

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

1 FEBRUARY 2022



ORDINARY COUNCIL MEETING, 1 FEBRUARY 2022

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
25 January, 2022

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the AUDITORIUM, Muswellbrook RSL Club, Bridge Street, Muswellbrook on **1 February, 2022** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

AGENDA

TUESDAY 1 FEBRUARY 2022

- 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 **26 October 2021**, and the Extra Ordinary Meeting held on **11 January 2022**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of 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 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

Attachments:	A. Environmental Planning and Assessment Order 2021 ↓
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Fiona Plesman - General Manager 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

To bring to Council's attention the Order made by the Minister for Planning and Public Spaces and Minister for Transport and Roads, December 2021

OFFICER'S RECOMMENDATION

Council ensure appropriate resources are allocated to planning matters.

Moved: _____ Seconded: _____

BACKGROUND

The object of the Order 2021, Environmental Planning and Assessment (Statement of Expectations) is to set expectation for councils in relation to their performance of a range of planning and development function under the Environmental Planning and Assessment Act 1997. If a council does not meet the stated expectations the Minister can appoint a planning administrator or regional panel to exercise a council's functions under section 9.6(9) of the Act.

REPORT

The Order outlines specific performance timeframes in relation to:

- **Development assessment**
 - Assessment reports for Regional Planning Panels within 250 days from lodgement
 - Determine development applications within 180 days from lodgement
 - Report a development application to the local planning panel within 4 weeks of a request from the panel chair.
- **Planning Proposals**
 - Decide whether to support or not a planning proposal (eg rezoning) within 90 days
 - Submit a proponent led proposal for a Gateway determination within 90 days after indicating support for the proposal
 - Publicly exhibit planning proposals or respond to public submissions on draft LEP in line with the community participation plan

- Make a LEP that is delegated to Council in the timeframes specified in a Gateway determination.
- **Strategic Planning**
 - Prepare a LSPS within the timeframes under the Act
 - Review LSPS
 - Give effect to a regional strategic plan including a review of the LEP
 - Apply local planning strategies issued by the department (eg Housing strategy)
 - Consider State Environmental Planning Policies or other strategies.

OPTIONS

This is a Ministerial Order and must be complied with or the planning function of council removed.

CONCLUSION

A council must comply with the Minister's expectations in the Order or it will risk losing its planning and development functions.

SOCIAL IMPLICATIONS

The Order intends positive social implications and support of economic development.

POLICY IMPLICATIONS

The Order does not conflict with Council Policy.

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

The Order does not conflict with Council's Operational Plan

RISK MANAGEMENT IMPLICATIONS

Council's risk management framework will need to consider risks associated with non-compliance with the Order.

WASTE MANAGEMENT IMPLICATIONS

Not relevant

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not relevant



**Planning,
Industry &
Environment**

Office of the Secretary

15 December 2021

Dear General Manager

I am writing to advise you that the Hon. Rob Stokes, Minister for Planning and Public Spaces and Minister for Transport and Roads has recently made the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

The Order sets out clear expectations as to what constitutes an efficient and effective planning system and one that business and the community can have confidence in. It sets benchmarks for council performance in the areas of development assessment, planning proposals and strategic planning. A copy of this Order is attached.

You will also be aware that the Government has placed similar performance expectations on the Department of Planning, Industry and Environment (the Department) and other agencies with approval roles in the planning system. There are also new requirements on industry to improve the timeliness and quality of development applications. More information about these performance expectations and recent planning system reforms is available at www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-Reform-Action-Plan.

During the last two years, councils and government agencies have been working hard to ensure we have an efficient and effective planning system that is able to support the state in its economic recovery from the COVID-19 pandemic. It is the planning system that has allowed businesses to adapt and thrive, that has given people the confidence to invest in New South Wales and that has supported jobs across the economy.

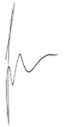
I wish to acknowledge how hard councils have worked during the pandemic to ensure timely decision-making and in supporting the significant amount of planning reform that has occurred. New South Wales now has a planning system that is managed digitally through ePlanning, which makes consent authorities and Government agencies more accountable for their performance. We also have a planning system that is increasingly strategically led and where the community can have confidence in the planning decisions that are being made.

As you are aware, slow decision-making, whether by Government agencies or a council, is the enemy of public confidence in the planning system and leads to bad economic, social and environmental outcomes. The work that we have all done over the last two years has put the planning system in good stead and has allowed for new performance indicators to be set. The performance indicators outlined in the Minister's Order should not be seen as aspirational but as achievable and critical to the effective functioning of the planning system.

The Minister has decided to outline his clear expectations for the planning system in the attached Order so that incoming councillors are aware of the importance of an efficient and effective planning system in supporting a strong economy and delivering better places. It is also important to note that for the first time incoming councillors will be provided an induction on the planning and their role in ensuring the planning system as efficiently as possible. Accordingly, I would encourage you to table this letter and Order at your first available council meeting.

I look forward to continuing to work productively with you in meeting these performance indicators. As always, the Department is here to assist you if you feel you have any issues in meeting any of these expectations. As always, feel free to reach out to the Planning Delivery Unit or the Department's regional planning teams if your council needs further support or guidance. By continuing to work together, I am sure we will be able to build a stronger, more resilient economy and a planning system that meets the expectations of business and the community.

Yours sincerely

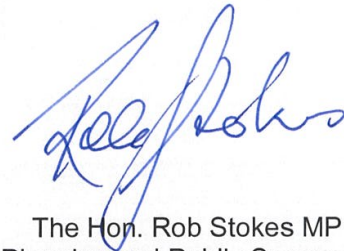


Kiersten Fishburn
Secretary

Encl. Environmental Planning and Assessment (Statement of Expectations) Order 2021

Environmental Planning and Assessment (Statement of Expectations) Order 2021

I, Rob Stokes, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Dated: 26th November, 2021.

Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or regional panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Environmental Planning and Assessment (Statement of Expectations) Order 2021

Contents

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- 1 Name of Order
- 2 Commencement
- 3 Definitions

Part 2 Planning and development matters

- 4 Heads of consideration
- 5 Minister's expectations

Environmental Planning and Assessment (Statement of Expectations) Order 2021

Environmental Planning and Assessment (Statement of Expectations) Order 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Order

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*.

2 Commencement

This Order commences on the day it is published on the NSW Planning Portal.

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*

Department means the Department of Planning, Industry and Environment.

Gateway determination means a determination made by the Minister (or delegate) under section 3.34 of the Act.

LEP means a local environmental plan.

LSPS means a local strategic planning statement.

Minister means the Minister for Planning and Public Spaces.

Minister's expectations means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

Part 2 Planning and development matters**4 Heads of consideration**

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- (a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- (b) The frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.
- (e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- (f) The public interest.

5 Minister's Expectations**(1) Development assessment**

A council should:

- (a) prepare assessment reports for a regionally significant development application and refer it to the relevant Regional Panel as soon as practical and no longer than 250 days from lodgement.
- (b) determine a development application for which it is the consent authority as soon as practical and no longer than 180 days from lodgement.
- (c) report a development application for which its functions as a consent authority are exercisable by the local planning panel to the panel for determination within 4 weeks of a request from the panel chair.

(2) Planning proposals

A council should:

- (a) Make a decision as to whether to support or not a proponent led planning proposal (rezoning) as soon as practical and no longer than 90 days, or
- (b) submit a proponent led planning proposal for a Gateway determination as soon as practical and no longer than 90 days after having indicated its support for the planning proposal,
- (c) publicly exhibit a planning proposal or hold a public hearing in line with the conditions of a Gateway determination,

Environmental Planning and Assessment (Statement of Expectations) Order 2021

- (d) consider or respond to public submissions on a draft LEP in accordance with their community participation plan,
- (e) make a LEP, which has been delegated to the Council, in the timeframes specified in a Gateway determination.

(3) **Strategic planning obligations**

A council should :

- (a) prepare a LSPS for its local government area that meets the requirements for these statements under the Act,
- (b) undertake the required review of its LSPS,
- (c) give effect to a regional and/or district strategic plan applying to the LGA, including carry out a review of the LEP under section 3.8(3) of the Act,
- (d) give effect to an adopted local planning strategy (such as a Local Housing Strategy), and any approval requirements issued by the Department,
- (e) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters.

10.2 MEMBERSHIP OF THE JOINT REGIONAL PLANNING PANEL

Attachments:	A. Sydney & Regional Planning Panel Procedures <u>↓</u>
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
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

The purpose of this report is to identify Council's representatives for the Joint Regional Planning Panel.

OFFICER'S RECOMMENDATION

Council nominates the following people as Council's representatives on the Joint Regional Planning Panel:

- (i) Ms Kellie Scholes (member with expertise: traffic & Transport; engineering);**
- (ii) Ms Jacinta Ledlin (community member); and**
- (iii) Two Councillors as alternate members.**

Moved: _____ **Seconded:** _____

BACKGROUND

Regional Planning Panels were introduced to NSW in 2009 to determine regionally significant development applications and other planning matters. The *Sydney and Regional Planning Panel Operational Procedures* provided in Attachment A details how the Panels operate.

There are four Regional Planning Panels across NSW. Each panel is an independent body that is not subject to the direction of the Minister of Planning and Public Spaces. Each Planning Panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Planning Panel.

The agenda of a Planning Panel meeting may include consideration of multiple matters, each located in different council areas. The council members who join the State members to form a Planning Panel will change, depending on the LGA in which the matter under consideration is located.

It is the role of Regional Planning Panels to:

- determine regionally significant development applications (generally DAs with a capital investment value over \$30 million), including development applications proposed by a council where the development has a capital investment value over \$5 million.
- act as the Planning Proposal Authority (PPA) when directed.
- undertake rezoning reviews.
- provide advice on other planning and development matters when requested.
- determine site compatibility certificates under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Section 4.4 of the attached *Sydney and Regional Planning Panel Operational Procedures* states that two council members are appointed to each Panel by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Council's representative on the Regional Planning Panel is currently the Manager Roads, Drainage and Technical Services (Ms Kellie Scholes). Cr R Scholes has been a panel member in the past.

CONSULTATION

On two occasions over the past three years Council staff have sought nominations from people in the community to potentially become a member of the panel. Council received no nominations on either occasion.

The Panel meets irregularly, the amount of material that must be read, and the timing of meetings during normal office hours is a deterrent to many people.

Staff contacted Ms Ledlin about potentially being a member as she understands the Code of Conduct and workload involved in reviewing significant DAs. Ms Ledlin has advised she is willing to be one of Council's representatives.

REPORT

To ensure Council can be represented when a panel member is on leave, or is conflicted, it is proposed to nominate two alternate panel members.

OPTIONS

Option 1 – that Council nominates Ms Kellie Scholes (as a member with expertise: traffic & Transport; engineering) and Ms Jacinta Ledlin (as a community member) for the Panel, with two Councillors nominated as alternate members. This is the recommended option as these nominees meet the requirements for Panel members.

Option 2 - Council nominate and appoint different people to those recommend in Option 1 as Council's representatives on the Regional Planning Panel.

CONCLUSION

the Manager Roads, Drainage and Technical Services, has been a member as she meets the expertise requirement for one Panel member. A further Panel member and two alternate members need to be identified, with some urgency, as the Panel is currently considering three DAs in the Shire.

FINANCIAL IMPLICATIONS

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Planning Panel meetings. This hasn't arisen in recent years as the panel members have been members of staff or Councillors. It is one reason why it is best to select local people to be a Panel member.

RISK MANAGEMENT IMPLICATIONS

Having Councillors as members of the Panel is more likely to result in occasions where they will need to manage conflicts of interest. This may necessitate those Councillors withdrawing from meetings where discussion about applications before the Panel is occurring.



Sydney & Regional Planning Panels Operational Procedures

January 2020

These procedures are provided for general guidance and information only and are made available on the understanding that the NSW Department of Planning and Environment (Department) is not providing legal advice.

The Department has compiled the procedures in good faith, exercising all due care and attention.

The procedures do not affect or replace relevant statutory requirements.

Where an inconsistency arises between the provisions of the procedures and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the procedures.

It should be noted that the procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the procedures and the statutory requirements applying to Sydney and Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

Sydney and Regional Planning Panels Operational Procedures
© State of New South Wales through the NSW Department of Planning, Industry and Environment
January 2020
NSW Department of Planning, Industry and Environment
Four Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150.
www.planning.nsw.gov.au

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Definitions

Aboriginal Land SEPP means the *State Environmental Planning Policy (Aboriginal Land) 2019*

Capital Investment Value (CIV) means all costs necessary to establish and operate a development, as defined in clause 3 of the *Environmental Planning & Assessment Regulation 2000*

Commission means the Greater Sydney Commission

Council means the council for the local government area in which the land the subject of a development application, rezoning review or application for a site compatibility certificate is located

Days means calendar days unless otherwise stated

Department means the Department of Planning and Industry

Development Application (DA) means an application for consent under Part 4 of the *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

District means any part of the Greater Sydney Region, or other region of the State, declared to be a district by the Minister

Education SEPP means the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

EP&A Act means the *Environmental Planning & Assessment Act 1979*

EP&A Regulation means the *Environmental Planning & Assessment Regulation 2000*

Greater Sydney Region means the region comprising the local government areas within the boundary shown on the map in Schedule 1 of the *Greater Sydney Commission Act 2015*

GSC Act means the *Greater Sydney Commission Act 2015*

LALC means Local Aboriginal Land Council

LEP means local environmental plan

LGA means local government area

LGNSW means Local Government NSW

LG Act means *Local Government Act 1993*

Minister means the Minister for Planning and Public Spaces

Panel or *Planning Panel* means a Sydney district or regional planning panel. The Panels were previously known as Joint Regional Planning Panels (JRPPs).

Planning Panel meeting means a public briefing meeting or a public determination meeting.

Planning proposal means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument

Regionally significant development means development that meets criteria set out under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*

Planning proposal authority (PPA) means the public authorities identified under section 3.32 of the EP&A Act

SCC means a Site Compatibility Certificate issued under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Seniors SEPP means the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Secretariat means the Planning Panels Secretariat which provides technical and administrative support to the Planning Panels

Secretary means the Secretary of the Department of Planning and Industry

State and Regional Development SEPP or SRD SEPP means the *State Environmental Planning Policy (State and Regional Development) 2011*

Sydney Planning Panel means a Sydney district planning panel

January 2020

1. Introduction

The Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

These procedures relate to the operation of both the Sydney and Regional Planning Panels.

The Planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

These procedures are the Planning Panels charter and have been developed to explain the objectives, powers and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

January 2020

2. Defining the regions and districts

Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region (see sections 2.12 and 3.2 and Part 3 of Schedule 2 of the EP&A Act).

The nine Planning Panels are the:

- Northern Regional Planning Panel,
- Hunter and Central Coast Regional Planning Panel,
- Western Regional Planning Panel,
- Southern Regional Planning Panel,
- Sydney North Planning Panel,
- Sydney Eastern City Planning Panel,
- Sydney Central City Planning Panel,
- Sydney Western City Planning Panel and,
- Sydney South Planning Panel.

January 2020

3. Functions of Planning Panels

3.1 Functions

The principal functions of Planning Panels are to determine regionally significant DAs and undertake rezoning reviews. Additional functions of Planning Panels include:

- preparing planning proposals if they are directed to be a planning proposal authority,
- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs, and
- advising the Minister upon request.

3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
 - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures,
 - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews,
 - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development, and
 - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions,
- the State and Regional Development SEPP sets out in Part 4 and Schedule 7 development declared to be regionally significant,
- the Aboriginal Land SEPP sets out in Part 3 development declared to be regionally significant, and
- the Seniors SEPP and the Education SEPP both set out processes for consideration and determination of relevant applications for Site Compatibility Certificates.

3.3 Classes of regionally significant development

The State and Regional Development SEPP identifies the types of development classified as regionally significant (see Schedule 7 of the SEPP). The Aboriginal Land SEPP also identifies development declared to be regionally significant development (see Part 3 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

Note State significant development or development within the City of Sydney cannot be declared as regionally significant development (see section 4.7 of the EP&A Act).

On lodgement of a DA, the council will decide if a DA is regionally significant development.

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's certificate or similar expert assessment

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to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 10-008 (or as updated).

The Planning Panels determine applications to modify consent for regionally significant development under section 4.55(2) of the EP&A Act. Section 4.55(1) and section 4.55(1A) modification applications to development consents granted by the Planning Panel are to be determined by the relevant council. A court granted consent may be modified by a Planning Panel under section 4.56 if it is the consent authority.

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4. Membership of Planning Panels

(Part 4, Schedule 2 of the EP&A Act)

4.1 Members

Each Planning Panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Planning Panel.

The agenda of a Planning Panel meeting may include consideration of multiple matters, each located in different council areas. The council members who join the State members to form a Planning Panel will change, depending on the LGA in which the matter under consideration is located.

Panel members can be appointed to more than one Panel, either as a Panel member and/or as an alternate member.

When there is a vacancy on a Planning Panel, the Minister in the case of a State member, and the relevant council in the case of a council member, will appoint another member to that vacancy.

Terms of appointment for Planning Panel members, both State and council, must not exceed three years. Members are eligible for re-appointment. A State member of a Sydney Planning Panel must not be a member for more than nine years in total.

The secretariat is responsible for maintaining a register of all Planning Panel members.

4.2 Chair and deputy chair

Chairs of the Planning Panels are appointed by the Minister from among the State members. The Minister must obtain the concurrence of Local Government NSW (LGNSW) to the appointment unless LGNSW:

- does not notify its concurrence or refusal within 21 days of being requested, or
- has previously refused to give concurrence for two different persons nominated by the Minister for that appointment.

At any time, the members may determine to elect a deputy chair from among the State members for any term. The role of a deputy chair is to act as the chair in the chair's absence.

The chair (or, in the absence of the chair, a person elected by the members) presides at Panel meetings. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

4.3 Expertise requirements for members appointed by the Minister

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

4.4 Council members

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

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4.5 Selection of council members

Each council determines how their members are selected. In selecting members, councils should have regard to any conflict of duties that would be created for a person nominated to the Planning Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's contact details to the secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a Panel member.

If a council fails to nominate one or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

4.6 Payment of council members

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Planning Panel meetings.

4.7 Alternate members

The Minister may at any time appoint a person to be the alternate of another member appointed by the Minister and may revoke any such appointment.

A council may also at any time appoint a person to be the alternate of a member nominated by the council and may revoke any such appointment.

Any changes are to be notified in writing to the secretariat as soon as possible and at least 14 days before undertaking any Panel business.

The alternate will act in the place of the member with all the powers of the member. Although a member may be appointed as an alternate for two or more members, they will only have one vote on any Panel decision.

4.8 Rotation of members

All chairs and members are required to periodically rotate with alternate members. The chair is to determine the frequency of rotation.

Following a matter being deferred, where possible the same members should reconvene to finalise the determination.

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5. Code of Conduct considerations

5.1 Planning Panels Code of Conduct

All Planning Panel members must comply with the Planning Panels Code of Conduct when exercising their functions as a Panel member and make impartial merit-based decisions in accordance with their statutory obligations. The latest version of the Planning Panels Code of Conduct is available online at www.planningpanels.nsw.gov.au. On appointment each Planning Panel member must acknowledge in writing that they will abide by the Planning Panels Code of Conduct.

5.2 Declaration of interests

On being informed of a matter to come before the Planning Panel members should consider if they have an actual, potential or reasonably perceived conflict and, if so, declare the conflict and take any appropriate action, such as allowing an alternate member to take their place.

Planning Panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Planning Panel, either before, or at the commencement of, the Planning Panel meeting. Any verbal declarations are to be recorded in writing.

To avoid any perceptions of bias, and to meet requirements of the Code of Conduct, councillors who have previously deliberated or voted on a matter that is to come before the Planning Panel (such as a submission from the council on a DA for regionally significant development, a related voluntary planning agreement or a planning proposal) must stand aside from their place on the Planning Panel and allow council's nominated alternative member to take their place. Alternatively, the member may choose to not participate in the deliberations or voting on the matter at the council (or council committee) meeting. They should also not remain in the council chamber during the council's deliberations.

5.3 Representations to Planning Panel members

If a Planning Panel member is approached by any person about a matter to come before the Planning Panel, i.e. a DA, or planning proposal or Site Compatibility Certificate, the Planning Panel member must not discuss the matter.

Any person that approaches a Planning Panel member should be encouraged to make a written submission to the council planning staff for DAs during the exhibition period, or if the matter relates to a planning proposal for which the Planning Panel is the Planning Proposal Authority, to the secretariat. Issues raised in submissions will be addressed in the assessment report to be provided to the Planning Panel and there will be an opportunity for the applicant and any person who made a submission to address the Planning Panel at its meeting.

5.4 Interactions with third parties about matters before the Planning Panel

Planning Panel members are not to discuss any matter that is to be considered by the Planning Panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a public briefing meeting, public determination meeting, site visit or briefing.

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5.5 Public meetings organised by the council or community about the proposed development

To avoid any perception of bias, Planning Panel members should avoid attending public meetings about a proposed development organised by members of the community or council, unless the meeting has been organised at the request of the Planning Panel.

In order for all Planning Panel members to hear the concerns of the public as part of the consideration of the application, Planning Panel members should decline any invitation to attend a public meeting and advise the meeting organisers to make a submission to council and register to address the Planning Panel at its meeting.

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6. Administration

Administration and support for the Planning Panels is provided by the Planning Panels Secretariat. Support includes:

- scheduling of meetings, briefings and site visits,
- preparing and issuing agendas and business papers,
- notification of meetings,
- arranging for travel and accommodation for State appointed Panel members,
- preparing records of decision (with assistance from council),
- arranging for the audio recording of public Panel meetings,
- record keeping for the Planning Panels, and
- being the first point of contact for councils to notify a Planning Panel of any decision made by the Panel which is the subject of a merit appeal in the Land and Environment Court.

The secretariat is the first point of contact for all Planning Panel matters and publishes a wide range of information on its website:

www.planningportal.nsw.gov.au/planningpanels

The contact details for the secretariat are:

phone: (02) 8217 2060

email: enquiry@planningpanels.nsw.gov.au

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7. Government information, privacy and complaints

7.1 Right to information and privacy management

The Department assists Planning Panels in managing applications made under the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Applications of this nature can be made to patiunit@planning.nsw.gov.au or visit the Department's website at:

<http://www.planning.nsw.gov.au/About-Us/Right-to-Information/How-Can-I-Access-Information>

7.2 Complaints

The Department assists Planning Panels in managing complaints. Complaints are investigated and managed in accordance with the Department's Management of Complaints Policy.

Dissatisfaction with determinations of the Planning Panels will not be regarded as a complaint.

If you wish to make a complaint telephone, write or email the Department at:
phone: 1300 305 695.

postal address: GPO Box 39, Sydney NSW 2001.

email: information@planning.nsw.gov.au.

Complaints made in this way will be recorded in the Department's Complaints Register and will be allocated to the appropriate level for investigation and response.

If you are not satisfied with a response, you can ask for the issue to be considered by a more senior officer.

Code of conduct complaints will be dealt with under the Planning Panels Code of Conduct.

At any time, a person can complain to external bodies such as the Independent Commission Against Corruption (ICAC), the Ombudsman, or the Audit Office of NSW. Allegations of corrupt conduct, misconduct, or serious waste of resources are encouraged to be made directly to these organisations.

Complaints about council, councillors, council staff or local planning panels (IHAPs) should be directed to the relevant council.

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8. Monitoring, review and reporting

The secretariat monitors the progress of DAs referred to the Planning Panels. It is expected that council will complete its assessment report within 60 days after the close of the public exhibition period. The relevant Planning Panel will aim to determine the DA within 14 days of receipt of the assessment report.

The performance of the Planning Panels is monitored and reported in the Department's Annual Report.

8.1 Availability of information

The secretariat makes a range of information publicly available on its website, including:

- Planning Panel notices with dates, locations and times (at least 7 days before the Planning Panel meeting),
- the relevant council's assessment report and recommendation (at least 7 days before the Planning Panel meeting),
- records of briefings and Planning Panel meetings, Determinations and Statements of Reasons, decisions on rezoning reviews and Site Compatibility Certificates, resolutions of the Planning Panels and any advice provided by the Planning Panels to the Minister, Secretary or GSC, as relevant,
- audio recordings of Planning Panel meetings, and
- a schedule of meeting dates reserved for Planning Panel business.

Councils remain responsible for receiving, notifying and exhibiting DAs and supporting documents in accordance with statutory provisions and council's own notification and exhibition requirements set out in its community participation plan.

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9. Liability and indemnification

Panel members are excluded from personal liability as long as the act or omission was done in good faith for the purpose of carrying out their duties under the EP&A Act (see s 2.28 of the EP&A Act).

The NSW Government extends insurance indemnity cover to Panel members. For indemnification provisions to apply Panel members must act honestly and in accordance with the Planning Panels Code of Conduct in the performance of their responsibilities.

For further information please contact the NSW Self Insurance Corporation (icare) at: <https://www.icare.nsw.gov.au>

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10. Roles of councils and other panels

10.1 Role of councillors and council staff

The elected council and council staff have different roles in the assessment of DAs. Under the *Local Government Act 1993*, the independence of council staff is protected in the preparation of advice and recommendations. Staff members are not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the staff member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

10.2 Assessment role

Council staff undertake the assessment of a DA. The assessment of a DA includes accepting the DA, consultation, concurrence and obtaining general terms of approval from an agency if required, carrying out community participation requirements and assessment of the matters set out in 4.15 of the EP&A Act. The assessment is documented in a report with recommendations. The report is then considered by the person or body that is the consent authority.

Council is responsible for carrying out community participation requirements on behalf of the Planning Panels (see section 4.7(2)(d) and Division 2.6 of the EP&A Act).

The Department undertakes the assessment of planning proposals and applications for site compatibility certificates referred to the Planning Panels.

10.3 Determination role

Historically, one of the roles of an elected council has been to determine or make decisions on DAs in their capacity as a consent authority. There are occasions, however, where the determination role is performed by other people or bodies, either because the council has delegated that function, or because it has been conferred upon another person or body. For example, where mandatory local planning panels, previously known as Independent Hearing and Assessment Panels (IHAPs), have been introduced elected councils no longer determine DAs (see section 2.17 of the EP&A Act).

The Planning Panel for the area in which the development is to be carried out is the consent authority for regionally significant development (see section 4.5 of the EP&A Act).

10.4 Post-determination role

Council staff are responsible for post-determination functions including:

- notifying Planning Panel determinations on DAs (see sections 4.7(2)(e), 4.18 and 4.59 of the EP&A Act),
- registering Planning Panel development consents on the NSW Planning Portal (see sections 4.7(2)(e) and 4.20 of the EP&A Act), and
- monitoring and enforcing compliance with conditions of the development consent.

The notice of determination should be issued once council receives a copy of the endorsed and final determination from the Planning Panel. The notice of determination must include all conditions imposed by the Planning Panel, including any additional or amended conditions.

The council has no power to amend conditions or include additional conditions following the Planning Panel's determination.

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Council will advise any person who made a submission on the DA of the determination.

The council continues to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Planning Panel in writing when the matter specified in the condition has been satisfied (see clause 123E (2) of the EP&A Regulation).

10.5 Support provided to Planning Panels by councils

Planning Panels are entitled on request to the general manager of a council, to use the staff and facilities of the relevant council, have access to council records, and any other assistance or action for the purpose of carrying out their functions (see section 2.27 of the EP&A Act).

It is expected that use of council facilities such as meeting rooms would be arranged prior to Planning Panel meetings.

Support, such as recording the written decisions of the Planning Panel, audio recording of Planning Panel meetings, copying of documents and the provision of professional advice, may also be required.

Generally, the relevant council bears the administrative and council staffing costs associated with the Planning Panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as administrative support.

The chair and members of a Planning Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made. Requests by members of Planning Panels for support and assistance from councils should be made through the chair to the general manager (or other person nominated by the general manager) of the council concerned.

10.6 Role of design review panels

Design review panels are established by councils either formally under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* with the approval of the Minister, or informally to bring special design expertise to the assessment of certain types of DAs.

Design review panels that are properly integrated in the assessment process are an effective tool which helps to improve the quality of design outcomes. The quality of design has a bearing on many, but not all, of the matters considered in the assessment of a DA.

The role of design review panels in the assessment of applications is not changed by the fact that the application is to be determined by a Planning Panel. However, it is generally more effective in terms of design quality outcomes and timeliness if the design review panel is convened at the pre-DA stage or early in the assessment phase.

10.7 Role of local planning panels

The purpose of local planning panels (formerly known as IHAPs) is to provide independent, expert determination of DAs, as well as providing an opportunity for people with an interest in the DA to raise and discuss issues in a public forum before a decision is made on the application. Local planning panels determine all DAs that meet criteria set by the Minister.

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Although similar in operation, the roles of local planning panels and the Planning Panels do not overlap. Each DA must satisfy distinct referral criteria before it is known whether the Planning Panel or local planning panel will determine that DA.

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11. Development application and assessment

11.1 Pre-development application meetings

Pre-DA meetings between applicants and assessment officers are commonly used to inform lodgement requirements and likely assessment pathways before applications are submitted to the consent authority.

Applicants are encouraged to meet with council before lodging a DA, and to respond to the advice of council when preparing the DA.

To avoid any apprehension of bias, it is not appropriate for determining bodies, such as Planning Panels or their members to participate in pre-DA meetings.

11.2 Making of development applications

DAs for regionally significant development are made to the relevant local council.

In the case of development located in two or more LGAs, a separate DA must be lodged with the councils of each LGA. Additionally:

- each DA should only address that part of the development located on land in the relevant LGA,
- neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate, and
- the Planning Panel will determine each DA separately (although the determinations may be made concurrently).

11.3 Notification to the secretariat

Within 7 days of receiving a DA for regionally significant development, the council registers the DA with the secretariat.

The registration is made via the Planning Panels website or the NSW Planning Portal. The registration includes all information required on the website registration page. The DA documents are electronically transmitted to the secretariat at the same time.

The secretariat advises relevant Planning Panel members of the DA once the registration is accepted. The DA documents, including the application form are generally sent to Planning Panel members electronically.

These documents allow Planning Panel members to become familiar with the development and to identify if they have any potential conflicts of interest prior to their review of the assessment report and before attending the Panel meeting to consider the application in public.

11.4 Public exhibition of development applications by council

Public exhibition of the DA is undertaken by council staff in accordance with the requirements of the EP&A Act, EP&A Regulation and Council's Community Participation Plan or any relevant development control plan or policy of council.

Notification of exhibition, including letters and advertisements, should contain appropriate statements to advise:

- that the {name of relevant} Planning Panel is the consent authority for the application,
- that submissions made in respect of the application should be made to {name of relevant} Council, but will be provided to the Planning Panel and may be viewed by other persons with an interest in the application,

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- names and addresses of submitters will be provided to the Planning Panel for notification purposes, and
- other information required by the EP&A Act or EP&A Regulation.

11.5 Requests for additional information

It is the applicant's responsibility to provide adequate information and technical reports on potential impacts of the proposed development.

Holding a pre-DA meeting with council staff will often clarify council requirements for the lodgement of an application. However, the applicant may be requested by council staff to provide further information or reports to properly address all relevant aspects of the development, or to enable an assessment report to be completed.

During the assessment process the Planning Panel may identify issues at a briefing that must be addressed or clarified in council's assessment report, and for which council may request further information.

Amended plans or additional information for a DA must be lodged with council.

11.6 Status reports

Councils must advise the secretariat if it is evident that there are difficulties in assessing the DA or the assessment report will not be completed within the timeframe indicated in the referral notification.

The secretariat tracks the progress of DAs registered with it and requests status updates from council for DAs lodged for 70 days or more.

Where a response or concurrence from public agencies delays the assessment of a DA, a council can ask the secretariat for assistance to ensure the agency responds to council in a timely manner.

Where there is an ongoing and unreasonable delay in the processing of a DA, council may be requested by the Planning Panel to complete its assessment without further delay.

11.7 Assessment of the development application

The council that received the DA is responsible, through its staff, for the assessment of the application.

It is council's responsibility to prepare an assessment report addressing all statutory requirements and properly considering all issues. Usually councils will rely on their own professional staff, however where they do not have the technical expertise required in-house, they may engage external expertise. All costs associated with the preparation of the assessment report are to be covered from application fees, which are retained by council.

