAGEMENT IMPLICATIONS**

Additional resourcing is required to mitigate risk

**WASTE MANAGEMENT IMPLICATIONS**

No implications



**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Media and community messaging is recommended in regard to service backlogs to provide confidence that council is working to address backlogs.

## 10 CORPORATE AND COMMUNITY SERVICES

### 12.1 SPONSORSHIP REQUEST - MUSWELLBROOK RACE CLUB - 2021 MAYOR'S CUP

<b>Attachments:</b>	<b>A. 2021 Mayors Cup Sponsorship Request</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Melissa Cleary - Manager - Governance</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

#### PURPOSE

For Councillors to consider a request for sponsorship from the Muswellbrook Race Club for the 2021 Mayor's Cup.

#### OFFICER'S RECOMMENDATION

**Council approve the request from the Muswellbrook Race Club for sponsorship of \$5,000 for the 2021 Mayor's Cup.**

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

#### BACKGROUND

The Muswellbrook Race Club has requested Council's sponsorship of the 2021 Mayor's Cup to be run on Tuesday, 2 November 2021.

#### REPORT

Council has received a request from the Muswellbrook Race Club for sponsorship of the 2021 Mayor's Cup to be run on Tuesday, 2 November 2021 to coincide with the Melbourne Cup. Council has sponsored the race in previous years, which attracts large crowds and generates considerable economic activity.

It is recommended that Council once again sponsor the event.

#### OPTIONS

Council has a number of options available to consider:

1. approve the sponsorship request of \$5,000;
2. decline the sponsorship request; or
3. approve a different amount.

#### CONCLUSION

It is recommended that the sponsorship request be approved

**SOCIAL IMPLICATIONS**

The recommendation will have positive social implications for the community by increasing visitor numbers to the region and encouraging participation in community events.

**FINANCIAL IMPLICATIONS**

There are sufficient funds remaining in the Sundry Contributions and Donations budget to grant this request.

**POLICY IMPLICATIONS**

The request is consistent with Council's sponsorship and donations policy.

**STATUTORY IMPLICATIONS**

No known statutory implications.

**LEGAL IMPLICATIONS**

No known legal implications.

**OPERATIONAL PLAN IMPLICATIONS**

Recommendation is consistent with Delivery Program Action: Maintain existing and develop new tourism events and promotions with associated funding.

**RISK MANAGEMENT IMPLICATIONS**

No known legal implications.

**WASTE MANAGEMENT IMPLICATIONS**

No known legal implications.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

No known legal implications.

## 12.2 DRAFT VOLUNTARY PLANNING AGREEMENT BETWEEN THE MAXWELL VENTURES (MANAGEMENT) PTY LTD AND MUSWELLBROOK SHIRE COUNCIL

<b>Attachments:</b>	<b>A. Maxwell Ventures Management Pty Ltd - Cover Letter</b> <b>B. Draft Maxwell Venture Management Pty Ltd VPA</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

### PURPOSE

To have Council consider and exhibit the Voluntary Planning Agreement between Muswellbrook Shire Council and Maxwell Ventures (Management) Pty Ltd.

### OFFICER'S RECOMMENDATION

**The General Manager be delegated authority to sign Voluntary Planning Agreement provided in attachment B, between Muswellbrook Shire Council and the Maxwell Ventures (Management) Pty Ltd.**

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

### REPORT

Maxwell lodged a State Significant Development Application for the Maxwell Underground Coal Mine Project (SSD-9526) with the Department of Planning, Industry and Environment in 2019. Approval was granted on 22 December 2020.

Condition A17 of relates to Maxwell entering into a Voluntary Planning Agreement (VPA) with Muswellbrook Shire Council. This report seeks the Committee's approval to publicly exhibit the draft VPA.

The principle features of the draft VPA are as follows:

- Payment of monetary contributions set out in the Contributions Schedule;
- The parties agree and acknowledge that the Monetary Contribution will be used by Council towards the public purposes specified in the Contributions Schedule;
- Maxwell will use its best endeavours to:
  - engage two (2) apprentices in each calendar year for the period starting on the date that is 30 days after the commencement date and ending on the day before Longwall Production commences;
  - engage four (4) apprentices in each calendar year for the period starting on the day Longwall Production commences until the end of Mining Operations.
- Maxwell will endeavour to use its best endeavours to source all apprentices from residents within the Muswellbrook Shire.

- An annual payment of \$100,000 (plus CPI) plus \$0.07 per tonne of product coal from the development that exceeds 1,500,000 tonnes per calendar year is to be made for period between the date that is 30 days after the Commencement date and the day before longwall production commences. This is consistent with other mines in the LGA and is to cover the expenses incurred by Council to regulate and oversee the mines activities;
- An annual payment of \$350,000 (plus CPI) plus \$0.07 per tonne of Product Coal from the development that exceeds 1,500,000 tonnes per calendar year is to be made for period between the commencement date of Longwall Production and the End of Mining Operations. This is consistent with other mines in the LGA and is to cover the expenses incurred by Council to regulate and oversee the mines activities;

A copy of is attached at **Appendix B**.

The State Significant Development Committee considered a report on this matter at its meeting on 1 July, 2021 and recommended as follows:

*RECOMMENDED on the motion of Cr Scholes and Cr Woodruff that:*

*The Draft Voluntary Planning Agreement between Muswellbrook Shire Council and the Maxwell Ventures (Management) Pty Ltd be submitted to Council to place on public exhibition for 28 days and any public submissions be considered prior to Council moving to adopt the Voluntary Planning Agreement.*

A report was submitted to the Council meeting held on 27 July, 2021 and the following was resolved:

*RESOLVED on the motion of Crs Ward and Reynolds that:*

*The draft Voluntary Planning Agreement provided in attachment B, between Muswellbrook Shire Council and the Maxwell Ventures (Management) Pty Ltd, be placed on public exhibition for 28 days and a further report be submitted to Council.*

The draft Maxwell Ventures (Management) Pty Ltd VPA was subsequently placed on public exhibition from 28 July, 2021 to 26 August, 2021. No submissions were received.

## **CONCLUSION**

An annual payment of \$100,000 (plus CPI) up to longwall production and then \$350,000 (plus CPI) from commencement of longwall production to end of mining operations is to be paid to cover Council's costs. The payments proposed are considered positive for the community and Muswellbrook Shire Council. It is therefore recommended that Council resolve to publicly exhibit the draft VPA.

## **SOCIAL IMPLICATIONS**

The proposal is considered to be in the public interest and will result in additional funds for community projects.

## **FINANCIAL IMPLICATIONS**

The draft VPA proposes an annual contribution to cover Council's expenses.

## **POLICY IMPLICATIONS**

Not applicable.

## **STATUTORY IMPLICATIONS**

Not applicable.

