

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

26 OCTOBER 2021



ORDINARY COUNCIL MEETING, 26 OCTOBER 2021

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
25 October, 2021

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **26 October, 2021** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

ITEM	SUBJECT	PAGE NO
1	ACKNOWLEDGEMENT OF COUNTRY	7
2	CIVIC PRAYER	7
3	APOLOGIES AND LEAVE OF ABSENCE	7
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
5	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	7
6	PUBLIC PARTICIPATION	8
7	MAYORAL MINUTES	8
8	GENERAL BUSINESS	8
9	BUSINESS ARISING Nil	8
10	ENVIRONMENTAL SERVICES	9
10.1	MUSWELLBROOK BYPASS REZONING UPDATE - PP015	9
10.2	APPROVAL OF LANDCARE GRANTS FOR 2021 2022	12
10.3	MONTHLY REPORT TO COUNCIL - PLANNING, ENVIRONMENT AND REGULATORY SERVICES	15
11	COMMUNITY INFRASTRUCTURE	18
11.1	SPORT AND RECREATION SMALL AND LARGE CAPITAL GRANTS PROGRAMME 2021	18
11.2	OLYMPIC PARK GRANDSTAND AND AMENITIES DESIGN - PUBLIC EXHIBITION	22
11.3	PERMANENT LEGAL CLOSURE OF ROSEBROOK LANE AND PART OF LOGUES LANE	26
11.4	BENGALLA MINE S138 ROADS ACT 1993 APPLICATION TO UNDERTAKE WORKS	29
11.5	BRIDGE STREET RAIL BRIDGE REPLACEMENT AESTHETIC CONCEPTS	32
11.6	WATER AND WASTEWATER LEVELS OF SERVICE FOR THE FIRST QUARTER OF 2021-22	34
11.7	WATER AND WASTEWATER 2021-22 CAPITAL WORKS PROGRAMME	38
11.8	MAJOR PROJECTS STATUS REPORT	42
12	CORPORATE AND COMMUNITY SERVICES	43
12.1	2020/2021 ANNUAL REPORT	43
12.2	REGISTER OF PECUNIARY INTERESTS	45

12.3	ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS: 1 SEPTEMBER 2020 – 31 AUGUST 2021	47
12.4	END OF TERM REPORT	50
12.5	2021-2022 OPERATIONAL PLAN 30 SEPTEMBER QUARTERLY REVIEW	52
12.6	SECTION 355 COMMITTEE GUIDELINES	55
12.7	PRE-ELECTION GUIDE FOR COUNCILS	57
12.8	CONFIRMATION OF GENERAL MANAGER'S DELEGATIONS DURING CARETAKER PERIOD	58
12.9	DELEGATIONS FOR THE MAYOR DURING THE 2021 ELECTION PERIOD	62
12.10	ADMINISTRATION CENTRE CHRISTMAS CLOSURE DATES	64
12.11	SEPTEMBER BUDGET REVIEW 2021	66
12.12	BUDGET 2022-23 - PRELIMINARY DRAFT	68
12.13	SEPTEMBER 2021 MONTHLY FINANCIAL REPORTS	69
12.14	REPORT ON INVESTMENTS HELD AS AT 30 SEPTEMBER 2021	70
12.15	REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - OCTOBER 2021	71
12.16	COMMUNITY GRANTS PROGRAM - ROUND 2 2021	75
12.17	COMMUNITY SERVICES	78
13	REPORTS FROM COMMITTEES	80
13.1	FINANCE REVIEW AND ADVISORY COMMITTEE - 7/10/2021	80
13.2	STATE SIGNIFICANT DEVELOPMENT - 18/10/2021	81
13.3	AUDIT, RISK AND IMPROVEMENT COMMITTEE - 20/10/2021	82
14	NOTICES OF MOTION / RESCISSION	83
	Nil	
15	QUESTIONS WITH NOTICE	84
15.1	QUESTION WITH NOTICE - UNIVERSITY AWARDED \$2 MILLION INDUSTRY FUNDING	84
15.2	FURTHER INFORMATION IN REGARD TO COUNCIL'S STATEMENT RE MANGOOLA 21 APRIL 2021	86
16	COUNCILLORS REPORTS	88
17	QUESTIONS FOR NEXT MEETING	88
18	ADJOURNMENT INTO CLOSED COUNCIL	88
19	CLOSED COUNCIL	88
19.1	HUNTER RESOURCE RECOVERY REGIONAL RECYCLING SOLUTIONS PROJECT	
	<i>Item 19.1 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</i>	

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.

19.2 TENDER PROCESS FOR RENEWABLE ENERGY FOR LARGE SITES AND STREET LIGHTING

Item 19.2 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.

19.3 CONTRACT 2021-2022-0495 PROJECT MANAGEMENT SERVICES

Item 19.3 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.

19.4 TENDER 2019-2020-0381 - THOMPSON STREET/NEW ENGLAND HIGHWAY, MUSWELLBROOK, INTERSECTION UPGRADE AND SIGNALISATION

Item 19.4 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.

19.5 CONTRACT 2021-2022-0493 WATER AND WASTEWATER ASSET CONDITION ASSESSMENT

Item 19.5 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.

19.6 CONTRACT 2020-2021-0486 SUPPLY AND DELIVERY OF ROADBASE MATERIAL

Item 19.6 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.

19.7 RECYCLING OF SCRAP METAL

Item 19.7 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.

19.8 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(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.

19.9 ANIMAL SHELTER AND SUSTAINABILITY HUB RELOCATION

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 KAYUGA RURAL FIRE STATION PROJECT MANAGEMENT

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.

19.11 DETERMINATION OF AUSTRALIA DAY 2022 AWARDS

Item 19.11 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) and 10A(2)(d)(ii) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and 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.

20	RESUMPTION OF OPEN COUNCIL	90
21	CLOSURE	90
DATE OF NEXT MEETING: TUESDAY 11 JANUARY 2022		90



**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

AGENDA

TUESDAY 26 OCTOBER 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 **28 September, 2021** and Extra-Ordinary Council Meeting held on **12 October, 2021**, a copies 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 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

10 ENVIRONMENTAL SERVICES

10.1 MUSWELLBROOK BYPASS REZONING UPDATE - PP015

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

PURPOSE

The Department of Planning Industry and Environment (DPIE) has requested advice from Council on the status of the Muswellbrook Bypass Corridor rezoning proposal (PP015), and specifically if it is intended to make, discontinue or withdraw the planning proposal by 31 December 2021.

The purpose of the report is to provide Council with information regarding this planning proposal. As Council would not be able to forward the Planning Proposal to DPIE to have it made by 31 December 2021 it is recommended that the Planning Proposal be withdrawn and resubmitted as a new planning proposal for Gateway Determination in the future.

OFFICER'S RECOMMENDATION

Council:

- a) Writes to the Minister for Planning and requests that the Muswellbrook Bypass Corridor Planning Proposal (PP015) be withdrawn;
- b) Resolves to prepare a new Planning Proposal for the Muswellbrook Bypass Corridor, in line with the Bypass Review of Environmental Factors, and requests a Gateway Determination from the Department of Planning, Industry & Environment, pursuant to the Environmental Planning and Assessment Act 1979;
- c) Advises the Department of Planning, Industry & Environment that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979; and
- d) Authorises the Planning Proposal being placed on public exhibition, subject to the outcome of the Gateway Determination.

Moved: _____ Seconded: _____

BACKGROUND

The intention of the Planning Proposal is to protect the land required for the bypass corridor from new development. It would amend the location of the bypass currently shown on the Muswellbrook LEP 2009 zoning maps, being narrower in width, further east and with different intersection configurations with the New England Highway and local road network.

In July 2020 the NSW Premier announced the Planning System Acceleration Program to streamline and simplify the planning system, unlock productivity, keep people in jobs and support sustained economic recovery from the COVID -19 pandemic.

One of the initiatives has been to review the status of older existing Planning Proposals across NSW. The Muswellbrook Bypass Corridor rezoning was initiated by Council at the meeting held on 28 June 2018. DPIE would like to know if, by December 31, 2021, the Planning Proposal can be:

- Made;
- Discontinued; or
- Withdrawn.

A copy of correspondence received from DPIE regarding this matter is provided as Attachment A.

CONSULTATION

The Planning Proposal was publicly notified from 2 November 2018 to 3 Dec 2018. Five (5) submissions were received. These submissions were provided to Transport for NSW (TfNSW) to assist in refining the bypass corridor design and connection locations.

TfNSW has separately notified details about the selection of the preferred corridor and expects to notify the Review of Environmental Factors (REF) and concept design for the bypass in November 2021.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation with Councillors in relation to the report.

REPORT

The objective of the Planning Proposal is to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009) in order to zone the proposed corridor for the Muswellbrook bypass as SP2 Classified Road zone, and to zone land formerly identified as being part of the Muswellbrook bypass corridor to match the zones of adjoining land. The Lot Size Map, Height of Buildings Map and Land Reservation Acquisition Map also need to be amended to match to zoning changes and to ensure consistency with all other corridor routes throughout the local government area. The intended outcome is to reflect current corridor planning.

A brief timeline synopsis of the rezoning request follows:

- 28 June 2018 - Ordinary Meeting of Council resolution to prepare a planning proposal and to forward on to the Department of Planning and Environment for a Gateway Determination
- 9 October 2018 - Gateway Determination was issued requiring state agency consultation and public exhibition.
- 2 Nov to 3 Dec 2018 – Public Exhibition occurs.
- Dec 2020 – TfNSW publicly notifies the preferred bypass corridor option for comment.
- Oct 2021 – TfNSW announces that the Bypass REF and concept design will be exhibited in November 2021.

There have been enough changes between the exhibited Planning Proposal and the current bypass design to require an update to the Planning Proposal. DPIE staff have verbally advised that the changes to the Planning Proposal should be re-notified.

OPTIONS

The options available to Council are:

1. To write to the Minister for Planning and request that the Muswellbrook Bypass Planning Proposal (PP015) be withdrawn with the intention of resubmitting an amended Planning Proposal in the future for a Gateway Determination.
2. To make no decision. Advice from the DPIE is that where a council chooses not to finalise a planning proposal by 31 December 2021, the Minister (or their delegate) may choose to finalise the planning proposal.

CONCLUSION

Details of the final bypass corridor design will be provided by TfNSW in November 2021. This does not allow sufficient time to finalise the Planning Proposal by 31 Dec 2021. It is recommended that Council write to the Minister for Planning and request that the Muswellbrook Bypass Planning Proposal (PP015) be withdrawn with the intention of resubmitting an amended Planning Proposal in the near future for a Gateway Determination.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

There are no statutory implications.

LEGAL IMPLICATIONS

There are no legal implications

OPERATIONAL PLAN IMPLICATIONS

There are no operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

The planning proposal needs to be based on the best available information regarding the bypass corridor design. The corridor that was notified in November 2018 is no longer current, and to proceed would result in a zone mapping layer that will be incorrect.

10.2 APPROVAL OF LANDCARE GRANTS FOR 2021 2022

Attachments:	Nil
Responsible Officer:	Sharon Pope - Executive Manager - Environment and Planning
Author:	Michael Brady - Sustainability Officer
Community Plan Issue:	<i>Enhance native vegetation connectivity across the Upper Hunter</i>
Community Plan Goal:	<i>Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.</i>
Community Plan Strategy:	<i>Conduct community engagement and education program that encourage native vegetation connectivity across the Upper Hunter.</i>

PURPOSE

The purpose of this report is to provide information and to Council and obtain a resolution to approve successful applications for Council's Local Landcare Grant Program for 2021/2022.

OFFICER'S RECOMMENDATION

That Council approves the granting of funds from the Local Landcare Grant Program to:

- a. Martindale Creek Catchment Landcare Inc - \$8000
- b. Pine Ridge Landcare Group - \$5060
- c. Muswellbrook South Public School P&C - \$3000
- d. Lake Liddell Recreation Area Reserve - \$350

Moved: _____ Seconded: _____

BACKGROUND

This round of Local Landcare Grants is funded through the Major Landcare Projects Capital budget 2021/2022.

This is an ongoing initiative. The pool of funding in 2021/22 for the grants is \$24000. Grant applications are accepted from Landcare groups, schools and community groups in the Muswellbrook Shire Local Government Area that have an ABN.

The grant applications are assessed using the following criterion:

- a) the likely impact the project will have on the environment.
- b) the likely impact the project will have on increasing environmental awareness and educating the community about environmental issues.

Applicants could seek up to \$8000 per project. Groups need to match the amount requested through an in-kind contribution or other funds.

CONSULTATION

Executive Manager Environment and Planning

CONSULTATION WITH COUNCILLOR SPOKESPERSON

None

REPORT

Council staff have reviewed the application that were received for funding under the Local Landcare Grants Program 2021/2022. We assessed each application bases on the following criteria:

- the likely improvement the project will have on the environment.
- the likely impact the project will have on increasing environmental awareness and educating the community about environmental issues.
- the likelihood that the project will succeed.

Based on this assessment staff make the following recommendations.

Name of group:	Martindale Creek Catchment Landcare Inc.
Summary of project:	Weed control on properties. Education of community about weeds.
Amount requested:	\$8000
Amount in kind:	\$12933.20
Matched funding:	\$10000
Average rating:	7/10
Recommendation:	Approve funding

Name of group:	Pine Ridge Landcare Group (Hunter Sustainability Landcare TEAM)
Summary of project:	Weed control on properties. Education of community about weeds.
Amount requested:	\$5060
Amount in kind:	\$31290
Average rating:	6/10
Recommendation:	Approve funding

Name of group:	Muswellbrook South Public School P&C
Summary of project:	Garden materials.
Amount requested:	\$3000
Amount in kind:	\$3000
Average rating:	6.6/10
Recommendation:	Approve funding

Name of group:	Lake Liddell Recreation Area Reserve Land Manager
Summary of project:	Native plantings and seeding.
Amount requested:	\$350
Amount in kind:	\$720
Average rating:	5.5/10
Recommendation:	Approve funding

OPTIONS

Option 1: Approve grants as recommended in this report.