The assessment report must clearly identify how the proposal meets the relevant requirements for regionally significant development, and that the Planning Panel is responsible for determining the application.

The assessment report must include a recommendation on the proposed development:

- if the recommendation is for approval of the application, the report must include recommended conditions of consent, and
- if the recommendation is for refusal, the report must include reasons for refusal based on the assessment in the report.

The chair, following consultation with the Planning Panel, may also request without prejudice draft conditions of consent, where council's report

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recommends refusal. The Panel may do this before or at the determination meeting.

The assessment report should clearly identify if there are any outstanding issues and steps to be taken to address such issues.

In considering an application, a Planning Panel may request additional information to assist in its determination of the application.

11.8 Varying development standards

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required (or, where the development is not in a standard instrument LEP, an objection under *State Environmental Planning Policy No 1—Development Standards* (SEPP 1)). Council's assessment report includes an assessment of the application against the relevant statutory provisions.

The function of obtaining concurrence from the Secretary under clause 4.6 is a matter for the council. However, where concurrence is assumed, the council does not need to obtain concurrence. The Planning Panel will determine whether a clause 4.6 application is well founded on the basis of the applicant's justification.

11.9 Local infrastructure contributions

The assessment report should address contributions required in accordance with the council's relevant contributions plan (see section 7.11 and 7.12 of the EP&A Act). The Planning Panel is able to impose additional or different contributions than those set out in the contributions plan. For Crown developments, councils should address contributions in accordance with the relevant planning circular (Circular No. D6, issued September 1995 or as updated).

11.10 Special infrastructure contributions and certification requirements

If the development falls within a special contributions area the council should address the relevant requirements in its assessment report and recommend appropriate conditions in accordance with the Ministerial direction (see section 7.24 of the EP&A Act).

The council must address any "Satisfactory Arrangements" clause in the applicable LEP in its assessment report. These clauses usually state that development consent must not be granted by a consent authority until arrangements to the satisfaction of the Secretary have been made to contribute to regional or State infrastructure. A Planning Panel cannot provide consent to the DA until the Secretary (or delegate) of the Department has certified in writing that satisfactory arrangements have been made.

11.11 Development subject to delays in determination

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Planning Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 7 of the State and Regional Development SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Planning Panels website,
- the applicant is to complete the relevant part of the form and submit it to **both** the relevant council and the secretariat,

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- once the council receives the referral form it cannot determine the DA until a decision has been made regarding whether the Planning Panel will have the function of determining the DA, however council can continue to assess the DA,
- the council sends the completed referral form and copies of all DA documents, to the secretariat within 7 days. Council should also send its explanation for the delay in completing its assessment,
- the chair will consider the information in the referral form and advise the secretariat if the referral is accepted (i.e. the applicant is not responsible for a delay in the application), generally within 14 days of the applicant making the referral. The chair will consider a number of matters in making this decision, including:
 - permissibility and zoning, including whether the determination is dependent on a rezoning,
 - whether the determination is dependent on a voluntary planning agreement or the approval of a masterplan or DCP,
 - whether the landowner's consent has been provided,
 - whether the required referrals and concurrences have been obtained,
 - whether there have been requests for further information, and what the responses were to those requests, and
 - if council has considered the DA and the outcome of that consideration,
- once the chair decides, the secretariat will notify the council and the applicant as to whether the development is regionally significant development,
- if the referral is not accepted the chair must advise the reason(s) for not accepting the referral,
- if the referral is accepted, council completes the assessment of the application and prepares an assessment report for submission to the secretariat, and
- a briefing with council may be held prior to determination.

11.12 Council representation to the Planning Panel

An elected council may make a submission on a DA within their LGA that is to be determined by a Planning Panel up to seven days before the Planning Panel meeting.

After the assessment report is sent to the secretariat, it may be given to the elected council to assist in its decision as to whether it will be making a submission to the Planning Panel. The elected council's submission should not be prepared by persons involved in the assessment of the application but could be prepared by another council officer, or a consultant.

A council submission should not be specifically referenced in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the Planning Panel at the meeting to express the views of council.

Councillors who are also Planning Panel members have an independent role because they have been nominated by their council as its nominee to the Planning Panel.

11.13 Submission of assessment report to the secretariat

The completed assessment report and recommendation is to be immediately sent via electronic means to the secretariat.

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The assessment report is not to be endorsed or presented to the elected council before being sent to the secretariat.

The following items are to be sent in a digital format to the secretariat:

- assessment report and any attachments and recommendations (including conditions),
- the Council Assessment Report cover sheet (available on the Planning Panels website),
- final architectural drawings and plans and other reports that the assessing officer considers that the Panel may require in order to make an informed decision,
- copies of each submission received in respect of the DA
- a completed List of Submitters (available on the Planning Panels website) containing the names, postal addresses and email addresses (if provided) of every person or body who made a submission to allow the secretariat to notify submitters of the details of the Panel meeting, and
- in the case of petitions, only the name and address of the head petitioner should be provided, if that person can be identified.

Note: Council's assessment report must include a summary and assessment of all submissions so that the Planning Panel can consider the submissions as part of the assessment of the DA. Based on the details provided by council, the secretariat will notify persons who made submissions of the time, date and venue of the Planning Panel meeting at which the relevant application will be considered. Councils should also give the secretariat copies of any late submissions and, where necessary, provide further assessment if the issues are not already covered in council's assessment report.

11.14 Written submissions to the Planning Panel

All written submissions must be sent directly to council to be considered as part of the assessment of the DA.

Submissions sent to the Planning Panel will be given to council for assessment. Planning Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

11.15 Rezoning, development control plans and planning agreements

Where a DA is lodged concurrently with a planning proposal seeking the rezoning of land under the LEP Council's assessment report must address the DA against the proposed zoning. Council is responsible for progressing the planning proposal. The Planning Panel cannot determine a DA to approve such development until the land is rezoned to permit that development.

Where the provisions of an environmental planning instrument require a development control plan (DCP), (previously known as a master plan) to be adopted by the council before granting development consent, it is the responsibility of council to prepare and adopt the DCP prior to sending the assessment report to the Planning Panel. In such circumstances, the Planning Panel will not determine the application until the DCP is adopted by the council.

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Planning Panel would normally make reference to any planning agreement and its relationship to the DA.

The Planning Panel may only impose a condition of consent requiring a planning agreement be entered into if the condition reflects the terms of any

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offer made by the applicant to enter into a planning agreement (see section 7.4 of the EP&A Act).

11.16 Referral of Crown development applications with a CIV less than \$5 million

Crown DAs with a CIV greater than \$5 million are regionally significant development. Crown DAs with a CIV under \$5 million can be referred to the relevant Planning Panel (see section 4.33 of the EP&A Act) by either:

- the applicant where council (or IHAP, if relevant) has not determined in the prescribed period, or
- the council at any time including before the end of the prescribed period.

Before the end of the prescribed period, only a council (not the applicant) can refer an application to the Planning Panel.

For Crown DAs with a CIV of less than \$5 million where a council or IHAP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Planning Panel (see section 4.33(2) of the EP&A Act). Planning Circular PS 09-017 outlines the Crown DA provisions and policy.

The referral to the Planning Panel must be in writing. Additional procedures for the referral, including the requirement to notify the other party in writing of the referral are set out at sections 4.33(6) and section 4.33(7) of the EP&A Act.

Once the application is referred to a Planning Panel, the council registers DA on the Planning Panels website and gives its assessment report to the Planning Panel to consider.

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12. Determination of development applications

12.1 Determining regionally significant development applications

Planning Panels determine regionally significant development as the consent authority.

Planning Panels generally hold public determination meetings to consider DAs. Refer to **Schedule 1** for more information on the detailed procedures for Planning Panel meetings.

The purpose of the public determination meeting is for the Planning Panel to hear views of the community and other interested parties, such as the applicant and the council, on the DA before the Planning Panel makes a decision.

After reviewing written submissions on a DA, considering the recommendation in council's assessment report and hearing from those wishing to address the Planning Panel, the Planning Panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

In certain circumstances the determination of a DA can be done by a circulation of papers e.g. where the assessment report recommends approval and there are no submissions objecting to the proposed development or if the decision on the DA was deferred.

12.2 Obligation to consult council – if adverse financial impacts

A Planning Panel must not make a decision that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a council without first consulting the council (see section 2.26 of the EP&A Act).

The consultation must be in writing, with the council being given a specified time to respond in writing. Where a briefing with the general manager (or nominee) is to be held to discuss the matter, all relevant Panel members should be present, and a meeting record and outcomes should be sent to the secretariat.

12.3 Determining Crown development applications

A consent authority for Crown development cannot refuse consent to a Crown DA except with the approval of the Minister, nor can it impose a condition on a development consent for Crown development except with the approval of the applicant or the Minister.

This requirement applies to Crown development that is to be considered by a Planning Panel, where the application is for regionally significant development, or where the DA is referred to the Panel under Division 4.6 of the EP&A Act.

Where the Planning Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Planning Panel fails to determine the DA within the prescribed period, the applicant or the Planning Panel may refer the DA to the Minister. The Minister may then direct the Planning Panel to approve or refuse the Crown DA within a specified time.

12.4 Determining DAs for coastal protection works

Certain coastal protection works are classified as regionally significant development. Where a Planning Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see clause 8A, Schedule 7 of the SRD SEPP).

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12.5 Delegation to council to determine applications

If the Minister agrees, Planning Panels may delegate the determination of applications to councils, a local planning panel of a council or the general manager or other staff of council (see section 2.16(2) of the EP&A Act). Delegation may be for development in a specified area, for a class of application, or be made on a case-by-case basis.

In situations where the determination is delegated, councils must:

- register the application on the Planning Panels website,
- inform and update the secretariat on the processing of the application as requested, and
- provide a copy to the secretariat of all determination documents, including the assessment report and Notice of Determination.

The chair of the relevant Planning Panel may request the council to not exercise the delegated function in certain circumstances.

Any determination made by council under delegation is a decision of the Planning Panel.

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13. Reviews and appeals

13.1 Decision reviews

Planning Panels also review decisions made on DAs by the Planning Panels (see Division 8.2 of the EP&A Act). The Council notifies the Planning Panel when a request to review a decision has been lodged. The Planning Panel reviewing the decision will be comprised of different members to those members that made the original decision and will be called the Decision Review Panel of the [relevant] Planning Panel.

Note that decision reviews cannot be requested where the following applies:

- the time to lodge a legal appeal has passed,
- a merit appeal has been determined regarding the DA, or
- it is an application for complying development, a Crown DA or a designated development DA.

The Decision Review Panel may ask to be briefed on the decision review request, either by the applicant, Council staff undertaking the assessment, or other experts engaged to assess the application.

The circumstances where this may be needed include where the applicant for the DA has amended the development the subject of the original DA since the original determination.

If needed, the Decision Review Panel may also hold a site visit or public briefing meeting.

Council must prepare an additional assessment report to the Decision Review Panel if the DA or application to modify a development consent has been amended after its initial determination, or if submissions have been made following any further notification.

The Decision Review Panel of the Planning Panel may hold a public determination meeting. A Decision Review Panel will only need to hold a public determination meeting if the application was notified and submissions objecting to the application were received. It is at the Chair's discretion whether a public determination meeting is necessary at any other time.

Council must give written notice to the applicant of the result of the review within 7 days of the completion of the review.

13.2 Appeals against a Planning Panel determination

Merit appeals

An applicant who is dissatisfied with a determination or deemed refusal of an application may lodge a merit appeal to the Land and Environment Court within six months against the decision as provided for in the EP&A Act.

Note: An application is deemed to have been refused if it is not determined within 40 days, or 60 days if the application is for designated or integrated development, requires concurrence of a concurrence authority or is accompanied by a biodiversity development assessment report and that proposes a discount in the biodiversity credits required under the report to be retired.

If the development is designated development, then an objector to the development who is dissatisfied with a determination may also lodge a merit appeal in the Land and Environment Court within 28 days as provided for in the EP&A Act.

The council for the area will be the respondent for any merit appeal against a determination made by a Planning Panel on a development application. The council is subject to the control and direction of the Planning Panel in connection with the conduct of the appeal.

The council is to give notice of the appeal to the Planning Panel. It must do this by notifying the secretariat. Notification to the Planning Panel must be

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made no more than seven days after the council receives notice of the appeal and must advise whether the council will be actively defending the appeal.

Note: Each Planning Panel chair has delegated authority to act as the Planning Panel's representative to provide instructions and seek legal advice in relation to appeals. Planning Panel delegations are published on the Planning Panels website.

The Planning Panel will determine its level of involvement in an appeal, and what directions (if any) it wishes to issue to the council, on a case-by-case basis. While a Planning Panel has the power to direct and control the council, it may choose not to exercise the power. If a Planning Panel wishes to take a more active role in a council's conduct of the appeal, the Planning Panel can exercise its powers to control and direct council. In some circumstances the Planning Panel may seek to join proceedings and act as the respondent in the place of the council.

Council is to:

- 1) provide the Planning Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
- 2) provide the council's proposed statement of facts and contentions to the Planning Panel at least 7 days before the later of:
 - a) the day of the first directions hearing for the appeal or
 - b) the day the statement is filed,
- 3) identify in the council's statement of facts and contentions the steps taken by the council to notify the Planning Panel of the appeal, and any response received by the council, and
- 4) provide the Planning Panel with:
 - a) a copy of any directions or orders made by the Court in relation to the appeal within 7 days of the directions or orders being given,
 - b) a copy of any proposed in principle agreement between the parties to the appeal following a conciliation conference under section 34 of the *Land and Environment Court Act 1979* within 3 days of the proposed in principle agreement being reached and before any written agreement is executed,
 - c) the dates on which the appeal will be heard within 3 days of the council receiving notice of them, and
 - d) a copy of any judgment of the Court in relation to the appeal.

The council should include in its Statement of Facts and Contentions the actions taken by council to notify the Planning Panel of the appeal and any response from the Planning Panel.

Deemed Refusals

A Planning Panel may determine a DA even though it is subject to a deemed refusal appeal. When a deemed refusal appeal has been filed with the Court, the usual practice is for council's assessment officer to complete their assessment report.

Applications may be deemed to have been refused before a Planning Panel has been briefed on the application. Where a Planning Panel has not been

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briefed on an application that is subject to an appeal, the Planning Panel may request a briefing from the council.

Judicial review and civil enforcement proceedings

Any person may commence judicial review or civil enforcement proceedings in the Land and Environment Court against a Planning Panel determination. Unlike merit appeals, in these types of proceedings the Planning Panel will be named as a respondent.

A submitting appearance may be filed by the Planning Panel if the grounds of challenge are not related to the powers or procedures of the Planning Panel in determining the application.

Appeals against determinations where council is the applicant

The Planning Panel will be the respondent in merit appeal and judicial review proceedings in the Land & Environment Court where council is the applicant.

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14. Planning proposals

Planning Panels also undertake plan-making functions including:

- undertaking administrative reviews,
- acting as the planning proposal authority (PPA) in certain circumstances, and
- providing advice to the Minister or the Secretary on any planning or development matters or environmental planning instrument referred to them.

Note: The Independent Planning Commission undertakes these functions in the City of Sydney LGA.

14.1 Reviews

A Planning Panel may be asked to review certain plan-making decisions.

Reviews include:

- **Rezoning reviews** — which may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway Determination, and
- **Independent proposal reviews** — which may be requested by a Local Aboriginal Land Council before a planning proposal for land subject to a development delivery plan or interim development delivery plan, that is shown in the Aboriginal Land SEPP, has been submitted to the Department for a Gateway Determination.

These review processes allow councils and proponents to have decisions about the strategic merits of proposed amendments to LEPs reconsidered.

The Department's *A Guide to Preparing Local Environmental Plans* sets out lodgement requirements, including information the council or proponent must provide for reviews to be undertaken.

14.2 Rezoning reviews

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a rezoning review if:

- the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information, or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

On receipt of an application the Department notifies the Planning Panel and the relevant council within 3 business days.

The Planning Panel reviews the planning proposal initially considered by council, rather than any amended or updated version. Council will be requested to confirm that the planning proposal is that which was initially considered by council, and to provide any additional comments or information to the Department within 21 days.

The Planning Panel may be briefed by the Department, council and proponent to clarify any issues before completing the review. The Planning Panel may request a site visit to assist in its considerations.

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A briefing or site visit will be attended by the Planning Panel, Department staff and, in certain circumstances, the applicant and council staff. Any briefing or site visit will follow the procedures set out in Schedule 1.

Determination

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Planning Panel's determination is to be based on the strategic and site-specific merits of the proposal.

Planning proposals that do not reasonably meet the strategic and site-specific merit tests will not proceed to a Gateway determination.

The Planning Panel's determination is to provide a clear decision on whether the planning proposal should proceed or not to a Gateway determination.

Decisions on rezoning reviews will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Communication of the Planning Panel's determination is made to the proponent and the council within 90 days of the Department receiving the initial rezoning review request.

Planning Proposal Authority

If the Planning Panel determines that a proposal should proceed to a Gateway determination, councils will be provided the opportunity of accepting the planning proposal authority role. If the council does not accept the role within 42 days an alternate planning proposal authority will be appointed.

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to a rezoning review and the council has not accepted this role.

14.3 Independent proposal reviews

Independent proposal reviews give Local Aboriginal Land Councils an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan, or interim development delivery plan, that is shown in the Aboriginal Land SEPP.

The process for an independent proposal review is similar to that outlined for rezoning reviews.

When a Planning Panel is undertaking an independent proposal review in determining the strategic merit of a proposal it will also need to consider the consistency of the planning proposal with the relevant development delivery plan for the land (or interim development delivery plan) shown in the Aboriginal Land SEPP and when determining the site-specific merit of the proposal it will also need to have regard to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The review and determination should be in accordance with the Planning Circular PS 19-003 (or as updated).

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to an independent proposal review and the council has not accepted this role.

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14.4 Planning Proposal Authority (PPA)

A Planning Panel may be directed to be the PPA for planning proposal by the Minister. Generally, a Planning Panel has delegation from the Minister to act as PPA if it has recommended that a planning proposal proceed to Gateway and the council has declined to remain as the PPA.

As PPA, the Planning Panel performs all the functions that a council normally would in preparing LEPs. This includes:

- submitting a planning proposal to Gateway,
- undertaking any necessary agency consultation prior to public exhibition of the proposal,
- endorsing the public exhibition of a planning proposal that has received a Gateway determination and met all of the Gateway conditions,
- exhibiting the planning proposal in accordance with the terms of the Gateway determination,
- considering a recommendation report, addressing submissions received during public exhibition,
- holding a public briefing meeting (at the Panel chair's discretion) following public exhibition, to listen to any person wishing to speak, and
- submitting a request to the Department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining and making the LEP.

14.5 Support provided to the Planning Panel in its role as PPA

When a Planning Panel is acting as PPA the secretariat arranges any necessary agency and community consultation (public exhibition) and the Department provides technical support and briefings to the Planning Panel.

14.6 Availability of Planning Panel decisions and advice

The Planning Panel needs to make a number of decisions throughout the plan-making process when undertaking reviews or acting as PPA. Decisions of the Planning Panels will be made publicly available on the Planning Panels website within 3 business days of any decision.

14.7 Community consultation

There is no requirement for a Planning Panel meeting to be held prior to determining a rezoning review. The Gateway determination details requirements, if any, for community consultation on planning proposals. The Planning Panel may hold Planning Panel meetings at any time, at the discretion of the chair.

Submissions received as part of the public exhibition of a planning proposal for which a Planning Panel is the PPA are made publicly available on the Planning Panels website.

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15. Site compatibility certificates

Planning Panels determine applications for SCCs made under the Seniors SEPP and the Education SEPP.

Written applications are to be lodged with the Department. The Department prepares an assessment of the application and a recommendation for the relevant Planning Panel. The Planning Panel considers the application and the Department's assessment report and those matters set out within clause 25 of the Seniors SEPP, or clause 15 of the Education SEPP as relevant. The Panel may determine an application by issuing a SCC or refusing to do so.

The Planning Panel may request a briefing and/or a site visit to assist in its considerations.

A briefing or site visit will be attended by the Planning Panel and Department staff and follow the procedures set out in Schedule 1.

Decisions on SCCs will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Should a DA be supported by an SCC issued by the Planning Panel come before the Planning Panel for determination, the Planning Panel will be comprised of different members to the members that issued the SCC.

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Schedule 1: Procedures for briefings, meetings and decisions.

1 Briefings and site visits

The chair may agree to a site visit or a briefing prior to a Planning Panel making a decision or providing advice on a matter.

A site visit or briefing is solely to identify and clarify issues with the proposal. Planning Panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations at site visits or briefings.

However, the Panel may identify issues that it expects to be addressed or clarified in any assessment report.

A site visit or briefing will be attended by the Planning Panel and relevant council or Department assessment staff or other persons engaged in the assessment of the DA or matter to be determined by the Planning Panel. In some circumstances other parties, including the applicant or people who made submissions on an application or matter may also be invited to attend a site visit or briefing. The invitation of parties is at the discretion of the chair.

Briefings on DAs may include a presentation by council assessment staff on key elements of the proposal and the planning controls that affect it (such as zoning), and an overview of issues of concern arising through the Council's assessment or raised in submissions. The timing of the submission of the assessment report and tentative date for a determination may also be discussed.

The assessment officer briefing the Planning Panel should have available a set of large-scale plans at the briefing.

Only Planning Panel members who will sit on the Planning Panel to determine the matter should attend the briefing.

Briefings and site visits on planning proposals and site compatibility certificates follow the same format, with Departmental staff briefing the Planning Panel.

It is not mandatory that the Planning Panel be briefed prior to considering a matter. Where there is a briefing, it should take place within four weeks of the close of any public exhibition period, and before council makes any major request for further information from the applicant (although council can request further information before the exhibition). The assessment of a DA should not be delayed for a briefing to occur.

Planning Panel members may identify further issues where they need clarification or more information. A Planning Panel may request briefings with council or Department staff to clarify any element of the proposal and the assessment report prior to the Planning Panel making its decision.

Briefings are not determination meetings and Planning Panel members should not make any comment that would indicate pre-determination of the matter.

The chair should take into consideration the availability of all members of the Planning Panel and any other necessary persons when deciding to conduct a site visit.

Entry to any private land may only take place with the express permission of the owner of the land, and it is the responsibility of council staff, in relation to a DA, or Department staff in relation to a planning proposal, to seek owner's consent when required.

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A written record of the briefing or site visit is made including time, date, attendees, any declarations and key issues discussed and is published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

It may be appropriate to invite the applicant or proponent to attend the briefing when:

- the Planning Panel could benefit from additional technical explanation on a complex matter,
- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

The Planning Panel will publish clearly documented reasons why a briefing by an applicant was necessary so that there is no apprehension of bias.

Site inspections and briefings are not public meetings of the Planning Panel.

2 Meetings

Public briefing meetings

If the matter before the Planning Panel attracts significant community interest, the Planning Panel may consider calling a public briefing meeting.

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Planning Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Planning Panel.

Planning Panel members should not make any comment that would indicate pre-determination of the application at a public meeting.

Determination meetings

Prior to determining a DA or other matter, a Planning Panel may call a public determination meeting. The purpose of a public determination meeting is to hear those who wish to express their view on the proposal before the Planning Panel makes its determination in public.

Notice of a public determination meeting is given at least 7 days before the meeting. Notice of the meeting (including the time, date and venue for the meeting) are:

- notified on the Planning Panels website, and
- given to every person who made a submission to the council (in the case of petitions, only the head petitioner).

The meeting agenda, any business papers, assessment reports and attachments (including any representations made by council) are distributed to members of the Planning Panel and uploaded on the Planning Panels website in advance of the meeting.

People wishing to address the Planning Panel must register prior to the meeting.

The chair determines the order of presentations to the Planning Panel and the amount of time given to each speaker. At the meeting, it is acceptable to provide the Planning Panel with written material which summarises the matters to be presented to the panel by the speaker. However, written material must be kept to a minimum.

3 Meeting procedures for Public Briefings and Determinations

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Planning Panel meetings are to be conducted in public.

Meeting dates and agendas

A regular schedule of proposed meeting dates is determined at the beginning of each year by the secretariat in consultation with the chair. The meeting dates are listed on the Planning Panels website and are reserved for public briefing meetings, Planning Panel briefings and site visits, or Planning Panel meetings. Planning Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

Additional meetings of a Planning Panel may be organised at the discretion of the chair. These additional dates are posted on the website as soon as they become available.

The chair may consult with the general managers (or their nominee) of the relevant councils when approving the agenda for each meeting.

The council notifies the secretariat of any revised date for completion of the assessment report as soon as it is aware of any delay and advises of the reasons for the delay.

The meeting time and venue

The meeting time and venue is determined by the chair in consultation with relevant councils, and taking into account:

- the location of the proposed developments to be considered at the Planning Panel meeting,
- the number of persons who have expressed an interest in the different matters to be considered at the Planning Panel meeting,
- the availability of a suitable venue and the accessibility of the proposed venue for those persons, and
- local considerations and logistics.

The meeting time and venue should:

- maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting, and
- facilitate the open exchange of information between the Planning Panel members and other parties.

Items from a number of different LGAs might be considered at one meeting provided the venue is reasonably accessible to most interested parties.

In regional areas, the chair may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

Notice of meeting

Notice of a Planning Panel meeting is to be given by the secretariat at least 7 days before the meeting. Notice is given to Planning Panel members, the general managers (or their nominee) of the councils in that region or district, every person who made a submission to the council (in the case of petitions, only the head petitioner) in respect of an item to be considered at the meeting and the applicants for those items. A notice is placed on the Planning Panel website and may be placed in the local newspaper.

The notice is to include details of:

- the time and date of the meeting,
- the venue for the meeting,
- the matter under consideration (DA/s or planning proposal),

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- the availability of agenda and business papers, which will include the assessment report and recommendations, and
- other matters to be considered at the meeting.

Distribution of meeting agenda and business papers

The meeting agenda, business papers/assessment reports and attachments, including any representations made by councils, are to be distributed to members of the Planning Panel and uploaded on the Planning Panels website by the secretariat no less than 7 days prior to the meeting.

A hard copy of the agenda and business papers are posted via express post to those Planning Panel members who have a decision-making role on the matter.

Opening and closing meetings

The chair will open the meeting by introducing the Panel and its members, state the purpose of the meeting, read out any apologies and call for declarations of interest following the declarations of interest procedures.

The chair will note any site visits or briefings the panel has had the benefit of and describe the order of proceedings and time limits for speakers.

The chair may also request council staff to briefly summarise the key issues that have arisen in the assessment report.

The panel will then listen to those wishing to address the panel. After the presentations the panel will make its determination and the chair will read out the decision of the panel before closing the meeting.

Declarations of interest procedures

The declarations of interest procedures set out below follow the requirements of the Planning Panels Code of Conduct (Code):

1. The chair calls on Planning Panel members to complete and sign written declarations of interest forms prior to the meeting for each panel matter (under clause 4.1 of the Code). Any verbal declarations must be recorded in writing.

Note: Under the Code, a panel member should declare the following interests:

- a. an actual, potential or reasonably perceived conflict of interest (see clause 3.1 of the Code),
 - b. a pecuniary interest listed under clauses 3.10 – 3.12 of the Code,
 - c. a non-pecuniary interest (see clause 3.14 of the Code),
 - d. a conflict of duties listed under clauses 3.18 – 3.25 of the Code,
 - e. a pecuniary interest or non-pecuniary interest arising from a political contribution or donation (see clause 3.26 of the Code),
 - f. a position and pecuniary interest in corporations, partnerships or other businesses that may be relevant to the activities of the Planning Panel in accordance with the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' (see clause 4.3 of the Code),
 - g. a personal dealing with council (see clause 5.1 of the Code), and
 - h. a gift or benefit listed under clauses 5.2 – 5.6 of the Code.
2. The chair reviews the written and signed declarations and the management measures put in place for any declared interests.
 3. If the chair is satisfied that reasonable and appropriate management measures are consistent with those set out in the Code, then a note to this effect is to be made on the meeting record.

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4. Should the chair have concerns, the chair is to raise these concerns with the member and suggest additional reasonable and appropriate management measures including, if warranted, that the member not take part in the determination for the matter (see clause 3.8 of the Code).
5. The chair is to provide the member an opportunity to respond.
6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

Presentations at a Planning Panel meeting

The chair determines the order of presentations to the Panel. Panel members may ask questions of those making presentations. The amount of time given to each speaker is at the discretion of the chair.

At the Planning Panel meeting, it is at the chair's discretion whether to accept written material which summarises the matters to be presented to the Planning Panel by the speaker. Any allowed written material must be kept to a minimum.

By registering to speak at a meeting, speakers agree to being audio recorded and to the publication of that recording on the Planning Panels website.

a) Presentation by the assessment officer

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. The assessment officer should have available at the Planning Panel meeting a set of large-scale plans (including any amended plans).

Generally, it is council's professional planning and assessment staff that prepare DA assessment reports for the Panel's consideration.

Where a Planning Panel is acting in the role of the PPA for a planning proposal matter the Department provides technical assistance, which may include the provision of an assessment report for the Planning Panel.

The assessment officer (or representative) should inform the chair of any late submissions received, and of any issues raised which may not have been addressed in the assessment report.

The assessment officer (or representative) should be present throughout the Planning Panel meeting, so that the chair can seek clarification where necessary of assessment issues that may arise during the course of the meeting. Other technical experts from the council/Department may also be present (such as traffic engineers) and the chair may ask for clarification of specific issues. Any questions to council/Department staff can only be made by Planning Panel members and are to be directed through the chair.

b) Presentation by the applicant or proponent

The applicant, in the case of a DA, or the proponent, in the case of a planning proposal, will be given the opportunity to outline the proposal and respond to the assessment report. The applicant/proponent may also be required to respond to submissions made at the meeting. The time allocated to the applicant/proponent, including their consultant(s), is at the discretion of the chair, but is generally 15 minutes. Additional time may be allocated

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where professional consultants have been engaged by the applicant/proponent to present at the meeting.

c) Presentation by people or groups who made submissions

Planning Panel meetings enable people or groups to make a presentation to the Panel meeting. People who wish to address the Planning Panel must register with the secretariat prior to the meeting by contacting the secretariat by telephone or email within the timeframe specified in the notification letter (generally two days before the Panel meeting).

For those people who are of the view that they would not be appropriately or adequately represented by any groups, they may register to speak to the Planning Panel as individuals.

The chair will advise on the time allocated for verbal submissions which will vary from meeting to meeting depending on a number of considerations such as the number of registered speakers.

As a guide:

- individual submitters will have 3 minutes to speak,
- a speaker for a community organisation/group will have 10 minutes to present. Additional time may be allocated where professional consultants have been engaged by community groups to present at the meeting.

In addition, where a large group of people have common issues to raise at the meeting, the chair may ask that a spokesperson be appointed to speak on behalf of the group. In such cases, the spokesperson will generally be allocated more time than individual speakers.

The chair seeks to ensure that all groups or individuals who request to address the Planning Panel are heard. Any requests for extending time limits should be made to the Planning Panel at the meeting and may be granted at the discretion of the chair.

Speakers should focus their oral presentations on the assessment report and its recommendation rather than re-stating information outlined in their earlier written submissions. The Planning Panel has been provided with all submissions and associated documents before the Planning Panel meeting.

d) Presentation by people or groups that have not made a submission

The chair has the discretion to allow any member of the public to address the Planning Panel, even if they have not made a submission or registered to speak by the relevant deadline. Considerations may include the number of persons that made submissions and have requested to address the meeting and the available time.

e) Presentation by an expert engaged by the Planning Panel

For the purpose of making a decision on a matter, such as a DA or a planning proposal, a Planning Panel may obtain independent assessment reports, advice and assistance that the Planning Panel may require, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council/Department in assessing the application.

Selection of such experts is to be determined by the chair in consultation with the other Panel members.

Depending on the circumstances, the expert may submit a report with recommendations directly to the Planning Panel. In addition, the expert may

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be invited to present the outcomes of their report at the Planning Panel meeting.

The independent assessment report should be made available on the Planning Panels website prior to the meeting, except where this information includes legal advice provided to the Planning Panel and is subject to legal professional privilege.