## **LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**12.3 STREET NAMING APPLICATION**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Derek Finnigan - Deputy General Manager</b>
<b>Author:</b>	<b>Hamish McTaggart - Co-Ordinator - Development Tanya Jolly - Project Planner</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

**PURPOSE****OFFICER'S RECOMMENDATION**

- 1. Council approves the proposed street names for exhibition and notification to the Geographical Names Board:**
  - **Winx Close**
  - **Redzel Close**
  - **Sunline Street**
- 2. A further report be submitted to Council at the conclusion of the advertising and notification period to consider any submissions and make a final determination regarding the proposed street names**

**BACKGROUND**

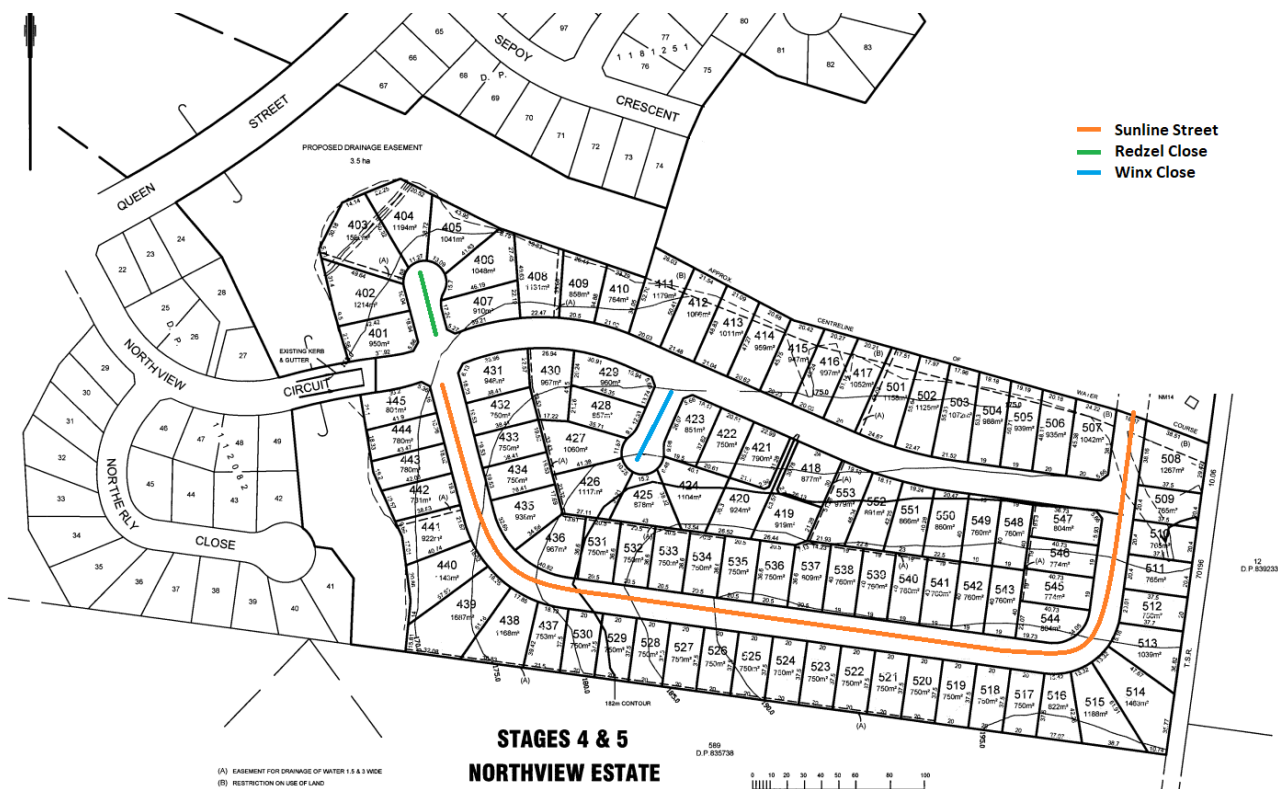
Council issued an approval for the residential Subdivision of one (1) Lot into Ninety-Nine (99) Lots at the subject site.

The applicant has applied to Council for use of the following street names:

- **Winx Close**
- **Redzel Close**
- **Sunline Street**

A site plan showing the location of the proposed new road lay out has been included below. The street names are the names of famous Australian racehorses, in line with the existing street names in the locality.

Under Section 162 of the Roads Act 1993 Council may name and number all public roads for which it is the Roads Authority. However, in accordance with Section 162(3), Council must provide the Geographical Names Boards with at least one (1) month notice of the proposed names.



## CONSULTATION

If Council supports the proposed names the next step in the process is formal public notification. Outcomes will be reported back to Council before finalising the proposed street naming.

## OPTIONS

Council may endorse or reject the proposed street names for community notification and a referral to the Geographical Names Board.

Should Council resolve not to endorse the proposed names it is recommended that they provide reasoning for the rejection of the names and any feedback which they wish the applicant to consider when proposing future names.

## CONCLUSION

It is recommended that Council adopts the recommendation of Council Officers to endorse the proposed names for public consultation and referral to the Geographical Names Board. The street names are the names of famous Australian racehorses, in line with the existing street names in the locality.

## FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

## POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

## STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report.



## 12.4 AUSTRALIA DAY 2022 AWARDS AND CITIZENSHIP CEREMONY

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - General Manager
<b>Author:</b>	Kim Manwarring - Manager - Community Services
<b>Community Plan Issue:</b>	<i>Facilitate cultural activities and events which engage the community and visitors, and which create a 'sense of place' and identity</i>
<b>Community Plan Goal:</b>	<i>Increase funding to the Blue Heeler Film Festival and the Bottoms Up Beer and Music Festival with a view to engaging more locals and visitors.</i>
<b>Community Plan Strategy:</b>	<i>Ensure that all local festivals are supported to experience improved and increased patron engagement and attendance.</i>

### PURPOSE

To update Council on the decision of the Australia Day Workshop held on the 6 September 2022.

### OFFICER'S RECOMMENDATION

**Council endorses the plans for Australia Day Award and Citizenship Ceremonies to occur on the 26 January 2022.**

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

### BACKGROUND

A special workshop was held for Councillors on the 6 September to discuss Australia Day 2022 ceremonies and celebrations.

Councillors reviewed all available information and community feedback that had been provided regarding previous year's celebrations.

### CONSULTATION

Consultation has occurred with the General Manager, and Councillors.

### CONSULTATION WITH COUNCILLOR SPOKESPERSON

Consultation occurred with Councillors.

### REPORT

To ensure that the Australia Day 2022 celebrations provide an opportunity for the whole of the community to be involved Councillors resolved at the workshop that Australia Day Award Ceremony and Citizenship Ceremony will all occur on the 26 January 2022.

Australia Day 2022 will follow previous years ceremony format including the announcement of the Australia Day Award nominees and winners for Citizen of the Year; Young Citizen of the Year and the Open Award category. Following the announcement of the Award Winners a Citizenship Ceremony will be held welcoming conferees to our Community.

At the conclusion of the Ceremony families and individuals from the whole of the community will be invited to the enjoy free entry to the Muswellbrook and Denman Outdoor Pools.