Option 2: Do not approve grants as recommended.

CONCLUSION

Council staff recommend approving grants as recommended in this report as the various projects will make improvements to the environment through weed removal and education of the community.

SOCIAL IMPLICATIONS

Not applicable

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

These grants are funded through the Major Landcare Projects budget as approved by at the 26 August Council meeting.

2. *Financial Implications – Operational*

Spending for these grants will not be spent as capital, and therefore a reallocation from the capital budget to operating will provide for these costs.

POLICY IMPLICATIONS

None

STATUTORY IMPLICATIONS

None

LEGAL IMPLICATIONS

None

OPERATIONAL PLAN IMPLICATIONS

Action 12.01.01 in Muswellbrook Shire Council's Operational Plan 2021/2022 is:

Support Landcare activities in the Shire.

RISK MANAGEMENT IMPLICATIONS

None

WASTE MANAGEMENT IMPLICATIONS

None

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

None

10.3 MONTHLY REPORT TO COUNCIL - PLANNING, ENVIRONMENT AND REGULATORY SERVICES

Attachments:	Nil
Responsible Officer:	Sharon Pope - Executive Manager - Environment and Planning
Author:	Tracy Ward - Sustainability Officer Michael Brady - Sustainability Officer
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 Planning, Environmental and Regulatory Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & ENVIRONMENTAL SERVICES

Statistical Information

Information on Statistics for Section 10.7 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are not available for this meeting but will be provided in separate email to Councillors.

SUSTAINABILITY

Muswellbrook Connect

Council has supported the Penguin Community Garden group to give away 250 free seedlings to residents. Soon the Denman Community Garden Will give away seedlings to residents in Denman. These seedlings enable residents to grow healthy food at home. This help Council spread messages about food waste, composting and worm farming. 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.



Sustainable Futures – Muswellbrook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,348 page likes and 1,440 page followers. This page promotes 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.

AGL Walkway

Council has submitted a changed scope for the AGL Walkway project to AGL and the EPA.

The revised project involves constructing approximately 147 metres of pathway that links the existing walking path on Wilkson Ave to the existing walking path along Muscle Creek. An existing 372 metres section of pathway will also be upgraded to meet Australian Standards by repairing/widening some areas.

The Muscle Creek bank, between Wilder Street and Bell Street, contains numerous weed species, weeding and revegetating the creek bank will also occur as part of the project.

A major aim of this project is to enhance the recreational and environmental values of this area. The use of this walking path will be enhanced by installation of solar lighting. This will allow the community to use the path safely over a longer time period.

An Augmented Reality experience will also be developed. This will involve creating points along the path where the community can stop and use their smart devices to interact with educational message in an augmented reality. The aim would be to develop a similar experience as seen in this link.
<https://youtu.be/n6mS7QNf3bl>



Muscle Creek Weed Control Works

Weed control works on muscle Creek, adjoining the railway line within the Golf are underway and replanting works will commence in Autumn.

Denman Nature Walk

A Request for Quotations has been prepared to construct a nature trail within Hyde Park. This project is being funded through the Major Landcare Projects budget.

Active Transport Plan

Sustainability staff assisted Community Infrastructure in the development of the Pedestrian and Cycling Plan being developed.

11 COMMUNITY INFRASTRUCTURE

11.1 SPORT AND RECREATION SMALL AND LARGE CAPITAL GRANTS PROGRAMME 2021

Attachments:	A. Muswellbrook Shire Council Large Capital Grants Application 2021 - Under Separate Cover B. Muswellbrook Shire Council Small Capital Grant Application 2021 - Under Separate Cover
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Paul Chandler - Technical Offer - Recreation & Property
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 small grants dollar for dollar program.</i>

PURPOSE

The seventh round of Council's Sport and Recreation Capital Grants Programme has now closed. A total of ten applications were received from local sporting and community user groups. The report provides the detail of these applications under the Small and Large Capital Grants Programme and provides recommendations for the allocation of funds.

OFFICER'S RECOMMENDATION

Council:

1. Award the funding for the grant applications as recommended in the report; and
2. Allocate the remaining funding to projects as recommended.

Moved: _____ Seconded: _____

BACKGROUND

The Sport and Recreation Capital Grants Programme has been a successful initiative of Council's. It has allowed local user groups to fund their user priorities using matched funding. Council's funding has also assisted user groups to attract additional funding from other organisation's grant programmes. Since 2015, Council has facilitated 65 user group projects.

The 2021-22 Sport and Recreation Capital Grants Programme has a funding allocation of \$125,000, which is comprised of \$25,000 for the Small Capital Grants Programme and \$100,000 for the Large Capital Grants Programme.

CONSULTATION

Muswellbrook Shire Sport and Recreation Group
Manager Works, Property and Building Services
Technical Officer - Recreation and Property

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson for Sport, Councillor McNeill
Councillor Spokesperson for Community Engagement, Councillor Reynolds

Mayor and Councillor Spokesperson for Utilities, Councillor Scholes

REPORT

Listed below under the respective programmes are the applications received and the recommendations for Council's consideration.

Small Capital Grants (3710.5482.504) \$25,000 budget

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Muswellbrook Little Athletics	Shelving in the new storage container	\$2,000	\$4,500	Recommended	\$2,000
Muswellbrook Little Athletics	Ride on mower for line marking services	\$2,000	\$4,833	Not recommended Don't want clubs mowing the fields themselves	\$0
Muswellbrook Junior Rugby League	Replacement of old line marking machine	\$1,012	\$2,024	Recommended	\$1,012
Muswellbrook Amateur RSL Youth Swimming Club	Purchase of replacement canopies and backstroke starting wedges	\$2,000	\$4,020	Recommended	\$2,000
Denman Sandy Hollow Junior Rugby League	Lights for storage containers at mini league fields	\$2,000	\$4,153.20	Recommended	\$2,000
Denman Swimming Club	Replacement of training fins for squad	\$471.25	\$942.45	Not recommended due to clause 7 of guideline. This is sporting equipment.	\$0
Total		\$9,483.25	\$20,472.65		\$7,012.00

Large Capital Grants (3710.5494.504) \$100,000 budget

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Olympic Park Tennis Club	Replacement and reconstruction of a synthetic tennis court	\$5,000	\$39,564	Recommended	\$5,000
Lake Liddell Recreation Area Reserve	Install flood lighting to a section of recreation area that currently has no power supply	\$13,904	\$27,808	Recommended	\$13,904

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Ken Horth	Seeking fund to build a Disc Golf Course in the Shire	\$50,000	\$50,000	Not recommended No matched funding, club or organisation. No proof of not for profit or location of proposed disc golf course.	\$0
Muswellbrook Football Club	Replacement of nets for football goals	\$3,624.99	\$7,249.98	Recommended	\$3,624.99
Total		\$72,528.99	\$124,621.88		\$22,528.99

Received as a late submission on Monday, 18 October 2021 was an application from Denman Junior Cricket. Their roller for preparing the wicket broke down and the club made an appeal to Council for assistance. Quotes and evidence of funding have been received. The club is also receiving funding from other grant bodies. It is outside the grant process, however the circumstances and purpose have merit and funding is available.

User Group	Purpose of funding:	Funding requested	Total project Cost	Recommendation	Budget Allocation
Denman Junior Cricket	Purchase of a new roller	\$14,740	\$29,480	Recommended	\$14,740

If funding is allocated as recommended in both the small and large programmes, there will be a budget allocation remaining of \$17,988.00 from the Small Capital Grants Programme and \$77,471.01 from the Large Capital Grants Programme, which is a total of \$95,459.01. If Denman Junior Cricket is also included with an allocation of \$14,740 as recommended then the remaining budget is \$80,719.01

It is recommended that the remaining recreation budget be allocated to two projects, these being new floor cover and gutter repair of the indoor 25m pool to be completed alongside the new facilities with a \$50,000 allocation, and the staging and design of parts of Hunter, Simpson, and Wollombi Park with the remaining budget as per Operational Plan and in preparation of next year's Council capital budget.

OPTIONS

Council may choose to award the funding as recommended or prioritise other applications and projects.

CONCLUSION

It is recommended that Council allocate funds as identified, and the remaining budget be allocated as recommended.

SOCIAL IMPLICATIONS

Improving the facilities and equipment of local sport and recreation user groups assists in encouraging increased participation in sporting and recreational activities, leading to improved health and social outcomes.

FINANCIAL IMPLICATIONS

There is \$125,000 allocated in 2021/2022 Capital Budget under the following programmes

Large Capital Grants programme 3710.5494.504 \$100,000

Small Capital Grants programme 3710.5482.504 \$25,000

If Council fund the grants applications as recommended in the report, there will remain \$80,719.01.

POLICY IMPLICATIONS

F16-1 Financial Assistance Policy

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Funding participants will be required to sign an agreement that outlines their rights and responsibilities regarding the funded project, reporting of works, administration of funds, and a post-project acquittal.

OPERATIONAL PLAN IMPLICATIONS

'05.05.02 Continue matched funding Small Sport and Recreation Grants Programme', and '05.05.03 Continue matched funding Large Sport and Recreation Grants Programme, *Muswellbrook Shire Council Operational Plan 2021 – 22*

'05.05.07 Develop staged detailed designs for Hunter, Simpson, and Wollombi Park concept plans', *Muswellbrook Shire Council Operational Plan 2021 – 22*

RISK MANAGEMENT IMPLICATIONS

All applicants were required to show proof of capacity to match the requested funding and quotes for proposed items/activities.

11.2 OLYMPIC PARK GRANDSTAND AND AMENITIES DESIGN - PUBLIC EXHIBITION

Attachments:	<p>A. Olympic Park Grandstand and Amenities Design Option 3 ⇒</p> <p>B. NRL Preferred Facilities Guidelines - Under Separate Cover</p> <p>C. NSWRL - Olympic Park Grandstand and Amenities Design - Public Exhibition Feedback ⇒</p> <p>D. NSW Touch Football - Olympic Park Grandstand and Amenities Design - Public Exhibition Feedback ⇒</p>
Responsible Officer:	Fiona Plesman - General Manager
Author:	Paul Chandler - Technical Offer - Recreation & Property
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Apply Shire Town Centre Masterplans, Development Control Plans and Regional Economic Development Strategies to support development of Muswellbrook as a Regional Centre.</i>

PURPOSE

To report to Council submissions received following the public exhibition period for the proposed Olympic Park Grandstand and Amenities Design.

OFFICER'S RECOMMENDATION

COUNCIL:

1. Notes the information contained in the report.
2. Review Option 3 against the feedback received through the public exhibition period.

Moved: _____ Seconded: _____

BACKGROUND

The Olympic Park Master Plan consultation process began in March 2017. In February 2018, Council adopted the Stage 1 Olympic Park Master Plan. Over this period there has been extensive consultation with key stakeholders at different milestones, including meetings and workshops with individuals, user groups, and wider community consultation.

The Olympic Park Master Plan was the foundation for the Olympic Park Precinct Upgrade project which was part of Council's successful 2019 Special Rate Variation application to the Independent Pricing and Regulatory Tribunal (IPART).

Stage 1 of the master plan includes:

- Safer vehicle access (in particular, construction of a bridge over Muscle Creek to facilitate egress during major events);
- Car parking;
- Additional storage;
- Improved cycleway and pedestrian connections;
- Environmental works;
- Field improvements; and

- Additional amenities.

Design work for a new grandstand is included in Stage 1. The construction of the grandstand is included in Stage 2, which is currently unfunded and assumed to be funded in the future by a successful grant application(s).

Works completed so far include the integration of the Olympic Park Master Plan into the Muswellbrook Aquatic Centre Master Plan and Muswellbrook Urban Riparian Landcare Master Plan, construction of car parks 6 & 7, demolition of the Muswellbrook Amateur Theatrical Society (MATS) Hall and relocation of MATS, construction of Park Tennis Hitting Wall, Muscle Creek Nature Trail works, and awarding of an installation tender for precinct intelligent lighting.

In 2020-21, GHD was engaged by Council to develop the Olympic Park Grandstand and Amenities Design for the two stages (additional Amenities and Grandstand) in consultation with key stakeholders.

To progress the design the General Manager arranged regular meetings with key user groups, Councillor Spokespersons, and staff to select a preferred concept to progress to Development Application stage.

At the 31 August 2021 Ordinary Council meeting it was:

RESOLVED on the motion of Crs Foy and McNeill that:

1. *Council endorses the Grandstand and Amenities Design - Option 3 to be placed on public exhibition for a period of not less than twenty-eight (28) days, and to include feedback from NSW Country Rugby League; and*
2. *Council proceeds to prepare a Development Application for the Grandstand and Amenities Design - Option 3 at the conclusion of the public exhibition period if no substantive changes are recommended in any submissions received.*

CONSULTATION

NSW Rugby League

NSW Touch Football Association

Country Rugby League

Group 21 Rugby League

Muswellbrook District Junior Rugby League Club

Muswellbrook Rams Senior Rugby League Football Club

Muswellbrook Touch Association

Manager Works, Property and Building Services

Technical Officer Recreation and Property

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Scholes

Councillor Spokesperson for Sport, Councillor McNeill

Councillor Spokesperson for Community Engagement, Councillor Reynolds,

REPORT

Olympic Park Grandstand and Amenity Design – Option 3 was endorsed at the Ordinary Council Meeting on 31 August 2021 and placed on Public Exhibition for 28 days.