Adjourning during a Planning Panel meeting

A Planning Panel may adjourn a meeting where:

- a briefing is required to hear confidential or sensitive information, and/or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair publicly states the reasons for the adjournment which are recorded in the audio and written record of the meeting.

If the meeting is adjourned so that the panel may confer amongst themselves prior to making a decision, the chair briefly summarises the matters discussed in the adjournment after reconvening the meeting. The panel may discuss the matter further in the meeting and/or make its determination.

Planning Panel discussions during adjournments are not recorded.

Deferring a decision at a Planning Panel meeting

A Planning Panel may defer its determination of the matter for a subsequent meeting or it may be determined electronically by a circulation of papers. A decision may be deferred for any reason including to obtain additional information or advice.

The chair informs the meeting of the reasons for the deferral of a decision (i.e. why the decision cannot be made at the meeting) and advises of the procedures and timeframes to be followed for the determination of the matter.

A written record of the Planning Panel meeting, including the reasons for deferral, is placed on the Planning Panels website, and a copy is provided to the council.

It is the council's responsibility to follow up on any requests for additional information or amendments from the applicant, to determine whether re-exhibition is required, and to provide a supplementary assessment report to the Planning Panel.

The Planning Panel may hold further briefings following a determination meeting if it requires further information to make its determination or where there is commercially sensitive or confidential material that needs to be considered before the matter can be determined.

4 Decisions and determinations

The Planning Panel will strive to make its decisions unanimously. Where a decision cannot be made by unanimously, the decision will be made by majority vote. The chair will have a second or casting vote if required because of an equality of votes.

Quorum for a Planning Panel decisions

A quorum is a majority of the Planning Panel's members, including the chair, i.e. a total of three members. The decision of the Planning Panel will be deferred if a quorum is not present.

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Where conflicts of interest are known before a decision is to be made, alternate members will be used to make a quorum.

The Planning Panel's consideration

In addition to the assessment report, the Planning Panel is to take into account all written submissions, as well as the views expressed by those addressing the Planning Panel at its public meeting/s.

The Planning Panel's reasons

The Planning Panel must provide reasons for its decisions, which are to be recorded in the 'Determination and Statement of Reasons' template provided by the secretariat.

The Planning Panel may rely on the conclusions and recommendations within the assessment report, however, the Planning Panel must identify where it has its own reasons for making the decision and where it adopts the reasons from any assessment report of Council or the Department. As part of setting out its reasons the Planning Panel is to:

- provide a summary of the main issues raised in submissions,
- demonstrate how the Panel considered the community's concerns, and
- demonstrate how the Panel dealt with the issues raised, should they have been found to have merit i.e. requested further studies, applied appropriate conditions or, agreed with council recommendation that the applicant had satisfactorily addressed the concerns.

Determinations on DAs

The determination must clearly state whether a DA is unconditionally approved, approved with conditions, or refused.

Any new conditions of consent or changes to the recommended conditions of consent must be recorded.

If the Planning Panel resolves to approve an application that is recommended for refusal, the Planning Panel may seek a further report from the council's planning officer providing recommended conditions of consent. The Planning Panel may request without prejudice conditions of consent before a Planning Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

- the decision of the Planning Panel,
- the date of the decision,
- the reasons for the decision (having regard to any statutory requirements applying to the decision), and
- how community views were considered in making the decision.

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act.

The decision of the Planning Panel is not subject to a 'Rescission Motion' as in local government.

Decisions of Decision Review Panels are called a 'Review of Decision' Determination and Statement of Reasons.

Determinations on matters other than DAs

Decisions made by the Planning Panels on SCCs, Rezoning Reviews and where the Planning Panel is the Planning Proposal Authority will include the following:

- the decision of the Planning Panel,
- the date of the decision, and

January 2020

- the reasons for the decision (having regard to any statutory requirements applying to the decision).

Resolutions of the Planning Panels

The Planning Panels may from time to time make resolutions to do or not to do certain things, e.g. to authorise the chair to provide instruction in relation to legal appeals on behalf of the Planning Panel.

Resolutions of the Planning Panel will be published on the Planning Panels website.

Dissenting views

If the decision (and reasons for the decision) is not unanimous, all members of the Planning Panel (i.e. including the minority) still need to give reasons.

Timing of Determination and Statement of Reasons

It is preferable that the Planning Panel record both its decision and its reasons at the time of the determination.

Signatures

All members of the Planning Panel must sign the Determination and Statement of Reasons. Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

5 Transactions of business outside meetings

A Planning Panel can transact its business by the circulation of papers or at a meeting at which members participate by telephone or other electronic means (known as an electronic determination) (see Schedule 2, Clause 25(4) and Clause 26 of the EP&A Act).

The chair may decide that it is unnecessary to hold a determination meeting to consider a DA or other matter. The Planning Panel can complete its business through an electronic determination. These circumstances may arise when:

- the assessment report recommends approval and there are no submissions by way of objection,
- the Planning Panel has held a public meeting and deferred its decision to request specific additional information from an applicant or council (such as amended drawings) and if council, after having accepted the amended drawings, has decided that re-exhibition of is not required,
- the Planning Panel is voting on a procedural matter, or
- the Planning Panel is voting on a decision following a briefing in relation to a Rezoning Review, Planning Proposal or site compatibility certificate.

When an electronic determination for a DA is proposed, the council report and recommendation is made available on the Planning Panels website seven days prior to the DA being determined.

The secretariat distributes business papers (including the assessment report and attachments) to Planning Panel members for consideration and advise that the determination is made via electronic means.

Following consideration of the business papers, the Planning Panel advises the secretariat of its decision on the DA and a record of decision is completed and endorsed by all members.

The chair and each Planning Panel member has the same voting rights as they have at public determination meetings.

January 2020

Resolutions approved by circulation of papers are recorded in writing and made publicly available on the Planning Panels website within 7 days. The circulation of papers is generally done electronically and are not recorded by audio/ video record, an audio record or a transcription record.

6 Records of proceedings

The chair is responsible for ensuring that full and accurate records are kept of the proceedings of Planning Panel meetings, briefings and other business.

An audio recording will be made for all public briefing meetings and determination meetings and will be published on the Planning Panels website. By registering to speak at a meeting, speakers agree to being recorded and to the publication of that recording. Where a speaker has not registered to speak but wants to make a submission at the meeting it is at the chair's discretion and the speaker is asked to agree to being recorded and that recording being published.

Document templates for written records of proceedings are provided by the secretariat.

Secretariat or council staff will assist in the preparation of draft written records. A copy of the unconfirmed written record is provided to all Planning Panel members who participated in the proceedings. Planning Panel members may submit any proposed corrections to the unconfirmed record to the secretariat for confirmation by the chair.

Alternatively, a Planning Panel may choose to complete and endorse the final record immediately after completing the meeting or briefing. In this case, draft records are not circulated.

When the written records have been confirmed and endorsed by the chair the written record is placed on the Planning Panels website.

The confirmed written record is available within 7 days of the Planning Panel meeting or briefing.

Any written record for a Planning Panel meeting details:

- the opening and closing times of the meeting,
- the details of the matter considered by the Planning Panel,
- the names of all members of the Planning Panel, including the chair,
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter,
- any adjournments and reasons for the adjournment,
- the names of each person heard by the Planning Panel in respect of a matter,
- any decision of the Planning Panel,
- reasons for the decision,
- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous, and
- the signatures of all the members making the decision.

A written record of briefings or site visits are made including time, date, attendees, any declarations and key issues discussed and are published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

The secretariat, with assistance from the relevant council, is responsible for recording decisions for Planning Panel meetings.

January 2020

Planning Panel members are required to provide any notes made during a meeting, briefing or site inspection to the secretariat for registration as a record. This includes hand written or electronic notations.

10.3 DA 2021-55 ESTABLISHMENT OF WASTE TRANSFER STATION: OFFER TO ENTER INTO A PLANNING AGREEMENT

Attachments:	A. DA 2021-55 - Offer to enter into a Planning Agreement ↓
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
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

DA 2021/55 involves the establishment of a Waste Transfer Station at 32-36 Glen Munro Road, Muswellbrook. The development application is yet to be determined. The Hunter and Central Coast Regional Planning Panel will determine the development application.

The Applicant is seeking to enter into a Planning Agreement with Council to make a monetary contribution of \$0.11 per tonne of waste delivered to the proposed waste transfer facility to off-set the impact of vehicle movements on Council's road network.

If Council supports the offer in principle, Council Officers will advise the Regional Planning Panel to include a condition of consent requiring the Applicant to enter into a Planning Agreement for the amount agreed.

OFFICER'S RECOMMENDATION

Council:

- A. Agree to the offer to enter into a Planning Agreement for DA 2021/55 for the payment of a contribution of \$0.11 per tonne of material delivered to the proposed development; and**
- B. Request a condition of consent that the proponent enter into a Planning Agreement generally in accordance with the terms specified in the offer included as an attachment to this report.**

Moved: _____ **Seconded:** _____

REPORT

A development application has been received by Council for the establishment of a Waste Transfer Station at 32-36 Glen Munro Road, Muswellbrook. The proposed development will receive waste (for example, paper and cardboard, vegetation and garden material, wood, trees, timber, asphalt, bricks and concrete, ceramics, soil, iron and steel, plasterboard, paper and cardboard, plastics, textiles and glass) for sorting and then transport to a facility operated by the proponent at Kurri Kurri for recycling. The proposed facility would have a maximum annual throughput of 98,500 tonnes and a maximum storage capacity of 10,000 tonnes of material on-site at any one time.

Council Officers are progressing the assessment of this proposed development. Due to the Capital Investment Value of the project and type of development proposed, the development application will be determined by the Hunter and Central Coast Regional Planning Panel.

Council Officers have identified that the expected volumes of traffic, particularly heavy traffic associated with the proposed development, may impact on Council's road network. This issue was raised with the Applicant.

As an outcome of discussions, the Applicant has made a written offer to Council to enter into a Planning Agreement. This offer is included as **Attachment A**.

The offer puts forward a monetary contribution of \$0.11 per tonne of waste delivered to the waste transfer facility. The letter advises that the proponent intends to record the rate of incoming waste through weighbridge data.

Council's engineering staff have advised that a contribution of \$0.11 per tonne of material delivered to the site would be an acceptable contribution to off-set the anticipated impact of heavy haulage and is the same as the contribution being made by other businesses in the industrial area.

LEGAL IMPLICATIONS

The correspondence offering to enter into a Planning Agreement is not the final Planning Agreement, but an offer to enter into a Planning Agreement within the terms specified in the correspondence.

If Council endorses the offer, a condition of consent would be recommended for inclusion in any approval of the proposed development requiring the applicant to enter into a Planning Agreement within the terms specified. The final Planning Agreement will be reported to Council in the future to endorse and notify in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

OPTIONS

Council may:

1. Accept the offer to enter into a Planning Agreement for DA 2021/55 for the payment of a contribution of \$0.11 per tonne of material delivered to the proposed development and request an appropriate condition of consent. This is the preferred option as it is consistent with the practice followed with other development in the industrial area that proposes higher numbers of heavy vehicle movements; or
2. Reject the applicant's offer to enter into a Planning Agreement and provide reasoning as to why the offer has been rejected for further consideration by the proponent and Council Officers.

CONCLUSION

An offer to enter into a Planning Agreement has been made to Council to off-set the impacts of heavy haulage traffic on Council's road network related to DA 2021/55.

The offer has been reviewed by Council Officers and recommend that Council agree to the offer.



Level 3, 175 Scott Street
Newcastle NSW 2300

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Memorandum

21 December 2021

Hamish McTaggart
Development Coordinator
Muswellbrook Shire Council
By email: Hamish.McTaggart@muswellbrook.nsw.gov.au

Re: DA 2021-55 Muswellbrook Waste Transfer Station: Proposed arrangement for heavy haulage monetary contribution

Dear Mr McTaggart,

I refer to the above development application and the Planning Panel meeting of 17 November 2021. During and following the Planning Panel meeting, the Council and applicant, Central Waste Plant Pty Ltd (Central Waste Plant), discussed the proposed monetary contribution amount payable to Council for heavy haulage. In line with these discussions, Central Waste Plant confirms that it agrees to pay Council a monetary contribution of \$0.11 per tonne of waste delivered to the waste transfer facility, based on incoming weighbridge data.

At the Planning Panel meeting, a Voluntary Planning Agreement (VPA) was suggested as a potential mechanism to formalise the arrangement for the monetary contribution. However, based on further research, the applicant is of the view that a condition of consent can be imposed and would be a preferable mechanism. This is because VPAs are typically entered into for projects with complex contribution arrangements requiring detailed and innovative payment arrangements. VPAs can also be time intensive given the process that must be followed under the *Environmental Planning and Assessment Act 1979* (NSW) and associated regulations.

In the present case, there is only one monetary contribution type and the arrangements are not complex. Based on the flexibility provided under section 7.13(2) of the EP&A Act, the applicant is of the view that the Planning Panel as consent authority, can impose a condition requiring the payment of the contribution to Council, despite Council's contributions plans not specifically including this type of contribution for heavy haulage. Notably, regard still must be had to any existing contributions plan that applies to the development, before the Planning Panel imposes any such condition.

We understand that Council is also open to alternatives to a VPA.

Based on the above, we suggest that the following draft condition could be put to the Planning Panel for consideration to include in the conditions of consent for the proposed development. Before putting to the Planning Panel, we welcome Council's comments and input to the draft condition suggested below:

Contribution towards provision or improvement of amenities or services

- a) *In accordance with the provisions of the Environmental Planning and Assessment Act 1979, a heavy haulage monetary contribution shall be paid to Council annually.*

The amount payable will be calculated at \$0.11 per tonne of waste delivered to the waste transfer facility site, following submission of weighbridge records for the relevant 12-month period detailing the truck classifications, truck numbers transporting waste into the site, and total weight of waste transported into the site.

- b) *The heavy haulage monetary contributions shall be paid to Council 12 months from the issue of the first occupation certificate, and annually on that date thereafter.*
- c) *It is the responsibility of the person having the benefit of this development consent to ensure that the heavy haulage monetary contributions have been paid to Council in accordance with these conditions of consent.*

Should you wish to discuss any further, please contact me on 0428 470 933 or email aweston@emmconsulting.com.au

Yours sincerely



Amanda Weston
Associate Director
aweston@emmconsulting.com.au

11 COMMUNITY INFRASTRUCTURE

11.1 CONCEPT DESIGN FOR REHABILITATION - LORNE STREET, MUSWELLBROOK

Attachments:	A. Concept Design ↓
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>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Ensure all Infrastructure works activities undertake a competent Review of Environmental Factors (REF).</i>

PURPOSE

To provide for Council's review a detailed concept design prepared for the rehabilitation of Lorne Street, Muswellbrook (New England Hwy to Mitchell St), and to request Council's endorsement of the concept design.

OFFICER'S RECOMMENDATION

Council endorses:

1. The Concept Design attached as A to the report, for the rehabilitation of Lorne Street, Muswellbrook (between New England Hwy and Mitchell St); and
2. The use of the available funding sources from the 2021-22 Capital Budget Allocations nominated in the Financial Implications section of the report for the future construction of the project.

Moved: _____ Seconded: _____

BACKGROUND

At the 27 July 2021 Ordinary Council Meeting, Council endorsed the rehabilitation of Lorne Street, Muswellbrook, for inclusion in the 2021-22 Capital Works program. Proceeding from this resolution, a consultant has been engaged to undertake detailed design for the works.

Council's resolution in relation to the report was:

11.2 2021-22 CAPITAL WORKS PROGRAM ROADS AND DRAINAGE

RESOLVED on the motion of Crs Ward and Woodruff that:

Council endorses the following priority lists of work and the undertaking of the 2021-22 Capital Works Programs to the extent of funding under the various programs:

1. *Footpath Renewals as per attachment A and Pram Ramps as per attachment E;*
2. *Kerb and Gutter Renewals as per attachment C;*
3. *Road Resealing as per attachment G;*
4. *New Footpath construction as per attachment D with the missing link in Ironbark Road, from Calgaroo Ave to Ironbark Ridge Estate, to be constructed using the current allocation;*

5. *Urban and Rural Road Renewal Program as per attachment F with the rehabilitation of Lorne St (New England Hwy to Mitchell St) undertaken as priority 1 and Mangoola Road Ch 8 to Ch 10.6 km as priority 1;*
6. *Heavy Patching as per attachment B;*
7. *Safety Devices as per attachment H; and*
8. *Carparks as per attachment I with works in Hill St carpark undertaken as priority 1.*

CONSULTATION

A capital works program report was submitted to the 27 July 2021 Ordinary Council Meeting.

A copy of the report has been forwarded to the Mayor for review.

REPORT

A detailed concept design for the rehabilitation of Lorne St, Muswellbrook at the location extending between the New England Highway and Mitchell St, has been prepared. This report requests Council's endorsement of the concept design attached as appendix A to the report.

The design covers the following proposed works:

- Reconstruction of kerb & gutter and existing driveway laybacks along Lorne Street between, Maitland Street and Mitchell Street (east and western sides of the road), on the existing alignment;
- Stormwater drainage works to provide new 450mm diameter reinforced concrete pipe (RCP) additional piped drainage on the eastern side of Lorne Street;
- Replacement of existing drainage pits;
- Replacement of the existing drainage across Lorne St to provide new twin cell 1200mm x 600mm reinforced box culverts (RBC); and
- Reconstruction of the road pavement with provision of 300mm cement stabilised subbase 200mm and asphaltic concrete (AC) pavement and wearing course pending geotechnical investigation.

OPTIONS

Council could resolve not to endorse the concept design attached as Appendix A to the report.

CONCLUSION

The endorsement of the detailed concept design will allow the design to be finalised and tendered construction works to be constructed in accordance with the design.

SOCIAL IMPLICATIONS

The construction of improved road pavement and wearing surface will provide positive impacts to the community through the provision of improved road and drainage assets, amenity, access and road safety. It is acknowledged that there would be a short term inconvenience during the construction phase of the project, however this would be managed and minimised as much as possible, supported by the provision of effective, timely community information and advice.

FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

The estimated cost to construct the design based on current unit rates is \$861,000

Funding sources for the project are nominated from the 2021-22 Capital Budget Allocations of:

Urban Roads Renewal budget	GL 3500.4050.504	\$400,000
Roads to Recovery budget	GL 3500.2068.504	\$577,898

2. Financial Implications – Operational

The works will provide an improved level of service taking the condition of the assets from 5 to 1, resulting in a financial benefit to Council through reduced road maintenance costs.

POLICY IMPLICATIONS

Concept Designs for construction projects greater than \$75K in value are reported to Council for review and approval.

STATUTORY IMPLICATIONS

Council is the roads authority for Lorne Street.

LEGAL IMPLICATIONS

Nil Known

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with item 19.1.1 of the Operational Plan: 'Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards'.

RISK MANAGEMENT IMPLICATIONS

Endorsing the design mitigates risk from non-compliant delivery of works.

WASTE MANAGEMENT IMPLICATIONS

Waste will be disposed of in accordance with the project's waste management plan.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

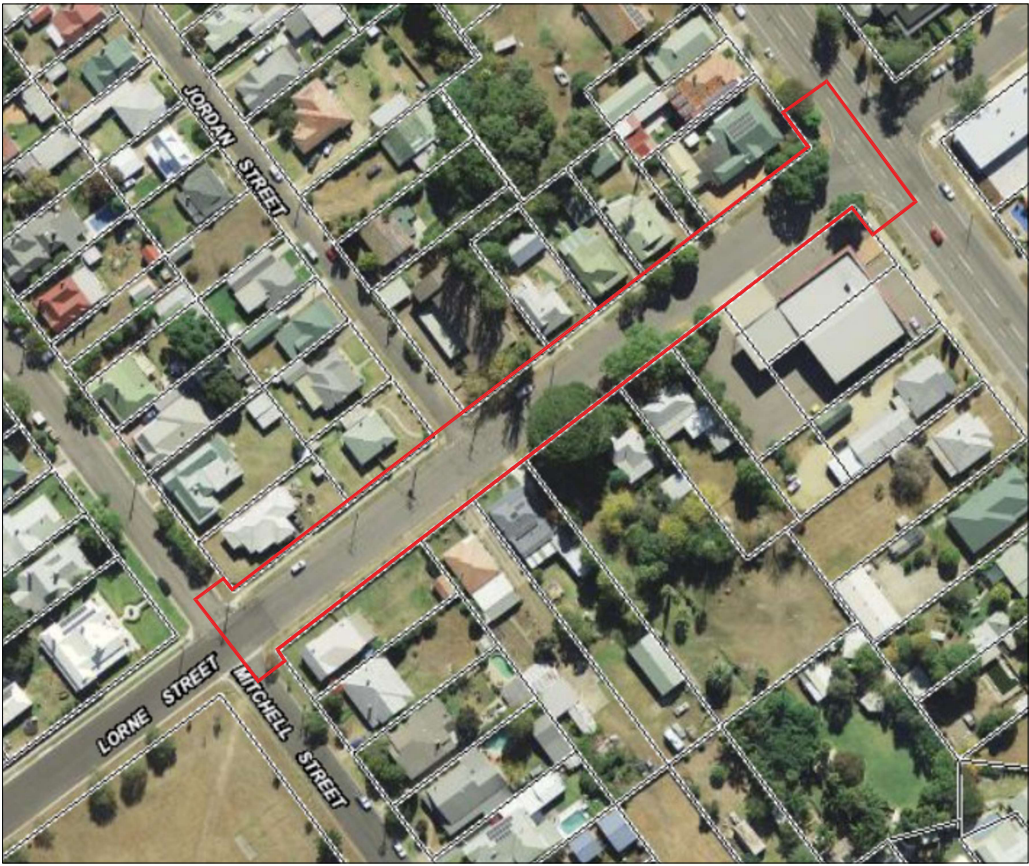
Community consultation will be undertaken prior to and during construction of the project.

LORNE STREET, MUSWELLBROOK

KERB UPGRADE

SHEET INDEX

SHEET 0	COVER AND SHEET INDEX
SHEET 1	GENERAL NOTES
SHEET 2	EROSION AND SEDIMENT NOTES
SHEET 3	GENERAL ARRANGEMENT CH0 - CH134.7
SHEET 4	GENERAL ARRANGEMENT CH134.7 - CH216.39
SHEET 5	GENERAL ARRANGEMENT BOX CULVERT
SHEET 6	BOX CULVERT DETAIL
SHEET 7	LONGITUDINAL SECTIONS - CENTRELINE
SHEET 8	LONGITUDINAL SECTION - LEFT LIP
SHEET 9	LONGITUDINAL SECTIONS - RIGHT LIP
SHEET 10	KERB RETURNS 1 & 2
SHEET 11	KERB RETURNS 3 & 4
SHEET 12	DETAILS
SHEET 13	MSC STANDARD FOOTPATH DETAIL
SHEET 14	CROSS SECTIONS CH15 - 30
SHEET 15	CROSS SECTIONS CH45 - 60
SHEET 16	CROSS SECTIONS CH75 - 90
SHEET 17	CROSS SECTIONS CH105 - 120
SHEET 18	CROSS SECTIONS CH135 - 150
SHEET 19	CROSS SECTIONS CH165 - 180
SHEET 20	CROSS SECTIONS CH195 - 210
SHEET 21	DRAINAGE LINE 1



LOCALITY PLANS
N.T.S.

PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: DO NOT SCALE		A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i> Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333		CLIENT: MUSWELLBROOK SHIRE COUNCIL		LORNE STREET, MUSWELLBROOK		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				JOB REF:
						DRAWING NO. SHEET 0				221259

GENERAL

- CG1. THE INFORMATION CONTAINED ON THESE DRAWINGS IS FOR CIVIL ENGINEERING PURPOSES ONLY. ALL DISCREPANCIES WITH OTHER CONSULTANTS DOCUMENTATION THAT COULD RESULT IN CHANGES TO THE CIVIL ENGINEERING DETAILS SHALL BE REFERRED TO THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
- CG2. ALL WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH MUSWELLBROOK SHIRE COUNCIL GUIDELINES AND/OR AS DIRECTED BY THE SUPERINTENDENT.
- CG3. SERVICES INFORMATION SHOWN ON THESE PLANS IS FOR INFORMATION PURPOSES ONLY AND SHALL NOT BE RELIED UPON BY ANY PERSONS USING THESE PLANS. IT REMAINS THE RESPONSIBILITY OF THE CONTRACTOR OR ANY OTHER PERSONS TO LOCATE AND LEVEL ALL EXISTING SERVICES AND UTILITIES PRIOR TO COMMENCING ANY WORKS ON THE SITE AND TO PROTECT AND MAKE ARRANGEMENTS WITH THE RELEVANT AUTHORITY TO RELOCATE AND/OR ADJUST IF NECESSARY.
- 


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www.1100.com.au
- CG4. CONTRACTOR IS NOT TO ENTER UPON NOR DO ANY WORK WITHIN ADJACENT LANDS WITHOUT THE PERMISSION OF THE OWNER AND SUPERINTENDENT.
- CG5. CONTRACTOR SHALL CLEAR THE SITE BY REMOVING ALL RUBBISH, FENCES AND DEBRIS, ETC. TO THE EXTENT SPECIFIED.
- CG6. THE SITE SHALL BE KEPT CLEAN AND CLEAR OF RUBBISH AT ALL TIMES. RUBBISH STORAGE AREAS DISPOSAL AREAS SHALL BE KEPT CLEAR DRAINAGE PATHS
- CG7. ALL SITE REGRADING AREAS SHALL BE FINALLY GRADED AND SEED AS SOON AS PRACTICABLE AFTER FORMATION TO THE SATISFACTION OF THE SUPERINTENDENT.
- CG8. SURPLUS EXCAVATED MATERIAL SHALL BE PLACED WHERE DIRECTED OR REMOVED FROM SITE.
- CG9. ALL NEW WORKS SHALL MAKE A SMOOTH JUNCTION WITH EXISTING.

EARTHWORKS

- BE1. EROSION AND SEDIMENTATION CONTROL SHALL BE IN PLACE AND APPROVED PRIOR TO ANY SITE DISTURBANCE
- BE2. OVER FULL AREA OF EARTHWORKS, CLEAR VEGETATION, RUBBISH, SLABS, FENCES etc. AND REMOVE FROM SITE.
- BE3. STRIP TOPSOIL AVERAGE 100mm THICK WHICH SHALL BE RETAINED ON SITE AND UTILISED EFFECTIVELY TO ENCOURAGE APPROPRIATE REVEGETATION.
- BE4. EXCESS FILL SHALL BE REMOVED FROM SITE TO A LOCATION AS AGREED AND APPROVED WITH COUNCIL
- BE5. IN AREAS OF CUT OR IN EXISTING GROUND, PRIOR TO ANY FILLING, PROOF ROLL THE EXPOSED SURFACE IN ACCORDANCE WITH CLAUSE 5.4 OF AS 3798 ENSURING THAT ADJACENT STRUCTURES ARE NOT DAMAGED DURING WORKS.
- BE6. EXCAVATE AND REMOVE ANY SOFT SPOTS ENCOUNTERED DURING PROOF ROLLING AND REPLACE WITH APPROVED FILL COMPACTED IN LAYERS. THE WHOLE OF THE EXPOSED SUBGRADE AND FILL SHALL BE COMPACTED TO 95% STANDARD MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT $\pm 2\%$.
- BE7. WHERE HARD ROCK IS EXPOSED IN THE EXCAVATED SUBGRADE, THIS WILL BE INSPECTED AND A DECISION MADE ON THE LEVEL TO WHICH EXCAVATION IS TAKEN.
- BE8. ALL WORK SHALL BE IN ACCORDANCE WITH AS 3798. FILL IS TO BE PLACED IN LAYERS NOT EXCEEDING 150mm COMPACTED THICKNESS. ALL FILL IS TO BE COMPACTED TO 95% STANDARD MAXIMUM DRY DENSITY. MAXIMUM PARTICLE SIZE SHALL BE 2/3 OF THE LAYER THICKNESS
- BE9. ALL BATTERS AND VERGES ADJACENT TO ROADS AND ALL AREAS WHERE FILLING HAS BEEN PLACED ARE TO BE DRESSED WITH 100mm CLEAN ARABLE TOPSOIL, FERTILIZED AND SOWN
- NOTE: WORK IN COUNCIL ROADS REQUIRE s138 CERTIFICATE PRIOR TO WORKS BEING STARTED

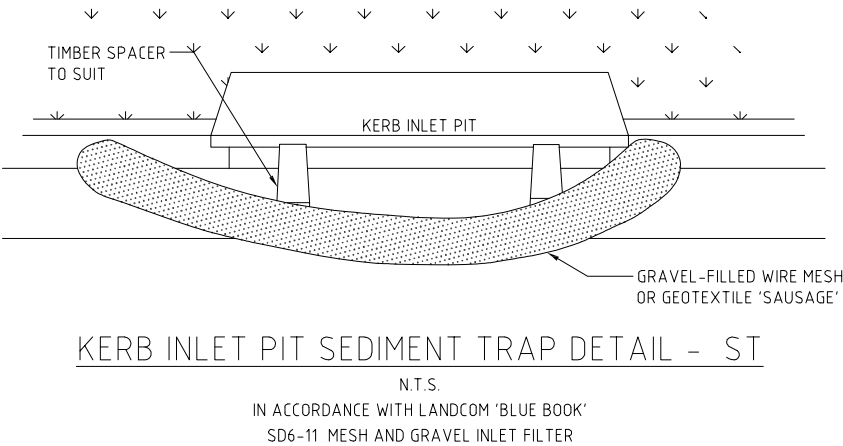
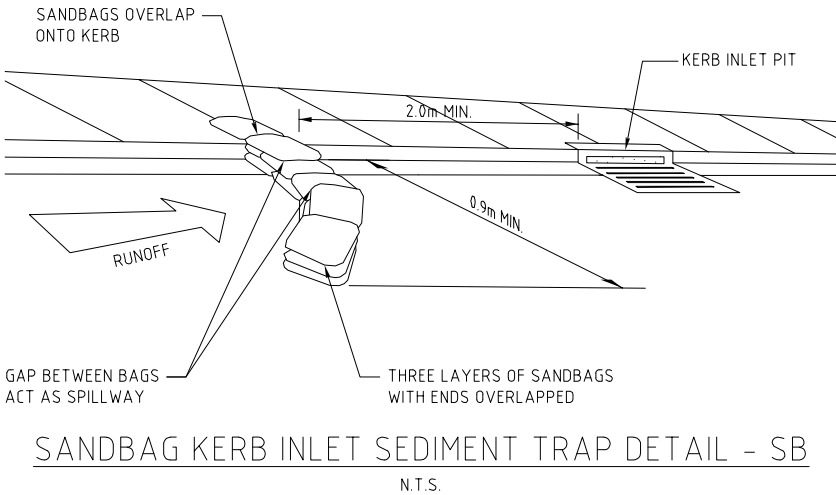
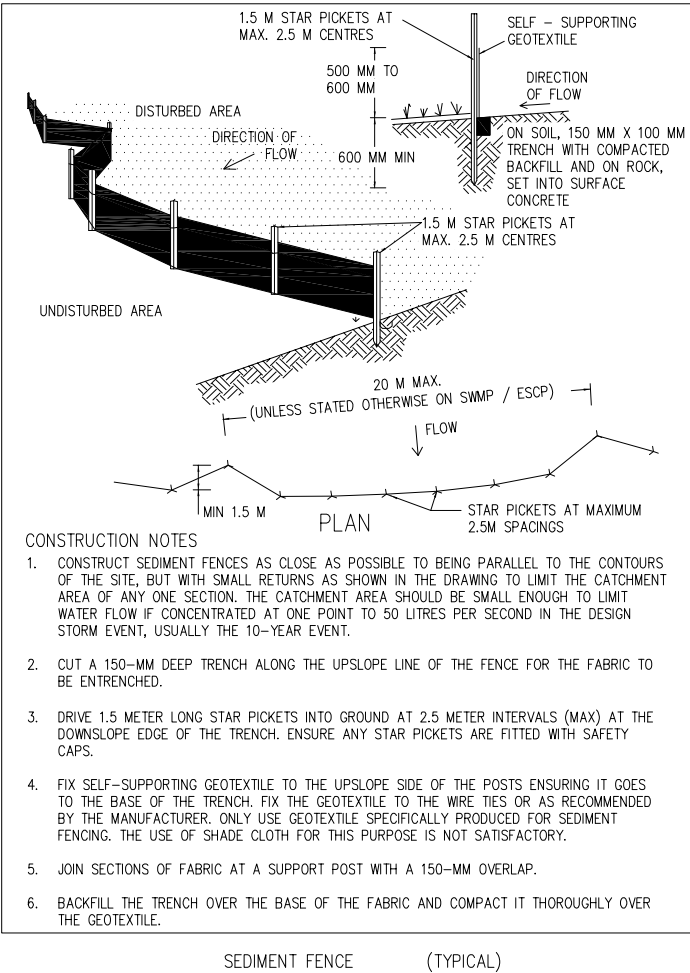
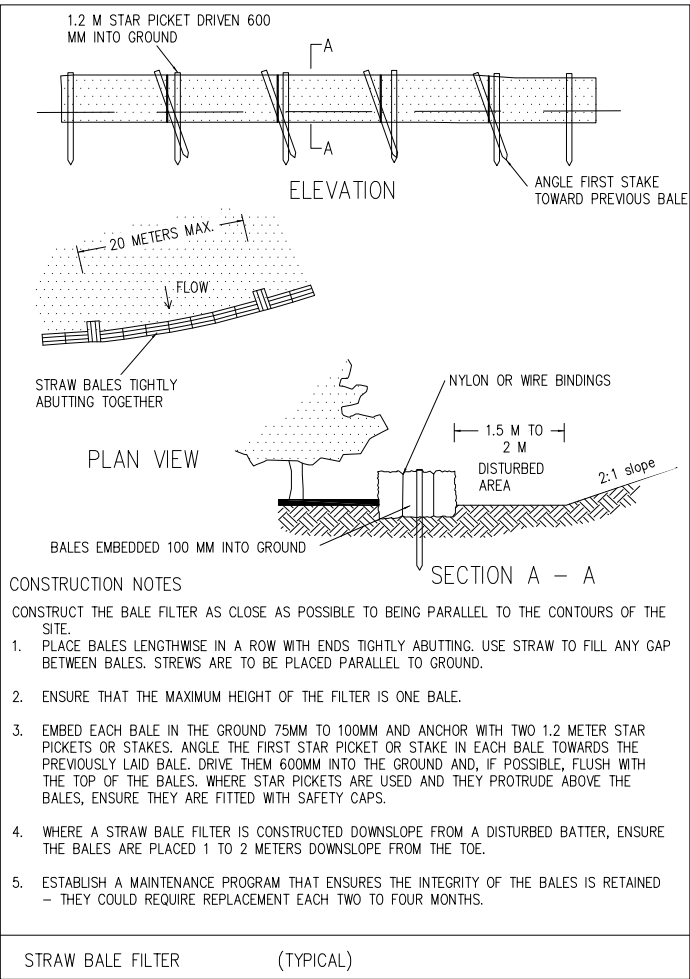
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1. ONLY USE PLANS THAT ARE IN COLOUR.