The importance of ensuring that the Australia Day Ceremony continues to be inclusive of Aboriginal Culture was discussed at the Councillors Workshop. It was recommended that the Muswellbrook Shire Council Aboriginal Reconciliation Committee be informed of Councils decision to host one Ceremony

and further to this they be consulted about any other improvements that could be incorporated on the day.

**OPTIONS**

Council can support the planning and facilitation of one Australia Day Awards and Citizenship Ceremony held on the 26 January 2022.

Council can decide to hold Australia Day Ceremonies in a different format.

**CONCLUSION**

The planning and hosting of one event to celebrate Australia Day Awards, Citizenship Ceremony and Community Celebrations on the 26 January 2022 needs to be flexible in order to accommodate the NSW Public Health COVID Regulations.

**SOCIAL IMPLICATIONS**

The hosting of Australia Day Awards and Citizenship Ceremonies creates an opportunity for the local community to come together to celebrate the positive contributions made by individuals and groups that build our local community and, importantly, to celebrate our nation's diversity.

**FINANCIAL IMPLICATIONS**

Funding for Australia Day 2022 is allocated in the 2021-22 operational budget.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

The Australia Day 2022 Awards and Citizenship Ceremony will be conducted in compliance with relevant NSW legislation, particularly NSW Public Health COVID Regulations.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

This is in line with Council's Operational Plan goals and objectives

**RISK MANAGEMENT IMPLICATIONS**

The Australia Day 2022 Awards and Citizenship Ceremony will be conducted in compliance with relevant NSW legislation, particularly NSW Public Health COVID Regulations.

## 12.5 DRAFT LIBRARY MEMBERSHIP AND COLLECTION MANAGEMENT POLICIES

Attachments:	A. Draft Collection Management Policy B. Draft Library Membership Policy
Responsible Officer:	Kim Manwarring - Manager - Community Services
Author:	Lauren Allan - Head Librarian
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Continue the delivery of passive recreation and cultural activities in libraries, aquatic centres and the arts centre.</i>

### PURPOSE

This report provides details of the draft Library Collection Management Policy and draft Library Membership Policy and recommends adoption of tabled policies.

### OFFICER'S RECOMMENDATION

**Council accepts the Library Collection Management and the Library Membership Policies.**

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

### BACKGROUND

The Muswellbrook Shire Libraries separated from the Upper Hunter Library Network in March 2021 to become a standalone service incorporating Muswellbrook and Denman Library branches. As a result the Library service has completed a review of its shared policies and procedures to ensure that the individual community needs of the Muswellbrook Shire are being met by the Library service.

The Library operates within the framework of the Library Act of NSW and its associated regulations. Current research and the collection and membership policies of other libraries were also considered in the development of this policy.

Library staff have undertaken a review of the Library Membership Policy. As part of the review the Library identified key areas of focus including:

- Removal of references to the 'Upper Hunter Library Network'
- Ensure library membership remains open to Upper Hunter Shire Residents as per the Library Services MOU signed in March 2021.
- Ensure Library membership conditions meet criteria set out in Library Act 1939.

The existing collection development policy was reviewed by library staff and has been updated to provide a framework for the management of the collection from their selection through to deselection practices and disposal. The policy recognises the collection as an essential community asset which needs to be managed effectively.

Areas of focus during the review were:

- Recognising digital resources as part of library collections
- Inclusion of the preservation and collection of local studies collections

- Support of sustainable deselection and disposal methods for end of life library collection items
- Ensure that Library collections meet recommendations and criteria set out by the Library Act 1939, Library Council on NSW and ALIA.

**CONSULTATION**

The Library operates within the framework of the Library Act of NSW and its associated regulations. Current research and the collection and membership policies of other libraries were also considered in the development of this policy.

**REPORT**

The Library Membership and Collection Management policies were placed on public exhibition on the Muswellbrook Shire Council website for a period of 28 days commencing from August 10<sup>th</sup> 2021 through to the 7<sup>th</sup> September 2021. These policies were also placed on public exhibition at the Muswellbrook and Denman Library branches for the period Monday 2<sup>nd</sup> August though to Thursday, 5<sup>th</sup> August prior to the closure of library branches due to the public health orders. At the end public exhibition there have been no submissions.

**OPTIONS**

Council may choose to:

1. Adopt the attached *Muswellbrook Shire Libraries Collection Management Policy* and *Library Membership Policy* as tabled;
2. Endorse the attached *Muswellbrook Shire Libraries Collection Management Policy* and *Library Membership Policy* with amendments for a further 28 day public exhibition period.

**CONCLUSION**

It is recommended that the Library Membership Policy and Collection Management Policy be adopted as tabled.

**SOCIAL IMPLICATIONS**

Adoption of these policies allows for the continuation of library services throughout the Muswellbrook Shire to residents, visitors and workers.

**FINANCIAL IMPLICATIONS**

No known financial implications

**POLICY IMPLICATIONS**

No known policy implications

**STATUTORY IMPLICATIONS**

No known statutory implications

**LEGAL IMPLICATIONS**

Adoption of these policies will ensure the Muswellbrook Shire Libraries continues to operate in accordance with the Library Act 1939.

**OPERATIONAL PLAN IMPLICATIONS**

No known operational plan implications

**RISK MANAGEMENT IMPLICATIONS**

No known risk management implications

**WASTE MANAGEMENT IMPLICATIONS**

No known waste management implications

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

No known community consultation implications

## 12.6 FINANCIAL POLICIES

<b>Attachments:</b>	<b>A. MSC20E - Draft Financial Reserve Management Policy</b> <b>B. MSC13E - Draft Borrowing Policy</b> <b>C. MSC21E - Draft Financial Management Policy</b> <b>D. MSC14E - Draft Investment (Financial Securities) Policy</b> <b>E. MSC19E - Draft Debt Recovery Policy</b> <b>F. MSC15E - Draft Hardship Policy</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>David Walsh - Manager - Corporate Services &amp; Chief Financial Officer</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

### PURPOSE

The purpose of this report is for Council to review and adopt a number of financial policies that have been reviewed and updated.

### OFFICER'S RECOMMENDATION

1. The following policies be placed on public exhibition for a period of 28 days:
  - a) MSC20E - Financial Reserve Management Policy
  - b) MSC13E - Borrowing Policy contained
  - c) MSC21E - Financial Management Policy
  - d) MSC14E - Investment (Financial Securities) Policy
  - e) MSC19E - Debt Recovery Policy
  - f) MSC15E - Hardship Policy
2. The policies be endorsed and approved by Council once the public exhibition period has been completed and no material amendments are proposed and accepted.

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

### BACKGROUND

The following report is in line with Council's commitment to reduce its Governance risk and it follows recommendations outlined in the Internal Auditor's report.

### REPORT

#### Financial Reserve Management Policy

A report was considered at the Finance Review and Advisory Committee meeting held on 8 July 2021 where the following recommendation was determined:

*“The Financial Reserve Management Policy be submitted to Council for review and consideration.”*

The report from Finance Review and Advisory Committee meeting held on 8 July 2021 is replicated below.