In addition to the public exhibition, governing bodies of the local user groups were invited to provide feedback on Option 3:

- NSW Rugby League – Gavin Lawrence

- Country Rugby League – Scott Bone
- Canterbury Bulldogs – David Hamilton
- Group 21 – Jane Walmsley
- NSW Touch Football Association – Rob Pidgeon

The rugby league contacts communicated together to provide feedback and NSW Touch also provided feedback.

Some key points raised by NSW Rugby League included:

- The access to the dressing rooms, referees' rooms and timekeepers' room that is adjacent to the dry servery has the potential to create a congested space for pedestrians, particularly during large events. Internal access to the dry servery is also contained within this space. To alleviate this issue and better manage accessibility and crowd control, could the servery window that is adjacent to the tunnel be potentially moved to the side of the dry servery near the stairs (like the design of the canteen/kiosk). Or potentially moving the internal access door of the dry servery, to help alleviate some of the traffic flow in this space.
- In addition to the above, consideration could be given to a retractable barrier option to create an unobstructed tunnel when required during a game day.
- The timekeepers box needs to have a clear view of the playing field. With the potential for people to congregate on the concourse area the views may be obstructed, however the drawings indicate steps in the timekeeper's room, which may alleviate this problem, if the room is suitably elevated.
- Regarding the First Aid Room, is there the potential to have access from the front of the building? If a stretcher or ambulance gurney is required in the space this might not be possible with the current design, for example, limitation on ability to turn into the current door via the tunnelled walkway.
- The NRL Preferred Facilities Guidelines outlines that the preferred facility required for a referee's room includes a cubicle shower with lockable door, cubicle toilet, washbasin and bench space. This might not be achievable given the dimensions and configuration of the space.

NSW Touch Football association is supportive of Option 3.

Staff have some concern with the overall size of the facility, for example the dry servery, kitchen and canteen/kiosk spaces. The NRL Preferred Facilities Guidelines states a Regional facility to have a Kitchen/Kiosk of 30m² and a State level of 40m². Option 3 Canteen/Kiosk is above Regional level at 34m². The combined dry servery, kitchen and canteen/kiosk is 90m². Some rationalisation in design may be needed as the design develops to ensure a cost-effective facility.

Following consideration and any inclusion of submissions in design another cost estimate will be obtained for Option 3 to progress the project.

OPTIONS

Council could adopt recommendations from governing bodies, with design amendments made to then meet with governing bodies and user groups to finalise. Alternately Council could choose to proceed with no changes.

CONCLUSION

Minor modifications are recommended to the Option 3 design consistent with submissions in preparing the development application.

SOCIAL IMPLICATIONS

Proposed works would encourage passive and active recreation in the community.

FINANCIAL IMPLICATIONS

Council has allocated \$2.126M budget for Stage 1 – Grandstand and Amenities Design in the 2021-22

Capital Budget. The budget assumed the successful grant funding of \$1M from the NSW Regional Sport Facility Fund grant funding. Stage 2 has been estimated at \$5.5M but only design and development approval of this stage is funded.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'Code 2.4 - Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village', *Muswellbrook Shire Council Operational Plan 2021-22*

RISK MANAGEMENT IMPLICATIONS

The risk implications of the project have been considered at each successive stage, including the development of a Capital Expenditure Review. Risk management will continue to be reviewed through all stages of the project.

WASTE MANAGEMENT IMPLICATIONS

Waste management is considered throughout the design process, and waste management plans will be required before construction commences.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Stakeholder and community feedback has been ongoing.

11.3 PERMANENT LEGAL CLOSURE OF ROSEBROOK LANE AND PART OF LOGUES LANE

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To recommend for Council's consideration the permanent legal closure of Rosebrook Lane and part of Logues Lane as identified in the report.

OFFICER'S RECOMMENDATION**Council RESOLVES:**

- (i) To permanently legally close Rosebrook Lane and part of Logues Lane as described below in accordance with Division 3 Part 4 of the *Roads Act 1993*;
- (ii) following the legal closure of Rosebrook Lane and part of Logues Lane, dispose of the land comprising the former public road by sale to the adjoining land owner being MACH Energy;
- (iii) To affix the seal of Council to the Transfer dealings to effect the disposal of the lands referred to in (ii) and as described below; and
- (iv) To authorise the General Manager to execute any other relevant documents at the General Manager's discretion.

The proposed closure of Rosebrook Lane comprises Council Public Road being that part commencing at the intersection of Kayuga Road for a length of 1085m separating Lots 1 & 2 in DP706645 from Lots 16 & 17 in DP1112792 and Lot 1 in DP1137094.

The proposed closure of part of Logues Lane comprises Council Public Road being approximately 1500m² of the unused unnecessary road reserve immediately adjacent to the Muswellbrook-Ulan rail line and adjoining Lot 8 in DP1170997.

Moved: _____ Seconded: _____

BACKGROUND

A report went to the 23 February 2021 (Part proposed closure Logues Lane) & 8 May 2018 & 26 May 2020 (Proposed Closure Rosebrook Lane) Ordinary meetings of Council which proposed the closure of the road portions in accordance with Division 3 Part 4 of the *Roads Act 1993* and to approve staff to proceed with the statutory road closure process, including advertising the proposed closure.

CONSULTATION

Local and wider community through advertising in the local newspapers and on Council's website

Local Aboriginal Groups

Adjoining affected landowners

All notifiable authorities

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The matter has been the subject of a number of previous reports to Council.

REPORT

In accordance with Division 3 Part 4 of the *Roads Act 1993* consultation was undertaken to advise of the proposed road closures in the following notifications:

- the notice was published in the local newspapers and on Council's website calling for submissions;
- all owners of land adjoining the road;
- all notifiable authorities; and
- all local Aboriginal Groups.

The notice advised that following the consultation period (28 days), and subject to a Council resolution:

- Council proposes to close the roads;
- Council intends to sell the lands to the adjoining landowner; and
- any interested persons were invited to make submissions within the 28 day consultation period.

The consultation period ended 20 October 2021. Council did not receive any submissions regarding the proposal to close the roads.

The statutory notification requirements of Division 3 Part 4 of the *Roads Act 1993*, specifically s.38A, 38B and 38C have been met. Council may now proceed under the provisions of s.38D, 38E and 38F of the *Roads Act 1993* as follows:

- after considering any submissions that have been duly made with respect to the proposal, the Council may, by notices published in the Government Gazette, close Rosebrook Lane and part of Logues Lane;
- on publication of the notices closing the roads they will cease to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished; and
- the land comprising the former road remains vested in Council

The lands may then be transferred to MACH Energy for the agreed sale price.

OPTIONS

Option 1: Council has previously considered the proposal to close Rosebrook Lane and part of Logues Lane and reached agreement with MACH Energy on sale price for the lands. All statutory requirements under the *Roads Act 1993* have been satisfied to allow for the permanent "legal" closure of the proposed road closure of Rosebrook Lane and part Logues Lane.

Option 2: Council does not resolve to permanently close Rosebrook Lane and part Logues Lane as outlined in the report.

CONCLUSION

It is recommended that Option 1 is the preferred course of action in this instance.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

All costs associated with the proposed closure are the responsibility of MACH Energy. The lands comprising the proposed road closures will be sold to MACH Energy. In accordance with s.43 of the *Roads Act 1993*, money received from the proceeds of the sale of the lands is to be set aside and only used for acquiring land for public roads or for carrying out road works on public roads.

POLICY IMPLICATIONS

The road closure process is in accordance with Council's Road Closure Policy.

STATUTORY IMPLICATIONS

All statutory processes of the proposed road closure have been undertaken in accordance with Division 3 Part 4 of the *Roads Act 1993*.

LEGAL IMPLICATIONS

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

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

Council is the road authority and is acting within its powers under the *Roads Act 1993*. Council has acted in accordance with and met the statutory requirements as outlined in Division 3 Part 4 of the *Roads Act 1993*.

11.4 BENGALLA MINE S138 ROADS ACT 1993 APPLICATION TO UNDERTAKE WORKS

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To request Council's approval to authorise to the General Manager the s.138 *Roads Act 1993* approvals for works proposed by Bengalla Mining Company on Bengalla Link Road.

OFFICER'S RECOMMENDATION

Council authorises the General Manager authority to sign the s.138 *Roads Act 1993* approvals for the following works to be undertaken on Bengalla Link Road:

- 1. Geotechnical investigation for pavement remediation; and**
- 2. Resealing from approximately 100 m from the Denman Road/Bengalla Link Road intersection to Keys Bridge.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Bengalla Mine Consent stipulates that Bengalla Mining Company (BMC) is responsible for the maintenance of Bengalla Link Road from Denman Road to the Bengalla Mine access entry.

CONSULTATION

Signage will be erected on the road prior to the works, and affected landowners will be notified of the works.

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

Council has received two (2) applications from Bengalla Mining Company to undertake necessary works to the road pavement of Bengalla Link Road as part of their asset management responsibilities.

1. Geotechnical Investigation:

The rehabilitation of Bengalla Link Road will require a geotechnical investigation to assess the condition of the current road surface and an assessment of the subsurface condition to assist with developing a pavement rehabilitation design. A 3km section of Bengalla Link Road requires assessment and investigation, which extends from approximately Old Bengalla Road east to a location approximately 0.7km west of the Hunter River Crossing at Keys Bridge.

The work will include pavement drilling of up to 16 bore holes to a depth of 2.0m along the affected length of the road. The works will be undertaken under traffic control and the road reinstated to Council's satisfaction following investigation.

2. Resealing Bengalla Link Road

Resealing work on Bengalla Link Road will be undertaken on the section of road from approximately 100m from the Denman Road intersection to the Hunter River Crossing at Keys Bridge. The work will be undertaken under traffic control.

OPTIONS

Council may decide to:

1. approve the delegation to the General Manager to issue consent for the works under Section 138 *Roads Act 1993*;
2. request modification to the conditions; or
3. refuse the delegation

CONCLUSION

It is recommended that Council approves the delegation to the General Manager for the two (2) applications as outlined in the report.

SOCIAL IMPLICATIONS

There will be some delays during the works to the normal use of Bengalla Link Road, with the works being undertaken under traffic control. The maintenance of the road is necessary and will improve the quality of ride for the road user and extend the pavement life of the road.

FINANCIAL IMPLICATIONS

The cost of all works undertaken will be the responsibility of the applicant. Council will cover any of its costs through the s.138 *Road Act 1993* consent condition fees.

POLICY IMPLICATIONS

Nil known

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies 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 appropriate Standards, particularly Austroad standards and RMS guidelines 'Traffic Control at Work Sites' traffic management guidelines.


WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Variable message signage will provide notification to the road users of the upcoming works and any affected residents are to be notified by the applicant.

11.5 BRIDGE STREET RAIL BRIDGE REPLACEMENT AESTHETIC CONCEPTS

Attachments:	A. Option 3 
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Kellie Scholes - Manager - Roads, Drainage & Technical Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Improve and maintain civic precincts.</i>
Community Plan Strategy:	<i>Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

To provide for Council's information the concept image for the proposed Retaining Wall Panel -Option 3 artwork.

OFFICER'S RECOMMENDATION

Council notes the artwork for Retaining Wall Panel Option 3 attached as A to the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The aesthetic treatment options associated with the Bridge Street rail bridge replacement project were reported to the 12 October 2021 Extra Ordinary Council meeting, where Council resolved as follows;

6.2 BRIDGE STREET RAIL BRIDGE REPLACEMENT AESTHETIC CONSIDERATIONS

RESOLVED on the motion of Crs Reynolds and Eades that:

Council endorses the following Bridge Street rail bridge aesthetic treatment options:

- 1. The rusted truss façade on the bridge girder,*
- 2. Retaining Wall Panel Option 3.*
- 3. Soft landscaping plan with the addition of gazanias on the sloped embankment and installation of irrigation as detailed in the report.*
- 4. The artwork for Retaining Wall Panel Option 3 is to be reported to the 26 October 2021 Ordinary Council Meeting.*

CONSULTATION

ARTC

Chief Engineer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Scholes

REPORT

Concepts for the replacement of soft and hard landscaping at the rail bridges in Bridge Street, Muswellbrook, were endorsed by Council at the 12 October Extra Ordinary Council meeting. At the meeting, Council considered three (3) options for hard landscaping of the new sheet pile retaining wall at the southern side of the rail corridor.

Council resolved to endorse landscape Option 3 for the design of the retaining wall. This option retains the existing steel sheet pile wall, and adds art work in the form of a blue powder-coated river themed panel bolted directly to the existing rusted sheet piling wall. It is proposed that the existing steel wall would be trimmed at the top and capped to neaten the finish and allow fixing of the security fencing. This option will retain the existing industrial themes presented already at the site and is a favourable and cost-effective option for the Australian Rail Track Corporation (ARTC) to construct.

At the time of reporting to the 12 October Extra Ordinary Council meeting, a concept image for Option three (3) was not available and Council resolved for the artwork to be the subject of a report to the 26 October Ordinary Council meeting. The Concept for Option three (3) is attached as A to the report.

OPTIONS

The report is provided for the information of Council.

CONCLUSION

Council's endorsement of the concepts for landscaping of the site allows Council staff to formally advise ARTC of the landscaping to be implemented post the construction of the rail bridge works.

SOCIAL IMPLICATIONS

The hard landscaping at the site creates a sense of place and identity for the town of Muswellbrook.

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

All designs will be undertaken to Australian Standards.

WASTE MANAGEMENT IMPLICATIONS

Waste management is entirely the responsibility of ARTC.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

This matter could be subject to media to inform the Community that rectification works at the site will be undertaken to reinstate the landscaping.