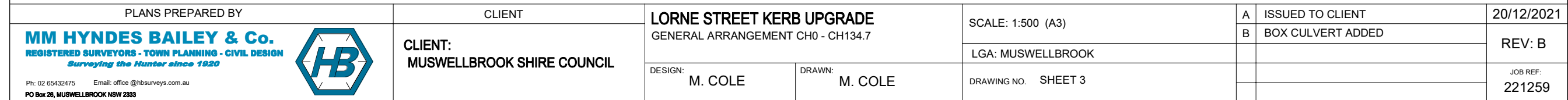
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<div>MM HYNDES BAILEY & Co.</div> <div>REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN</div> <div>Surveying the Hunter since 1920</div> <div><div>Ph: 02 65432475</div><div>Email: office@hbsurveys.com.au</div><div>PO Box 26, MUSWELLBROOK NSW 2333</div></div> <div></div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL				LGA: MUSWELLBROOK		B	BOX CULVERT ADDED		REV: B
				DESIGN: M. COLE		DRAWN: M. COLE		DRAWING NO. SHEET 1		JOB REF: 221259	

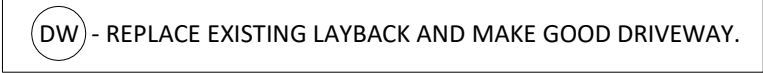
EROSION AND SEDIMENT CONTROL


- 1. All works to be carried out in accordance with "MUSWELLBROOK DCP 2015", "Soils and Construction: Managing Urban Stormwater" (LANDCOM), "Pollution Control Manual for Urban Stormwater" (EDA), "Soil and Water Management for Urban Development" (D of H).
- 2. Erosion and sedimentation control devices are to be installed as required prior to site disturbance.
- 3. Site disturbance and vegetation removal shall be kept to the absolute minimum.
- 4. Silt is to be cleared from devices after all storm events.
- 5. All control devices are to be checked and maintained on a regular basis and adjustments made as necessary to ensure effective on going control.
- 6. All control devices are to be in place at the end of each days work.
- 7. Earthworks shall be rolled at the end of each day for stabilisation.
- 8. Topsoil shall be removed, stockpiled and stabilised for later re-use.
- 9. Excavated soil is to be mounded on the up hillside of trenches wherever possible.
- 10. Tabledrains shall be topsoiled seeded and stabilised with jutemesh pinned down in accordance with manufactures instructions.
- 11. Cut and fill batters and table drains are to be stabilised and seeded as soon as practicable on completing the formation.
- 12. Sediment control devices and stormwater diversion are to be used to keep any new drainage lines and pits free of silt.
- 13. Denuded areas are to be topsoiled and seeded as soon as practicable. (See Landscape Plans.)
- 14. Turf strips are to be placed perpendicular to the direction flow.
- 15. Stockpile sites are to be selected such that are not in natural drainage paths.
- 16. A sediment fence is to be place along the full length of the down stream side of any stockpile.
- 17. Staked hay bales shall be placed immediately upstream of the inlet and at the outlet of all culverts.
- 18. Batters are to be mulched and seeded IMMEDIATELY after formation. The contractor is to ensure that the area is fully vegetated and stabilised before leaving the site.

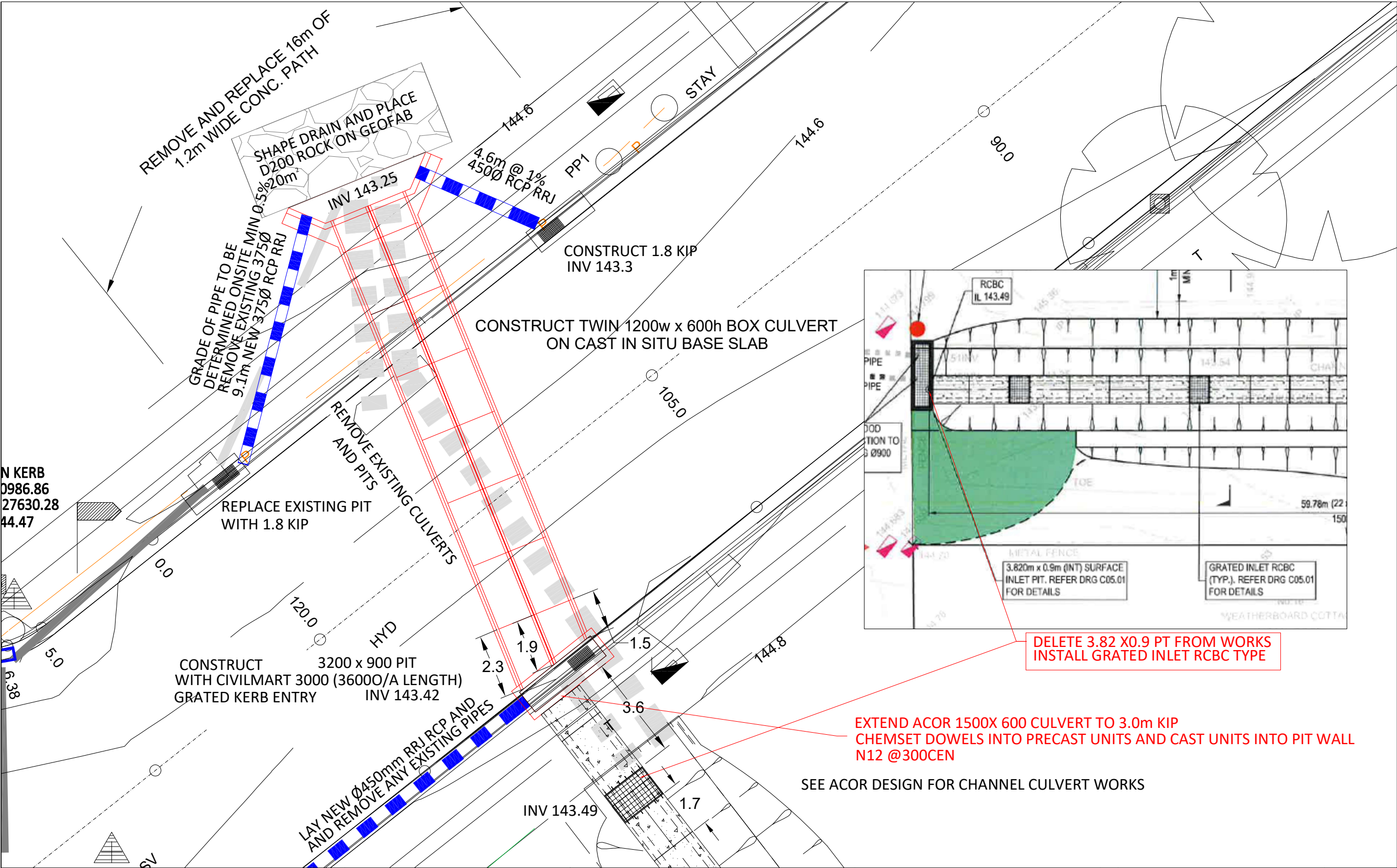


PLANS PREPARED BY	CLIENT	LORNE STREET KERB UPGRADE	SCALE: DO NOT SCALE	A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN Surveying the Hunter since 1920	CLIENT: MUSWELLBROOK SHIRE COUNCIL	EROSION AND SEDIMENT CONTROL NOTES	LGA: MUSWELLBROOK	B	BOX CULVERT ADDED	REV: B
Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 28, MUSWELLBROOK NSW 2333		DESIGN: M. COLE	DRAWN: M. COLE			JOB REF: 221259
			DRAWING NO. SHEET 2			

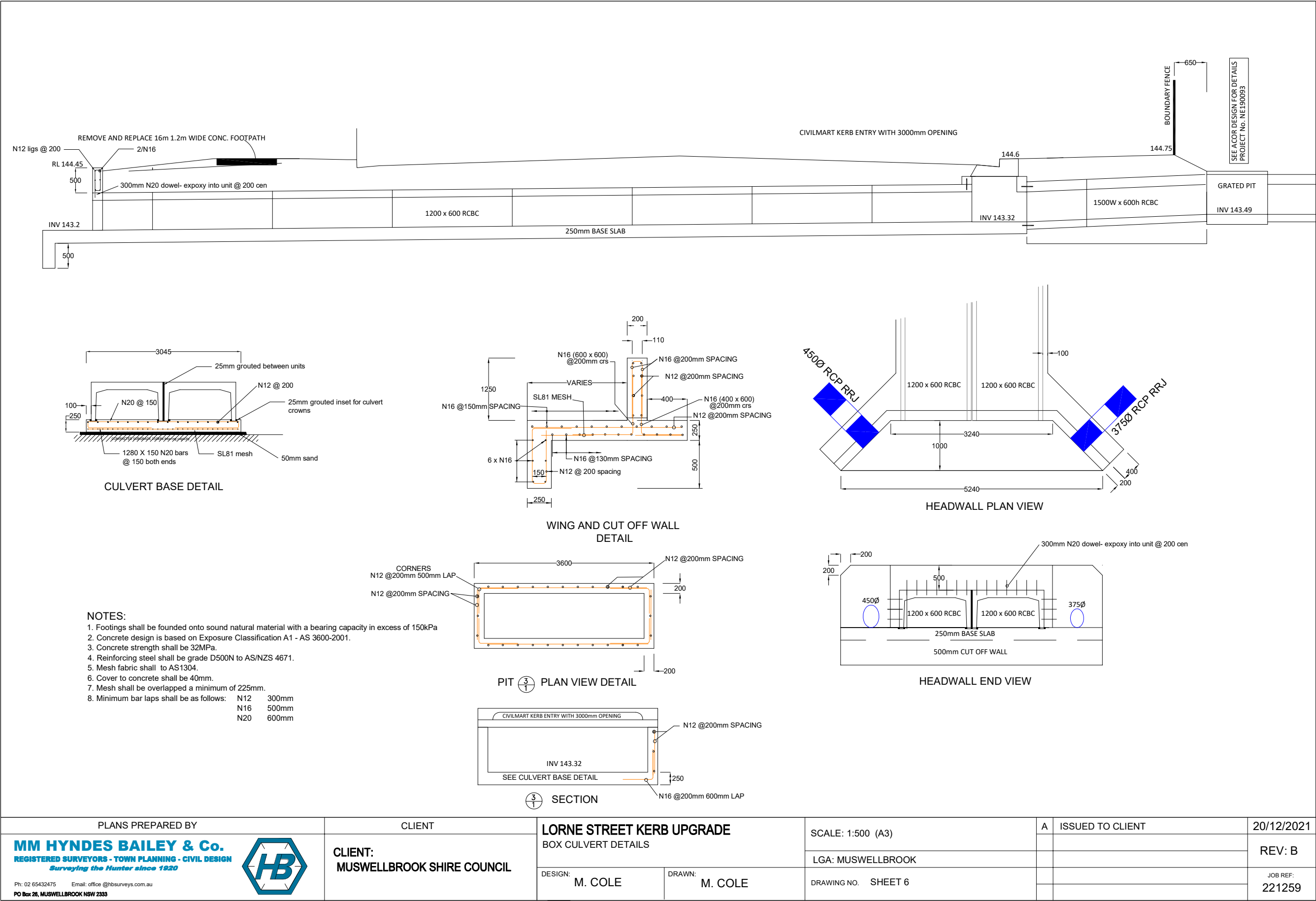


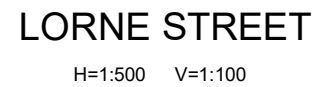


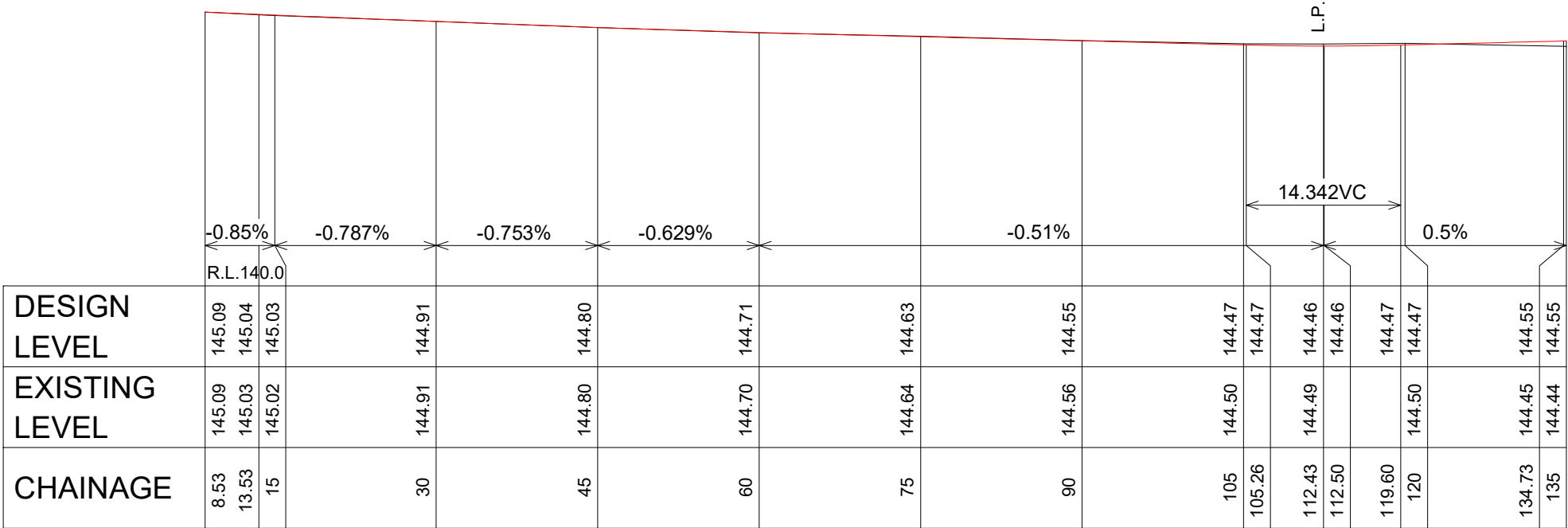
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<div>MM HYNDES BAILEY & Co.</div> <div>REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN</div> <div>Surveying the Hunter since 1920</div> <div></div> <div>Ph: 02 65432475 Email: office @hbsurveys.com.au</div> <div>PO Box 28, MUSWELLBROOK NSW 2333</div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL				LGA: MUSWELLBROOK		B	BOX CULVERT ADDED		REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				JOB REF:	
						DRAWING NO. SHEET 4				221259	



PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE GENERAL ARRANGEMENT BOX CULVERT		SCALE: 1:125 (A3)		A ISSUED TO CLIENT		20/12/2021	
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN Surveying the Hunter since 1920		CLIENT: MUSWELLBROOK SHIRE COUNCIL		DESIGN: M. COLE		LGA: MUSWELLBROOK		B BOX CULVERT ADDED		REV: B	
Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333				DRAWN: M. COLE		DRAWING NO. SHEET 5				JOB REF: 221259	



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LORNE STREET - LEFT LIP

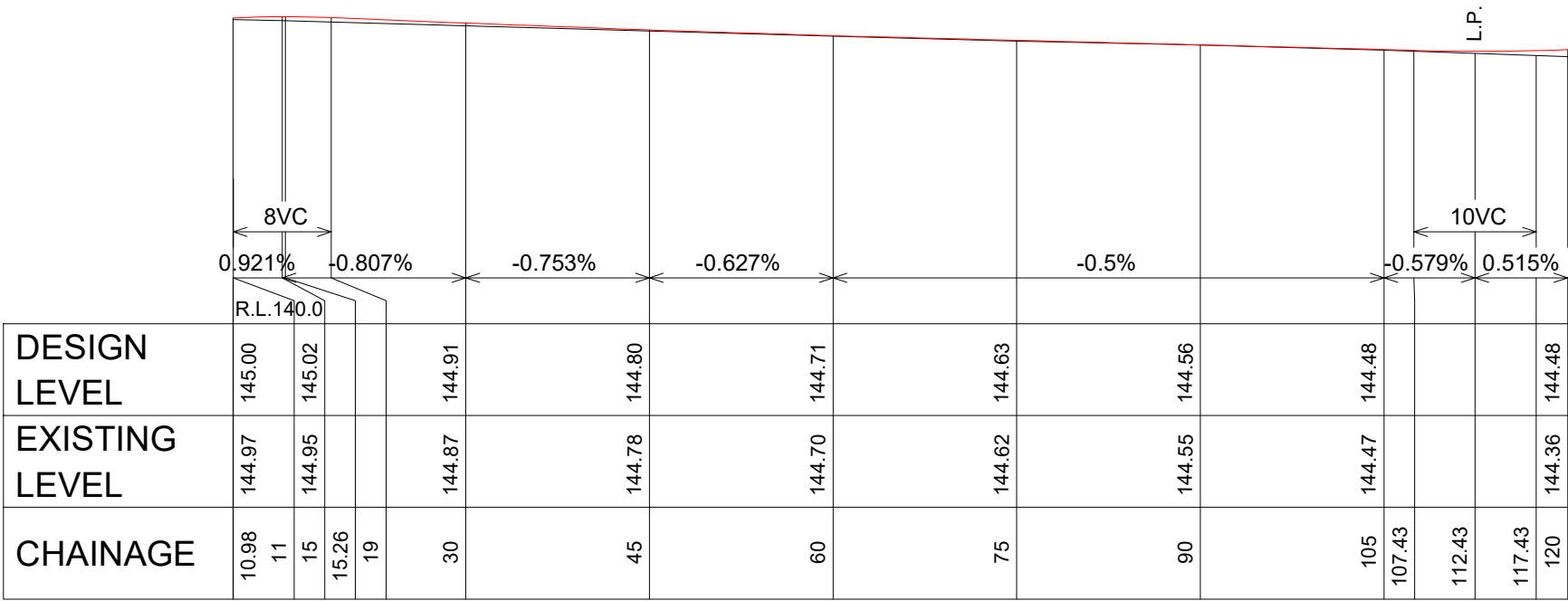
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LORNE STREET - LEFT LIP

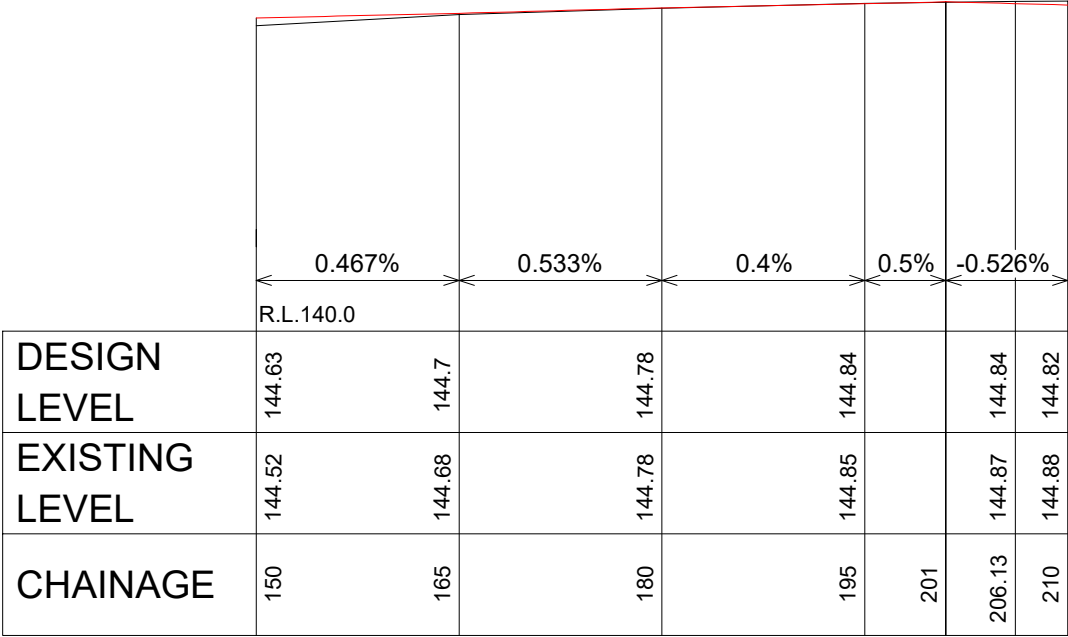
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PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: AS SHOWN (A3)		A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i> <small>Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 28, MUSWELLBROOK NSW 2333</small>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		LONGITUDINAL SECTION LORNE STREET LEFT LIP		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				
						DRAWING NO. SHEET 8				JOB REF: 221259




LORNE STREET - RIGHT LIP

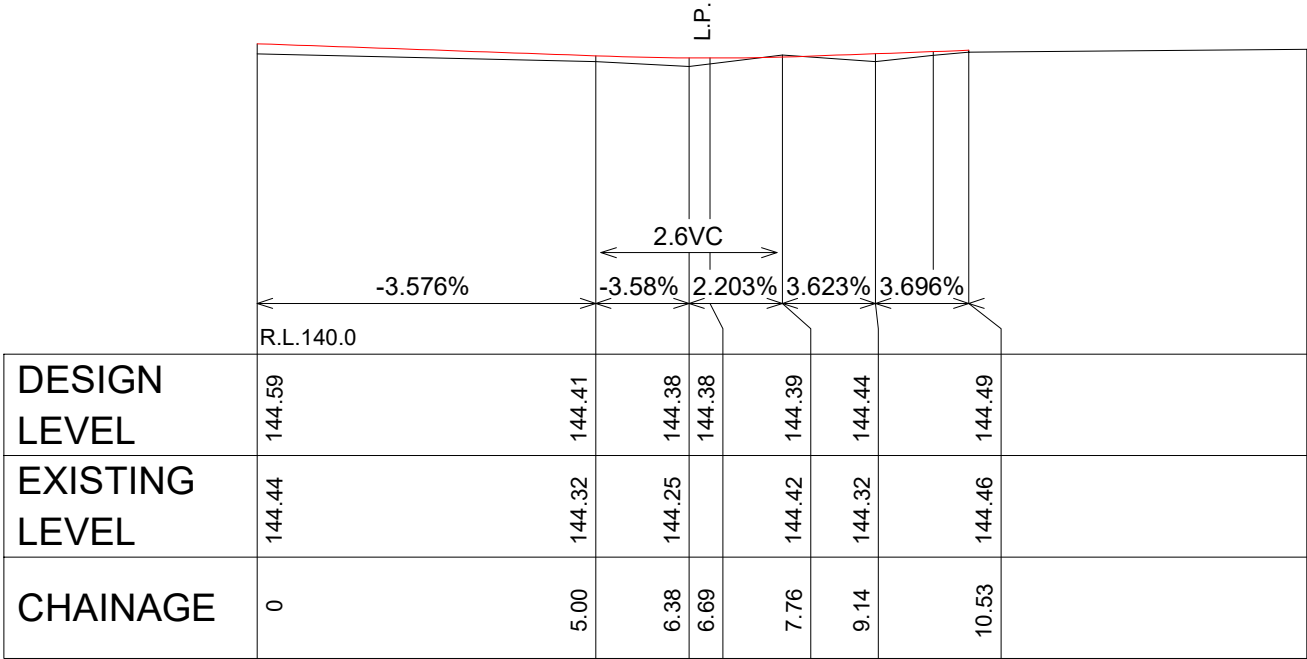
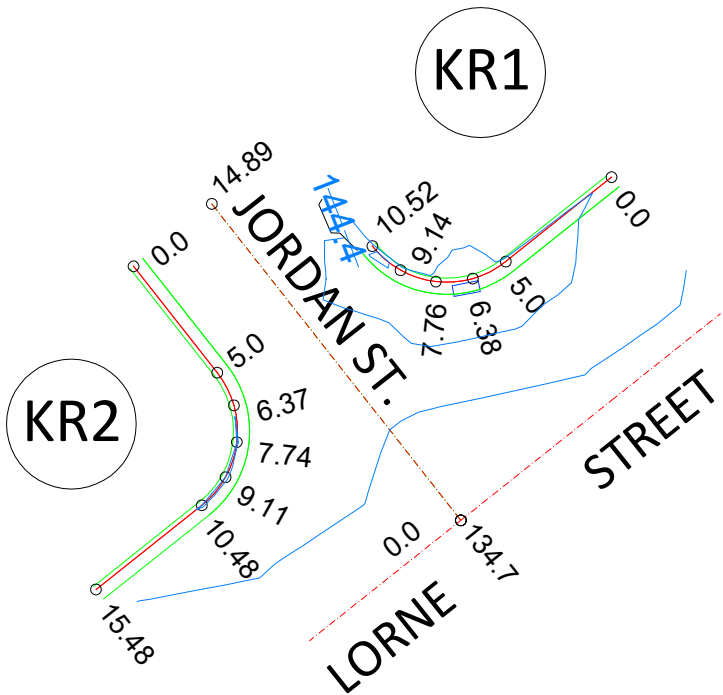
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LORNE STREET - RIGHT LIP

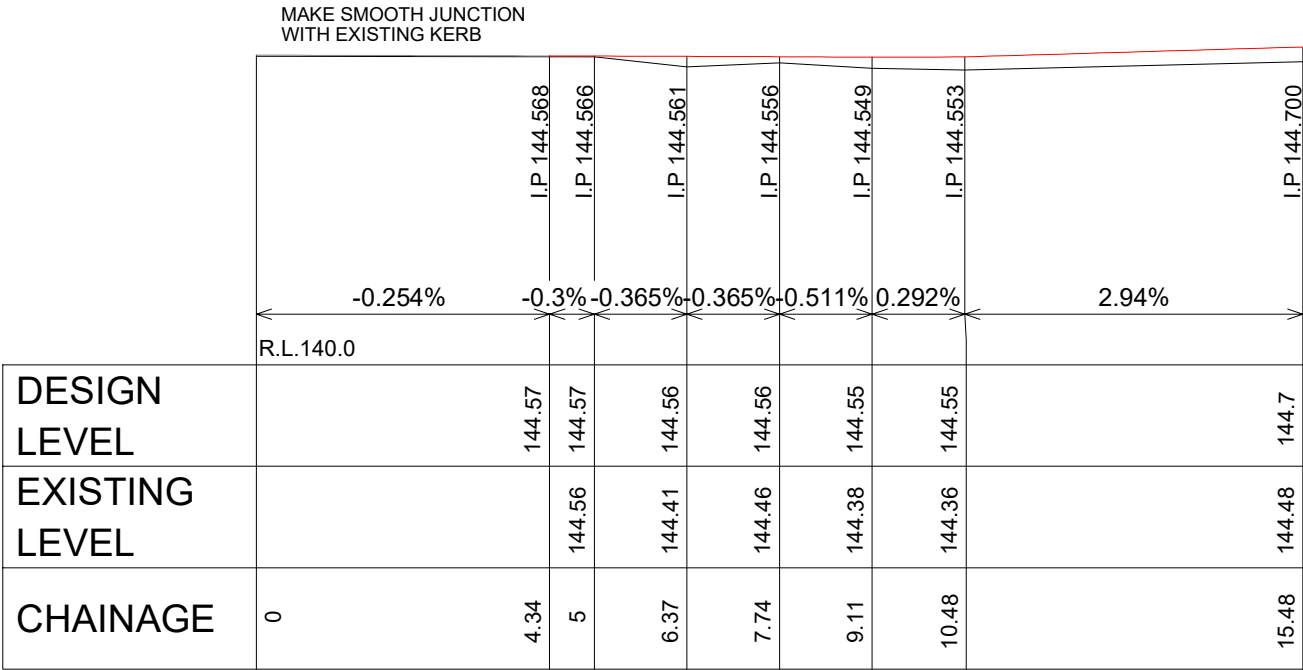
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<div>PLANS PREPARED BY</div> <div>MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i></div> <div>Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</div> <div></div>	<div>CLIENT</div> <div>CLIENT: MUSWELLBROOK SHIRE COUNCIL</div>	<div>LORNE STREET KERB UPGRADE</div> <div>LONGITUDINAL SECTION LORNE STREET RIGHT LIP</div>		SCALE: AS SHOWN (A3)	A	ISSUED TO CLIENT	20/12/2021
				LGA: MUSWELLBROOK	B	BOX CULVERT ADDED	
		DESIGN: M. COLE	DRAWN: M. COLE	DRAWING NO. SHEET 9			REV: B
						JOB REF: 221259	




KERB RETURN 1

H=1:100 V=1:100



KERB RETURN 2

H=1:100 V=1:100

PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: AS SHOWN (A3)		A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i>  <small>Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</small>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		KERB RETURNS 1 AND 2		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				JOB REF:
						DRAWING NO. SHEET 10				221259

							MAKE SMOOTH JUNCTION WITH EXISTING KERB
	I.P 144.963		I.P 144.937	I.P 144.927	I.P 144.918	I.P 144.909	I.P 144.900
		-0.52%	-0.631%	-0.567%	-0.567%	-0.567%	
	R.L.140.0						
DESIGN LEVEL	144.96		144.94	144.93	144.92	144.91	144.9
EXISTING LEVEL	144.97		144.99	144.95	144.79	144.78	144.75
CHAINAGE	0		5	6.59	8.17	9.76	11.34