It is recommended that current internally restricted reserves be discontinued or amalgamated into those contained in Table below.

The number of internally restricted reserves could be decreased. The proposal is to amalgamate current reserves into those listed in the left-hand column of the Table.

Current Reserves to be amalgamated with proposed reserves are listed in the right-hand column. Current reserves to be discontinued are listed at the end of the Table.

This table has been replicated from the draft Financial Reserve Management Policy.

It is recommended that a report containing a full list of reserves detailing the opening balance as at 1 July, original budgeted transfer amount, updated budgeted transfer amount, actual transferred amount and closing balance as at 30 June, is provided to the Finance Committee on a quarterly basis with the Investment Reconciliation Report.

It is recommended that works be identified for amounts held in each current reserve. Where excess unrestricted funds are held these be transferred to the employees' leave entitlement reserve. This reserve has 38.96% of the liability covered which may not be adequate.

It is recommended that the amount of the employees' leave entitlement reserve be based on a formula calculated by reference to age brackets and total leave accruals with each fund (General, Water, Sewer and Waste) contributing to employees of that fund.

Name of Internal Cash Restriction	Purpose of Restriction	Calculation Basis	Current Name of Internal Cash Restrictions
Employee Leave Entitlement (ELE)	To ensure that adequate funds are available to fund employee leave entitlements such as long service leave, and annual leave.	The amount of this Reserve is based on a formula calculated by reference to average brackets and total leave accruals.	<ul style="list-style-type: none"><li>Employee Entitlement</li><li>Leave</li></ul>
Asset Replacement	To ensure adequate funds are available to replace existing assets across the Council	The annual transfer to this Reserve is based upon projects adopted in the IP&R strategies and plans.	<ul style="list-style-type: none"><li>Infrastructure Replacement</li><li>Mine Affected Roads</li><li>Road Reserve</li></ul>

Name of Internal Cash Restriction	Purpose of Restriction	Calculation Basis	Current Name of Internal Cash Restrictions
	area to their previous level of service.	The annual transfer may also consist of budget savings on completed works and budgeted projects not carried out.	<ul style="list-style-type: none"> <li>• Carpark Replacement</li> <li>• Roadworks Contingency</li> <li>• Building Replacement</li> <li>• Drainage</li> <li>• Environmental</li> <li>• Stormwater</li> <li>• Builders Rubble</li> <li>• Road Pavement Consumption Charge</li> <li>• Road Closure</li> <li>• Waste Levy Aggregate (R&amp;D)</li> <li>• Recreation</li> <li>• Mine Affected Roads Study</li> <li>• Infrastructure Works - Muswellbrook</li> </ul>
<b>Future Fund</b>	This Reserve consists of funds set aside for the acquisition, development, demolition or disposal of commercial property assets and to sponsor projects and initiatives to create jobs and improve education and training outcomes in the local community.	<p>Any surplus generated by the future fund business, after allowing for operating and capital expenses, will be added to this reserve on an annual basis.</p> <p>The annual transfer to this Reserve is based upon projects adopted in the IP&amp;R strategies and plans.</p>	<ul style="list-style-type: none"> <li>• Future Fund</li> </ul>
<b>Carry Over Works – General Fund</b>	To carry over unspent funds for uncompleted capital and operational works as agreed by Council resolution.	The annual transfer to this Reserve is the remaining (allocated) unspent budget required to complete the adopted Council works in progress at financial year end.	
<b>Plant Replacement</b>	To be able to internally fund replacement of plant and vehicles at the optimal time.	The amount of this Reserve is based on an internal hire rate which is determined by the actual purchase price plus operating expenditure (including depreciation) less proceeds of	<ul style="list-style-type: none"> <li>• Plant and Vehicle</li> </ul>



Name of Internal Cash Restriction	Purpose of Restriction	Calculation Basis	Current Name of Internal Cash Restrictions
		sales.	
<b>Insurance</b>	To fund insurance excess amounts for public liability and property claims on Council assets.	The amount of this Reserve is based on three times the excess amount of the public liability and property insurance policies.	
<b>Risk Management</b>	To fund identified risk mitigation programs (staff and/or infrastructure) which are aimed at reducing Council's liability.	The annual transfer to this Reserve is based on the value of StateWide and StateCover rebates and incentives received during the financial year.	
<b>Legal</b>	To fund unexpected legal expenses above the annual budgeted amount.	The amount of the Reserve is based on past legal expenses trends and maintained at a minimum of \$50,000.	• Legal Contingency
<b>Information Technology (IT)</b>	To fund replacement of hardware and upgrades to the current IT system.	An annual transfer to this Reserve is the equivalent value of asset depreciation as per Note 9 of the Annual Financial Statements less the written down value of equipment sold throughout the relevant financial year or sale proceeds whichever is the higher.	
<b>Waste Management</b>	To fund future transfer stations and landfill new cell development and remediation.	Funds transferred to and from this Reserve represent any surplus or deficit operating results on operations for the financial year.	• Waste Management Centre
<b>Deposits, Retentions and Bonds</b>	Funds that are temporarily held under Council policy arrangements.	Funds transferred to and from this Reserve represent deposits, retentions and bonds as part of Council's ongoing operations.	• Deposits Retentions and Bonds
<b>Current Internally Restricted Reserves proposed to be discontinued</b>			
<ul style="list-style-type: none"> <li>• Culture</li> <li>• Administrative</li> <li>• Sustainability</li> <li>• Contingency</li> </ul>			

Name of Internal Cash Restriction	Purpose of Restriction	Calculation Basis	Current Name of Internal Cash Restrictions
<ul style="list-style-type: none"> <li>• <b>Financial Assistance Grant</b></li> <li>• <b>SRV</b></li> </ul>			

### **Borrowing Policy**

A report was considered at the Finance Review and Advisory Committee meeting held on 8 July 2021 where the following recommendation was determined:

*“The Borrowing Policy be submitted to Council for review and adoption.”*

The report from Finance Review and Advisory Committee meeting held on 8 July 2021 is replicated below.

The draft Borrowing policy sets out Council’s loan borrowing requirements, both internal and external and the use of any overdraft facility, with consideration given to the following primary objectives:

- Ensure that all borrowings (both internal and external) are in accordance within relevant legislative provisions.
- Ensure the total amount of the loan borrowings is sustainable in terms of Council’s ability to meet future repayments and budgetary obligations.
- To detail Council’s planned financial management strategy for existing and future debt.
- Minimise the cost of borrowing.
- Meeting industry best practice in respect to Council’s Debt Service Ratio.
- Have regard to the long term and cumulative effects of Council’s decisions.
- Exercise reasonable care and diligence that a prudent person would exercise when borrowing funds.

### **Financial Management Policy**

A report was considered at the Finance Review and Advisory Committee meeting held on 15 July 2021 where the following recommendation was determined:

*“The Financial Management Policy be submitted to Council for consideration.”*

The report from Finance Review and Advisory Committee meeting held on 15 July 2021 is replicated below.