11.6 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE FIRST QUARTER OF 2021-22

Attachments:	A. Quarterly Infrastructure Report - July to September 2021 ⇒ B. Sandy Hollow Inspection Report 22_07_2021 (1) ⇒ C. SandyHollowWtpIns0821 ⇒
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Irene Chetty - Operations Manager
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i>

PURPOSE

The report summarises the performance of water, sewerage and wastewater services for the period 1 July 2021 to 30 September 2021. The report also provides a summary of the quality of drinking water and recycled water supplied to the communities and customers in Muswellbrook, Denman and Sandy Hollow.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report

Moved: _____ Seconded: _____

BACKGROUND

The level of service performance indicators for water, sewerage and wastewater services are provided in this report for the first quarter of 2021-22, from 1 July 2021 to 30 September 2021.

CONSULTATION

Data for the report is extracted from the water, sewerage and wastewater treatment performance monitoring database, the Networks Service Request and Customer Request database, the NSW Health Drinking Water database, recycled water analysis from NATA (National Association of Testing Authorities) accredited laboratories, Sydney Analytical Laboratory & Sonic Food Laboratory, including contributions from the Community Infrastructure Operations and Rates Teams.

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 information contained in the attached "Quarterly Infrastructure Report - July to September 2021" pdf attachment, summarises the performance for each of the following report subject areas:

1. Levels of service for drinking water services;
2. Levels of service for wastewater services;

3. Drinking water (or potable) supply and quality;
4. Recycled (or re-use) water supply and quality; and
5. Drinking water consumption graphs for the communities of Muswellbrook, Denman and Sandy Hollow as accumulated monthly consumptions, 5-year accumulated averages, and accumulated monthly allocations.

Discussions items arising from the attachment “Quarterly Infrastructure Report - July to September 2021”

- Drinking water usage levels were lower in Muswellbrook and Sandy Hollow for the reporting quarter as compared to that for the quarter April to June 2021. Denman’s drinking water usage remained similar to that of April to June 2021. The Level 1 water restrictions, accompanied by the cool, wet winter and spring months continue to impact water consumption levels, and are therefore reducing water revenue.
- Drinking water quality was satisfactory and within the Australian Drinking Water Guidelines (ADWG 2011). NSW Health verification testing was undertaken weekly, on samples taken from the water reticulation supply at various locations. NSW Health verification test results indicated that all samples had satisfactorily met health requirement targets.
- Denman drinking water has marginally higher total hardness exceeding the 200 mg/L target required as per the Australian Drinking Water Guidelines (2011). Total hardness in drinking water is an aesthetic quality and is usually removed in the water softening process stream in the water treatment plant. The current water softening process treatment unit is offline due to a structural failure. Since the water softening unit had failed structurally, around four times, from 2008, it was decided not to reinstate the current process but rather initiate a detailed engineering investigation into finding an alternate technology in treating the total hardness issue. This work is currently under review.
- Sandy Hollow Water Treatment Plant was inspected on 22 July 2021, by a Process Inspector of the NSW Department of Planning, Industry & Environment. The Process Inspector confirmed that at the time of the inspection the treatment plant was performing satisfactorily, and water quality satisfactorily met the Australian Drinking Water Guideline limits. The inspection report and water quality analysis are attached in this report as Attachments B & C for Council’s review.
- Water quality and pressure complaints were comparatively high as a result of pressure disturbances related to the Muswellbrook water mains replacement project. All water complaints were immediately attended to. Water quality was tested, and water mains flushed to ensure that the affected residents received safe drinking water at an acceptable water supply pressure.
- Water main breaks in the reporting period were reported as service requests rather than unplanned supply failures, therefore no data was available for the response times in completing unplanned supply failures in water and sewerage services. There were water 90 service requests for the reporting quarter, of which 93% were requested in Muswellbrook, mostly related to service repairs and meter replacements.

- Sewerage system failures were only reported in Muswellbrook and all were related to blockages such as roots, ruptured pipework and blocked boundary. A total of ten such failures were reported from July – September 2021.
- Recycled water supplied from the Recycled Water Treatment works to Mt Arthur Coal and the Muswellbrook Golf Course was of high quality, and well within the discharge limits in Environment Protection Licence 1593.
- The maximum total suspended solids for Denman recycled water was above the limit of 30 mg/L, exacerbated by ammonia carryover into the recycled water storage ponds. A fault in the aeration-settling-decanting process in the bioreactor is affecting the aerobic digestion process. This issue is currently being rectified through maintenance repairs on two major process units: the decanter and Omron Controller. The work is expected to be completed by the end of October 2021.
- There were no odour complaints reported in the July – September 2021 period for both Muswellbrook and Denman.
- Recycled water utilisation rates were approximately 98% in Muswellbrook and 75% in Denman.

OPTIONS

The report is submitted to Council for information purposes.

CONCLUSION

The levels of service for water, sewerage and wastewater services have reasonably met Council's targets, thereby ensuring substantial achievement of Best Practice Water Supply and Sewerage Guidelines.

SOCIAL IMPLICATIONS

Over the first quarter of 2021-22, July to September 2021, Council has satisfactorily delivered its water, sewerage and wastewater services to the communities in accordance with statutory requirements such as the Australian Drinking Water Guidelines 2011, Environment Protection Licences 1593 and 5059, the Protection of the Environment Operations Act 1997, Dept. of Planning, Industry and Environment Water Benchmarking.

FINANCIAL IMPLICATIONS

While this report has been submitted to Council for information purposes, it should be noted that a reduction in drinking water usage levels will negatively impact user fee revenue.

POLICY IMPLICATIONS

MSC051 Water Drinking Water Policy

Policy S15-2- Liquid Trade Waste Policy

The following management documents are currently under review:

- Draft Recycled Water Policy, which was approved by Council at the 28 September 2021 Ordinary Council Meeting and will go on public exhibition for 28 days.
- Draft Drinking Water Management System, which is currently under review by NSW Health, with the costs fully funded by NSW Health.

- Draft Recycled Water Management Plan, which is currently under review and is being finalised for Section 60 approval; and
- Draft Deed of Agreement for the supply of recycled water to Muswellbrook Golf Course.

STATUTORY IMPLICATIONS

Specific statutory regulations, including the Local Government Act 1993, apply.

LEGAL IMPLICATIONS

Council is required to make every effort to comply with the relevant statutory regulations and guidelines so that best management practices are achieved in the levels of service in water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow.

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with Goal 20.1 of the Operational Plan 2021-22: Provide safe, secure, efficient and effective water, sewerage and wastewater services in compliance with regulatory requirements'.

RISK MANAGEMENT IMPLICATIONS

The reporting of water, sewerage and wastewater levels of service and performance indicators for the period 1 July 2021 to 30 September 2021 is used as a tool to manage the risk of non-compliance with the Australian Drinking Water Guidelines and other quality and regulatory standards.

WASTE MANAGEMENT IMPLICATIONS

The waste lime evaporation ponds at Muswellbrook Water Treatment Plant and the Denman Biosolids Pond require de-sludging. Scoping of this work is under review.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil

11.7 WATER AND WASTEWATER 2021-22 CAPITAL WORKS PROGRAMME

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Deputy General Manager
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

The report is submitted for Council's consideration of the 2021-22 capital works programme for Water and Wastewater.

OFFICER'S RECOMMENDATION

Council approves the prioritised programmes of work contained in the report and the undertaking of the 2021-22 Capital Works programmes for Water and Wastewater to the extent of funding available under each of the various programmes.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's adopted 2021-22 capital budget contains a suite of capital works programmes for Water and Wastewater. In order to achieve the best asset management outcomes for Council's water and wastewater assets, the report requests Council's consideration and approval of the capital projects detailed in the report.

CONSULTATION

Operations Manager Water and Wastewater

Project Engineer Water and Wastewater

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 report comprises two parts. The first part of the report requests Council's consideration of a transfer of funding between a capital programme in the Water Capital Budget. The second part of the report provides a list of project priorities for Council's consideration.

1. Request for transfer of funding between a capital programme within the Water Capital Budget

Funding to be allocated FROM:			Funding to be allocated TO:		
GL	Description	Budget	GL	Description	Revised budget
5310.4575.504	Asbestos Removal	\$55,000	5320.4340.504	Water Mains Renewal and Replacement	\$808,958

The reason for requesting this transfer of funding between budgets within the Water Capital Budget is that there are no asbestos removal projects identified to be carried out during 2021-22. Water Mains Renewal and Replacement is a critically important annual programme to ensure the safe and timely renewal of Council's water main infrastructure.

2. Prioritised Water and Wastewater 2021-22 Capital works programme

Council has allocated funding in the 2021-22 Capital Budget for the delivery of various Capital Works Programmes. The report submits for Council's consideration the following suite of capital projects under the various capital budgets, prioritised to the extent of funding available under the relevant budgets.

Table: Prioritised 2021-22 Water Capital Works

Water capital budget	Prioritised 2021-22 Water capital works programme
Water mains renewal and replacement Ledger: 5320.4340.504 Budget: \$808,958	Forbes Street, Mbk, between Sydney St and Lorne St.
	Lorne Street, Mbk, between Skellatar St and Forbes St.
	Sandy Creek railway crossing.
	Scott Street, Mbk.
	Lower Hill St, Mbk, from railway reserve west to end of Lower Hill St.
	Queen Street, Mbk, from King St to end of Queen St.
System plant asset renewals Ledger: 5340.4400.504 Budget: \$858,600	Site security implementation programme for reservoirs, treatment plants and pumping stations.
	Muswellbrook
	Water treatment plant: Clarifier hood replacement.
	Water treatment plant: Sludge pump replacement.
	Reservoir 5 leak investigation.
	Reservoir 3 roof replacement
	Denman
	Water treatment plant access road improvements.
	Denman golf course chlorine dosing facility
	Sandy Hollow
	Reservoir leak investigation

Table: Prioritised 2021-22 Wastewater Capital Works

Wastewater capital budget	Prioritised 2021-22 Wastewater capital works programme
Sewer mains renewal and replacement Ledger: 6310.4340.504 Budget: \$339,581	Aberdeen Street, Muswellbrook.
	William Street, Muswellbrook.
	Relining sewer manholes and junctions.
System plant asset renewals Ledger: 6340.4488.504 Budget: \$140,000	Muswellbrook SPS 5 repair and renewal.
	Denman sewage treatment plant biosolids storage area.
	Denman sewage treatment plant aerator.
	Denman sewage treatment plant upgrade instrumentation and monitoring equipment.

Wastewater capital budget	Prioritised 2021-22 Wastewater capital works programme
Transportation system improvements Ledger: 6340.4485.504 Budget: \$674,574	Recycled water treatment works septage receival station
	Denman sewage treatment plant electrical upgrade.
	Critical spares augmentation for Muswellbrook and Denman.
	Denman sewage treatment plant Pasveer channel improvement works.
	Muswellbrook SPS 7 electrical upgrade.
	Relining sewer manholes and junctions.

OPTIONS

Council may decide to approve the list of proposed projects detailed in the report, or not to approve the list of proposed projects. Council may also decide to include alternative projects, or to subtract discrete projects from the list of proposed projects.

CONCLUSION

The proposed prioritised suite of projects is considered to provide the most beneficial application of Council's funds to ensure longevity and satisfactory performance of Council's water and wastewater assets.

SOCIAL IMPLICATIONS

The implementation of the capital works programme for water and wastewater assets will provide important benefits to the community through the provision of improved assets and system security for the supply of high-quality drinking water and the efficient transport and treatment of sewage.

FINANCIAL IMPLICATIONS

Each of the capital programmes described above will be carried out to the extent of the approved, relevant budget.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

The capital budgets discussed in the report include:

Programme	Ledger	Budget
Water		
Water mains renewal and replacement	5320.4340.504	\$808,958
System plant asset renewals	5340.4400.504	\$858,600
Sewer		
Sewer mains renewal and replacement	6310.4340.504	\$339,581
System plant asset renewals	6340.4488.504	\$140,000
Transportation system improvements	6340.4485.504	\$674,574

2. Financial Implications – Operational

The timely renewal and replacement of assets assists to reduce ongoing operational costs associated with those assets.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Compliance with NSW Department of Health, particularly in relation to water quality requirements.

Compliance with Sewage Treatment Plant Environmental Protection Licences.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The report complies with item 20.01.08 of the Operational Plan: 'Provide a report to Council listing priorities for construction'.

RISK MANAGEMENT IMPLICATIONS

Completion of the works identified in the approved programmes will contribute to the reduction of risk associated with poorly performing or failing water and wastewater assets.

WASTE MANAGEMENT IMPLICATIONS

Each discrete project will require consideration of waste management in its preparation and construction phases.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Each project will consider community consultation and media implications in its preparation and throughout the construction phases of the project.

11.8 MAJOR PROJECTS STATUS REPORT

Attachments:	A. Major projects - updated to 26 October 2021 - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Deputy General Manager
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

To submit for Council's information the list of capital projects updated to 26 October 2021.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

The capital projects status report, updated in tabular form to 26 October 2021, is provided under separate cover to enable Councillors and the public to view the report in a legible format.

12 CORPORATE AND COMMUNITY SERVICES

12.1 2020/2021 ANNUAL REPORT

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Manager - Governance
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 seek Council's endorsement of the 2020/21 Annual Report.

A copy of the Annual Report will be provided to Council under separate cover.

OFFICER'S RECOMMENDATION

1. Council endorses the 2020/21 Annual Report including the audited Financial Statements, State of the Environment Report and End of Term Report;
2. The General Manager be delegated authority to post the 2020/21 Annual Report on Council's website and forward a link to the Report to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services.