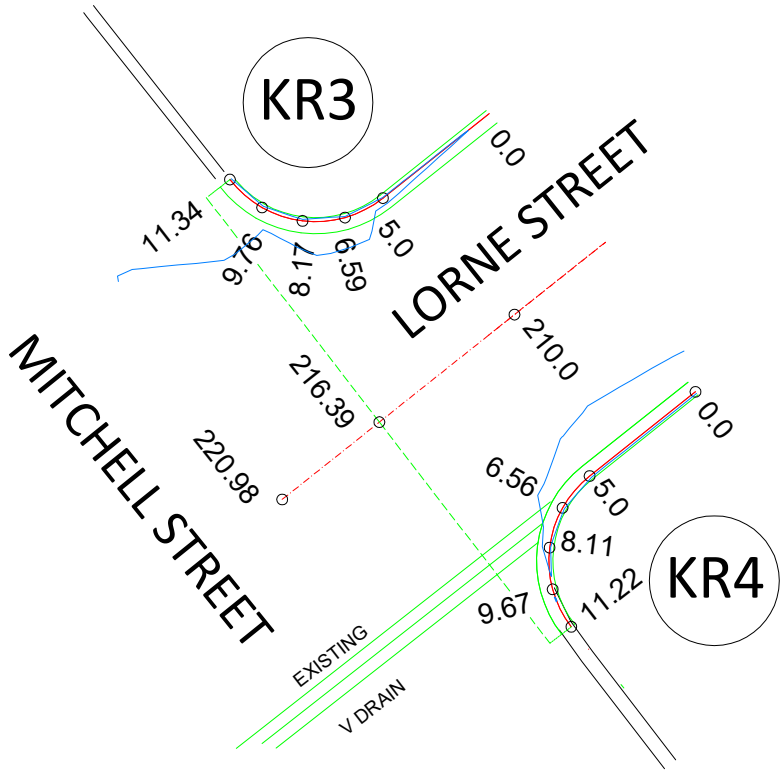
KERB RETURN 3

H=1:100 V=1:100

							MAKE SMOOTH JUNCTION WITH EXISTING KERB
	I.P 144.886		I.P 144.880	I.P 144.902	I.P 144.934	I.P 144.967	I.P 144.999
		-0.12%	1.414%	2.058%	2.121%	2.058%	
	R.L.140.0						
DESIGN LEVEL	144.89		144.88	144.90	144.93	144.97	145.00
EXISTING LEVEL	144.71		144.75	144.90	144.9	144.81	144.87
CHAINAGE	0		5	6.56	8.11	9.67	11.22

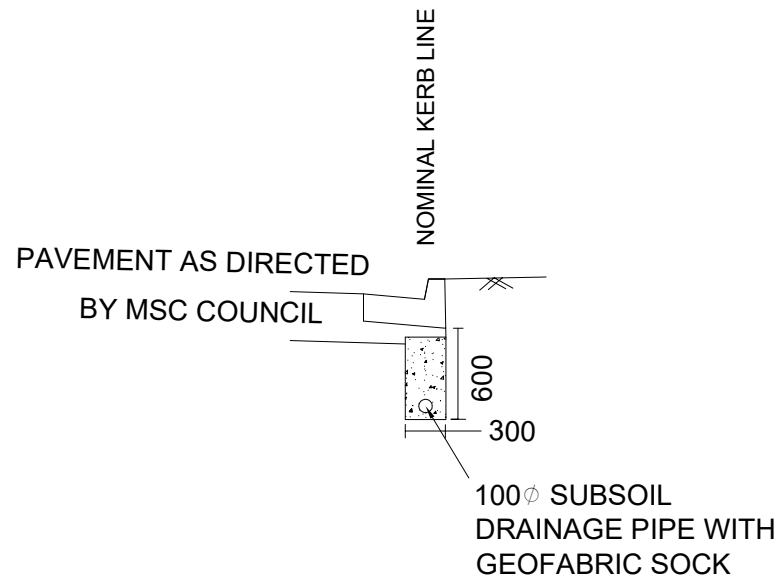
KERB RETURN 4

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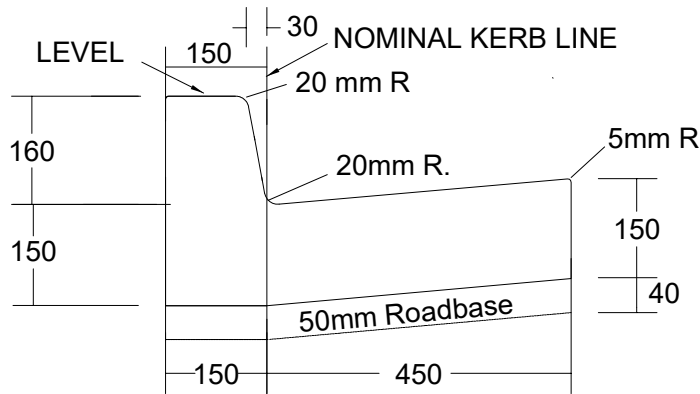


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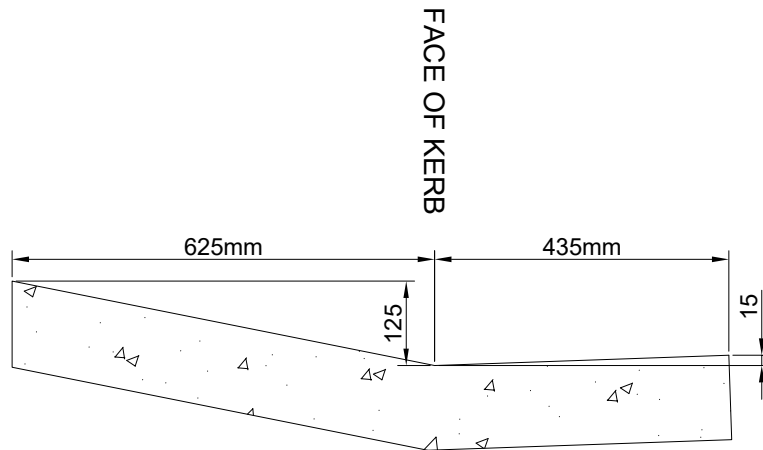
PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: AS SHOWN (A3)		A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i> Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333		CLIENT: MUSWELLBROOK SHIRE COUNCIL		KERB RETURNS 3 AND 4		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				JOB REF:
						DRAWING NO. SHEET 11				221259



SUBSOIL DRAINAGE DETAIL
RR: 1:50

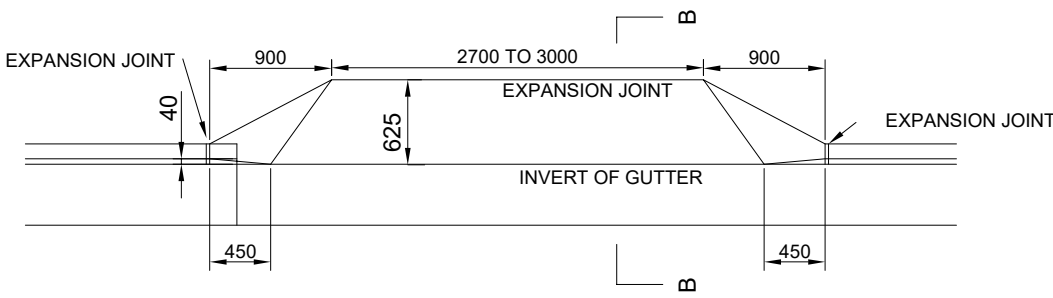


INTEGRAL KERB AND GUTTER DETAIL
RR 1:10




SECTION B-B
R.R 1:10

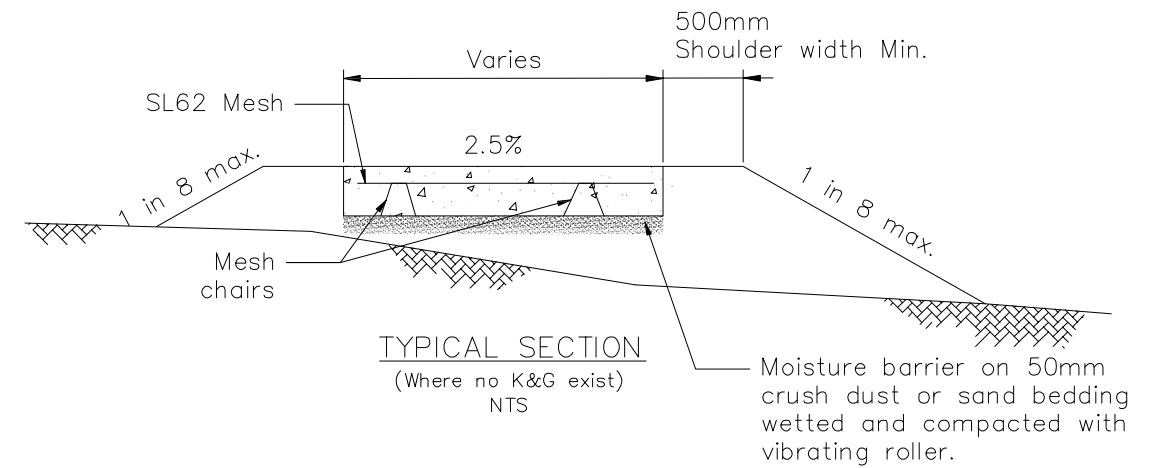
CONCRETE - MIN. OF 125mm THICK 25mpA
CONCRETE REINFORCED WITH ONE LAYER OF SL62
FABRIC PLACED IN THE UPPER HALF OF CONCRETE
(MIN. COVER 40mm)



VEHICULAR CROSSING
R.R 1:50

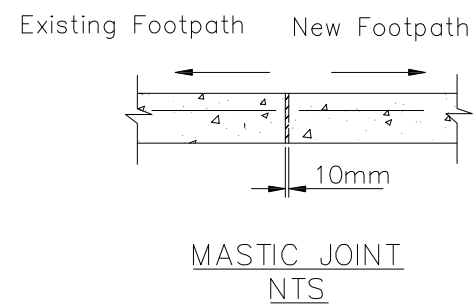
EXPANSION JOINTS SHALL BE PLACED IN KERB AT INTERVALS NOT
MORE THAN 6m AND AT JUNCTIONS WITH DRAINAGE PITS


PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: AS SHOWN (A3)		A	ISSUED TO CLIENT	20/12/2021
MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i>  <small>Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</small>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		DETAILS		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				
				DRAWING NO. SHEET 12						JOB REF: 221259

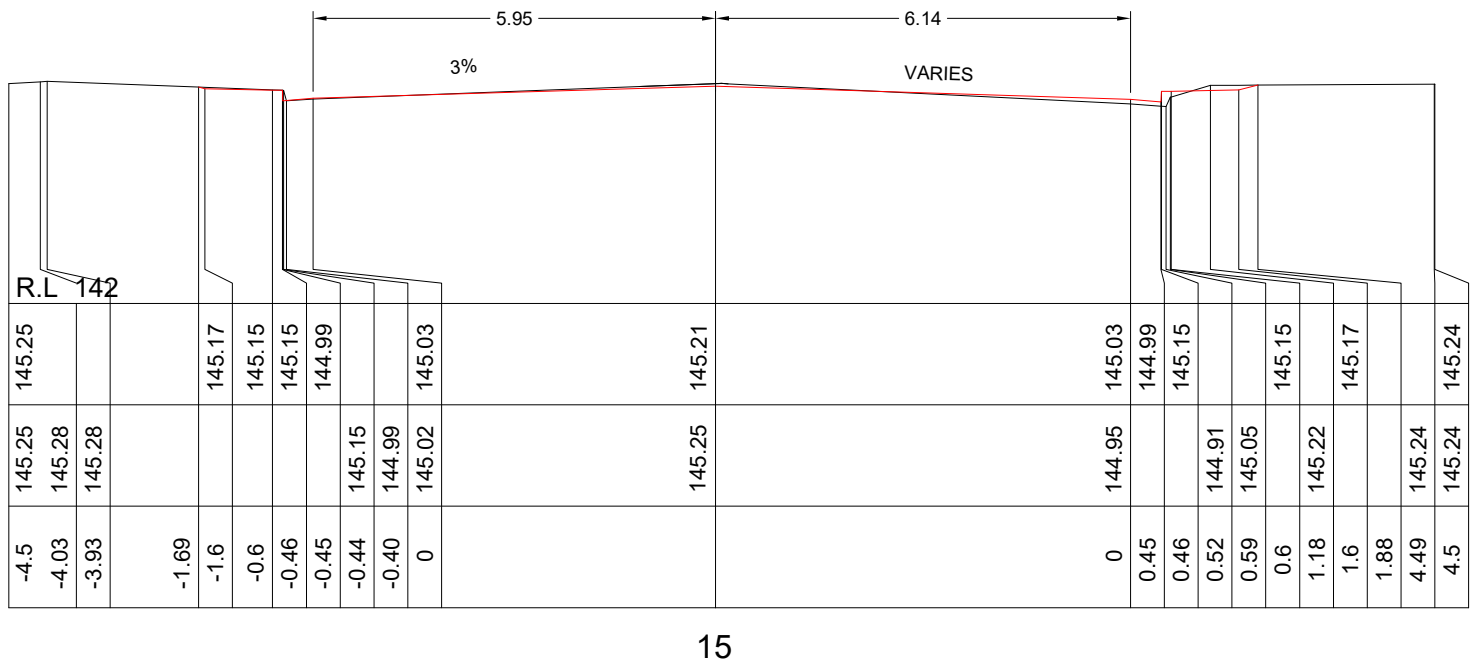
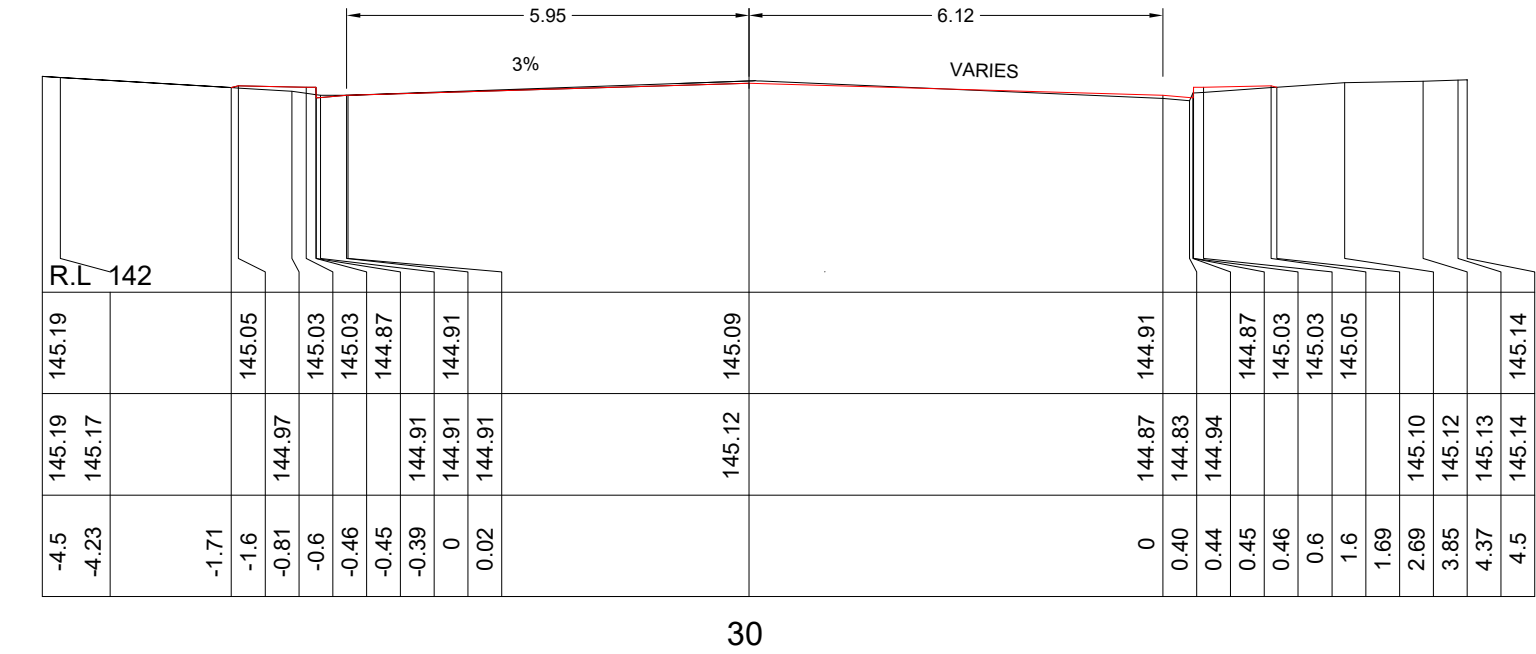



14. All services to be located.
15. Locate all property drain outlets in kerb and ensure they remain in service when construction is complete.
16. Where concrete path is to be constructed adjacent to existing street trees, an articulated join system may be used to minimize potential damage from tree roots.

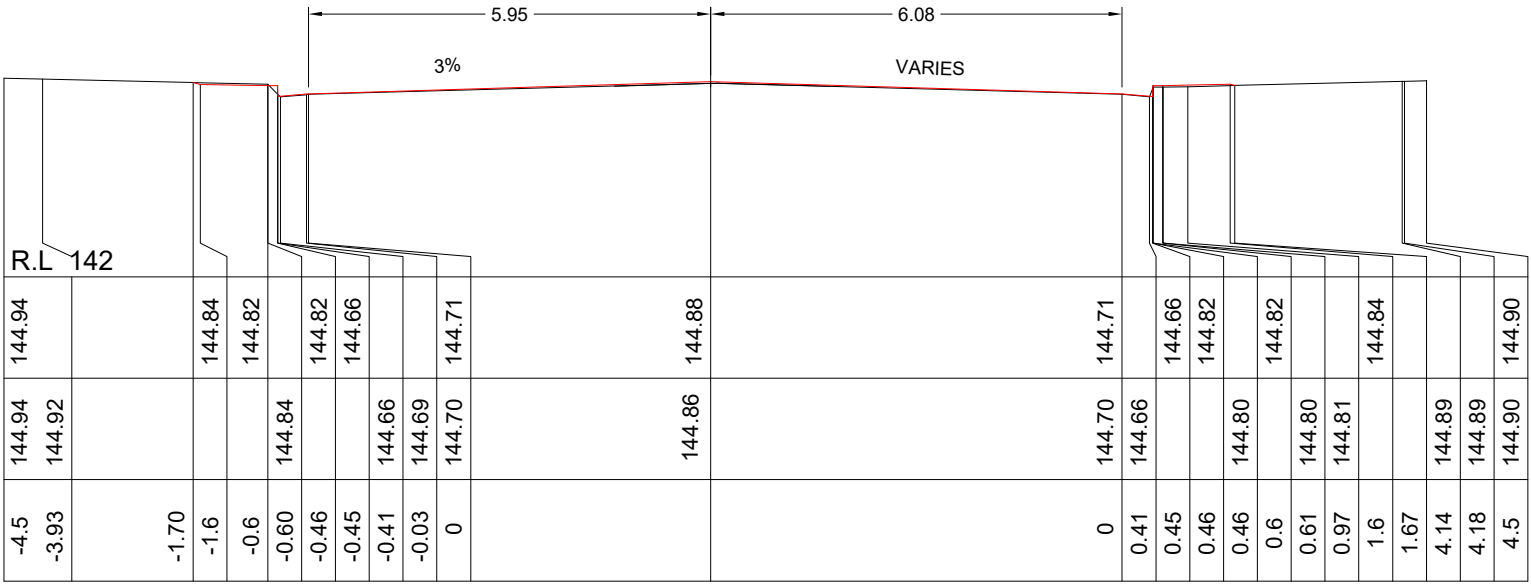
MINIMUM DESIGN CRITERIA TABLE				
Features		Cycleway	Footpath	Shared use of footpath
Formation width		2.0m	1.2m	2.0m
Crossfall	Min.	1: 50	1: 50	1: 50
	Max.	1: 20*	1: 20*	1: 20*
Grade max		2% for 450m 5% for 90m 10% for 30m	NA	2% for 140m 3% for 70m 4% for 40m 5% for 30m



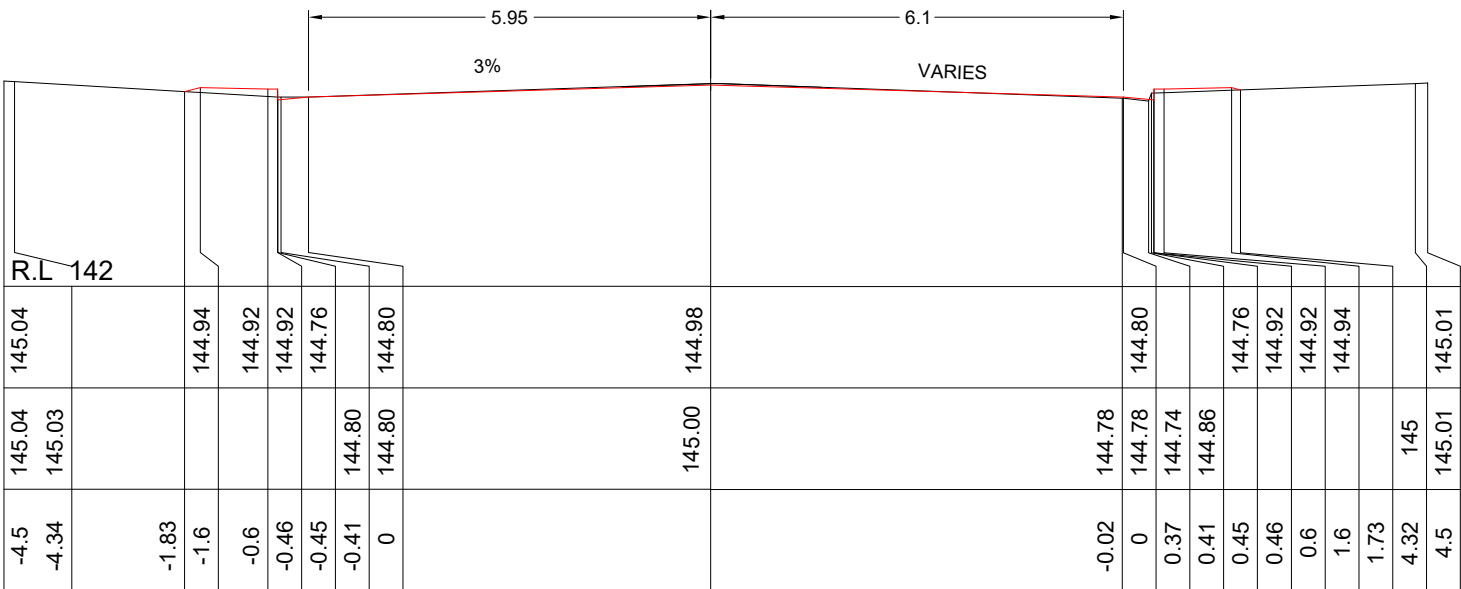
PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: AS SHOWN (A3)		A ISSUED TO CLIENT		20/12/2021	
<div>MM HYNDES BAILEY & Co.</div> <div>REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN</div> <div>Surveying the Hunter since 1920</div> <div></div> <div>Ph: 02 65432475 Email: office @hbsurveys.com.au</div> <div>PO Box 26, MUSWELLBROOK NSW 2333</div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		MSC FOOTPATH STANDARD DETAILS		LGA: MUSWELLBROOK		B BOX CULVERT ADDED		REV: B	
								DESIGN: M. COLE		DRAWN: M. COLE	




PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE CROSS SECTIONS CH 15 - 30	SCALE: H=100 V=100 (A3)	A	ISSUED TO CLIENT	20/12/2021
<div>MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i></div> <div>Ph: 02 65432475 Email: office @hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</div> <div></div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL			LGA: MUSWELLBROOK	B	BOX CULVERT ADDED	REV: B
					DESIGN: M. COLE	DRAWN: M. COLE	DRAWING NO. SHEET 14	




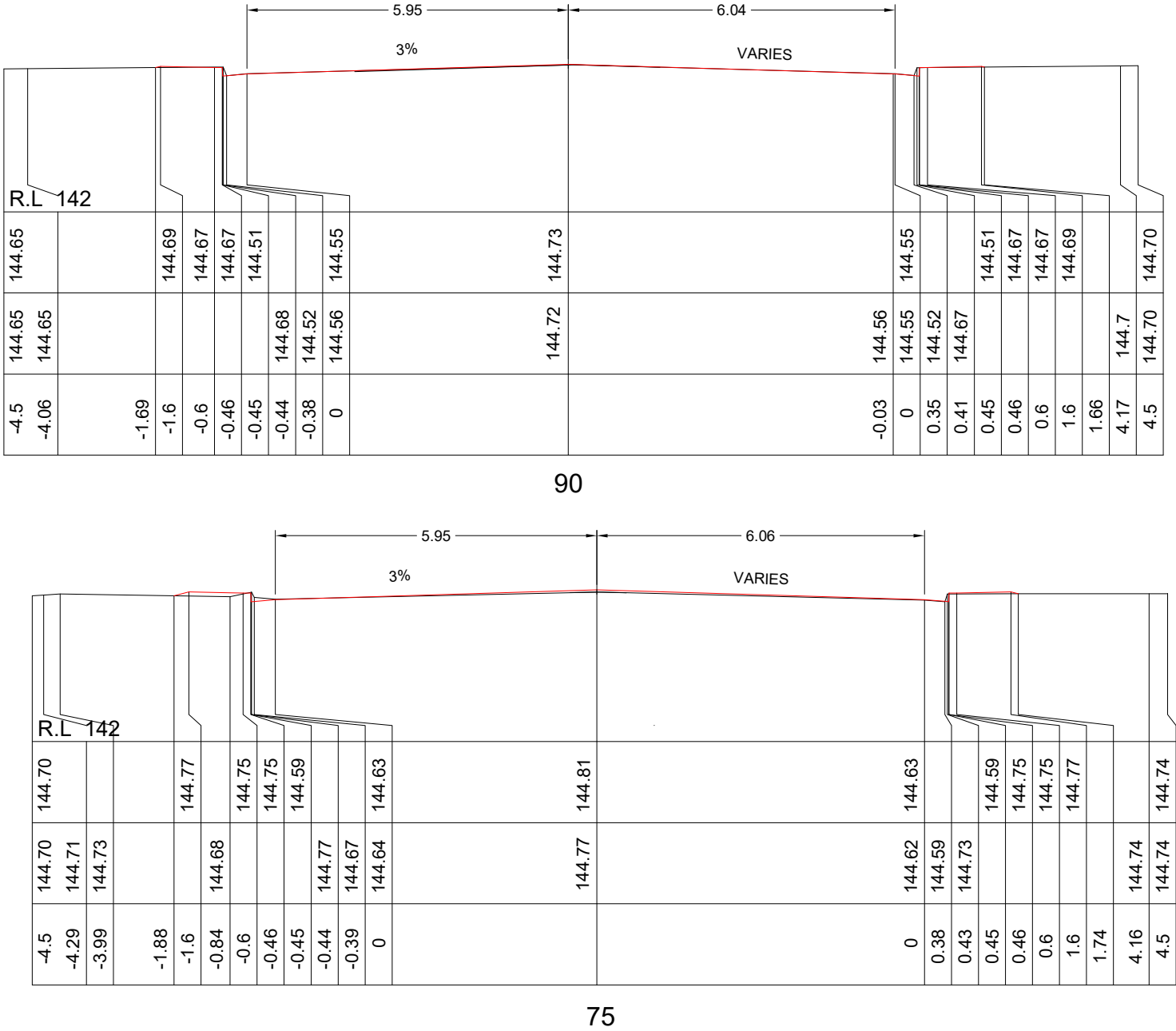
60



45


PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: H=100 V=100 (A3)		A ISSUED TO CLIENT		20/12/2021	
<div>MM HYNDES BAILEY & Co.</div> <div>REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN</div> <div>Surveying the Hunter since 1920</div> <div></div> <div>Ph: 02 65432475 Email: office @hbsurveys.com.au</div> <div>PO Box 26, MUSWELLBROOK NSW 2333</div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL				CROSS SECTIONS CH 45 - 60		B BOX CULVERT ADDED		REV: B	
				LGA: MUSWELLBROOK							
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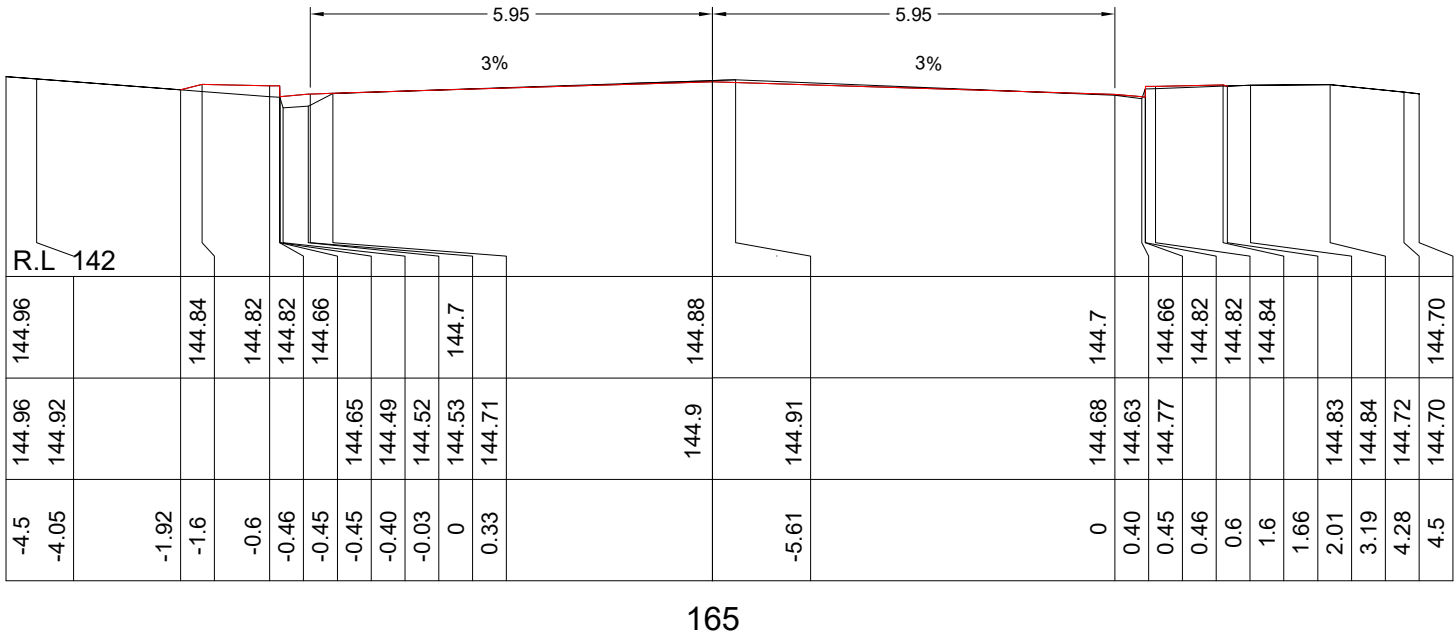
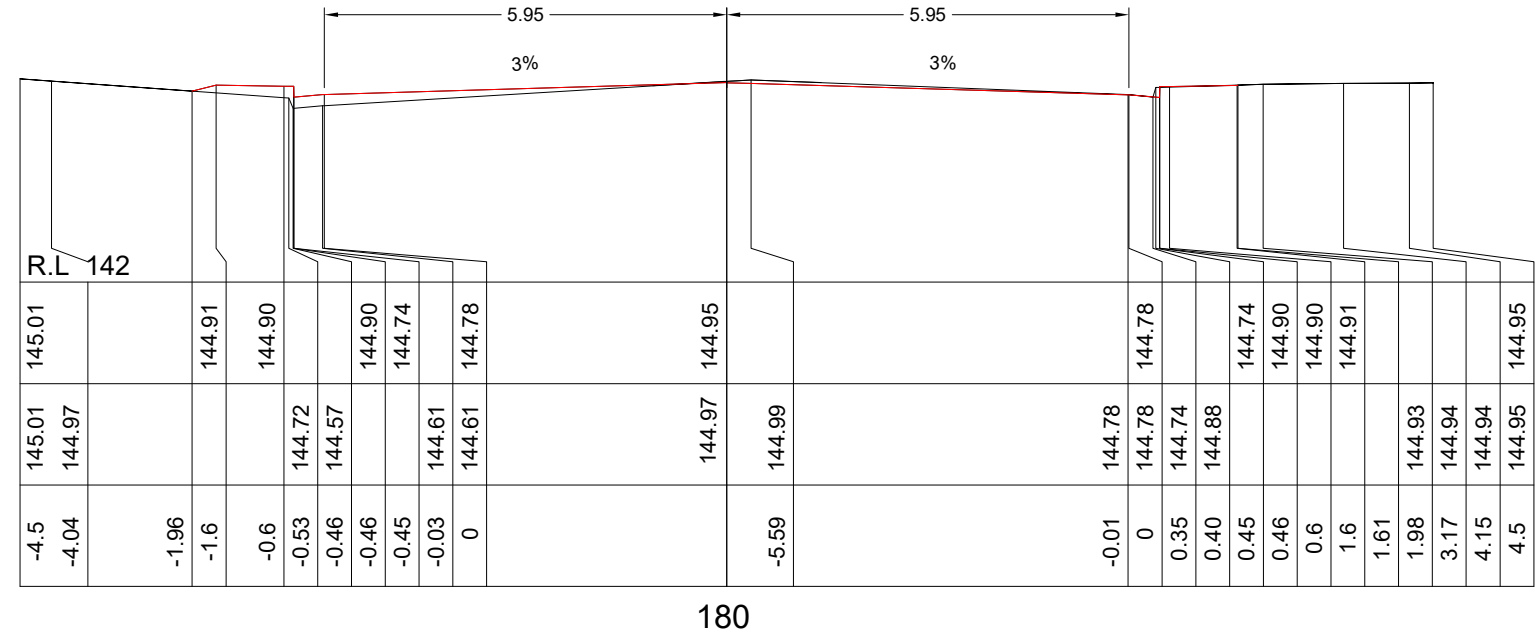
PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: H=100 V=100 (A3)		A	ISSUED TO CLIENT	20/12/2021
<div>MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i></div> <div>Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 28, MUSWELLBROOK NSW 2333</div> <div></div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		CROSS SECTIONS CH 75 - 90		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
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						DRAWING NO. SHEET 16				JOB REF: 221259