The Financial Management Policy establishes the framework within which Council’s financial reporting for investments, reserves and budgetary management and control will be managed, monitored and reported on.

The policy objectives are to:

- Provide certainty about the roles, responsibilities and process for preparing, approving and amending the annual and delivery program budget.
- Ensure that budget variations are considered on a strategic basis.
- Maintain financial sustainability by ensuring that the long-term financial outlook is considered in decision making.
- Maintain financial sustainability by ensuring that Muswellbrook Shire Council is regularly informed of trends that may impact on the annual budget and long-term financial outlook.

- Ensure compliance with approved budget resource allocations.

The policy relates to all officers who have a financial responsibility within Council, with a particular focus on the Mayor, Councillors, General Manager, Deputy General Manager, Chief Engineer, Executive Managers, Managers, Directorate Finance Officers and nominated Budget Owners.

### **Draft Investment (Financial Securities) Policy**

A report was considered at the Finance Review and Advisory Committee meeting held on 8 July 2021 where the following recommendation was determined:

*“The Investment (Financial Securities) Policy be submitted to Council for consideration.”*

The report from Finance Review and Advisory Committee meeting held on 8 July 2021 is replicated below.

The Investment (Financial Securities) Policy establishes the framework within which Council's cash and investment portfolio will be managed, monitored and reported on. This policy has been established in compliance with section 625 of the Local Government Act 1993 and provides guidance for the investment of Council's funds, with consideration given to the following primary objectives:

- Preservation of capital. Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to safeguard Council's cash and investments portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Maximise investment returns within Council's risk appetite as outlined within this policy. Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.
- Manage Council's cash resources to ensure sufficient liquidity to meet Council's business objectives over the short, medium and long term.
- The policy reinforces Council's ongoing commitment to maintain a conservative risk and return portfolio, an important component of its ongoing prudent financial management practices.
- For clarity, this policy does not apply to investments made by the Future Fund that operates under the Future Fund Policy, Operational Plan and Budget.

The proposed investment limits for credit rating categories and individual institution credit ratings remain consistent between policy versions. The changes between policy versions for these ratings are as follows:

- NSW Treasury Corp and TCorp IM Funds which are allowable under the Ministerial Order have been added to the Draft Policy as allowable investments.
- A Term to Maturity maximum percentage threshold table as well as a minimum threshold table of the total portfolio invested for a term of less than 12 months has been added to the draft Policy (page 8). These control the proportion of the total portfolio that can be invested into longer terms to ensure Council has adequate access to short and medium-term liquidity for required cashflow. The current Policy is silent on this requirement and the term to maturity percentage threshold is set at 100% for all terms in Councils investment reporting software.

### **Debt Recovery Policy**

A report was considered at the Finance Review and Advisory Committee meeting held on 8 July 2021 where the following recommendation was determined:

*“The Debt Recovery Policy be submitted to Council for consideration.”*

The report from Finance Review and Advisory Committee meeting held on 8 July 2021 is replicated below.

The Debt Recovery Policy provides direction for the collection of rates, annual charges and sundry debtors and ensure that debt collections are reviewed on a regular basis to ensure integrity, confidentiality and fairness are maintained in all proceedings for Council and its Customers during the debt recovery process.

### **Hardship Policy**

A report was considered at the Finance Review and Advisory Committee meeting held on 15 July 2021 where the following recommendation was determined:

*“The Hardship Policy be submitted to Council for consideration.”*

The report from Finance Review and Advisory Committee meeting held on 15 July 2021 is replicated below.

Payment of rates and charges is an important obligation of all property owners. Revenue collected from rates and charges is used to help provide a wide range of services and facilities to everyone that lives, works and visits the Muswellbrook Shire Council area. Without this revenue Council would not be able to function or meet the needs of the local community.

The hardship policy recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for the assessment of hardship or payment assistance applications applying the principles of social justice, fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for waiving, deferment and alternative payment arrangements, or writing off of rates, fees, annual charges and interest accrued on such debts.

The Hardship policy provides a framework for responding to applications from owners/ratepayers and customers experiencing genuine hardship with the payment of their rates, annual charges and fees in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

### **CONCLUSION**

It is suggested that Council place the attached policies on public exhibition for a period of 28 days and that these policies be approved by Council at the conclusion of the exhibition period should no material amendments be recieved.

## 12.7 MUSWELBROOK REGIONAL ARTS CENTRE (MRAC) STRATEGY AND PROPOSED NAME CHANGE

<b>Attachments:</b>	<b>A. Digital Marketing Strategy</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Christine Middleton - Co-Ordinator - Media &amp; Communications</b>
<b>Community Plan Issue:</b>	<b><i>Facilitate cultural activities and events which engage the community and visitors, and which create a 'sense of place' and identity</i></b>
<b>Community Plan Goal:</b>	<b><i>Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre</i></b>
<b>Community Plan Strategy:</b>	<b><i>Investigate opportunities to improve regional support and recognition of the Muswellbrook Regional Arts Centre.</i></b>

### PURPOSE

The MRAC Digital Marketing Strategy encompasses four integrated stages – 1) Naming; 2) Branding; 3) Website and 4) Digital Channels. The renaming the Muswellbrook Regional Arts Centre as Muswellbrook Art Gallery is the first action of, and essential to, implementing the Digital Marketing Strategy.

### OFFICER'S RECOMMENDATION

**Council approve name change of the Muswellbrook Regional Arts Centre to Muswellbrook Art Gallery.**

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

### BACKGROUND

Muswellbrook Regional Arts Centre is frequently referred to in the media and communications as Muswellbrook Regional Art Gallery or Muswellbrook Art Gallery. At its inception in 1976 until 2000 the name of the gallery was Muswellbrook Regional Art Gallery. The exhibition spaces inside the building are titled "Gallery" and the café is named Gallery Café. The inclusion of Centre in the title causes confusion in the community in relation to the gallery's purpose and function and could be considered as a deterrent for the potential of non-visitors to engage with the service.

The inclusion of Regional in the title is redundant. It is not a requirement for inclusion in public and regional programs, membership or funding. Also, the inclusion of Regional is inconsistent with Council's protocols as it is not used in any other Council service. The many other regional galleries without "Regional" in the title include Newcastle Art Gallery, Gloucester Art Gallery, Wagga Wagga Art Gallery and Wollongong Art Gallery.

Public art galleries are often known and referred to by their acronyms and the inclusion of Regional causes frequent confusion with Maitland Regional Art Gallery with each known as MRAC and MRAG respectively.

Renaming MRAC as Muswellbrook Art Gallery (MAG) will ensure the name is consistent with other Council services, the name is recognised and understood by the community and media and will inform audiences of "who we are". The acronym MAG is distinguishable from other public galleries in proximity.