Moved: _____ Seconded: _____

BACKGROUND

Under section 428 of the *Local Government Act 1993*, Council is required to report against the Principal Activities from the preceding financial year's Operational Plan. The Annual Report is required to be submitted to the Minister for Local Government within 5 months of the end of the financial year (by 30 November). It must include a copy of the audited financial reports and be posted on Council's website. In the year that an election is held, the Annual Report must also include a State of the Environment Report and End of Term report.

CONSULTATION

General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The Annual Report is a requirement under the *Local Government Act* and the Integrated Planning and Reporting Framework. The Annual Report is a public document providing an overview of the work of Council. It is one of the key points of accountability between Council and its community.

The 2020/21 Annual Report is designed to be easy to read, informative and of interest to the community; the Annual Report is required to focus on delivery of the Operational Plan and Delivery Program and help the community understand how Council performs both as a service provider and community leader.

Copies of the Annual Report will be provided under separate cover.

A copy of the 2020/21 Annual Report must be posted on Council's website with a link to the Report provided to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services by 31 December 2020.

OPTIONS

It is a requirement under the *Local Government Act* to submit an Annual Report each year, including the audited Financial Statements.

CONCLUSION

The Annual Report, audited Financial Statements, State of the Environment Report and End of Term report are provided for Council's endorsement prior to forwarding a link to the Report to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services.

SOCIAL IMPLICATIONS

The Annual Report meets Council's legislative requirements under the *Local Government Act* and is an opportunity to provide information about Council to the community.

FINANCIAL IMPLICATIONS

The Annual Report includes the audited financial report for the 2020/21 financial year.

POLICY IMPLICATIONS

The Annual Report complies with the Integrated Planning Framework and associated policies.

STATUTORY IMPLICATIONS

The Annual Report must comply with statutory requirements under the *Local Government Act* 1993 and the *Local Government (General) Regulation* 2005.

LEGAL IMPLICATIONS

The Annual Report needs to meet requirements under the *Local Government Act*.

OPERATIONAL PLAN IMPLICATIONS

The Annual Report reports against each of the Principal Actions in the Operational Plan.

RISK MANAGEMENT IMPLICATIONS

The Annual Report has been prepared in a timely manner to ensure it is approved by Council and lodged on time as required by the legislation. This will eliminate the risk to Council's reputation for failure to comply with the statutory obligations in section 428 of the *Local Government Act*.

12.2 REGISTER OF PECUNIARY INTERESTS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kimberley Cotter - Governance Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire Council is appropriately resourced to deliver infrastructure and services into the future</i>
Community Plan Strategy:	<i>A council that meets reporting timeframes</i>

PURPOSE

To consider a report which tables the register of pecuniary interests which is required to be prepared annually under the *Model Code of Conduct for Local Councils in NSW, 2018 cl 4.21(b)*.

OFFICER'S RECOMMENDATION

The tabling of the Register of Pecuniary Interests for the period 1/7/2020 to 30/6/2021 be NOTED.

Moved: _____ Seconded: _____

BACKGROUND

Councillors, General Managers and Senior Staff holding designated positions at 30 June, are required to lodge a completed Ordinary Return by the subsequent 30 September, in accordance with cl 4.21(b) of the *Model Code of Conduct for Local Councils in NSW*. The form of the Return to be completed is specified at Part 2, Schedule 2 of the Code.

CONSULTATION

Not applicable.

REPORT

Under cl 4.24, the General Manager must keep a Register of Returns containing the completed and lodged Returns of Councillors and designated persons. The Returns must be available for inspection by members of the public as specified by cl 4.27.

The General Manager must arrange for the tabling of Returns lodged under cl 4.21(b) no later than at the first meeting held after the last day of the period of lodgement. All required Returns have been completed and lodged for financial year ended 30 June, 2021.

This is an important public record and is relied upon in complaints concerning any pecuniary interest breaches and issues relating to probity.

The Register is now complete for the year and will be tabled at the meeting.

OPTIONS

Not applicable.

CONCLUSION

Not applicable.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Clause 4.21(b) of the *Model Code of Conduct for Local Councils in NSW* requires the General Manager to maintain a Register of Returns containing the completed and lodged Returns of Councillors and designated persons. Should failure to uphold a pecuniary interest duty arise, section 460 of the Local Government Act 1993 (NSW) allows for either a person or the Departmental Chief Executive to lodge a complaint.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.3 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS: 1 SEPTEMBER 2020 – 31 AUGUST 2021

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kimberley Cotter - Governance Officer Melissa Cleary - Manager - Governance
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

To present the Muswellbrook Shire Council Code of Conduct Complaints report to Council for the 1 October 2020 – 30 September 2021 reporting period.

OFFICER'S RECOMMENDATION

Council:

1. Notes the report;
2. Authorises the General Manager to submit the report to the Office of Local Government prior to the 31 December 2021 due date.

Moved: _____ **Seconded:** _____

BACKGROUND

The reporting of complaints statistics is an important accountability mechanism that provides local communities with a valuable insight into the performance of their councils and also provides the Office of Local Government with the means to evaluate councils' implementation of the Model Code framework and whether the framework has achieved its policy objectives.

In line with the Office of Local Government Calendar of Compliance, and in accordance with the *Model Code of Conduct Procedure*:

- Cl.11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:*
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period);*
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period;*
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints;*
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period;*
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period;*

- f) *the number of matters reviewed by the Office of Local Government during the reporting period and, without identifying particular matters, the outcome of the reviews; and*
- g) *the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.*

Cl.11.2 *The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.*

CONSULTATION

Deputy General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

REPORT

No (0) code of conduct complaints were made about Muswellbrook Shire Councillors and the General Manager during the reporting period from 1 October 2020 to 30 September 2021.

OPTIONS

In line with the Office of Local Government Calendar of Compliance, and in accordance with the *Model Code of Conduct Procedure*:

Cl.11.1 *The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:*

Cl.11.2 *The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.*

CONCLUSION

It is recommended that Council notes the 1 September 2020 – 31 August 2021 Code of Conduct Complaints report and authorises the General Manager to submit a Nil Return report to the Office of Local Government prior to 31 December 2021.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

POLICY IMPLICATIONS

None identified

STATUTORY IMPLICATIONS

None identified

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

None identified

RISK MANAGEMENT IMPLICATIONS

None identified

WASTE MANAGEMENT IMPLICATIONS

None identified

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

None identified

12.4 END OF TERM REPORT

Attachments:	A. 2016-2021 End of Term Report ➡
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Manager - Governance Fiona Plesman - General Manager
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>Our residents trust their council, feel well informed, heard, valued and involved in the future of Muswellbrook Shire</i>
Community Plan Strategy:	<i>A council that meets reporting timeframes</i>

PURPOSE

Section 428(2) of the Local Government Act requires that Council reports on its progress in implementing the Community Strategic Plan at the end of the term of Council.

OFFICER'S RECOMMENDATION

1. **The 2016 – 2021 End of Term Report be endorsed;**
2. **The Report be appended to the Annual Report for 2020/21.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Integrated Planning and Reporting Framework came into practice in 2009 and requires Council to submit a progress report on the implementation of the Community Strategic Plan during the preceding four-year-term of Council.

On 25 March 2020, the Minister for Local Government announced that the September 2020 local government elections would be postponed until 2021 in order to address the risks posed by the COVID-19 virus. As a result, the term of the current Council was extended and therefore the tabled *2016-2021 End of Term Report* provides a summary of Council's achievements over the past five years.

CONSULTATION

Manex

Managers

REPORT

The End of Term report is tabled at the last meeting of the outgoing council and included in the annual report due within 5 months of the end of the financial year in which an ordinary election is held.

The Report aims to be an easy to read summary of Council's achievements against the *2017 – 2027 Community Strategic Plan* and meets the requirements of the Integrated Planning and Reporting Guidelines for local government in NSW.

A copy of the report is attached.

OPTIONS

The End of Term report is required as per s428(2) of the Local Government Act.

CONCLUSION

The End of Term report is required under the Local Government Act and is tabled for Council's endorsement.

SOCIAL IMPLICATIONS

There are no social implications.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

The report tabled is in line with Council's Policies and Procedures.

STATUTORY IMPLICATIONS

The End of Term report is required as per s428(2) of the Local Government Act.

LEGAL IMPLICATIONS

The End of Term report must be tabled at the final meeting of the outgoing council and be made available on Council's website as part of the business papers of the meeting.

OPERATIONAL PLAN IMPLICATIONS

The End of Term report outlines progress against the Community Strategic Plan goals, with links to the Operational Plans and Delivery Program.

RISK MANAGEMENT IMPLICATIONS

No risks are associated in provision of the End of Term report.

12.5 2021-2022 OPERATIONAL PLAN 30 SEPTEMBER QUARTERLY REVIEW

Attachments: A. Q1 2021-2022 Council Review [↗](#)

Responsible Officer: Fiona Plesman - General Manager

Author: Melissa Cleary - Manager - Governance

Community Plan Issue: *A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders*

Community Plan Goal: *Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.*

Community Plan Strategy: *Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.*

PURPOSE

The adopted 2021/22 Operational Plan has been reviewed over the months of 1 July 2021 to 30 September 2021.

OFFICER'S RECOMMENDATION

The 2021/22 Operational Plan Review dated 30 September 2021 be noted.

Moved: _____ **Seconded:** _____





BACKGROUND

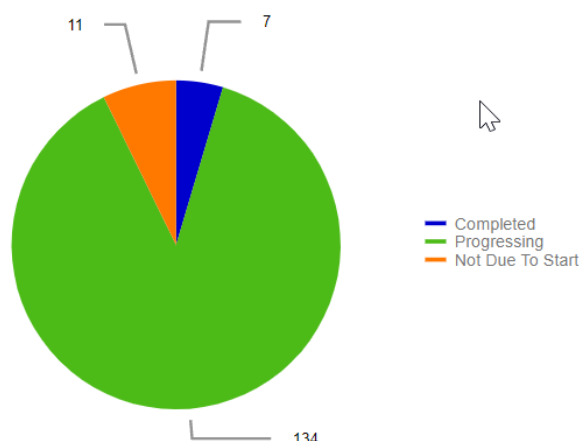
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the Q1 2021-2022 Council Review (attached) for the full Operational Plan review for the period to 30 September 2021.

Following, are overview charts indicating the status of Operational Plan items by Principal Activity Area.

Overall - of the 152 activities:	
	0% are not progressing;
	7% are not due to start;
	88% are progressing;
	5% have been completed on or ahead of schedule.



The actions reported as **completed** are as follows:

ACTION	STATUS
5.1.1 Report on the list of prioritised capital sport and recreation projects	A report providing a list of prioritised capital sport and recreation projects was approved by Council at the 28 September 2021 Ordinary Council Meeting.
7.1.1 Continue to support and promote the Muswellbrook Healthy and Well Program	The Muswellbrook Healthy & Well Project no longer meet as a group since funding of the project came to an end.
12.1.4 Continue to support National Tree Day planting events in the Shire, in a manner that results in safe, sustainable, low crime and low maintenance outcomes for public spaces	National Tree Day was celebrated late July and early August with tree planting sites in Muswellbrook and Denman, on Council managed sites and school sites. A watering and maintenance phase is now in place.
14.1.3 Complete the Muswellbrook Shire Council NetZero by 2050 Road Map	Council received the Net Zero Road Map and adopted a transition to net zero by 2050 policy position for Council's operations at the 28 September 2021 Ordinary Council Meeting.
18.2.2 Work with sponsors to maintain the annual delivery of the Muswellbrook Art Prize	Sponsorship has been secured for the annual Muswellbrook Art Prize.
19.3.4 Investigate and recommend appropriate management treatments for road safety and traffic management	A report recommending appropriate management treatments for road safety and traffic management was approved by Council at the 27 July 2021 Ordinary Council Meeting.
21.1.1 Provide a report to Council listing priorities for construction	A report listing priorities for construction was approved by Council at the 27 July 2021 Ordinary Council Meeting.

No actions were reported as **not progressing** during Q1 2021/22

The actions reported as **not due to start** are as follows:

ACTION	STATUS
2.2.2 Implement key recommendations in the Upper Hunter Tourism Strategy	Partnership work has not recommenced with the Upper Hunter Tourism Group due to COVID NSW Health Restrictions.
2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	All meetings are on hold due to the NSW COVID Health Restrictions.
5.3.2 Develop Aquatic Centre and Gym programs that increase social engagement and wellbeing with young people in Council's pools and gym	Due to reconstruction of the Muswellbrook Aquatic Centre and COVID Health Restrictions the Aquatic Centre and Gym facilities are not open.
5.7.1 Complete an audit of vacant but serviced and subdivided residential land in the Shire	Work expected to commence in the next quarter.
9.2.2 Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	This project will be commenced in October to meet the NSW Seniors Festival 2022 date, 25 March - 3 April.
10.1.3 Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	Conservation of the Reconciliation Mural will be considered in the current budget.
10.2.2 Consult with the Aboriginal community to identify priority projects	The identification of priority projects with the Aboriginal Reconciliation Committee when the outcomes of the Treaty Discussions are reported. All face to face meetings are on hold at the moment due to the NSW COVID Health Restrictions.
10.2.3 Liaise with National Parks and Wildlife to ensure the conservation of culturally significant Aboriginal sites on Widden Valley Road	This issue will be presented to the Aboriginal Reconciliation Committee for progression.. All face to face meetings are on hold at the moment due to the NSW COVID Health Restrictions.
18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	UH Arts Grants Program is yet to start.
24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes	Recruitment for a Business Improvement Officer (80%FTE) is underway.
24.2.10 Continue to review, update and revoke policies in accordance with the policy framework management strategy	The Policy Officer role is currently unfunded

12.6 SECTION 355 COMMITTEE GUIDELINES

Attachments:	A. DRAFT Section 355 Committee Guidelines ⇒
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Manager - Governance
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

This report provides Councillors with details of submissions received in response to the public exhibition of the new Section 355 Committee Guidelines.