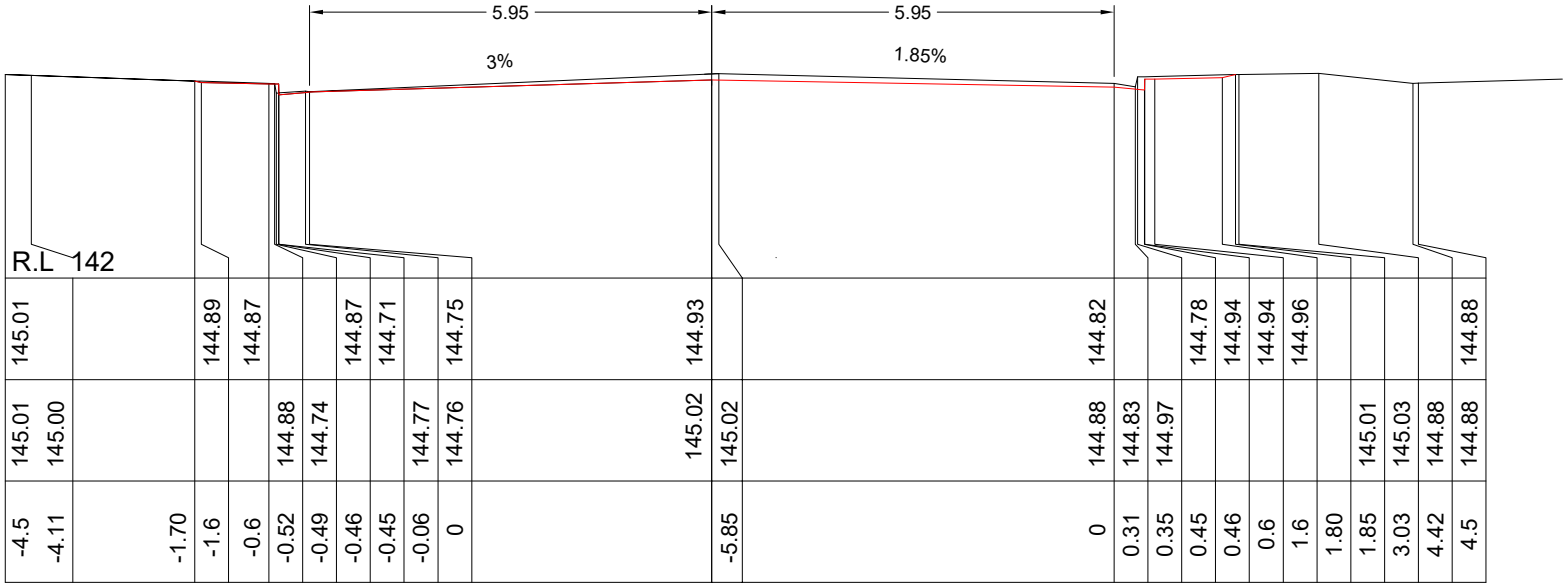




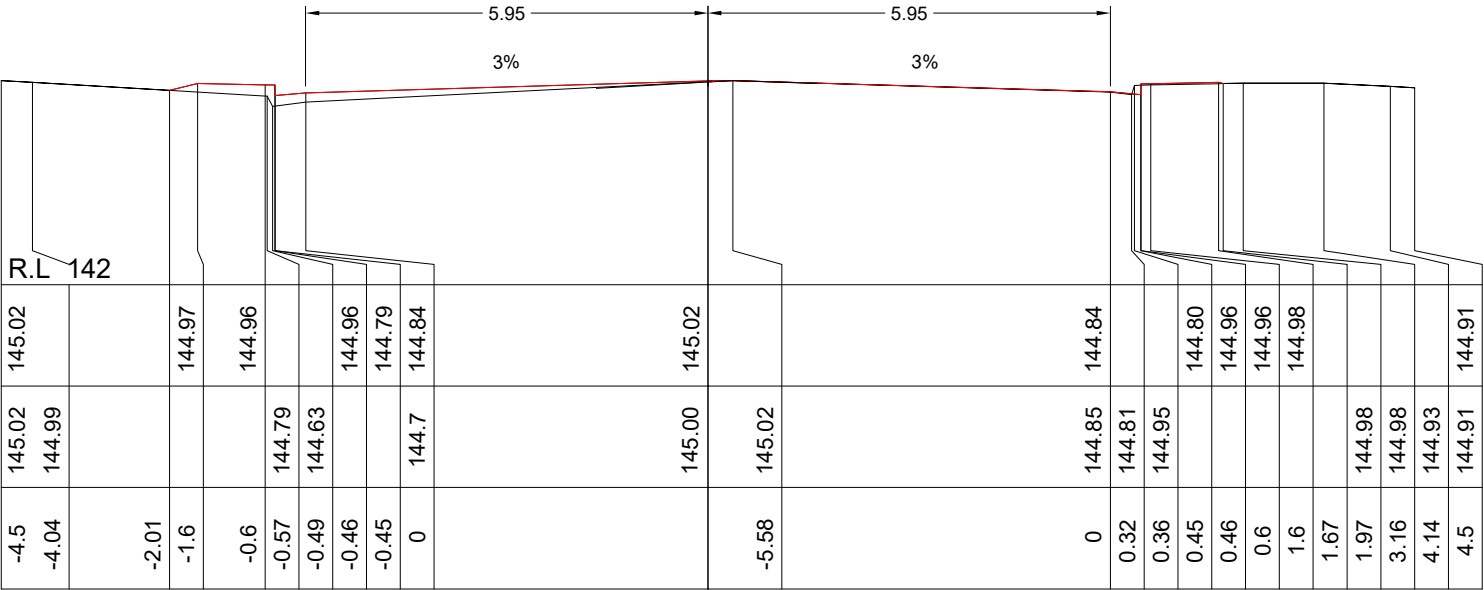
PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: H=100 V=100 (A3)		A	ISSUED TO CLIENT	20/12/2021
<div>MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i> Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</div> <div></div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		CROSS SECTIONS CH 165 - 180		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
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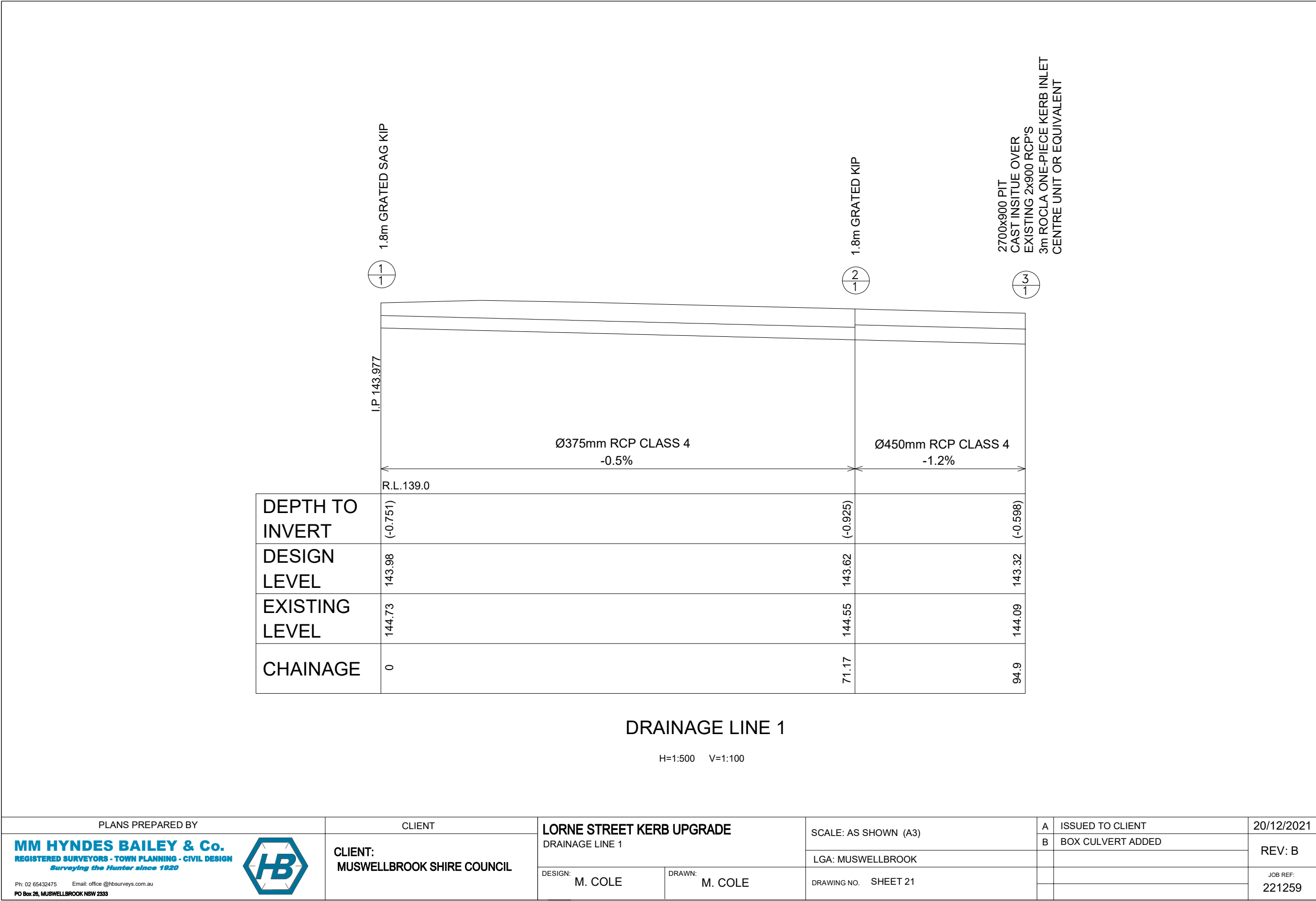
PLANS PREPARED BY		CLIENT		LORNE STREET KERB UPGRADE		SCALE: H=100 V=100 (A3)		A	ISSUED TO CLIENT	20/12/2021
<div>MM HYNDES BAILEY & Co. REGISTERED SURVEYORS - TOWN PLANNING - CIVIL DESIGN <i>Surveying the Hunter since 1920</i> Ph: 02 65432475 Email: office@hbsurveys.com.au PO Box 26, MUSWELLBROOK NSW 2333</div> <div></div>		CLIENT: MUSWELLBROOK SHIRE COUNCIL		CROSS SECTIONS CH 195 - 210		LGA: MUSWELLBROOK		B	BOX CULVERT ADDED	REV: B
				DESIGN: M. COLE		DRAWN: M. COLE				JOB REF:
						DRAWING NO. SHEET 20				221259



210



195



11.2 THOMAS MITCHELL DRIVE / DENMAN ROAD INTERSECTION - S.138 ROADS ACT 1993 PERMIT APPROVAL

Attachments:	<p>A. HVEC Thomas Mitchell Drive Denman Road Intersection Upgrade ↓</p> <p>B. S138 Application ↓</p> <p>C. TfNSW Approved Design ↓</p>
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

The report requests Council to delegate to the General Manager authority to approve a s.138 *Roads Act 1993* permit for works on Thomas Mitchell Drive associated with the upgrade of the Denman Road / Thomas Mitchell Drive intersection.

OFFICER'S RECOMMENDATION

Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* approval for the works on Thomas Mitchell Drive associated with the Denman Road/Thomas Mitchell Drive intersection generally in accordance with the special conditions attached to this report.

Moved: _____ Seconded: _____

BACKGROUND

BHP Mount Arthur Coal (**BHP**) is required to upgrade the intersection of Denman Road and Thomas Mitchell Drive (**TMD**) in accordance with Project Approval and Modifications 09_0062 Mt Arthur Coal Mine – Open Cut Consolidation Project dated 26 September 2014.

A report was submitted to the February 2021 Ordinary Council Meeting providing the preliminary design of the intersection for the notation of Council. Council's resolution in relation to the report was:

11.5 PRELIMINARY DESIGN FOR THE PLANNED UPGRADE OF THE INTERSECTION OF DENMAN ROAD AND THOMAS MITCHELL DRIVE, MUSWELLBROOK

RESOLVED on the motion of Crs McNeill and Reynolds that:

Council notes the preliminary design provided by BHP Mt Arthur Coal for the planned upgrade of the intersection of Denman Road and Thomas Mitchell Drive, Muswellbrook, and that Council continues to liaise with the proponent and Transport for NSW for a preferred "seagull" intersection.

In earlier consultation, Muswellbrook Shire Council (**Council**) had initially indicated its preference for a "seagull" design for the intersection upgrade, and BHP provided this concept to Transport for NSW (**TfNSW**) for comment and review. TfNSW advised that following internal consultation with their Assets, Design and Network Safety teams it was determined that TfNSW no longer supports seagull treatments on heavy traffic volume roads due to road safety issues.

CONSULTATION

Transport for NSW, BHP Mount Arthur Coal, GHD, Muswellbrook Shire Council's engineering team.

A report was submitted to the February 2021 Ordinary Council Meeting providing the preliminary design of the intersection for the notation of Council.

REPORT

Transport for NSW (TfNSW), as the roads authority for Denman Road, has approved the final design of the upgrade of the intersection of Denman Road and Thomas Mitchell Drive (see attached as C to the report), and has authorised the work under the TfNSW Works Authorisation Deed process. Road construction is required on the first 90 metres of Thomas Mitchell Drive to tie into the intersection design.

Council is the roads authority for Thomas Mitchell Drive and approval is sought under s.138 of the *Roads Act 1993* for the construction works on Thomas Mitchell Drive to proceed.

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 citing reasons.

CONCLUSION

It is recommended that Council approves the delegation to the General Manager for the permit as outlined in the report.

SOCIAL IMPLICATIONS

There will be some delays during the works to the normal use of both Denman Road and Thomas Mitchell Drive, with the works being undertaken under traffic control. The intersection upgrade is necessary and is a condition of Consent for the Project Approval and Modifications 09_0062 Mt Arthur Coal Mine – Open Cut Consolidation Project dated 26 September 2014. Once completed, the upgrade will significantly improve the level of service at the intersection and extend the pavement life of the road.

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

The intersection upgrade will be fully funded by Mt Arthur Coal as outlined in condition 47 of the Project Approval and Modifications 09_0062 Mt Arthur Coal Mine – Open Cut Consolidation Project dated 26 September 2014.

2. Financial Implications – Operational

Mt Arthur Coal has ongoing contribution commitments to the maintenance of Thomas Mitchell Drive in accordance with the “Thomas Mitchell Drive Contributions Study” prepared by GHD.

POLICY IMPLICATIONS

Nil known

STATUTORY IMPLICATIONS

Council is the roads authority for Thomas Mitchell Drive and is acting within its powers under the *Roads Act 1993*

LEGAL IMPLICATIONS

Council is the roads authority for Thomas Mitchell Drive 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 TfNSW guidelines 'Traffic Control at Work Sites' traffic management guidelines.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

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. A Community Newsletter has been sent out by Mt Arthur Coal to advise the community of the upcoming work. The information will be included on Council's website.

Schedule of Details

1. The Works	The works are within the Road Reserve of Thomas Mitchell Drive (TMD) associated with the Thomas Mitchell Drive Denman Road Upgrade. The first 90m TMD will be reconstructed.	
2. The Site	Thomas Mitchell Drive.	
3. Estimated Cost of the Works	\$ N/a (GST exclusive)	[Clause 6.1(e)]
4. Estimated Council Costs	Plan Approval \$ 1,608.00 (GST exclusive) Construction Observation & Traffic Control Plans \$ 3,960.00 (GST exclusive) Final Acceptance (WAE review etc) \$ 5,000.00 (GST exclusive) Total \$10,568.00 (GST exclusive)	[Clause 6.1(f)]
5. Defects Liability Period	12 Months	[Clause 8.4]
6. Consent Holder's Representative	Name..... ..Mark Nolan..... Position..... Approvals Principal Mt Arthur Coal..... Mobile Phone... 0428 885 301..... Office Phone..... Email mark.nolan@bhp.com Facsimile.....	[Clause 14.3]
7. Council's Representative	Name.....Kellie Scholes..... Position.....Manager Roads Drainage & Technical Services..... Mobile Phone... 0407 252 142 Office Phone... 02 6549 3756..... Email Kellie.scholes@muswellbrook.nsw.gov.au..... Facsimile.....02 6549 3701.....	[Clause 14.3]

Draft Special Conditions Thomas Mitchell Drive during the Denman Road Intersection Upgrade

1. Prior to commencement of any construction activity, all proposed temporary construction and permanent accesses off Thomas Mitchell Drive are to be located, designed and constructed to meet minimum requirements of Muswellbrook Shire Council's rural property access drawing 0041/1 revision A dated 16/7/2012 unless otherwise agreed by Council.
2. All constructed temporary accesses off Thomas Mitchell Drive are to be removed and decommissioned upon completion of construction, boundary fencing reinstated and all areas of disturbances within the road reserve to be reestablished to AUS-SPEC standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
3. All works impacting Thomas Mitchell Drive will require a Traffic Guidance Scheme (TGS). All TGS plans are to be developed as per RMS "Traffic Control at Worksites Conditions" and to be accepted by Council prior to use. Any changes to the TGS's will require submission to council prior to the implementation of the changes.
4. A schedule of works will be provided to Council in the form of a Gant chart detailing individual key work activities associated with the overall project and completion of the work stages. Specifically, where this work impacts Thomas Mitchell Drive and Council's road reserve. This is to be updated every four (4) weeks and made available to Council. A liaison meeting should be scheduled as required.
5. School bus times Construction traffic is not to operate on Thomas Mitchell Drive during the school bus times. School bus times are to be confirmed biny the applicant in consultation with the relevant bus companies.
6. Inclement weather: Council as the road authority for Thomas Mitchell Drive reserves the right to automatically suspend or decrease the construction traffic activity in the event of heavy or prolonged rain affecting their roads. Construction traffic movements are not permitted on public roads when fog conditions prevail and sight distances are compromised.
7. The consent Holder is to advise Council's Technical Officer, Roads & Drainage on 0418 110010 fourteen (14) days prior to commencing work to confirm inspection regime.
8. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least one week in advance, and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least a week prior to site works.
9. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
10. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.

11. The Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approval that may be required in relation to the Works.
12. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. It is recommended that a device (from the Soil Management book) be used to remove such materials prior to entering the roads.
13. The Consent Holder is required to facilitate OSOM loads which have gained Council approval to travel on Thomas Mitchell Drive.
14. This Consent is not valid until all fees listed on the Schedule of Details and any Bond amounts and terms (if required) in the Schedule are agreed on.
15. Council reserves the right to reconsider and review the special conditions relating to the movement of construction vehicles on public roads.



**muswellbrook
shire council**

Muswellbrook Shire Council ABN 86 864 180 944
Ph 02 6549 3700 • Fax 02 6549 3701 • Email council@muswellbrook.nsw.gov.au
PO Box 122 Muswellbrook NSW 2333 • 157 Maitland Street, Muswellbrook
www.muswellbrook.nsw.gov.au

S138 Road Opening/Activity Permit Application

This application becomes a permit made under Section 138 Roads Act 1993 (NSW) once signed by a Council authorised officer.

Muswellbrook Shire Council is the Road Authority for public roads within Muswellbrook Shire, with the exception of freeways and crown roads. To undertake work/activity on, or alongside, public roads an S138 permit must first be obtained. This advises Council of the planned work/activity and allows Council to assess the necessary implementation of standards relevant to the work/activity being proposed. These specific standards need to be identified and adhered to, ensuring Muswellbrook Shire roads are kept safe and well maintained.

Request, or download from muswellbrook.nsw.gov.au/roads, a copy of [S138 frequently asked questions](#) and S138 technical conditions for [roads](#) or [utilities](#).

Permit no. **Office use only**

Applicant details

Applicant name	Hunter Valley Energy Coal Pty Ltd		
Address	Thomas Mitchell Drive, Muswellbrook NSW 2330	Phone	0467743639
		Email	sarah.k.bailey@bhpbilliton.com

Location and specifications of proposed works (you are required to attach a plan)

DA/CDC number (if applicable)	PA 09_0062 Mod 1
Name and location of road to be affected	Thomas Mitchell Drive/Denman Road Intersection (Thomas Mitchell Drive section only)
Details of work/activity to be carried out	Intersection Upgrade as per procedures in processes contained in the Transport for NSW Works Authorisation Deed.
Details of proposed restoration works <i>In the event you are not able to undertake restoration/works to the required standard yourself, you may seek a quote from Council's Works Department to schedule the works for you.</i>	N/A

Do you require Muswellbrook Shire Council to provide a quote for restoration works to pavement, seal, footpath or other?

☐ Yes, please arrange for a quote ☒ No thanks


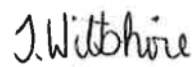
Duration of consent period

Commencement date	1 January 2022	Completion date	30 December 2022
-------------------	----------------	-----------------	------------------

Declaration of Applicant¹ or Director²

¹ I/we, the applicant, apply to Muswellbrook Shire Council, as the roads authority for the road and/or road reserve, for consent to undertake the above mentioned works and/or activity in, on or over the specified road as shown in the attached plan.

² (If applicant is a Company under the Corporations Act 2001) Signed by the Applicant Pursuant to s127(1) of the Corporation's Act 2001. Also in understanding and acceptance of the conditions under which this consent is granted.

Signature of Applicant or Director	 2021.12.01 12:19:24 +10'00'	Signature of Director/Secretary	 Wiltshire, Toni TA Company Secretary Brisbane 2021.12.01 10:52:33 +10'00'
Print name	ELSABE MULLER	Print name	TONI WILTSHIRE
Date	1 December 2021	Date	1 December 2021

Approved on behalf of
Muswellbrook Shire
Council by its duly

Manager Roads, Drainage and
Technical Services, Kellie Scholes

Date

Conditions

1. Manner of Work and/or Activity

- 1.1. The Work/Activity must be conducted according to the Plan and the Specifications.
- 1.2. The Applicant must complete any backfilling of trenching works in accordance with Council's Ausspec #1 Specification 306 – "Road Openings and Restoration" – as stipulated in Technical conditions 1151 and/or 1152.
- 1.3. Where work/activity is undertaken in the CBD, the applicant must meet the Council's CBD specifications, at the applicant's expense.

2. Council Requirements

The Applicant must comply with all Council requirements in relation to the Work/Activity:

- a) Contained in this Permit and annexures;
- b) Contained in any notice in writing concerning the Work/Activity given to the Applicant by the Council; and
- c) Any direction given to the Applicant by the Council.

3. Legislation

The Applicant must observe all requirements with respect to the Work/Activity imposed by any statute, regulation or ordinance or otherwise imposed by a statutory or other authority.

4. Term

The Work/Activity must not be carried out at any time other than during the Consent Period.

5. Proceed Continuously

The Applicant must carry out the Work as expeditiously and safely as practicable and proceed continuously until completion.

6. Layout of Work

- 6.1. All pipe work crossing the Road must be laid perpendicular to the direction of the Road unless otherwise consented to by Council and described in the Specifications or shown in the Plan.
- 6.2. The pavement surrounding any excavation of the Road must be neatly saw-cut prior to excavation.
- 6.3. The Applicant must ensure that any cut pavement maintains a neatly finished edge at all times.

7. Advise Council

- 7.1. The Applicant must give the Council a minimum of five working days notice prior to when the Work/Activity is to commence.
- 7.2. The Applicant must notify Council as soon as the Work is completed if completion occurs during Business Hours.
- 7.3. The Applicant must notify Council during the next Business Hours if the Work is completed outside of Business Hours.

8. Expense

The Work is carried out at the Applicant's expense.

9. Consent and Acknowledgement

This Permit must be signed for and on behalf of Council in order for consent to be granted; and must also be signed by the Applicant in acknowledgement of the conditions under which this consent is granted.

10. Service Conduit

Any Service Conduit placed across the Road must have at least 400mm of fill cover in addition to the road pavement thickness.

11. Footpaths

Where any footpath is disturbed it must be restored to the original condition by the Applicant at the Applicant's cost.

12. Fee

The Permit Fee is to be paid for the issue of this Permit.

13. Restoration Fees

- 13.1. Where Council is required to undertake Restoration works, determination of the Restoration Fees is governed by Section 67 of the Local Government Act.
- 13.2. Where a Restoration Fee is applicable the Applicant must pay the Restoration Fee:
 - a) As soon as the Work is completed if completion occurs during Business Hours; or
 - b) During the next Business Hours if the Work is completed outside of Business Hours.
- 13.3. If disturbance to the Road exceeds that shown on the Specifications, the Applicant must pay the additional cost to Council for restoration.

14. Indemnity

The Applicant indemnifies and holds Council harmless against all Claims by any person arising in connection with any acts or performance of an obligation under this Permit.

- 14.1. Specific Indemnities: - Without limiting clause 13.5 the Applicant indemnifies and holds Council harmless against any Claim arising directly or indirectly out of the following:
 - a) The construction and installation of the Work;
 - b) Conduct by the Applicant which amounts to a breach of any license, permit, approval or legislation;
 - c) Council granting consent to the Applicant to carry out the Work;
 - d) Failure to comply with any obligation of the Applicant under this permit.
- 14.2. Applicant to Maintain Insurance
 - a) The Applicant must maintain a public liability insurance policy with an insurer approved by Council with a limit for any one event of not less than twenty million dollars (\$20,000,000).

- b) The Applicant must produce evidence of the currency and terms of insurance as part of each permit application.
- c) The insurance must be on terms to the reasonable satisfaction of Council and name Council as an insured party

15. Traffic Management Plan

- 15.1. The Applicant must ensure that a Traffic Management Plan is in place whilst the Work is being carried out.
- 15.2. The appropriate traffic control measures must be established at the Applicant's cost.
- 15.3. The traffic control measures must be in accordance with the current RMS Guidelines "Traffic Control at Work Sites".
- 15.4. The Applicant must not interrupt or otherwise disturb the traffic flow on the Road without the written consent of Council.

16. Responsibility for Restoration works

- 16.1. Where the applicant is not able to meet the standards required, the applicant can either contract the services of another provider that can – or apply to Council's Works Department for a quote, and for the work to be undertaken by Council at the applicant's expense
- 16.2. Where council is required to undertake the restoration works, the Applicant is responsible for the Works until Council's road maintenance service provider completes the standard road pavement restoration. Where the applicant undertakes to do the restoration work themselves, then the applicant is responsible until Council agrees to the standard of that restoration work

17. Responsibility in the event of absence or emergency.

- 17.1. In the Applicant's absence from the site of the Work, or in the event of any emergency (for which the Council has sole right of decision), Council may take such action as it considers necessary to prevent:
 - a) Loss of or damage to the whole or any part of the Work;
 - b) Loss or damage to the Road or any property adjacent to the work; or
 - c) To prevent personal injury to any person;
- 17.2. Any such action (under sub-clause 15.2) is at the Applicant's expense.

18. Safety

The Applicant must:

- 18.1. Carry out the Work with due regard to the safety and rights of the public;
- 18.2. In addition to clauses 0 and 3 comply with the requirements of the NSW Workcover Authority, the Department of Industrial Relations & Employment, and the Police Service of NSW.

19. Relocation

- 19.1. If it is necessary in the reasonable opinion of Council:
 - a) To relocate or remove any portion of the Work; or
 - b) Carry out any additional work for the safety and protection of the public, Applicant must relocate or carry out such removal or additional work as reasonably determined by the Council.
- 19.2. Any such relocation and/or additional work required to be carried out is at the Applicant's expense.

20. Public Risk

Nothing in this consent shall be deemed to:

- a) Prejudice or affect the rights of the public to free passage upon or along the Road;
- b) Authorise any nuisance to, or permanent obstruction of, the Road or public places;
- c) Confer upon the Applicant exclusive right or title to that part of the Work within the boundaries of the Road, or
- d) In any way restrict or limit the powers of the Authority and the Council in respect of the Road.

21. Deemed Acknowledgement

Upon commencement by the Applicant of any part of the Work it shall be deemed that the Applicant has agreed with the Council to comply with the conditions of this consent.

22. Conditions for moving or grazing stock on Council roads (this permit is not valid unless the applicant has approval from Local Land Services.)

- a) That stock warning signs as described in the Local Land Act 2013 indicating the presence of stock on the road shall be prominently displayed 200 metres before and after the section of road being used;
- b) Stock signs must be displayed at all times when stock are on or adjacent to a roadway, and removed when stock are no longer present;
- c) That the distance over which stock are being grazed does not exceed 2kms at any one time;
- d) When stock are being moved along the road, warning signs shall be no further than 5kms apart;
- e) That at least one person shall be attending the stock at all times;
- f) That the stock may only be present on a public road during daylight hours.

Recitals

- A. The Council is a public roads authority for the Road under s7(4)(b) of the Roads Act 1993 (NSW).
 B. The Council consents to the Applicant placing, installing or erecting the Work within or across the Road under the conditions contained in this Permit.
 C. The consent is granted under s138 of the Roads Act 1993.

Definitions

“**Act**” means Roads Act 1993 (NSW)

“**Applicant**” means the signatory on the application being the individual(s) with the authority and the responsibility for the carrying out of the work;

“**Business Hours**” means the opening hours of Muswellbrook Shire Council Administration Centre;

“**Claims**” means any loss, damages, claims, demands, causes of action or suits of any kind;

“**Consent Period**” means _____
 _____ or as per the application;

“**Council**” means Muswellbrook Shire Council;

“**Council Officer**” means the Muswellbrook Shire Council’s nominated officer;

“**Permit Fee**” means the fee paid by the Applicant to Council for the administrative costs associated with the issue of the Permit and shown in the Specifications;

“**Pipe work**” means pipes, conduits, hoses, tubing, cables and wires;

“**Plan**” means the plan attached and marked Annexure “A”;

“**Restoration Fee**” means a fee paid to Council in consideration for the Council restoring the Road surface after completion of the Work;

“**Road**” means _____
 _____ including/not including the road reserve;

“**RMS**” means Roads and Maritime Services;

“**Service Conduit**” means conduits used to run service wires and cables underground;

“**Specifications**” means Council’s Technical Conditions 1151 and/or 1152, Council’s CBD Specifications, and any other specifications as issued in the permit consent notification.

“**Traffic Management Plan**” means the Traffic Management Plan (also referred to as Traffic Control Plan or TCP) as approved by Council; and

“**Work**” means the plan of works described in application, including any restoration whether by the applicant or Council, and special instructions

Notes

An Application should be lodged for Consent to Carry out a Section 138 Roads Act Activity if the Applicant proposes to:


- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road being a main road, a state highway, a controlled access road or a secondary road.