### CONSULTATION

The Digital Marketing Strategy has been developed based on internal discussions between the General Manager, Community Services, Gallery Director and Communications.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Nil

**REPORT**

As outlined in the attached report, the existing branding of MRAC is inconsistent with Council's current branding, having developed relatively organically over time. With the redevelopment of Council's web site nearing completion, it is timely that MRAC's digital marketing strategy also be reviewed. The Strategy is designed to build on existing digital foundations an enhanced, cohesive and defining brand to support digital development, connect with audience and drive growth for the gallery. Part one of the Strategy is the renaming of the gallery to Muswellbrook Art Gallery.

**OPTIONS**

Council may decide to approve the change of name from Muswellbrook Regional Arts Centre to Muswellbrook Art Gallery, or may decide to not change the name.

**CONCLUSION**

Renaming the gallery as Muswellbrook Art Gallery will enable the Digital Marketing Strategy (attached) to progress in a timely manner. Actions would include adopting and launching the new name and brand, rolling out branding across digital channels, signage, print and digital media templates, promotional events and programs in a consistent and measured way.

**SOCIAL IMPLICATIONS**

Nil known

**FINANCIAL IMPLICATIONS**

Additional funding required to implement Stages Three and Four of the Digital Marketing Strategy (see attached)

**POLICY IMPLICATIONS**

Nil known

**STATUTORY IMPLICATIONS**

Nil known

**LEGAL IMPLICATIONS**

Nil known

**OPERATIONAL PLAN IMPLICATIONS**

Nil known

**RISK MANAGEMENT IMPLICATIONS**

Nil known

**WASTE MANAGEMENT IMPLICATIONS**

Nil known

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil known

**12.8 REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - SEPTEMBER 2021**

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

**PURPOSE**

To advise Council of recent grant applications submitted, grant funding recently announced or to be announced shortly, and of upcoming grant opportunities. In addition, to provide updates on Council's other grants activities.

**OFFICER'S RECOMMENDATION**

Council notes the information contained in the report.

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

**BACKGROUND**

For some time Muswellbrook Shire Council has been very successful in obtaining grants which have been decided via competitive applications and, in addition, Council has continued to receive grant allocations from both State and Federal government sources for which we are required to nominate proposed projects for funding.

**CONSULTATION**

Grant applications are prepared in consultation with senior managers at Council and key staff in relevant sections.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Both the Mayor and Deputy Mayor are regularly consulted about grant applications.

**REPORT****Upcoming grant and funding opportunities**

Following are the current grant rounds:

- New bus shelters and shelter upgrades with funding from the **2021-23 Country Passenger Transport Infrastructure Grants Scheme** to be submitted before 30 September 2021. Council is submitting an application for a new bus shelter on the southern side of the Golden Highway at Sandy Hollow.
- The \$280 million **Black Summer Bushfire Recovery (BSBR) Grants Program** will help communities address priorities for recovery and resilience after the 2019-20 bushfires. The program covers every Local Government Area that was disaster declared as a result of the 2019-20 bushfires, and community organisations, businesses and local councils can apply for funding between \$20,000 and \$10 million. Muswellbrook Shire has a "funding envelope" of \$1.6 million, however the funding is

not guaranteed, and the amount of funding allocated to the Shire depends upon the quality of applications. Applications close Wednesday, 6 October 2021 and Council is proposing to apply for funding for:

- the construction of four netball courts at Denman, as members of the Denman community were particularly involved in fighting the bushfires; and
  - the replacement of Oakleigh Bridge on Widden Valley Road to facilitate access for emergency and other heavy vehicles.
- The **Regional Sports Facility Fund** assists eligible organisations to develop quality core sport infrastructure that will meet the current and future needs of the community, and supports the development of well-designed and utilised new and improved sport infrastructure projects that can directly impact and support participation and performance opportunities in sport at all levels. The maximum funding available is \$1 million and applications close Friday, 8 October, 2021. Possible projects for this round include:
  - grandstand and amenities, field improvements, and fencing at Olympic Park (last round Council received \$1 million for amenities at Olympic Park);
  - field lighting at Highbrook Park;
  - lighting and clubhouse extension including additional changerooms and clubhouse at Weeraman Fields;
  - facilities and tiered seating at Victoria Park; and
  - netball court replacement at Karoola Park.
- The NSW Environmental Trust is inviting applications for the 2021-22 round of its **Restoration and Rehabilitation Grants Program**. A total of \$4 million is available for projects that assist in the ongoing sustainable management and stewardship of significant environmental assets and services in NSW with grants available between \$50,000 and \$170,000. Applications close Monday, 11 October and Council plans to submit an application focussing on Muscle Creek.
- The **LGNSW Flying-fox Habitat Restoration Program** is offering funding of \$5 million for long-term (nine-year) programs to restore and enhance flying-fox roosting and foraging habitat, learn how habitat creation, restoration and enhancement can improve flying-fox conservation and reduce conflict with humans, and share information with key stakeholders. The first stage involves submitting an Expression of Interest addressing the key criteria by Friday, 29 October 2021 and successful EOIs will proceed to Stage 2 of the process, with relevant Councils invited to submit a detailed application and work plan.
- Under the **Safe and Secure Water Program** the Department of Planning, Industry and Environment has been working with Local Water Utilities (LWUs) across regional NSW to address risks to their water and sewerage services. Further to a recommendation from the Program's multi-agency Prioritisation Review Panel, the NSW Government has committed to allocating co-funding (up to 50%) to LWUs for the resolution of the highest priority risks and Council has been encouraged to act on this opportunity.

### Grant funding to be announced shortly

Council is awaiting two announcements:

- Council's application to the Federal Building Better Regions Fund, under the Infrastructure Projects Stream for \$10 million for the **Muswellbrook Regional Entertainment and Conference Centre**. Announcements are expected in early October.
- Council's Registration of Interest under the Snowy Hydro Legacy Fund Freight Linkages program for the concept of the **Gateway Service Centre on the New England Highway south of Muswellbrook**.



**Muswellbrook Shire Council Community Grants – Round 2 2021**

Round 2 of the 2021 Muswellbrook Shire Community Grants closed on Friday, 17 September. The grants provide financial assistance to local not-for-profit community groups and organisations that work towards enhancing the social, cultural and recreational well-being of the communities of Muswellbrook Shire.

Council has received eight (8) applications. The number and value of grants offered this round will be subject to the amounts requested and the total annual funding pool.

**Muswellbrook Shire Council Grants Portal**

Council receives a monthly update on our grant finding portal at <https://muswellbrook.grantguru.com.au/>. The report provides data on a number of performance indicators including those listed in the table below:

Indicator	August 2021	July 2021	June 2021	May 2021
Total unique portal visitors	84	85	94	117
Number of page views	296	219	475	667
Total cumulative registrations to the portal (via the sign-up form)	28	25	21	17
Grant alerts sent per month to registered users	180	139	67	13

As expected, community interaction with the grant finding portal has waned slightly since its launch in May 2021. However, there was a re-bounce in the number of page views between July (219) and August (296), probably due to publicity of the portal which took place in association with the opening of Round 2 2021 of Council's Community Grants.