OFFICER'S RECOMMENDATION

Council adopts the Section 355 Committee Guidelines.

Moved: _____ **Seconded:** _____

BACKGROUND

In accordance with Section 355 and Section 377 of the *Local Government Act 1993* (NSW) ("Local Government Act") Council is permitted to delegate certain functions to a committee of the council. Council uses this delegation to create Committees comprising members of the community to assist in the management, care and control of Council assets.

Council staff have developed the Section 355 Committee Guidelines to implement the legislative requirements of the *Local Government Act 1993* (NSW) and other legislation, regulations and guidelines imposed to ensure that both the Council and the Committees are compliant. Principally, the purpose of these guidelines is to outline the roles and responsibilities of both the Council and the Committee to allow for an effective and valuable partnership.

CONSULTATION

Council;

Manex;

Corporate Lawyer;

Public exhibition (1 September 2021 – 1 October 2021);

Muswellbrook Bypass Advisory Committee;

Future Fund Committee.

REPORT

At the Ordinary Council Meeting held on 31 August 2021, it was resolved on the motion of Crs Eades and Foy that:

Council:

1. Endorses the Section 355 Committee Guidelines for public exhibition for a period of not less than twenty-eight (28) days.
2. Adopts the Section 355 Committee Guidelines at the conclusion of the public exhibition period if no substantive changes are recommended in any submissions received.

The DRAFT Section 355 Committee Guidelines were placed on public exhibition via Council's website from 1 September 2021 to 1 October 2021. No submissions were received by Council during the public exhibition period.

OPTIONS

Council may or may not adopt Section 355 Committee Guidelines.

CONCLUSION

It is recommended that the Section 355 Committee Guidelines be adopted.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No known financial implications.

POLICY IMPLICATIONS

No known policy implications.

STATUTORY IMPLICATIONS

No known statutory implications.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

No known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.

12.7 PRE-ELECTION GUIDE FOR COUNCILS

Attachments:	A. OLG Circular to Councils 21-30 5 October 2021 ⇒ B. Pre-Election Guide 2021 ⇒
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Manager - Governance
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

To advise Councillors of the caretaker provisions in place for Council during the election period.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

The Office of Local Government (OLG) has prepared a Pre-Election Guide for Councils. The Guide provides updated and comprehensive guidance to councils on key tasks that need to be completed prior to the council election. The Guide also provides guidance to councils on the rules, restrictions and other considerations that apply to the decision's councils make and the way they exercise their functions in the lead up to the election.

Under the Regulation, councils are required to assume a "caretaker" role in the four weeks preceding the election day (clause 393B). The Pre-Election Guide 2021, attached as appendix B, states that the caretaker period for the 4 December 2021 local government elections commences on Friday 5 November 2021 and ends on Saturday 4 December 2021.

During the caretaker period, councils, general managers and other delegates of councils must not exercise the following functions:

- enter into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger)
- determine a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period, or
- appoint or reappoint the council's general manager (except for temporary appointments).

Councillors have been notified by email on 20 October, 2021 that they are able to purchase their devices for a nominated fee, otherwise they will need to be returned by a specified date.

12.8 CONFIRMATION OF GENERAL MANAGER'S DELEGATIONS DURING CARETAKER PERIOD

Attachments:	<p>A. Plesman Fiona - General Manager - 20201222⇒</p> <p>B. GM Delegation report Attachment 2- s377 Local Government Act⇒</p>
Responsible Officer:	Fiona Plesman - General Manager
Author:	<p>Kimberley Cotter - Governance Officer</p> <p>Melissa Cleary - Manager - Governance</p>
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

To delegate authority to the General Manager to carry out necessary functions on behalf of Council for the period 5 November 2021 to 11 January 2022 to ensure continuity of service to our community over the period of the Local Government Election.

OFFICER'S RECOMMENDATION

Subject to the restrictions of s377 of the *Local Government Act 1993 (NSW)* and section 393B of the *Local Government (General) Regulation 2021 (NSW)*, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5 November 2021 to 11 January 2022.

It is recommended that the above be achieved via Council's confirmation of the General Manager's current delegation, dated 20 December 2020, for the period of 5 November 2021, to 11 January 2022.

Moved: _____ Seconded: _____

BACKGROUND

With the last Ordinary Meeting of Council scheduled for 26 October 2021, delegation of authority to the General Manager is needed to ensure continuity of service to our community over the period of the Local Government Election.

Under the General Manager's current delegation, the General Manager is authorised to exercise functions of the Council in relation to:

1. the *Local Government Act 1993 (NSW)*;
2. the *Environmental Planning and Assessment Act 1979*; and
3. all other legislation (including regulations, statutory rules and the like made thereunder) under which Council has powers, authorities, duties and functions, subject to s381 of the *Local Government Act 1993*.

The General Manager's current delegation is in line with Local Government legislation, and therefore for Council to confirm the current delegation of the General Manager (dated 22 December 2020) for the period 5 November 2021 to 11 January 2022, continuity of service to our community over the period of the Local Government Election will be ensured. The current delegation of the General Manager, dated 22 December 2020, can be found attached to this report (**Attachment 1**).

CONSULTATION

Nil.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Nil.

REPORT

The final meeting of the current Council will be held on Tuesday, 26 October 2021 and an Ordinary Election will take place for Muswellbrook Council on Saturday, 4 December 2021.

The first meeting of the new Council is scheduled to be held on Tuesday, 11 January 2022.

As part of the election process a caretaker period will be in place for a period of four weeks preceding the date of the ordinary election from Friday, 5 November 2021. In accordance with section 393B of the *Local Government (General) Regulation 2021*, the following functions must not be exercised by the Council, or the General Manager or any other delegate of the Council during caretaker period:

- a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
- b) determining a controversial development application, except where—
 - i) a failure to make such a determination would give rise to a deemed refusal under the *Environmental Planning and Assessment Act 1979*, section 8.11(1), or
 - ii) such a deemed refusal arose before the commencement of the caretaker period,
- c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than—
 - i) an appointment of a person to act as general manager under section 336(1) of the Act, or
 - ii) a temporary appointment of a person as general manager under section 351(1) of the Act.

It is necessary to delegate to the General Manager those authorities that would normally rest with the Council, subject to the limitations under Section 377 of the *Local Government Act 1993* (**Attachment 2**) and the above restrictions imposed by section 393B of the *Local Government (General) Regulation 2021*.

The primary purpose of this authority is to allow for continuity of service relating to the determination of Development Applications and Modifications that under the General Manager's current delegation would require reporting to Council in accordance with the Determination of Development Applications by Council Policy. This is also provided that any such applications do not fall into the category of "controversial development application" as outlined above.

At the Extraordinary Council Meeting on 11 January 2022 any matters that have been dealt with by the General Manager will be submitted to the new Council for information.

OPTIONS

Council may choose from the following options:

1. Subject to the restrictions of section 377 of the *Local Government Act, 1993* and section 393B of the *Local Government (General) Regulation, 2005*, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5 November 2021 to 31 January 2022 and further that a report detailing any matters determined by the

General Manager during this period be provided to the ordinary Council Meeting on 15 February 2022 for information.

2. Not adopt the recommendation.

CONCLUSION

It is recommended that in accordance with Option 1 listed above, Council delegate authority to the General Manager to carry out necessary functions on behalf of Council for the period 5 November 2021 to 11 January 2022 to ensure continuity of service to our community over the period of the Local Government Election.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

[Type text here](#)

2. *Financial Implications – Operational*

[Type text here](#)

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

Should Council choose to not adopt the recommendation listed in this report, the following risk factors are noted in the below table.

Risk	Risk Ranking	Proposed Treatment
There is a risk that Council will breach the caretaker provisions of the Local Government Act, 1993 which may lead to legal and reputational implications.	High	Adoption of the Recommendation.
There is a risk that Council will not meet the requirements of the Local Government Act, 1993 which may lead to legal and reputational implications	Medium	Adoption of the Recommendation.

Risk	Risk Ranking	Proposed Treatment
There is a risk that Council will not meet our customers' expected levels of service which may lead to reputational damage.	Medium	Adoption of the Recommendation.
There is a risk to our customers of delayed determinations which may lead to reputational and financial implications.	Medium	Adoption of the Recommendation.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.

12.9 DELEGATIONS FOR THE MAYOR DURING THE 2021 ELECTION PERIOD

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Manager - Governance
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

For Council to delegate the civic and ceremonial functions normally exercised by the Mayor of Muswellbrook between election day and the first meeting after the declaration of the election, when the mayoral election is held.

OFFICER'S RECOMMENDATION

Council authorises the outgoing Mayor, Cr Rod Scholes to continue to exercise the civic and ceremonial functions normally exercised by the Mayor of Muswellbrook between election day (4 December 2021) and the first meeting after the declaration of the election, when the mayoral election is held (11 January 2022).

Moved: _____ **Seconded:** _____

BACKGROUND

Under the Local Government Act 1996, all current councillors, and mayors elected by the councillors, cease to hold their civic offices on election day 4 December 2021. Therefore, councils will be without a governing body from 4 December 2021 until the declaration of the election and Councils that elect their mayors will not have a mayor in the period between election day and the first meeting after the election when the mayoral election is held.

CONSULTATION

Office of Local Government (*Pre-election guide for Councils 2021*)

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Rod Scholes

REPORT

As the declaration of council elections will coincide with the end of year Christmas School functions period, it is recommended that Council authorises the outgoing Mayor, Cr Rod Scholes to continue to exercise the civic and ceremonial functions normally exercised by the Mayor of Muswellbrook between election day (4 December 2021) and the first meeting after the declaration of the election, when the mayoral election is held (11 January 2022).

OPTIONS

Council may choose to authorise the General Manager to exercise the civic and ceremonial functions normally exercised by the Mayor during this period.

CONCLUSION

It is recommended that Council authorises the outgoing Mayor, Cr Rod Scholes to continue to exercise the civic and ceremonial functions normally exercised by the Mayor of Muswellbrook between election day and the first meeting after the declaration of the election, when the mayoral election is held.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

POLICY IMPLICATIONS

None identified

STATUTORY IMPLICATIONS

None identified

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

None identified

RISK MANAGEMENT IMPLICATIONS

None identified

WASTE MANAGEMENT IMPLICATIONS

None identified

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

None identified

12.10 ADMINISTRATION CENTRE CHRISTMAS CLOSURE DATES**Attachments:** Nil**Responsible Officer:** Fiona Plesman - General Manager**Author:** Michelle Sandell-Hay - PA to the General Manager**PURPOSE**

To inform council of the dates for closure of the Administration Centre over the Christmas New Year period.

OFFICER'S RECOMMENDATION

1. Council endorses the closure of Council Administration, Depots and Water & Waste facilities as follows:
 - * Friday 10 December 2021 – Staff Christmas Function
 - * 12 Noon Friday 24 December 2021 to 7.00am Tuesday 4 January, 2022 – Christmas/New Year.
2. Council notes that Local Government Unions have requested the following date for their combined Picnic Day:
 - * Friday 31 December 2021.

Moved: _____ **Seconded:** _____**REPORT**2021 Union Picnic Day

It has been suggested that 31 December, 2021 be granted as the 2021 Union Picnic Day. Council is to receive confirmation from the Union before submitting a report for consideration by Council.

According to the Local Government (State) Award Union Picnic Day shall be regarded as a holiday for employees who are financial members of the union.

Employees who are not financial members of the Union and who are required to work on Union Picnic Day shall be paid ordinary pay for their normal working day.

Employees who are not financial members of the Union and who are not required to work on Union Picnic Day may apply to the employer to take Annual Leave, Long Service Leave, Time off in Lieu or such other leave as may be approved by the employer.

As in previous years the Council Administration Centre will be closed. Skeleton crews will be scheduled to ensure that service areas operate as usual. Union members who wish to work or are required to work in order to meet customer service levels will be appropriately compensated.

2021 Staff Christmas Function

Each year Council holds a Christmas Function to express its gratitude to staff for the work they have undertaken throughout the year. This year it is proposed to hold the function on Friday 10 December, 2021.

2021/2022 Christmas New Year Office Closure

It has been a practice in the past that some of the Muswellbrook Shire Council offices close during the Christmas and New Year period.

The offices to be closed for part or all of the period between 12 Noon Friday 23 December 2021 and Tuesday 4 January 2022 include the Muswellbrook Administration Centre, Muswellbrook and Denman Libraries, Muswellbrook Visitor Information Centre and the Muswellbrook Regional Arts Centre.

The total period of closure would be two or three (2 or 3) working days (depending on Union Membership) plus three (3) public holidays, with the recommended dates and times of closure being from 12 Noon Friday 24 December 2021 to 7:00am Monday 4 January 2022.

The public holidays included in the closure are:

Christmas Day Saturday 25 December 2021 (Monday 27 December, 2021)

Boxing Day Sunday 26 December 2021 (Tuesday 28 December 2021)

New Year's Day Saturday 1 January 2022 (Monday 3 January, 2022)

The proposed closure between Christmas and New Year has been selected as the quietest business time of the year with only minimal enquires and the provision of very limited service to the public across all areas of Council services.

Staff will be required to take leave during this period, which would reduce Council's leave liability.

12.11 SEPTEMBER BUDGET REVIEW 2021

Attachments:	A. Budget 2021-22 - September Review ↗
Responsible Officer:	Fiona Plesman - General Manager
Author:	Josh Hogan - Financial Controller
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present the September 2021 Budget Review for endorsement.

OFFICER'S RECOMMENDATION

Council endorse the list of proposed changes for incorporation into the 2020/21 Budget.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required by Clause 203 of the Local Government (General) Regulation 2005 to revise the estimates at the end of the September, December and March quarters.