The applicant must lodge with the application the following:

- ☐ A plan showing the exact location of the proposed Road Works
- ☐ Specifications of the proposed Road Works
- ☐ Evidence of suitable public liability insurance
- ☐ Traffic control plan
- ☐ The application fee of \$ **163.00** (the current fee as set by Council)

Any permit issued will not be valid without the above information and the original application attached

Payment methods merchant fee of 0.75% charged on all credit card transactions.

cash	cheque	Mastercard	Visa	credit card no.	4564 8092 0480 7303
Card holder's name		Raymond Marten		Expiry date	02/24
Signature				Today's date	26/11/2021
				Daytime ph (for payment processing queries)	0429 449213
				Amount	\$163.00

Muswellbrook Shire Council is committed to protecting your privacy. We take all reasonable steps to comply with relevant legislation and Council policy. For further information phone 02 6549 3700 or email council@muswellbrook.nsw.gov.au.



STEIN INSURANCE COMPANY LIMITED

PO Box 230
Heritage Hall
Le Marchant Street
St Peter Port
Guernsey GY1 4JH
Telephone +44 (0) 1481 737100
Fax +44 (0) 1481 729046

25 June 2021

To Whom It May Concern

Certificate of Placement – Public & Products Liability

This certificate is issued as a matter of information only and confers no rights upon the holder. It does not amend, extend or alter the coverage afforded by the policy/policies listed. It is issued as a summary only of the cover provided and is current only at the date of issue. For full particulars reference should be made to the current policy wording.

Named Insured: BHP Group Plc and BHP Group Limited and all subsidiary companies and all related and/or affiliated and/or controlled, managed, administered and associated companies or corporations (now existing or hereinafter acquired, formed or incorporated) and/or related joint ventures and/or partnerships and other entities named or described herein for their respective rights and interests.

Insurer(s): Stein Insurance Co. – a Captive Insurance Company and wholly owned subsidiary of BHP Group Plc currently rated A by Standard & Poor's

Policy Number: PL/0001/21

Period of Insurance: 1st July 2021 to 30th June 2022, both days inclusive, local standard time at the location of the property, operations or activities insured.

Registered in Guernsey – No: 41727
Registered Office: Heritage Hall, Le Marchant Street, St Peter Port, Guernsey, GY1 4JH

STEIN INSURANCE COMPANY LIMITED

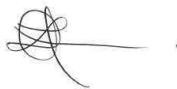
Interest Insured: The Insurers will indemnify the Insured up to the Limit of Liability for all amounts which the Insured shall become legally liable to pay by way of compensation (including claimants' costs and expenses) for and/or arising out of Personal Injury and/or Property Damage occurring during the Period of Insurance in connection with the Business of the Insured and/or the Insured's Products and/or Completed Operations.

Situation and/or Premises: Anywhere in the world but the Insurers shall not be liable to pay any claim or indemnity hereunder to the extent that payment of such would expose the Insurers to any sanction, prohibition or restriction under any United Nations resolutions or any trade or economic sanctions, laws or regulations of any applicable jurisdiction.

Limit of Liability: US\$20,000,000 any one occurrence in respect of Public Liability
US\$20,000,000 any one occurrence and in the annual aggregate in respect of Products Liability
US\$20,000,000 any one occurrence and in the annual aggregate in respect of Medical Malpractice
US\$20,000,000 any one occurrence and in the annual aggregate in respect of Professional Indemnity

Notice of Occurrence: The Insured shall promptly furnish the Insurers with all information available respecting any Claim, and the Insurers shall have the right to appoint adjusters, assessors or surveyors and to control all negotiations, adjustments and settlements in connection with such Claim, subject always to the terms and conditions of the policy wording.

All other terms and conditions as per the full policy wording.



Digitally signed by
Lucinda Hodgkinson
Date: 2021.06.25
10:27:42 +01'00'

Signed for and on behalf of
Stein Insurance Company
L. Hodgkinson - Manager

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission approves the modification of the project approval referred to in Schedule 1, as set out in Schedule 2, Schedule 3 and Schedule 4.



Mr Paul Forward
Chair of the Commission



Mr Joe Woodward PSM
Member of the Commission

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Sydney

26 September 2014

SCHEDULE 1

Application Number:	09_0062
Proponent:	Hunter Valley Energy Coal Pty Ltd
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Mt Arthur Coal Mine – Open Cut Consolidation Project

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DEFINITIONS

Annual review	The review required by condition 3 of schedule 5
ARTC	The Australian Rail Track Corporation Ltd
BCA	Building Code of Australia
Biodiversity offset strategy	The conservation and enhancement program described in the EA, and shown in Appendix 7
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in schedules 1 to 5
Council	Muswellbrook Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	The NSW Department of Planning and Environment
DRE	Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services.
EA	<p>(a) the Environmental Assessment titled <i>Mt Arthur Coal Consolidation Project Environmental Assessment</i> (6 volumes), prepared by Hansen Bailey and dated November 2009, including the Response to Submissions dated February 2010; and</p> <p>(b) the Environmental Assessment titled <i>Mt Arthur Coal Open Cut Modification - Environmental Assessment</i> (2 volumes), prepared by Resource Strategies Pty Ltd and dated April 2013, including the Response to Submissions dated September 2013</p>
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heritage Branch	Heritage Branch of OEH
Incident	<p>A set of circumstances that:</p> <ul style="list-style-type: none"> causes, or threatens to cause, material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this approval
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in schedules 3 and 4 of this approval it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mining operations	Includes the removal of overburden and all coal extraction, processing, handling, storage and transportation activities carried out on site
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the project, prior to or during those impacts occurring
MSB	Mine Subsidence Board
Mt Arthur mine complex	The combined operations of the project (including the former Mt Arthur North mine, Bayswater No. 2 mine, Bayswater No. 3 mine and the South Pit Extension Project), and the Mt Arthur Underground Project
Mt Arthur Underground Project	The underground mining operations approved under MP 06_0091
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
OEH	NSW Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Previous EAs	The previous environmental impact assessments for open cut operations at the Mt Arthur mine complex, as listed in Appendix 3
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)
Project	The development as described in the project application and EA, and to the extent not covered by these, the Previous EAs
Proponent	Hunter Valley Energy Coal Pty Limited, or its successors in title
Public Infrastructure	Any infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements

Rehabilitation

The treatment or management of land disturbed by the project for the purpose of establishing a safe, stable and non-polluting environment

RFS**Rural Fire Services****RMS****Roads and Maritime Services****ROM****Run of Mine****Secretary****Secretary of the Department, or nominee****Site****The land referred to in schedule 1, and listed in Appendix 1**

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this approval, the Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the project.

TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA; and
 - (b) conditions of this approval.

Note: The general layout of the project is shown in Appendix 2.

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON APPROVAL

5. Mining operations for the project may take place until 30 June 2026.

Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and DRE. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

6. The Proponent shall not extract more than:
 - (a) 32 million tonnes of ROM coal from the open cut mining operations on the site in a financial year; and
 - (b) 36 million tonnes of ROM coal from the Mt Arthur mine complex in a financial year.
7. The Proponent shall:
 - (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council); and
 - (b) restrict coal transport on the Antlene rail spur to a maximum of:
 - 27 million tonnes of product coal in a financial year; and
 - 30 train movements a day,
 for the Mt Arthur mine complex, except under an agreement with the Drayton Mine to use some of its approved capacity, and where a copy of this agreement has been provided to the Secretary.

Note: For the avoidance of doubt, each train entering and exiting the site is classified as 2 train movements, and a day refers to the 24 hours from midnight to midnight the next day.

SURRENDER OF CONSENTS

8. By the end of September 2011, or as otherwise agreed by the Secretary, the Proponent shall surrender all existing development consents/approvals for the project in accordance with sections 75YA and 104A of the EP&A Act, and to the satisfaction of the Secretary.

Notes:

- This approval will apply to all components of the Mt Arthur mine complex's open cut operations from the date of approval. The existing management and monitoring plans/strategies/programs/protocols/committees for the project will continue to apply until the approval of the comparable plan/strategy/program/protocol/committee under this approval;
- The existing approvals are identified in Appendix 3.

STRUCTURAL ADEQUACY

9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA and MSB.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works;
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project;
- The project is located in the Muswellbrook Mine Subsidence District. Under Section 15 of the Mine Subsidence Compensation Act 1961, the Proponent is required to obtain the MSB's approval before constructing any improvements on the site.

DEMOLITION

10. The Proponent shall ensure that all demolition work is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

11. Unless the Proponent and the applicable authority agree otherwise, the Proponent shall:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project, except where such works have been compensated through the *Mining Act 1992* or the planning agreement referred to in condition 14 below.

Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of general road usage.

OPERATION OF PLANT AND EQUIPMENT

12. The Proponent shall ensure that all plant and equipment used at the site, and equipment used offsite to monitor the performance of the Mt Arthur mine complex, is:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

STAGED SUBMISSION OF STRATEGIES, PLANS AND PROGRAMS

13. With the approval of the Secretary, the Proponent may:
- submit any strategy, plan or program required by this approval on a progressive basis; and
 - combine any strategy, plan or program required by this approval with any similar strategy, plan or program for the Mt Arthur Underground Project.

Note: For the avoidance of doubt, existing approved management plans, strategies or monitoring programs for the open cut operations of the Mt Arthur mine complex will continue to apply until the approval of a similar plan, strategy or program under this approval, or until the surrender of existing approvals (see condition 8 above).

PLANNING AGREEMENT

14. The Proponent shall comply with the planning agreement with Council executed on 24 June 2011 for the life of the Mt Arthur mine complex, as summarised in Appendix 9. If there is any dispute between the Proponent and Council about the implementation of the planning agreement, then either of the parties may refer the matter to the Secretary for resolution.

ACCESS TO LAND

15. If any mining company in the area is investigating the potential to use infrastructure associated with the project, such as the Antlene rail spur, on commercial terms in order to avoid the costs and environmental impacts of constructing new infrastructure for its project, the Proponent shall consult with the company about the potential to reach a mutually acceptable agreement to the satisfaction of the Secretary.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ACQUISITION UPON REQUEST

- Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 7-8 of schedule 4.

Table 1: Land subject to acquisition upon request

Receiver No. ¹	Receiver	Acquisition Basis
6	Private landholder	Air quality
28 ²	Private landholder	Air quality
29 ²	Private landholder	Air quality
101 ³	Private landholder	Noise
102	Private landholder	Noise
203, 204	Private landholder	Air quality
206	Private landholder	Air quality
209, 210, 211	Private landholder	Air quality, Noise
226	Private landholder	Air quality
241	Private landholder	Air quality
264 ⁴	Private landholder	Air quality

Notes:

- To interpret the locations referred to in Table 1, see the applicable figure in Appendix 4.
- These receivers shall maintain their rights to acquisition upon request until 31 December 2016, when the EA predicts that the project will comply with the relevant acquisition criteria at these properties.
- The Proponent is only required to acquire this property if acquisition is no longer reasonably achievable under the approval for the Drayton mine.
- The Proponent is only required to acquire this property if acquisition is not reasonably achievable under a separate approval for the Bengalla mine.

NOISE

Impact Assessment Criteria

- The Proponent shall ensure that the noise generated by the Mt Arthur mine complex does not exceed the criteria in Table 2 at any residence on privately-owned land, except where such exceedances were predicted in the EA.

Table 2: Noise Impact Assessment Criteria dB(A)

Location	Day (L _{Aeq} (15min))	Evening (L _{Aeq} (15min))	Night (L _{Aeq} (15min))	Night (L _{A1} (1 min))
A – Antiene Estate	37	40	38	45
B – Skellatar Stock Route, Thomas Mitchell Drive, Denman Road East	39	38	37	45
C – Racecourse Road	41	40	39	45
D – Denman Road North-west, Roxburgh Vineyard (north-east), Roxburgh Road	37	36	35	45
E – South Muswellbrook	39	39	39	45
F – Denman Road West, Roxburgh Vineyard (west)	37	36	35	45
G – East Antiene	41	40	39	45
H – South of Mine	35	35	35	45

Note: To interpret the locations referred to Table 2, see the applicable figures in Appendix 4 and Appendix 5.

Noise generated by the Mt Arthur mine complex is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy*. Appendix 10 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

3. Deleted
4. Deleted
5. Deleted

Traffic Noise Criteria

6. The Proponent shall take all reasonable and feasible measures to ensure that the traffic noise generated by the Mt Arthur mine complex does not exceed the traffic noise impact assessment criteria in Table 3.

Table 3: Traffic noise criteria dB(A)

Road	Day/Evening <i>L_{Aeq}</i> (1 hour)	Night <i>L_{Aeq}</i> (1 hour)
Thomas Mitchell Drive, Denman Road (east of Thomas Mitchell Drive)	60	55
Denman Road (west of Thomas Mitchell Drive)	55	50

Note: Traffic noise generated by the Mt Arthur mine complex is to be measured in accordance with the relevant procedures in the EPA's Road Noise Policy (2011), or its latest version.

Additional Noise Mitigation Measures

7. Upon receiving a written request from the owner of any residence:
 - (a) on the noise affected land listed in Table 1 (unless the landowner has requested acquisition under this approval); and
 - (b) on the land listed in Table 4,
 the Proponent shall implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence in consultation with the owner.

If within 3 months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Table 4: Land subject to additional noise mitigation upon request

Receiver No. ¹	Receiver
6 ²	Private landholder
94	Private landholder
97 ²	Private landholder
98 ²	Private landholder
99 ²	Private landholder (2 residences)
100	Private landholder
204	Private landholder
206	Private landholder
226	Private landholder

Notes:

- 1 To interpret the locations referred to in Table 4, see the applicable figure in Appendix 4.
- 2 These receivers shall maintain their rights to mitigation upon request until 31 December 2016, when the EA predicts that the project will comply with the relevant criteria at these properties.

Operating Conditions

8. The Proponent shall:
- implement best noise management practice, which includes implementing all reasonable and feasible noise mitigation measures to minimise the operational, road and rail noise of the Mt Arthur mine complex;
 - operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
 - minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply (see Appendix 10);
 - co-ordinate noise management at the Mt Arthur mine complex with the noise management at the Drayton and Bengalla mines to minimise cumulative noise impacts; and
 - carry out monthly attended monitoring in accordance with Appendix 10 (unless otherwise agreed with the Secretary), to determine whether the Mt Arthur mine complex is complying with the relevant conditions of this approval,
- to the satisfaction of the Secretary.

Noise Management Plan

9. The Proponent shall prepare and implement a Noise Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
- describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;
 - describe the proposed noise management system in detail; and
 - include a monitoring program that:
 - evaluates and reports on:
 - the effectiveness of the noise management system;
 - compliance against the noise criteria in this approval; and
 - compliance against the noise operating conditions;
 - includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and trigger for further attended monitoring); and
 - defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.

BLASTING**Impact Assessment Criteria**

10. The Proponent shall ensure that blasts on site do not cause exceedances of the criteria in Table 5.

Table 5: Blasting impact assessment criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately owned land	120	10	0%
	115	5	5% of the total number of blasts in a financial year
Public infrastructure	-	50	0%

However, these criteria do not apply if the Proponent has a written agreement with the relevant owner to exceed these criteria, and has advised the Department in writing of the terms of this agreement.

Note: An alternative limit for public infrastructure may be determined by the Secretary in accordance with the structural design methodology in AS 2187.2-2006, or another methodology acceptable to the Secretary.

Blasting Hours

11. The Proponent shall only carry out blasting on site between 8am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.

Blasting Frequency

12. The Proponent may carry out a maximum of:
- (a) 3 blasts a day;
 - (b) 4 blasts a day, on a maximum of 12 days each financial year; and
 - (c) 12 blasts a week, averaged over a financial year, on the site.

This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

Notes:

- *For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.*
- *For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.*
- *In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Proponent may seek agreement from the Secretary for additional blasts to be fired on a given day.*

Property Inspections

13. Deleted
14. If the Proponent receives a written request from the owner of any privately-owned land within 3 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Proponent shall:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
 - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - identify measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.

Property Investigations

15. If any landowner of privately-owned land within 3 kilometres of any approved open cut mining pit on site (including the whole of the Racecourse Road area and the area southwest of Skellatar Stock Route), or on any other land where the Secretary agrees that a property inspection is warranted claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then the Proponent shall within 3 months of receiving this claim:
- (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Secretary.

If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

Operating Conditions

16. During mining operations on site, the Proponent shall:
- (a) implement best blasting practice to:
 - protect the safety of people and livestock in the area surrounding blasting operations;
 - protect public or private infrastructure/property in the area surrounding blasting operations from blasting damage; and
 - minimise the dust and fume emissions from blasting at the Mt Arthur mine complex;
 - (b) ensure that blasting on the site does not damage heritage sites, including Edinglassie, Rous Lench, and Balmoral;
 - (c) co-ordinate the timing of blasting on site with the timing of blasting at the Drayton and Bengalla coal mines to minimise the potential cumulative blasting impacts of the three mines; and

- (d) operate a suitable system to enable the general public and surrounding landowners and tenants to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Secretary.
- 16A. The Proponent shall not undertake blasting on site within 500 metres of any public road or any land outside the site not owned by the Proponent unless the Proponent has:
- demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures; and
 - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or
 - a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Proponent has advised the Department in writing of the terms of this agreement.

Blast Management Plan

17. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:
- describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this approval, including:
 - detailed demonstration that blasting within the blast control area shown in Appendix 5 can be undertaken in a manner that will meet the blast impact assessment criteria in Table 5 at all times; and
 - a detailed blast fume management strategy to minimise and manage blast fumes;
 - include a road closure management plan, prepared in consultation with the applicable roads authority, that includes provisions for:
 - minimising the duration of closures, both on a per event basis and weekly basis;
 - avoiding peak traffic periods as far as practicable; and
 - coordinating with neighbouring mines to minimise the cumulative effect of road closures;
 - include a blast monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of this approval; and
 - include the requirement for Mt Arthur Coal to actively participate in Muswellbrook Council's online blasting portal.

AIR QUALITY

Odour

18. The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.
19. Deleted

Impact Assessment Criteria

20. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land (except for air quality affected land listed in Table 1).

Table 6: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 7: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³

Table 8: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 6-8:

a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);

b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

Air Quality Acquisition Criteria

21. If particulate matter emissions generated by the Mt Arthur mine complex exceed the criteria, or contribute to the exceedances of the relevant cumulative criteria, in Tables 9, 10 and 11 at any residence on privately-owned land then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land in accordance with the procedures in conditions 7-8 of schedule 4.

Table 9: Long term land acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³

Table 10: Short term land acquisition criteria for particulate matter

Pollutant	Averaging period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³

Table 11: Long term land acquisition criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes to Tables 9-11

a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);

b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

If the air quality acquisition criteria in Tables 9, 10 and 11 are being exceeded, and more than one mine is responsible for this non-compliance, then the Proponent shall, together with the relevant mine/s acquire the land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-8 of schedule 4.

If the Proponent cannot agree on the arrangements for the acquisition of the land with the relevant mine/s within 3 months of the written request from the landowner, then the Proponent must refer the matter to the Secretary for resolution.

Additional Air Quality Mitigation Measures

22. Upon receiving a written request from the owner of any residences:

- (a) on the air quality affected land listed in Table 1; and
- (b) on the land listed in Table 12,

the Proponent shall implement reasonable and feasible dust mitigation measures (such as a first-flush roof system, internal or external air filters and/or air conditioning) at the residence in consultation with the owner.

If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Table 12: Land subject to additional air quality mitigation upon request

Receiver No. ¹	Receiver
91 ²	Private landholder
94 ²	Private landholder
187	Private landholder
200	Private landholder
201	Private landholder

Notes:

- 1 To interpret the locations referred to in Table 12, see the applicable figure in Appendix 4.
 2 These receivers shall maintain their rights to mitigation upon request until 31 December 2016, when the EA predicts that the project will comply with the relevant criteria at these properties.

Mine-owned Land

- 22A. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Mt Arthur mine complex do not cause exceedances of the criteria listed in Tables 9, 10 and 11 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
- (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under schedule 4 of this approval;
 - (b) the tenant of any land owned by the Proponent can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice and cause;
 - (c) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the particulate emissions at the residence; and
 - (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property,
- to the satisfaction of the Secretary.

Operating Conditions

23. The Proponent shall:
- (a) implement best practice air quality management, including all reasonable and feasible measures to minimise offsite odour, fume and dust emissions of the Mt Arthur mine complex;
 - (b) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;
 - (c) minimise any visible air pollution generated by the Mt Arthur mine complex;
 - (d) minimise the surface disturbance on the site;
 - (e) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;
 - (f) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d above under Table 8); and
 - (g) co-ordinate air quality management at the Mt Arthur mine complex with air quality management at the Drayton, Mangoola and Bengalla mines to minimise cumulative air quality impacts,
- to the satisfaction of the Secretary.

Air Quality Management Plan

24. The Proponent shall prepare and implement an Air Quality Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
- (a) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;
 - (b) describe the air quality management system;
 - (c) include an air quality monitoring program that:
 - adequately supports the air quality management system;
 - evaluates and reports on the:
 - the effectiveness of the air quality management system;
 - compliance with the air quality criteria;
 - compliance with the air quality operating conditions; and
 - defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.

METEOROLOGICAL MONITORING

25. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
 - (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*, unless a suitable alternative is approved by the Secretary following consultation with the EPA.

SOIL AND WATER**Water Supply**

26. The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.

Note: The Proponent is required to obtain all necessary water licences and approvals for the project under the Water Act 1912 and/or Water Management Act 2000.

Water Pollution

27. Unless an EPL or the EPA authorises otherwise, the Proponent shall comply with Section 120 of the POEO Act and the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

Hunter River and Saddlers Creek Alluvials

28. The Proponent shall not undertake any open cut mining operations within 150 metres of the Hunter River alluvials and Saddlers Creek alluvials that has not been granted approval under previous consents/approvals for Mt Arthur mine complex without the prior written approval of the Secretary. In seeking this approval the Proponent shall demonstrate, to the satisfaction of the Secretary in consultation with NOW, that adequate safeguards have been incorporated into the Surface and Ground Water Response Plan (see condition 34 below) to minimise, prevent or offset groundwater leakage from the alluvial aquifers.

Note: The alluvial aquifers and 150 metre buffers are shown conceptually in Appendix 6.

Site Water Management Plan

29. The Proponent shall prepare and implement a Water Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with NOW and the EPA; and
 - (b) include a:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Program;
 - Groundwater Monitoring Program; and
 - Surface and Ground Water Response Plan.
30. The Site Water Balance must:
- (a) include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site;
 - any off-site water transfers;
 - reporting procedures; and
 - (b) investigate and implement all reasonable and feasible measures to minimise water use by the Mt Arthur mine complex.
31. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom), or its latest version;
 - (b) identify activities that could cause soil erosion, generate sediment or affect flooding;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - (d) describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

32. The Surface Water Monitoring Program must include:
- detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the project;
 - surface water and stream health impact assessment criteria;
 - a program to monitor and assess:
 - surface water flows and quality;
 - impacts on water users;
 - stream health;
 - channel stability,
 in Quarry Creek, Fairford Creek, Whites Creek (and the Whites Creek diversion), Saddlers Creek, Ramrod Creek and other unnamed creeks; and
 - reporting procedures for the results of the monitoring program.
33. The Groundwater Monitoring Program must include:
- detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the project;
 - groundwater impact assessment criteria;
 - a program to monitor:
 - groundwater inflows to the mining operations;
 - impacts on regional aquifers;
 - impacts on the groundwater supply of potentially affected landowners;
 - impacts on the Hunter River and Saddlers Creek alluvial aquifers; and
 - impacts on any groundwater dependent ecosystems and riparian vegetation;
 - procedures for the verification of the groundwater model; and
 - reporting procedures for the results of the monitoring program and model verification.
34. The Surface and Ground Water Response Plan must describe the measures and/or procedures that would be implemented to:
- investigate, notify and mitigate any exceedances of the surface water, stream health and groundwater impact assessment criteria;
 - compensate landowners of privately-owned land whose water supply is adversely affected by the project, including provision of an alternative supply of water to the affected landowner that is equivalent to the loss attributed to the project;
 - minimise, prevent or offset potential groundwater leakage from the Hunter River and Saddlers Creek alluvial aquifers; and
 - mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

Site Contamination

35. The Proponent shall prepare and implement a Remedial Action Plan for the former Bayswater No. 2 infrastructure area to the satisfaction of the Secretary. The Remedial Action Plan shall be prepared by a suitably qualified consultant, in accordance with the *Contaminated Land Management Act 1997* and applicable EPA guidelines, and be submitted to the Secretary for approval prior to undertaking any overburden placement in this area.

BIODIVERSITY

Biodiversity Offsets

36. The Proponent shall implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EA (and shown in Appendix 7), to the satisfaction of the Secretary.

Table 13: Biodiversity Offset Strategy

Area	Offset Type	Minimum Size (hectares)
Mt Arthur Conservation Area	Existing vegetation	105
Saddlers Creek Conservation Area	Existing vegetation and vegetation to be established	131
Thomas Mitchell Drive Off-site Offset Area	Existing vegetation and vegetation to be established	495
Thomas Mitchell Drive On-site Offset Area	Existing vegetation and vegetation to be established	222
Roxburgh Road 'Constable' Offset Area	Existing vegetation and vegetation to be established	110

Additional Off-site Offset Area ¹	Existing vegetation and vegetation to be established	250
Middle Deep Creek Offset Area	Existing vegetation and vegetation to be established	410
Rehabilitation Area ²	Vegetation to be established	2,642
Total³		4,365

¹ Refer to condition 37.

² Refer to the rehabilitation plan in Appendix 7.

³ In accordance with Condition 13 of Schedule 2, the Proponent may manage the 4,365 ha of offsets for the Project, in conjunction with the 449 ha of additional offsets required under the separate Mt Arthur Underground Project.

37. By the end of 31 December 2014, unless otherwise agreed by the Secretary, the Proponent shall revise the offset strategy to identify the Additional Off-site Offset Area presented in Table 13 above. The revised strategy shall be prepared in consultation with OEH, and to the satisfaction of the Secretary.

Note: The 250 hectare size for the Additional Off-site Offset Area identified in Table 13 above is to be taken as a minimum only. The actual size of the offset shall:

- be determined in consultation with OEH, and together with the other offset areas listed in Table 13, shall fully offset the biodiversity impacts of the project; and
- be adjusted to fully offset the biodiversity values that would be lost if any land within the biodiversity offset strategy identified in Table 13 is excised for the provision of public utilities or services, such as the Muswellbrook Sewage Treatment Plant.

38. The Proponent shall ensure that the offset strategy and/or rehabilitation strategy is focused on the re-establishment of:

- (a) significant and/or threatened plant communities, including:
 - Upper Hunter White Box – Ironbark Grassy Woodland;
 - Central Hunter Box – Ironbark Woodland;
 - Central Hunter Ironbark – Spotted Gum - Grey Box Forest;
 - Narrabeen Foothills Slaty Box Woodland;
 - Hunter Floodplain Red Gum Woodland Complex;
 - White Box Yellow Box Blakely's Red Gum Woodland;
 - Hunter Lowlands Red Gum Forest; and
- (b) significant and/or threatened plant species, including:
 - River Red Gum (*Eucalyptus camaldulensis*);
 - Pine Donkey Orchid (*Diuris tricolor*);
 - Tiger Orchid (*Cymbidium canaliculatum*);
 - Weeping Myall (*Acacia pendula*); and
- (c) habitat for significant and/or threatened animal species.

Long Term Security of Offsets

39. The Proponent shall make suitable arrangements to provide appropriate long term security for the:
- (a) biodiversity offset areas by 31 March 2015, unless otherwise agreed with the Secretary; and
 - (b) re-established woodland in the Rehabilitation Area at least 2 years prior to the completion of open cut mining activities associated with the project,
- to the satisfaction of the Secretary and, with respect to the Thomas Mitchell Drive off-site offset area identified in Table 13 above, consult with Council.

Biodiversity Management Plan

40. The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH and Council, and be submitted to the Secretary for approval by the end of March 2015, unless otherwise agreed with the Secretary;
 - (b) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site (see below);
 - (c) include:
 - (i) a description of the short, medium, and long term measures that would be implemented to:
 - implement the offset strategy; and
 - manage the remnant vegetation and habitat on the site and in the offset areas;
 - (ii) detailed performance and completion criteria for the implementation of the offset strategy;
 - (iii) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:

- implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
 - protecting vegetation and soil outside the disturbance areas;
 - rehabilitating creeks and drainage lines that occur on the site, both inside and outside the disturbance areas (such as the White's Creek Diversion), to ensure no net loss of aquatic habitat;
 - managing salinity;
 - conserving and reusing topsoil;
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;
 - landscaping the site and along public roads (including Thomas Mitchell Drive, Denman Road, Edderton Road and Roxburgh Road) to minimise visual and lighting impacts;
 - collecting and propagating seed;
 - salvaging and reusing material from the site for habitat enhancement;
 - salvaging, transplanting and/or propagating threatened flora and native grassland, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004);
 - controlling weeds and feral pests;
 - managing grazing and agriculture;
 - controlling access; and
 - bushfire management;
- (iv) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
- (v) a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- (vi) details of who would be responsible for monitoring, reviewing, and implementing the plan.

Conservation Bond

41. Within 6 months of the approval of the Biodiversity Management Plan, the Proponent shall lodge a conservation and biodiversity bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:
- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
 - (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.

If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.

Notes:

- *Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with OEH) can be used to reduce the liability of the conservation and biodiversity bond.*
- *The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.*

REHABILITATION

Rehabilitation Objectives

- 41A. The Proponent shall rehabilitate the site to the satisfaction of the DRE. The rehabilitation must comply with the objectives in Table 14, and be consistent with the rehabilitation plan shown in Appendix 7 and the final landform plan shown in Appendix 8.

Table 14: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	<ul style="list-style-type: none"> Safe, stable and non-polluting Final landforms designed to incorporate natural micro-relief and natural drainage lines to integrate with surrounding landforms
Final voids	<ul style="list-style-type: none"> Designed as long term groundwater sinks and to maximise groundwater flows across back-filled pits to the final void Minimise to the greatest extent practicable: <ul style="list-style-type: none"> the size and depth of final voids the drainage catchment of final voids any high wall instability risk risk of flood interaction.
Agricultural land	<ul style="list-style-type: none"> Rehabilitate at least 33 hectares of Class II agricultural capability land in the area identified in the rehabilitation plan (see Appendix 7) Rehabilitate other areas identified for agricultural use in the rehabilitation plan to sufficient agricultural capability to support grazing
Revegetation areas	<ul style="list-style-type: none"> Restore at least 2,642 hectares of self-sustaining woodland ecosystems in accordance with the rehabilitation plan, including at least 500 hectares of White Box Yellow Box Blakely's Red Gum Woodland.
Creek diversions and realignments	<ul style="list-style-type: none"> Flows to mimic pre-development flows for all flood events up to and including the 1 in 100 year ARI Incorporate erosion control measures based on vegetation and engineering revetments Incorporate structures for aquatic habitat Revegetate with suitable native species
Surface infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless DRE agrees otherwise.
Community	<ul style="list-style-type: none"> Ensure public safety Minimise the adverse socio-economic effects associated with mine closure.

Note: The rehabilitation plan for the site is shown in Appendix 7.

Rehabilitation Strategy

42. The Proponent shall prepare a revised Rehabilitation Strategy for the Mt Arthur mine complex to the satisfaction of the Secretary. This strategy must:
- be prepared in consultation with the DRE and Council, and be submitted to the Secretary for approval by the end of September 2015, unless otherwise agreed with the Secretary;
 - investigate options for:
 - increasing the area to be rehabilitated to woodland on the site;
 - reducing the size of final voids on site; and
 - beneficial future land use of disturbed areas, including voids;
 - describe and justify the proposed rehabilitation plan for the site, including the final landform and land use; and
 - include detailed rehabilitation objectives for the site that comply with and build on the objectives in Table 14.

Note: The strategy should build on the rehabilitation plan in Appendix 7.

Progressive Rehabilitation

43. The Proponent shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following disturbance (particularly on the face of emplacements that are visible off-site). Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.