**OPTIONS**

Council notes the grant funding to be announced shortly, applications to be submitted over the next month, the number of applications received for Round 2 2021 of Council's Community Grants and Council's Grant Portal data.

**CONCLUSION**

The funding received under these grant programs will offset expenditure that would otherwise be needed to be made by Council.

**SOCIAL IMPLICATIONS**

These projects address priority issues in the community and are well-supported.

**FINANCIAL IMPLICATIONS**

There are co-contributions required as specified in the applications descriptions above.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY IMPLICATIONS**

Not applicable.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

The projects funded by these grants are in line with Council's Operational Plan goals and objectives.

**RISK MANAGEMENT IMPLICATIONS**

Council will be required to outline possible risks associated with each project in preparing each grant application, along with risk mitigation strategies.

**12.9 AUGUST 2021 MONTHLY FINANCIAL REPORT**

<b>Attachments:</b>	<b>A. Monthly Reporting - 31st August</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>David Walsh - Manager - Corporate Services &amp; Chief Financial Officer</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i></b>

**PURPOSE**

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances against Council's approved budget at an organisational level for the month ending 30 August 2021.

**OFFICER'S RECOMMENDATION**

**The Financial Report for the month ending 31 August 2021 be noted.**

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

**REPORT**

Please refer to the attachment for the monthly and year-to-date financial performance details for August 2021.

## 12.10 REPORT ON INVESTMENTS HELD AS AT 31 AUGUST 2021

<b>Attachments:</b>	A. Trading Limits - 31 August 2021 B. Portfolio Valuation Report - 31st August 2021
<b>Responsible Officer:</b>	Fiona Plesman - General Manager
<b>Author:</b>	David Walsh - Manager - Corporate Services & Chief Financial Officer
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

### PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

### OFFICER'S RECOMMENDATION

The information showing Council's investments as at 31 August 2021 be noted and that the minor discrepancy with the issuer trading limits be approved.

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

### REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

Funds invested under Section 625 of the Local Government Act, as at 31 August 2021 are shown in the attachments.

### COMMENT:

As at 31 August 2021, two issuer trading limits had been mildly exceeded (by \$184k: 3% of \$6.5M total) between Bank of Queensland Ltd and Members Equity Bank Ltd. The discrepancy emerged due to the Bank of Queensland acquisition of Members Equity Bank Ltd finalising in July 2021 – prior reporting would not have consolidated the two institutions.

\$500k of the 6.5M invested with this group is an At Call Deposit and can easily be transferred if required. The next BOQ investment matures in November. It is recommended that Council permits this discrepancy to remain as this security offers some of Council's better yielding interest and overall Council's security rating group trading limits have not been exceeded.

Council's weighted running yield is 0.79% for the month.

The Responsible Accounting Officer certifies that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

## 12.11 COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kim Manwarring - Manager - Community Services
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

To provide an update on activities in the Community Services section.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

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

### REPORT

#### MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK and DENMAN

During early August prior to the lockdown the Library staff noticed an upward trend in usage of the space for quiet study and work by teenagers and adults. The Muswellbrook Shire Libraries was attended by **293 customers** prior to shut down on the 6 August, 2021.

During August the library has rolled out extended contactless home delivery services to members living within the Muswellbrook and Denman townships with a rural delivery service commenced in early September. The library has been heavily promoting it's online services throughout the closure and assisting customers to register for membership and access digital resources. Library staff have attended virtual training in preparation for presenting virtual story time sessions during school holidays utilising partnerships with ALIA's online story time program.

The library has been utilising its membership with NSW Public Library Association to provide virtual Author talks during library closures including Larissa Behrendt, Tom Keneally and Matt Murphy. This will continue in October with upcoming talks booked with Judy Nunn and Claire G. Coleman.

#### **Providing opportunities that increase community literacy, both physical and digital**

##### Online Engagement:

Library staff have been sharing a series of staff reading recommendations, digital resources and virtual author talks via social media. Over the past month the library has had **4,478** post views.

##### Collections:

During August the library added **119 new items** to the physical collections which have been popular selections during our extended home delivery service. Staff have selected and delivered **1,028 items to 81 homes** during August. Children's craft kits have also been a popular inclusion in our home deliveries.

Our digital collections have increased in popularity during lockdown across our three digital platforms, there have been **426 eAudio loans, 314 eBook Loans and 135 Digital magazine loans**.

**Increasing and maintaining library memberships**

Muswellbrook library has registered 35 new members during August.

**MUSWELLBROOK ART GALLERY**

The Art Gallery Team have been moving the current exhibition online and providing online activities for young Art Gallery patrons.

**COMMUNITY PARTNERSHIPS**

All meetings have been postponed due to the recent COVID-19 outbreak.

Maintain, responded and distribute emails to the Upper Hunter Community Services Interagency.

The Upper Hunter Community Interagency meeting was cancelled due to the recent COVID-19 outbreak. The next meeting will be held on Wednesday 6 October, 2021.

**MUSWELLBROOK SHIRE AQUATIC & FITNESS CENTRE – Denman and Muswellbrook**

The Muswellbrook Aquatic Centre has been closed until further notice.

**TOURISM AND EVENTS**

Denman Visitor Information Centre remains closed until further notice.

Work continues with the University of Newcastle – School of Creative Industries to deliver an online Blue Heeler Film Festival on the 30 October 2021, submissions close mid-September for film entries for this years theme 'DON'T PANIC!' in the context of Living with a pandemic.

Planning is underway for Australia Day 2022 celebrations nominations are still being taken for the Australia Day Awards and will close on the 30 September, 2021.

## 11 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE MEETING HELD ON THURSDAY, 9 SEPTEMBER 2021

<b>Attachments:</b>	<b>A. 9/09/2021 - Finance Review Advisory Committee - Minutes</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

#### PURPOSE

To inform Council of a meeting of the Finance Review and Advisory Committee held on 9 September 2021.

#### OFFICER'S RECOMMENDATION

The minutes for the Finance Review and Advisory Committee meeting held on Thursday 9 September 2021 be NOTED.

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

#### REPORT

The Executive Officer reports that the Finance Review and Advisory Committee met on Thursday 9 September 2021.

The minutes of the meeting are attached for the information of the Councillors.

**13.2 REPORT OF THE STATE SIGNIFICANT DEVELOPMENT MEETING  
HELD ON MONDAY, 6 SEPTEMBER 2021**

<b>Attachments:</b>	<b>A. Minutes - State Significant Development Cttee - 6/09/2021</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

**PURPOSE**

To inform Council of a meeting of the State Significant Development held on 6 September 2021.

**OFFICER'S RECOMMENDATION**

The minutes for the State Significant Development meeting held on Monday 6 September 2021 be NOTED.

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

**REPORT**

The Executive Officer reports that the State Significant Development met on Monday 6 September 2021. The minutes of the meeting are attached for the information of the Councillors.