CONSULTATION

All Managers with budget responsibility, as well as the MANEX group.

REPORT

During the course of the financial year, Council is required to undertake Quarterly Budget Reviews at the end of the September, December and March quarters. The aim of these reviews is to:

- Include new and/or expanded projects and programs as adopted by Council in the budget, along with their related funding source.
- To make adjustments to original estimates in line with actual receipts and expenditures to date.

When completing Budget Reviews, staff aim to ensure that the net impact of all the proposed changes maintain the adopted budget.

Responsible Accounting Officer's Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Muswellbrook Shire Council for the quarter ended 30 September 2021 indicates that Council's projected financial position at 30/06/2022 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

David Walsh 20/10/2021

Responsible Accounting Officer, Muswellbrook Shire Council

OPTIONS

Council can choose not to accept the proposed changes and/or to add changes of their own.

CONCLUSION

Not applicable

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

As outlined in the report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.12 BUDGET 2022-23 - PRELIMINARY DRAFT

Attachments:	A. Budget 2022-23 - Preliminary Draft ↗
Responsible Officer:	Fiona Plesman - General Manager
Author:	Josh Hogan - Financial Controller
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present the preliminary DRAFT Budget 2022-23 figures.

OFFICER'S RECOMMENDATION

Council notes the preliminary DRAFT Budget 2022-23.

Moved: _____ **Seconded:** _____

BACKGROUND

Councils budget preparation process usually begins in November and continues through to February each year, this work is undertaken in consultation with the Council's Finance Advisory Committee. Due to the December Council election this consultation with the Finance Committee won't be possible. To ensure appropriate consultation Council officers are proposing a Balanced Budget for the 2022-2023 Financial Year in line with the usual a 'status quo draft budget' based on the September 2021 Budget Review.

CONSULTATION

Finance Advisory Committee (Cr's Scholes and Ledlin)

MANEX.

CONCLUSION

Council officers recommend Councillors note the preliminary draft budget and provide feedback.

FINANCIAL IMPLICATIONS

As outlined in the report.

12.13 SEPTEMBER 2021 MONTHLY FINANCIAL REPORTS

Attachments:	A. Monthly Project Reporting - September 2021 ↗ B. Monthly Reporting - September 2021 ↗
Responsible Officer:	Fiona Plesman - General Manager
Author:	David Walsh - Manager - Corporate Services & Chief Financial Officer
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>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

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 September 2021.

OFFICER'S RECOMMENDATION

The Financial Reports for the month ending 30 September 2021 be noted.

Moved: _____ Seconded: _____

REPORT

Please refer to the attachments for the financial & project performance details for September 2021.

12.14 REPORT ON INVESTMENTS HELD AS AT 30 SEPTEMBER 2021

Attachments:	A. Portfolio Valuation Report - 30 September 2021 ⇒ B. Trading Limit Report - 30 September 2021 ⇒
Responsible Officer:	Fiona Plesman - General Manager
Author:	David Walsh - Manager - Corporate Services & Chief Financial Officer
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>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 30 September 2021 be noted.

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 30 September 2021 are shown in the attachments.

COMMENT:

As at 30 September 2021, Council's weighted running yield is 0.81% for the month. No trading limit exceedances are noted.

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.

12.15 REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - OCTOBER 2021

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Ivan Skaines - Grants and Community Engagement Advisor
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 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:**

1. Notes the information contained in the report.
2. Accepts the funding of \$348,322 for upgrading Mangoola Road from Fixing Country Roads and provides a co-contribution to the project of \$82,000 (minimum) from the 2021-22 Rural Road Renewal Program.

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**Grant applications recently submitted**

- **A new bus shelter on the southern side of the Golden Highway at Sandy Hollow** under the 2021-23 Country Passenger Transport Infrastructure Grants Scheme. If we are successful with this application, Council will need to decide whether we will commit to funding the cost difference between the \$11,500 we will receive for the shelter and associated works and the cost of a new shelter.

- Applications for three projects - **the construction of four netball courts at Denman, the replacement of Oakleigh Bridge on Widden Valley Road and the installation of five LED fire danger warning signs at key gateways across the Shire** – were submitted under the Black Summer Bushfire Recovery (BSBR) Grants Program with no Council contributions necessary.
- **Field improvements at Olympic Park, Muswellbrook** valued at \$1.5 million under the NSW Regional Sports Facility Fund with Council contributing \$500,000 to the project from the Special Rate Variation.
- An application for \$128,211 focussing on **improvements to Muscle Creek within Muswellbrook Golf Club** under the NSW Environmental Trust's 2021-22 Restoration and Rehabilitation Grants Program. Council is making a cash contribution of \$46,806 over three years from existing allocations to the project (mainly weed treatments and the cost of holding events) and also an in-kind contribution (staff time) valued at \$84,420 also over three years.

Upcoming grant and funding opportunities

- 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 Muswellbrook Shire Council 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 Muswellbrook Shire Council has been encouraged to act on this opportunity.
- Expressions of Interest for Medium to Large Projects are now open through the NSW Government Creative Capital program and close Wednesday 3 November 2021. The focus of the fund is new infrastructure or to upgrade existing cultural infrastructure to make existing spaces fit for purpose and grants are available for Medium to Large Projects of \$250,000 to \$5,000,000. The proposed project for this grant opportunity is the **extensions to the Muswellbrook Regional Arts Centre**.
- Applications are open for Round 2 of the Fixing Country Bridges Program, a \$500 million NSW Government program which enables councils to replace hundreds of timber bridges in poor condition and better connect regional and rural communities. Applications close on Wednesday 10 November 2021 and the only remaining timber bridge in the Shire is the **Oakleigh Bridge on Widden Valley Road**. Although we have recently applied for funding for this project under the Black Summer Bushfire Recovery Grants Program (mentioned above), we plan on submitting another application to this fund as a backup.
- The NSW Environment Trust Environmental Education program supports projects that develop, broaden and transform the community's knowledge, skills, and intrinsic motivation to undertake sustainable behaviour and encourage participation in protecting the environment. Grants of up to \$250,000 are available and applications close on Monday 8 November 2021. The focus of this grant will be environmental education and engagement around climate change resilience. Council might also contribute to this part of the project via works crews doing some plant watering and associated activities.
- The next round of NSW Government's Clubgrants Category 3 Fund – Infrastructure is coming up in November with applications opening Monday 1 November and closing Monday 22 November 2021. Muswellbrook Shire Council is required to contribute matching funds for this grant opportunity and the categories and funding available are listed below:
 - Arts and Culture: \$50,000 to \$200,000 available per project
 - Community Infrastructure: \$10,000 to \$200,000 available per project
 - Disaster Readiness: \$10,000 to \$200,000 available per project

- Sport and Recreation: \$50,000 to \$300,000 available per project

Council staff are scoping various projects to be submitted for funding in this round and also the round which will open in March 2022.

Grant funding recently announced

- Council's application under Fixing Local Roads Round 3 has been successful in securing \$348,322 for **upgrades to Mangoola Road**. Fixing Local Roads is an initiative funded by the NSW Government which is specifically designed to help regional and rural councils carry out vital repair work and reduce the maintenance backlog on local roads. Acceptance of this funding requires a co-contribution from Council of \$82,000 (minimum). This co-contribution would be sourced from the 2021-22 Rural Road Renewal Program.
- Muswellbrook Shire Council has been awarded \$479,797 from the Road Safety Program - School Zone Infrastructure Sub Program for projects at **Denman Public School and Muswellbrook High School**. These projects are funded in full, with the project in Muswellbrook also including an additional \$51,000 provided to TfNSW for upgrades to school zone flashing lights with this component of the work being undertaken by TfNSW. Council is asked to accept this funding on the basis that the works to deliver these projects can be undertaken in tranche 3 (Jan 22- Jun 22) rather than tranche 2 (Jul 21- Dec 21), as is required in the letter of offer. The reason for this is that the timing of the announcement of the funding in October 2021 means that it is not feasible for Council to carry out the works in tranche 2, as it will be very disruptive to the schools to deliver this work during the school term. Programming works during school holiday periods and during tranche 3 will allow two sets of school holidays to undertake the works while school traffic and pedestrians are not utilising the infrastructure.
- Unfortunately, Council's application to the Federal Building Better Regions Fund (Infrastructure Projects Stream) for \$10 million for the **Muswellbrook Regional Entertainment and Conference Centre** has been unsuccessful.

Grant funding to be announced shortly

- 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**.
- Improvements to the value of approximately \$300,000 for **asset renewal at Victoria Park, Muswellbrook** (floors to be surfaced and tiles replaced, cubicles and changerooms, guttering on facility replaced, accessible toilet and access, referee room and storage) with funding of approximately \$150,000 from the NSW Government's Clubgrants Category 3 Fund – Infrastructure. Muswellbrook Shire Council was required to contribute matching funds for this project.
- Three applications for Round 4 of the NSW Stronger Country Communities Fund, these being to cover the shortfall in the cost of the **new amenities at Olympic Park, Muswellbrook; the construction of the new Museum building at the Denman and District Heritage Village; and the construction of four netball courts at Denman**.
- Funding of \$75,000 to replace the Liberty Swing in **Simpson Park, Muswellbrook** with an inclusive piece of equipment under the NSW Everyone Can Play (ECP) grant program.

Upcoming Community Engagement

Over the next month Muswellbrook Shire Council will undertake the following community engagement exercises:

- Surveys of local organisations and the general community as input into the development of the Muswellbrook Active Transport Plan. The survey will seek to identify how often people walk and cycle in Muswellbrook Shire, and the reasons they may not walk or cycle more often.
- A survey to obtain feedback from the community on the goals and priorities to be included in the revised Muswellbrook Shire Community Strategic Plan.

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	September 2021	August 2021	July 2021	June 2021	May 2021
Total unique portal visitors	30	84	85	94	117
Number of page views	196	296	219	475	667
Total cumulative registrations to the portal (via the sign-up form)	30	28	25	21	17
Grant alerts sent per month to registered users	241	180	139	67	13

Community interaction with the grant finding portal has decreased since last month. However, the number of registered users continues to increase, as does the number of grant alerts sent per month to registered users.

OPTIONS

Council notes grant applications recently submitted, upcoming grant and funding opportunities, grant funding recently announced, grant funding to be announced shortly, planned community engagement activities 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 descriptions above.

Acceptance of the funding of \$348,322 from Fixing Country Roads requires a co-contribution from Council of \$82,000 (minimum). This co-contribution would be sourced from the 2021-22 Rural Road Renewal Program.

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.

12.16 COMMUNITY GRANTS PROGRAM - ROUND 2 2021

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Ivan Skaines - Grants and Community Engagement Advisor Kim Manwarring - Manager - Community Services
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 small grants dollar for dollar program.</i>

PURPOSE

To recommend the approval of grant recipients under Council's Community Grants Program, Round 2 2021.

OFFICER'S RECOMMENDATION

Council approve the recommended community grants (Round 2, 2021) totalling \$12,250 to be funded from the Sundry Donations and Community Halls allocations.

Moved: _____ **Seconded:** _____

BACKGROUND

Council receives numerous requests for financial assistance by community organisations or groups throughout the year. Council has approved the establishment of a Community Grants Program and the establishment of a robust and equitable process to determine funding outcomes. Council has also approved the incorporation of the Rural Halls Funding into the development of a Community Grants Program and adopted the Financial Assistance and Sponsorship Policy (MSC05E).

CONSULTATION

Council's Grants and Community Engagement Advisor and Manager, Community Services have reviewed the applications.

REPORT

This report provides an overview of Round 2 of the 2021 Community Grants Program. 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. The number and value of grants offered this round is subject to the amounts requested and the total available annual funding pool.

Council has received 11 applications under Round 2 of the 2021 Muswellbrook Shire Community Grants scheme and five were deemed ineligible due to:

- The applicants not being a not-for-profit community based organisation
- The applicant was eligible for Council's Sport and Recreation Large and Small Capital Grants Program

The total cost of the grant proposals recommended for funding is \$12,250 and these will be funded through the Sundry Donations and Community Halls allocations.

Organisation	Project	Project cost	Recommended Muswellbrook Shire Council Contribution
Red Door Community Kitchen	Meals for the community	\$5,000.00	\$2,500
Wybong Public Hall Committee	Tables/refrigerator	\$4,400.00	\$2,200
Baerami Public Hall Trust	Painting/repairs	\$6,300.00	\$3,150
Sunnyfield Disability Service	Sensory Swing	\$819.00	\$400
Muswellbrook Mens Shed	Gardens and outdoor space	\$4,000.00	\$2,000
Richard Gill Music School	Establishment of the Upper Hunter Youth Choir	\$13,404.05	\$2,000
Total		\$33,923.05	\$12,250

OPTIONS

1. Council supports the proposed list of successful applications for Round 2 (2021) of the Community Grants Program as recommended.
2. Council does not support the proposed list of successful applications for Round 2 (2021) of the Community Grants Program as recommended.
3. Council approves some but not all applications.

CONCLUSION

The establishment of the Community Grants Program has provided the opportunity for Council to provide financial assistance to local not-for-profit community organisations that work towards enhancing the social, cultural and recreational well-being of the communities of the Muswellbrook Shire.

The projects proposed for funding under Round 2 (2021) of the Program represent a diverse set of worthwhile initiatives across Muswellbrook Shire and are within the budget for this round of the Community Grants Program.

SOCIAL IMPLICATIONS

Local initiatives and projects that address priority issues in the community are supported.

FINANCIAL IMPLICATIONS

The total cost of the grant proposals recommended for funding is \$12,250 and will be funded through the Sundry Donations Allocation and the Community Halls Allocation.