## **12 NOTICES OF MOTION / RESCISSION**

Nil

## 13 QUESTIONS WITH NOTICE

### 15.1 QUESTION WITH NOTICE - COVID-19 ALLOCATIONS

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - General Manager

Councillor Steve Reynolds has asked the following question with notice for the Council Meeting on 28 September 2021, as follows:

- What has been the overall expenditure in relation to the money allocated for the COVID-19 monies allocated and can a breakdown as to what the monies were spent on and a breakdown of businesses that were supported be provided?*
- Has the expenditure of this money continued ongoing? When was the last date we provided support?*

#### MOTION

The information be noted.

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

#### RESPONSE BY GROUP MANAGER

- What has been the overall expenditure in relation to the money allocated for the COVID-19 monies allocated and can a breakdown as to what the monies were spent on and a breakdown of businesses that were supported be provided?**

##### COVID 19 \$2m Loan Reconciliation

2019/20	1030.280.500	54,822.00	IT Expenses - set up working from home costs, etc.
	1030.6697.500	44,992.00	COVID expenses (Meals Delivery, etc)
	1030.6699.500	2,589.00	Virtual Mall (see attached)
2020/21	1030.6699.500	6,000.00	Virtual Mall (see attached)
	1030.6697.500	439.00	COVID Expenses (see attached)
		1,791,158.00	As per September 2020 'mini' budget review to fund Aquatic Centre Capital Project
		50,000.00	As per May 2020 Council meeting - Funding the Denman Golf Course Contribution
		50,000.00	As per March 2021 budget review, funding legal expenses.
		<b>\$2,000,000.00</b>	

- Has the expenditure of this money continued ongoing? When was the last date we provided support?**

Expenditure of the \$2M loan has not continued as it was fully reconciled in March 2021. From April 2020 to February 2021 there were 19 tenants of council owned property who received assistance in accordance with the NSW implementation of the National Code of Conduct for Commercial Leases for tenants impacted by Covid-19.

The financial information provided in confidence by tenants was assessed against the Code. The total rental abatement provided was \$95k and rental deferral of \$112k.

Notwithstanding this assistance the budgeted result for the Future Fund was achieved.

Further, on 13 August 2021 the NSW Government announced it will reintroduce the National Cabinet's Mandatory Code of Conduct for Commercial Leasing until 13 January 2022. Councils property office is currently addressing rental abatement requests as part of the 2021 COVID lockdown period; this is still underway and the impact on the Future Fund is not as yet known.

**15.2 QUESTION WITH NOTICE - REGIONAL ENTERTAINMENT CENTRE****Attachments:** Nil**Responsible Officer:** Fiona Plesman - General Manager

Councillor Steve Reynolds has asked the following question with notice for the Council Meeting on 28 September 2021, as follows:

1. *What is the total amount of grant funding obtained for the Regional Entertainment Centre?*
2. *What is the amount of grant funding currently sort/applied for at present that is pending for the Regional Entertainment Centre?*
3. *What is the direct budgeted allocation from the SRV specific to a) the construction of the Regional Entertainment Centre and b) ongoing budgeted allocation for the direct operational costs of Regional Entertainment Centre?*

**MOTION**

The information be noted.

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

**RESPONSE BY GROUP MANAGER**

1. **What is the total amount of grant funding obtained for the Regional Entertainment Centre?**  
Ridgelands Resources – Black Box Studio - \$500,000  
NSW Resources for Regions (Round 7) – Black Box Studio - \$2,850,318
2. **What is the amount of grant funding currently sort/applied for at present that is pending for the Regional Entertainment Centre?**  
Federal 2021 Building Better Regions - Regional Entertainment and Conference Centre - \$10,000,000 – decision on this application is not determined until Third Quarter 2021  
NSW Resources for Regions (Round 8) - Regional Entertainment and Conference Centre - \$6,394,854 – this funding is well assured because Muswellbrook Shire Council was allocated \$6,394,854 in this Round and the Regional Entertainment and Conference Centre is our number 1 project
3. **What is the direct budgeted allocation from the SRV specific to:**
  - a) **the construction of the Regional Entertainment Centre and**  
6.8M
  - a) **ongoing budgeted allocation for the direct operational costs of Regional Entertainment Centre?**  
600k/year

**15.3 QUESTION WITH NOTICE - CIVIC TOWN SQUARE****Attachments:** Nil**Responsible Officer:** Fiona Plesman - General Manager

Councillor Steve Reynolds has asked the following question with notice for the Council Meeting on 28 September 2021, as follows:

- 1. What is the total amount of grant funding obtained for the Civic Town Centre and associated infrastructure?*
- 2. What is the amount of grant funding currently sort/applied for at present that is pending for the Civic Town Centre and associated infrastructure?*

*What is the projected overall cost of the Civic Town Centre and associated infrastructure?*

**MOTION**

**The Information be noted.**

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

**RESPONSE**

- 1. What is the total amount of grant funding obtained for the Civic Town Centre and associated infrastructure?**

The total project budget in Council's adopted budget is \$14.5M allocated over four years. Over the four years, grant funding is assumed but to be offset with loans if required. Grant funding has not been secured at this time.

- 2. What is the amount of grant funding currently sort/applied for at present that is pending for the Civic Town Centre and associated infrastructure?**

The project has been nominated as an alternate project for part funding under the NSW Government's Resources for Regions (Round 8). Future opportunities could include the Australian Government's Local Roads Community Infrastructure Program Extension (Phase 3).

## 14 COUNCILLORS REPORTS

## 15 QUESTIONS FOR NEXT MEETING

## 16 ADJOURNMENT INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

## 17 CLOSED COUNCIL

### RECOMMENDATION

**Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:**

#### **19.1 MANGOOLA EXTENSION PROJECT**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) and 10A(2)(g) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **19.2 REQUEST TO WAIVE PROPERTY RATES**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **19.3 MUSWELBROOK SHIRE AQUATIC & FITNESS CENTRE - BUSINESS PLAN**

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **19.4 FUTURE FUND SCHEDULE AND LONG TERM FINANCIAL PLAN**

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **19.5 HOUSING SUPPORT FOR DOMESTIC AND FAMILY VIOLENCE**

Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local

government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.6 TENDER 2020-2021-0404 HUNTER BEACH PROJECT**

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.7 TENDER NO 2020-2021-0482 - SUPPLY OF SURVEYING SERVICES AND MINOR CIVIL DESIGN**

Item 19.7 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.8 TENDER 2020-2021-0455 - YARRAWA ROAD UPGRADE WORKS CH14.0-CH16**

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.9 TENDER 2020-2021-0463 - REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE - NEGOTIATIONS**

Item 19.9 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.10 REFURBISHMENT AND FIT-OUT OF RESTAURANT INCLUDING FLOOR REPAIRS TO LOXTON HOUSE**

Item 19.10 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**18 RESUMPTION OF OPEN COUNCIL**

**19 CLOSURE**

**DATE OF NEXT MEETING: TUESDAY 26 OCTOBER 2021**