POLICY IMPLICATIONS

The Community Grants Program aligns with Council's Financial Assistance and Sponsorship Policy.

STATUTORY IMPLICATIONS

The proposal is consistent with section 356 of the *Local Government Act 1993*.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.17 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 September the Muswellbrook and Denman Libraries continued services for the duration of lockdown. During this time Library staff provided home delivery services, rural delivery services, online collections and a variety of virtual programming for children.

Core programming included:

- Library Card signup month – Top 5 reasons to sign up for a library card
- Virtual Author Talks via NSW Public Library Association – Matt Murphy and Tom Keneally
- Virtual Storytime Sessions via Australia Reads and NSW Public Libraries Association
- Virtual School Holiday events including a Yoga Storytime, Chia Pet Activity Storytime and a Virtual Comic Book Class.

The Muswellbrook Shire Libraries was attended by **411 customers**.

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

Online Engagement:

During September the Library celebrated Library Card Signup month with a virtual campaign a series of the top five reasons to join the Library. Library staff have also been sharing a series of staff reading recommendations, digital resources, virtual children's programming and virtual author talks via social media. Over the past month the library has had **3,630** post views on Facebook.

Collections:

During September the library added **94 new items** to the physical collections which have been popular selections during our extended home delivery service. Staff have selected and delivered **563 items** to **101 homes** during September. An additional **837** items were loaned following the reopening of the library services.

Our digital collections have increased in popularity during lockdown across our three digital platforms, there have been **179 eAudio loans, 186 eBook Loans and 106 Digital magazine loans**.

- **Creating spaces and programs that meet the needs of members and library visitors**

Children's Programs

Virtual Storytime Sessions via Australia Reads and NSW Public Libraries Association:

Library staff recorded and shared Virtual Storytime sessions via the library's Facebook page. During September **three story time sessions** were shared with a total of **148 views**.

Virtual School Holiday events including a Yoga Storytime, Chia Pet Activity Storytime and a Virtual Comic Book Class

Library staff provided virtual programming to preschool and primary school aged children during the school holidays. These sessions were well received and were attended by a total of **41 children**.

Wifi and Computer Usage

Wifi Usage: Muswellbrook: 39 Denman: 72

- **Increasing and maintaining library memberships**

Muswellbrook library has registered **24 new members** during September.



MUSWELLBROOK REGIONAL ARTS CENTRE

An exhibition changeover has occurred the current exhibition is the Artist in Residence reflections of Max Watters this will coincide with the unveiling of the Max Watters sculpture.

A community consultation will be held with stakeholders in October about the Creative Capital Funds Grant Application, the Arts Centre Business Plan and the Digital Marketing Strategy which includes the proposed name change of the Arts Centre.

COMMUNITY PARTNERSHIPS

Attendance and participation in the following networks – Upper Hunter Domestic & Family Violence Committee, maintain, responded and distribute emails to the Upper Hunter Community Services Interagency.

Attended and participated in the following meetings - pop up Vaccination clinic, State of Environment Report - Aboriginal Heritage

Governance support has been provided to Arts UH and Upper Hunter Youth Services;

MUSWELLBROOK SHIRE AQUATIC & FITNESS CENTRE – Denman and Muswellbrook

The Muswellbrook Outdoor Pool, Denman Outdoor Pool and the Muswellbrook Fitness Centre reopened on the 11 October, attendance has been minimal due to the weather and double vaccination requirements.

TOURISM AND EVENTS

Denman Visitor Information Centre remains closed and will reopen when volunteers are orientated to the new vaccination requirements.

A considerable amount of work has happened this month with the University of Newcastle – School of Creative Industries to deliver the Blue Heeler Film Festival online on the 30 October, a total of 164 films have been received from across Australia.

Australia Day 2022 Award Nominations closed this month and will be presented to Council for consideration.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE MEETING HELD ON THURSDAY, 7 OCTOBER 2021 AND WEDNESDAY, 20 OCTOBER 2021

Attachments:	A. 7/10/2021 - Finance Review & Advisory Committee - Minutes ⇒ B. 20/10/2021 - Finance Review & Advisory Committee - Minutes ⇒
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
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 inform Council of a meeting of the Finance Review and Advisory Committee held on 7 October 2021 and 20 October, 2021.

OFFICER'S RECOMMENDATION

The minutes for the Finance Review and Advisory Committee meeting held on Thursday 7 October 2021 and Wednesday 20 October, 2021 be NOTED.

Moved: _____ Seconded: _____

REPORT

The Finance Review and Advisory Committee met on Thursday 7 October 2021 and Wednesday 20 October, 2021.

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

**13.2 REPORT OF THE STATE SIGNIFICANT DEVELOPMENT MEETING
HELD ON MONDAY, 18 OCTOBER 2021**

Attachments:	A. 18/10/2021 - State Significant Development - Minutes ↗
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

To inform Council of a meeting of the State Significant Development held on 18 October 2021.

OFFICER'S RECOMMENDATION

The minutes for the State Significant Development meeting held on Monday 18 October 2021 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Executive Officer reports that the State Significant Development met on Monday 18 October 2021.
The minutes of the meeting are attached for the information of the Councillors.

**13.3 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING HELD ON WEDNESDAY, 20 OCTOBER 2021**

Attachments:	A. 20/10/2021 - ARIC - Minutes ↗
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
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 inform Council of a meeting of the Audit, Risk and Improvement Committee held on 20 October 2021.

OFFICER'S RECOMMENDATION

The minutes for the Audit, Risk and Improvement Committee meeting held on Wednesday 20 October 2021 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Audit, Risk and Improvement Committee met on Wednesday 20 October, 2021.

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

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

15.1 QUESTION WITH NOTICE - UNIVERSITY AWARDED \$2 MILLION INDUSTRY FUNDING

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

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

I refer to a press release on 7 May, 2021 from the University of Newcastle:

University awarded \$2 million industry funding

Friday, 7 May 2021

[Tweet](#)

The University of Newcastle's [Global Innovative Centre for Advanced Nanomaterials](#) (GICAN), has today signed an agreement worth \$2.119 million with InnovationClub Pty Ltd to further their research on plastic alternatives.

The research, led by [Doctor Thava Palanisami](#) and [Professor Ajayan Vinu](#), will develop novel bioplastics prototypes with improved functionality and environmental performance.

By using the GICAN Plastic Research Team's expertise and state-of-the-art equipment, the funding will support the characterisation and optimisation of products manufactured by InnovationClub, including Bio-pellet and bioplastics.

GICAN is recognised as a world leader in microplastics research, with Dr Palanisami having been invited by the United Nations in January to [showcase the team's work at the Geneva Beat Plastic Pollution Dialogues](#).

GICAN are excited for this opportunity to further their research and assist InnovationClub in their efforts to better come to terms with this critical issue for global human health.

:

1. *Has Council provided any funds, directly or indirectly, to Innovation Club or any other party to further the research mentioned in this article?*
2. *The 2021-22 budget for Upper Hunter Economic Development Corporation was approved on June 29, 2021 but I ask for details of all funds provided to UHEDC from its formation until June 30, 2021?*
3. *Council budget for "Economic Development and Innovation Upper Hunter" was increased from \$1,610,228 to \$2,781,737. What was the reason for this increase of \$1,171,509?*

MOTION

The information be noted.

Moved: _____ Seconded: _____

RESPONSE BY GROUP MANAGER

Question 1. Has Council provided any funds, directly or indirectly, to Innovation Club or any other party to further the research mentioned in this article?

Council has not provided any funds directly or indirectly to Innovation Club or any other related party to further research mentioned in the above tweet.

Question 2. The 2021-22 budget for Upper Hunter Economic Development Corporation was approved on June 29, 2021 but I ask for details of all funds provided to UHEDC from its formation until June 30, 2021?

The contribution to the UHEDC prior to 1 July 2021 was \$542,690 a transfer of the Job Creation budget, including the position of council's Economic Development Officer to the UHEDC to 30 June 2021.

Question 3. Council budget for "Economic Development and Innovation Upper Hunter" was increased from \$1,610,228 to \$2,781,737. What was the reason for this increase of \$1,171,509?

The figure of \$2,781,737 does not exactly correlate with council's current financial records. Council made a commitment to provide funds over a five-year period to support establishment of the Richard Gill School. This was collapsed into one payment finalising council's contribution to the Richard Gill School in the 2020/2021 financial year at \$1,600,000.

**15.2 FURTHER INFORMATION IN REGARD TO COUNCIL'S STATEMENT
RE MANGOOLA 21 APRIL 2021**

Attachments: A. Statement Regarding Mangoola Extension 21 April 2021 [↗](#)

Responsible Officer: Fiona Plesman - General Manager

The following motion was tabled at the Ordinary Council meeting of 28 September 2021. Following the Ordinary Meeting of 28 September, a request for further information was made to the General Manager to review Councillor Reynolds opportunity to contribute to the Council meetings mentioned in the Statement of 21 April 2021.

MOTION TO MEETING OF 28 SEPTEMBER 2021

In consultation with Cr Reynolds & Cr McNeill, Council provide a media statement retracting it's media release on the 21 April 2021 i.e. "statement concerning comments made by Cr Steve Reynolds concerning the proposed additional mining operation to the north of Mangoola's existing operation", & include in this statement an unconditional apology to Cr Reynolds & Cr McNeill.

GM's Response

I repeat to Councillors that I am not in a position to retract the Statement made on 21 April 2021 or provide an unconditional apology to Cr's McNeill and Reynolds.

I reiterate that all Councillors were sent a copy of Council's draft submission on the Mangoola Coal Continuing Operation project on Friday 13 September 2019 at 6.28pm.

All Councillors were forwarded the following explanation in correspondence to which the draft submission was attached on 13 September 2019:

"A draft submission for the Mangoola Coal Continuing Operation project has been completed. It became a larger effort than expected as the EIS was lacking in details in some respects despite its size. Staff intend to edit the draft submission over the weekend. It is due to be sent to the Department of Planning on Monday 16th September. Please let me know if you would like additional matters included or you have concerns with the content of the draft submission by 9am on Monday 16th September".

The NSW Department of Planning upon receipt of Council's Submission on Monday 16th September 2019 requested on Tuesday 17th September clarification as to whether the 'Submission' was an Objection or Comment. The General Manager clarified that at this stage it was Comment as Council was expecting some adjustment to, or at least recognition of its dissatisfaction with the EIS. This recognition never eventuated.

I do acknowledge that at the Ordinary Council meeting of 27 August 2019, at which a report was provided to Councillors on the Mangoola Extension (report item 10.2) Councillor Reynolds declared a pecuniary interest in this item (10.2) and left the Council Chambers and therefore took no part in discussion or voting on this matter. Councillor Reynolds did not vote to delegate responsibility to the General Manager.

A similar report in relation to the Mangoola Extension Project went to Council again twelve months later, to the Ordinary Council Meeting of 30 June 2020. The report on Mangoola Extension was tabled for discussion and decision; Councillors Reynolds and McNeill were both apologies for this meeting and did not attend and as such did not vote.

I repeat that I am sorry that my statement of 21 April 2021 has created distress to the Councillors, that was not my intent.

As stated in the report to the September 28 Ordinary Council Meeting, the formal opposition to the Mangoola Extension at the Independent Planning Commission Hearing February 2021 was a departure from Council's long-standing position of support for mining in the Muswellbrook LGA.

I had stated publicly when questioned by the media immediately prior to the IPC hearing that Council's long-standing position was one of support for mining and that Council was not changing its overall position in relation to mining, however Council was particularly disappointed in the quality of this application as it did not address the many areas of concern raised by council.

In representing Council at the IPC in February 2021 the GM's approach was guided by:

- Mangoola's response to Council's submission, which was not accepted by the mine.
- The expert advice received by Council in relation to the long-term impacts of the mine on local flora and fauna unilaterally rejected Mangoola's EIS
- Impact of final voids to future generations, in particular in relation to safety.
- Advice from Council's external Barrister immediately prior to the IPC hearing.

As stated in a recent Question with Notice in relation to the Mangoola Extension Project, the General Manager agrees with Councillors that a greater degree of debate within Council in relation to State Significant Development is required and in recent months this has taken place and will continue.

16 COUNCILLORS REPORTS

17 QUESTIONS FOR NEXT MEETING

18 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.

19 CLOSED COUNCIL

RECOMMENDATION

That 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 HUNTER RESOURCE RECOVERY REGIONAL RECYCLING SOLUTIONS PROJECT

Item 19.1 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.

19.2 TENDER PROCESS FOR RENEWABLE ENERGY FOR LARGE SITES AND STREET LIGHTING

Item 19.2 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.

19.3 CONTRACT 2021-2022-0495 PROJECT MANAGEMENT SERVICES

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 TENDER 2019-2020-0381 - THOMPSON STREET/NEW ENGLAND HIGHWAY, MUSWELLBROOK, INTERSECTION UPGRADE AND SIGNALISATION

Item 19.4 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.

19.5 CONTRACT 2021-2022-0493 WATER AND WASTEWATER ASSET CONDITION ASSESSMENT

Item 19.5 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.

19.6 CONTRACT 2020-2021-0486 SUPPLY AND DELIVERY OF ROADBASE MATERIAL

Item 19.6 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.

19.7 RECYCLING OF SCRAP METAL

Item 19.7 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.

19.8 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(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.

19.9 ANIMAL SHELTER AND SUSTAINABILITY HUB RELOCATION

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 KAYUGA RURAL FIRE STATION PROJECT MANAGEMENT

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.

19.11 DETERMINATION OF AUSTRALIA DAY 2022 AWARDS

Item 19.11 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) and 10A(2)(d)(ii) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and 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: _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 11 JANUARY 2022