Rehabilitation Management Plan

44. The Proponent shall prepare and implement a Rehabilitation Management Plan for the Mt Arthur mine complex to the satisfaction of the DRE. This plan must:
- submitted to DRE for approval by 30 September 2015;
 - be prepared in consultation with the Department, NOW, OEH and Council;
 - be prepared in accordance with relevant DRE guidelines;

- (d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;
- (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
- (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, and address all aspects of rehabilitation including mine closure, final landform including final voids, and final land use;
- (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
- (h) include a research program that seeks to improve the understanding and application of rehabilitation techniques and methods in the Hunter Valley;
- (i) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and
- (j) build to the maximum extent practicable on other management plans required under this approval.

HERITAGE

Aboriginal Heritage Management Plan

45. The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH, the Aboriginal community, Council and relevant landowners;
 - (b) include the following for the management of Aboriginal heritage on-site:
 - a plan of management for the Thomas Mitchell Drive Offsite Offset Area (identified in Condition 36); and
 - a program/procedures for:
 - salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area;
 - protection and monitoring of Aboriginal sites outside the project disturbance area, including the scarred trees and axe grinding grooves identified on the site;
 - managing the discovery of any new Aboriginal objects or skeletal remains during the project;
 - maintaining and managing access to archaeological sites by the Aboriginal community;
 - ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site; and
 - management of the "Fairford 1" site in situ, including reasonable and feasible measures to mitigate impacts on this site, until an agreement can be reached with relevant Aboriginal stakeholders and OEH, for its salvage and relocation.

Historic Heritage Management Plan

- 45A. The Proponent shall prepare and implement a Historic Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Heritage Branch, Council, local historical organisations and relevant landowners;
 - (b) include the following for the management of other historic heritage on site:
 - conservation management plans for the Edinglassie and Rous Lench homesteads;
 - a detailed plan for the relocation of the Beer Homestead, including provision for a landscape study to determine the most appropriate location and an architectural report to determine the most sympathetic method for relocation; and
 - a program/procedures for:
 - photographic and archival recording of potentially affected heritage items;
 - protection and monitoring of heritage items outside the project disturbance area;
 - monitoring, notifying and managing the effects of blasting on potentially affected heritage items; and
 - additional archaeological excavation and/or recording of any significant heritage items requiring demolition.

TRANSPORT

Monitoring of Coal Transport

46. The Proponent shall keep records of the:
- (a) amount of coal transported from the site in each financial year;
 - (b) number of coal haulage train movements generated by the Mt Arthur mine complex (on a daily basis); and
 - (c) make these records available on its website at the end of each financial year.

Road Upgrades and Maintenance**47. The Proponent shall:**

- (a) contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, *"Thomas Mitchell Drive Contributions Study, June 2014"* (or its latest version), unless otherwise agreed by the Secretary;
- (b) upgrade the Thomas Mitchell Drive/New England Highway intersection to the satisfaction of the applicable roads authority, by the end of June 2011 unless otherwise agreed by the roads authority;
- (c) upgrade the Thomas Mitchell Drive/Denman Road intersection to the satisfaction of the applicable roads authority, by the end of December 2017, unless otherwise agreed by the Secretary;
- (d) realign Edderton Road and its intersection with Denman Road prior to mining within 200 metres of the road, to the satisfaction of Council and the RMS;
- (e) upgrade the intersection of Edderton Road and the secondary site access road to the satisfaction of Council prior to using this road for deliveries to the relocated explosives facility; and
- (f) maintain reasonable access to the summit of Mt Arthur for emergency services and legitimate users on a 24 hour per day basis, except for temporary closures as required for blasting.

The road or intersection upgrades referred to in this condition may be satisfied through funding the required upgrades, subject to the agreement of the applicable roads authority, and subject to providing the funding such that the upgrades can be completed within the stated timeframe.

For Thomas Mitchell Drive, the contributions must:

- (a) be paid to Council within three months of the GHD contributions study being issued by the Department for the upgrade works; and
- (b) be paid to Council in accordance with the maintenance schedule established in accordance with the Contributions Study during the life of the project, unless otherwise agreed with Council.

If there is any dispute between the Proponent and Council or the RMS in relation to the funding or completion of the upgrades, then any of the parties may refer the matter to the Secretary for resolution.

Note:

- In making a determination about the applicable upgrade and maintenance contributions for Thomas Mitchell Drive, the Secretary shall take into account the contributions already paid and currently required to be paid towards the upgrade and maintenance of the local road network surrounding Muswellbrook under this approval and the planning agreement executed on 24 June 2011, and summarised in Appendix 9.
- For clarity it is noted that while the Proponent is required to upgrade the Thomas Mitchell Drive/Denman Road intersection in accordance with Condition 47 (c), it may receive contributions from other mining companies toward the cost of accelerating this upgrade, in proportion to the respective impacts of these other mine/s on this intersection, as identified in the Contributions Study prepared by GHD titled *"Thomas Mitchell Drive Contributions Study, June 2014"* (or its latest version), unless otherwise agreed with the Secretary.

Railway Crossing

48. The Proponent shall implement all reasonable and feasible measures to minimise blocking the railway crossing on Antiene Railway Station Road, to the satisfaction of the Secretary.

Rail Loop Duplication

- 48A. The Proponent shall ensure that the rail loop duplication is undertaken in consultation with the ARTC and relevant infrastructure/land owners (including Council), and constructed to meet relevant standards and network interface requirements, to the satisfaction of ARTC.
- 48B. The Proponent shall prepare and implement a Construction Management Plan for the rail loop duplication and associated bridge widening to the satisfaction of the Secretary. This plan must be prepared in consultation with Council and ARTC, and must be submitted to the Secretary for approval prior to the commencement of construction activities for the rail duplication and associated bridge. The plan must describe how public safety and access to Thomas Mitchell Drive would be maintained during the construction period.

VISUAL**Mining Operations Additional Visual Impact Mitigation**

49. By the end of December 2014, the Proponent shall revise the *Visual Impacts Management Report* prepared by AECOM in May 2011, to the satisfaction of the Secretary. The revised report must:
- (a) identify the privately-owned land that is likely to experience significant visual impacts during the project; and

- (b) describe (in general terms) the additional mitigation measures that could be implemented to reduce the visibility of the mine from these properties.

Notes:

- *The additional visual impact mitigation measures should be aimed at reducing the visibility of the mine from significantly affected residences or areas on privately-owned land subject to tourist and/or general public access or areas on the Woodlands thoroughbred horse stud with views of the project, and do not necessarily require measures to reduce visibility of the mine from other locations on affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).*
- *Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 5 kilometres from the mining operations.*

50. Within 3 months of the Secretary approving this report, the Proponent shall advise all owners of privately-owned land identified in the report that they are entitled to additional mitigation measures to reduce the visibility of the mine from their properties.
51. Upon receiving a written request from an owner of privately-owned land identified in this report, or upon receiving a direction from the Secretary regarding any other privately-owned land, the Proponent shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) in consultation with the landowner, and to the satisfaction of the Secretary.

These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.

If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Visual Amenity and Lighting

52. The Proponent shall:
- (a) implement all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project;
 - (b) ensure no outdoor lights shine above the horizontal; and
 - (c) ensure that all external lighting associated with the project complies with relevant Australian Standards, including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Secretary.

WASTE

53. The Proponent shall:
- (a) minimise and monitor the waste generated by the project;
 - (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of;
 - (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and
 - (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.

BUSHFIRE MANAGEMENT

54. The Proponent shall:
- (a) ensure that the project is suitably equipped to respond to any fires on site; and
 - (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.
-

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. By the end of September 2014, the Proponent shall ensure that the owners of the land listed in:
 - (a) Table 1 of schedule 3 have been notified in writing that they have the right to require the Proponent to acquire their land at any stage during the project;
 - (b) Table 1 (noise affected land) and Table 4 of schedule 3 have been notified in writing that they are entitled to ask the Proponent to install additional noise mitigation measures at their residence at any stage during the project; and
 - (c) Table 1 (air quality affected land) and Table 12 of schedule 3 have been notified in writing that they are entitled to ask the Proponent to install additional air quality mitigation measures at their residence at any stage during the project.
2. If the results of the monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results notify the Secretary, the affected landowners and tenants (including tenants of mine-owned properties) accordingly, and provide regular monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.
3. The Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to all landowners and/or existing or future tenants (including tenants of mine owned properties) of properties where:
 - (a) the predictions in the EA identify that the dust emissions generated by the project are likely to be greater than the air quality land acquisition criteria in schedule 3; and
 - (b) monitoring results identify that the mine is exceeding the air quality land acquisition criteria in schedule 3, with such notice to be provided within 2 weeks of identifying the exceedance.
- 3A. The Proponent shall ensure that any receiver identified in condition 1 of schedule 4 is notified in writing of any change in the status of their acquisition or mitigation rights, at least 12 months prior to this change occurring, to the satisfaction of the Secretary.

INDEPENDENT REVIEW

4. If a landowner of privately-owned land considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.

If the Secretary is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Secretary's decision:
 - (a) Commission and fund a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - if the project is not complying with these criteria then:
 - determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land;
 - identify the measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Secretary and landowner a copy of the independent review.
5. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.

If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
 - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or
 - (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the measures referred to in (a) do not achieve compliance with the air quality acquisition criteria in schedule 3, and the Proponent cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the

Proponent shall acquire all or part of the landowner's land in accordance with the procedures in conditions 7-8 below.

6. If the independent review determines that the relevant impact assessment criteria in schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall, together with the relevant mine/s:
- implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
 - secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant impact assessment criteria in schedule 3, to the satisfaction of the Secretary.

If the measures referred to in (a) do not achieve compliance with the air quality acquisition criteria in schedule 3, and the Proponent together with the relevant mine/s cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7-8 below.

LAND ACQUISITION

7. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:
- the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 7 of schedule 3, or 'additional air quality mitigation measures' in condition 22 of schedule 3;
 - the reasonable costs associated with:
 - relocating within the Muswellbrook, Singleton or Scone local government area, or to any other local government area determined by the Secretary; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, and the detailed report of the party that disputes the independent valuer's determination. Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Secretary determines otherwise.

8. The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 7 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.
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SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:
 - (a) provide the strategic framework for environmental management of the project;
 - (b) identify the statutory approvals that apply to the project;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (e) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring to be carried out in relation to the project.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see c above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Annual Review

3. By the end of June each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:
 - (a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;
 - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

4. Within 3 months of:
- (a) the submission of an annual review under condition 3 above;
 - (b) the submission of an incident report under condition 7 below;
 - (c) the submission of an audit under condition 9 below; or
 - (d) any modification to the conditions of this approval,
- the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within four weeks of the review the revised document must be submitted to the Secretary for approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

Community Consultative Committee

5. The Proponent shall establish and operate a CCC for the project to the satisfaction of the Secretary. This CCC must be established by the end of March 2011 and be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
- *In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, affected councils and the general community.*

Management of Cumulative Impacts

6. In conjunction with the owners of the nearby Drayton and Bengalla mines, the Proponent shall use its best endeavours to minimise the cumulative impacts of the project on the surrounding area to the satisfaction of the Secretary.

Note: Nothing in this approval is to be construed as requiring the Proponent to act in a manner which is contrary to the Trade Practices Act 1974.

REPORTING**Incident Reporting**

7. The Proponent shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

9. By the end of June 2014, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

Notes:

- *This audit team must be led by a suitably qualified auditor and include experts in surface water, groundwater and any other fields specified by the Secretary.*
- *The audits should be coordinated with similar auditing requirements for the Mt Arthur Underground Project.*

10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

11. From the end of December 2010, the Proponent shall:
- (a) make the following information publicly available on its website:
 - a copy of all current statutory approvals for the project;
 - a copy of the current environmental management strategy and associated plans and programs;
 - a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - a complaints register, which is to be updated on a monthly basis;
 - a copy of the minutes of CCC meetings;
 - a copy of any Annual Reviews (over the last 5 years);
 - a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Secretary; and
 - (b) keep this information up to date, to the satisfaction of the Secretary.
-

APPENDIX 1 SCHEDULE OF LAND

MT ARTHUR COAL OPEN CUT MODIFICATION ATTACHMENT A TO REQUEST TO MODIFY A MAJOR PROJECT FORM

Property Ownership within EA Boundary		
Ownership	Lot	DP
Anglo Coal (Drayton Management) Pty Limited	321	625513
Anglo Coal (Drayton Management) Pty Limited	3	701496
Anglo Coal (Drayton Management) Pty Limited	4	701496
Anglo Coal (Drayton Management) Pty Limited	6	701496
Anglo Coal (Drayton Management) Pty Limited	8	843635
Anglo Coal (Drayton Management) Pty Limited	64	850818
Anglo Coal (Drayton Management) Pty Limited	65	850818
Anglo Coal (Drayton Management) Pty Limited	1	1004725
Anglo Coal (Drayton Management) Pty Limited	22	1018587
Anglo Coal (Drayton Management) Pty Limited	180	812852
Crown	2	48776
Crown	3	48776
Crown	4	48776
Crown	5	48776
Crown	6	48776
Crown	7	48776
Crown	8	48776
Crown	7003	93323
Crown	11	632691
Crown	160	722249
Crown	1	752486
Crown	85	752500
Crown	10	793428
Crown	1	532672
Crown	108	43392
Crown	1	47302
Freehold (Private Landholding)	4	6090
Freehold (Private Landholding)	1	34397
Freehold (Private Landholding)	2	34397
Freehold (Energy Australia)	1	223018
Freehold (Muswellbrook Council)	112	633293
Freehold (Private Landholding)	1	752441
Freehold (Private Landholding)	97	752441
Freehold (Private Landholding)	98	752441
Freehold (Private Landholding)	102	752441
Freehold (Private Landholding)	1	956112
Freehold (Private Landholding)	68	752500
Freehold (Private Landholding)	69	752500
Freehold (Private Landholding)	70	752500
Freehold (Private Landholding)	71	752500
Hunter Valley Energy Coal Limited	5	726248
Hunter Valley Energy Coal Limited	111	633293
Hunter Valley Energy Coal Limited	1	1090735
Hunter Valley Energy Coal Limited	2	1090735
Hunter Valley Energy Coal Limited	3	1090735
Hunter Valley Energy Coal Limited	4	1090735
Hunter Valley Energy Coal Limited	5	1090735
Hunter Valley Energy Coal Limited	6	1090735
Hunter Valley Energy Coal Limited	8	26211
Hunter Valley Energy Coal Limited	9	26211
Hunter Valley Energy Coal Limited	10	26211
Hunter Valley Energy Coal Limited	1	27346

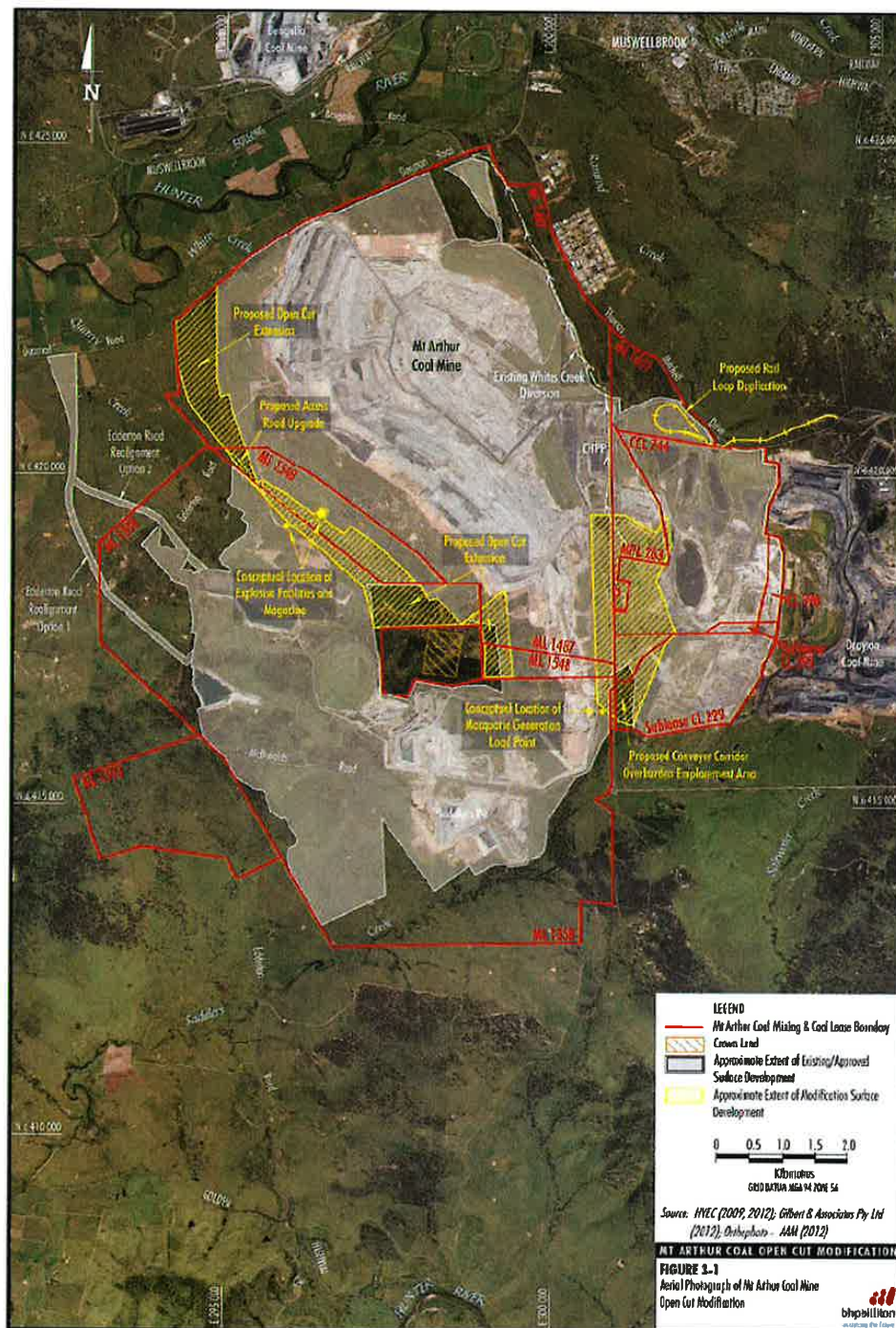
NSW Government
Department of Planning and Environment

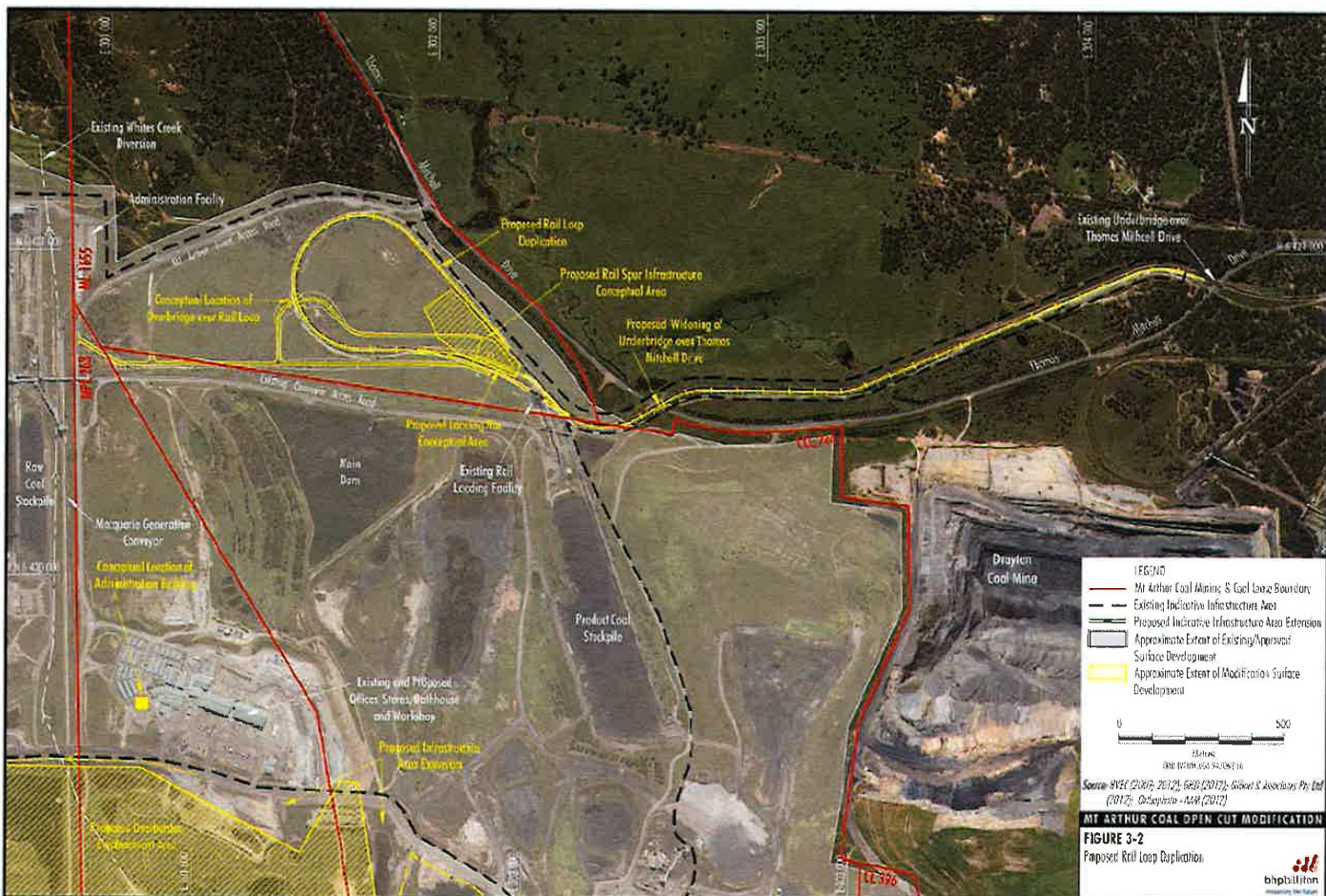
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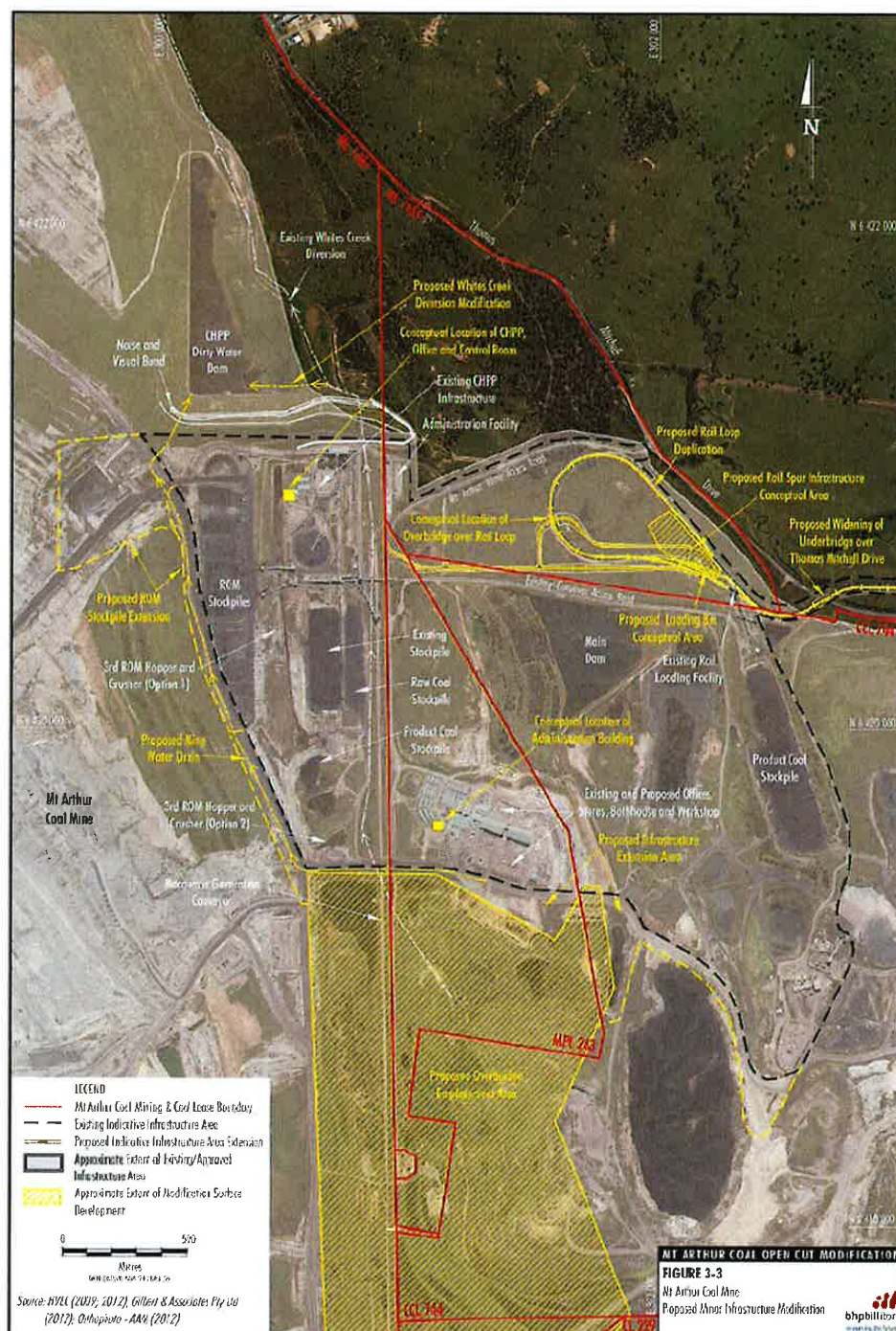
Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	2	27346
Hunter Valley Energy Coal Limited	3	27346
Hunter Valley Energy Coal Limited	4	27346
Hunter Valley Energy Coal Limited	5	27346
Hunter Valley Energy Coal Limited	6	27346
Hunter Valley Energy Coal Limited	7	27346
Hunter Valley Energy Coal Limited	8	27346
Hunter Valley Energy Coal Limited	11	27346
Hunter Valley Energy Coal Limited	12	27346
Hunter Valley Energy Coal Limited	13	27346
Hunter Valley Energy Coal Limited	14	27346
Hunter Valley Energy Coal Limited	15	27346
Hunter Valley Energy Coal Limited	16	27346
Hunter Valley Energy Coal Limited	1	29950
Hunter Valley Energy Coal Limited	2	29950
Hunter Valley Energy Coal Limited	3	29950
Hunter Valley Energy Coal Limited	4	29950
Hunter Valley Energy Coal Limited	5	29950
Hunter Valley Energy Coal Limited	6	29950
Hunter Valley Energy Coal Limited	7	29950
Hunter Valley Energy Coal Limited	8	29950
Hunter Valley Energy Coal Limited	9	29950
Hunter Valley Energy Coal Limited	10	29950
Hunter Valley Energy Coal Limited	11	29950
Hunter Valley Energy Coal Limited	12	29950
Hunter Valley Energy Coal Limited	1	101142
Hunter Valley Energy Coal Limited	1	113689
Hunter Valley Energy Coal Limited	1	133634
Hunter Valley Energy Coal Limited	2	133634
Hunter Valley Energy Coal Limited	1	204369
Hunter Valley Energy Coal Limited	4	204369
Hunter Valley Energy Coal Limited	13	228159
Hunter Valley Energy Coal Limited	115	246348
Hunter Valley Energy Coal Limited	111	246348
Hunter Valley Energy Coal Limited	112	246348
Hunter Valley Energy Coal Limited	113	246348
Hunter Valley Energy Coal Limited	114	246348
Hunter Valley Energy Coal Limited	4	247064
Hunter Valley Energy Coal Limited	1	249536
Hunter Valley Energy Coal Limited	2	249536
Hunter Valley Energy Coal Limited	3	249536
Hunter Valley Energy Coal Limited	4	249536
Hunter Valley Energy Coal Limited	5	249536
Hunter Valley Energy Coal Limited	6	249536
Hunter Valley Energy Coal Limited	1	308136
Hunter Valley Energy Coal Limited	1	372862
Hunter Valley Energy Coal Limited	1	385720
Hunter Valley Energy Coal Limited	2	385720
Hunter Valley Energy Coal Limited	2	387021
Hunter Valley Energy Coal Limited	3	387021
Hunter Valley Energy Coal Limited	4	390143
Hunter Valley Energy Coal Limited	1	403081
Hunter Valley Energy Coal Limited	A	407349
Hunter Valley Energy Coal Limited	C	407349

Property Ownership within EA Boundary		
Ownership	Lot	DP
Hunter Valley Energy Coal Limited	1	503827
Hunter Valley Energy Coal Limited	111	514759
Hunter Valley Energy Coal Limited	112	514759
Hunter Valley Energy Coal Limited	1	515936
Hunter Valley Energy Coal Limited	2	515936
Hunter Valley Energy Coal Limited	11	526344
Hunter Valley Energy Coal Limited	20	550431
Hunter Valley Energy Coal Limited	1	573259
Hunter Valley Energy Coal Limited	2	573259
Hunter Valley Energy Coal Limited	121	575515
Hunter Valley Energy Coal Limited	122	575515
Hunter Valley Energy Coal Limited	123	575515
Hunter Valley Energy Coal Limited	124	575515
Hunter Valley Energy Coal Limited	2	601359
Hunter Valley Energy Coal Limited	10	632691
Hunter Valley Energy Coal Limited	9	655749
Hunter Valley Energy Coal Limited	159	722249
Hunter Valley Energy Coal Limited	110	727767
Hunter Valley Energy Coal Limited	63	752449
Hunter Valley Energy Coal Limited	49	752500
Hunter Valley Energy Coal Limited	83	752500
Hunter Valley Energy Coal Limited	154	752500
Hunter Valley Energy Coal Limited	166	752503
Hunter Valley Energy Coal Limited	30	787702
Hunter Valley Energy Coal Limited	604	802124
Hunter Valley Energy Coal Limited	605	802124
Hunter Valley Energy Coal Limited	607	802124
Hunter Valley Energy Coal Limited	1	806149
Hunter Valley Energy Coal Limited	2	806149
Hunter Valley Energy Coal Limited	201	842045
Hunter Valley Energy Coal Limited	1	843634
Hunter Valley Energy Coal Limited	2	843634
Hunter Valley Energy Coal Limited	3	843634
Hunter Valley Energy Coal Limited	4	843634
Hunter Valley Energy Coal Limited	6	843635
Hunter Valley Energy Coal Limited	7	843635
Hunter Valley Energy Coal Limited	9	843635
Hunter Valley Energy Coal Limited	66	850818
Hunter Valley Energy Coal Limited	21	1018587
Hunter Valley Energy Coal Limited	113	1078759
Hunter Valley Energy Coal Limited	115	1078759
Macquarie Generation	1	790994
Macquarie Generation	181	812852
Macquarie Generation	46	241179
Macquarie Generation	45	241179
Macquarie Generation	44	241179
Macquarie Generation	1	556370
Macquarie Generation	1	238862
Macquarie Generation	PT5	752486
Macquarie Generation	PT2	752486
Macquarie Generation	22	241179

APPENDIX 2 PROJECT LAYOUT PLANS







APPENDIX 3 PREVIOUS EAs

Mt Arthur North Mine

Development Application 144-05-2000 and Environmental Impact Statement titled *The Mt Arthur North Coal Project*, dated April 2000, and prepared by URS Australia, as amended by the following:

- Submissions to the Commission of Inquiry; and
- the 2002 modification application, including the plans titled *Mount Arthur North Industrial Area Facilities – General Arrangement*, prepared by Sinclair Knight Merz, dated 26 November 2002.

South Pit Extension Project

Project Application 06_0108 and Environmental Assessment titled *Proposed South Pit Extension Project*, dated July 2007, including the response to submissions dated November 2007.

Bayswater No.3 Mine

Development Application 210/93 and Environmental Impact Statement dated November 1993, and prepared by Resource Planning Pty Ltd, as amended by the following:

- Submissions to the Commission of Inquiry;
- the modification application and accompanying Statement of Environmental Effects, dated September 1999; and
- the modification application and accompanying Statement of Environmental Effects, dated 1 March 2001.

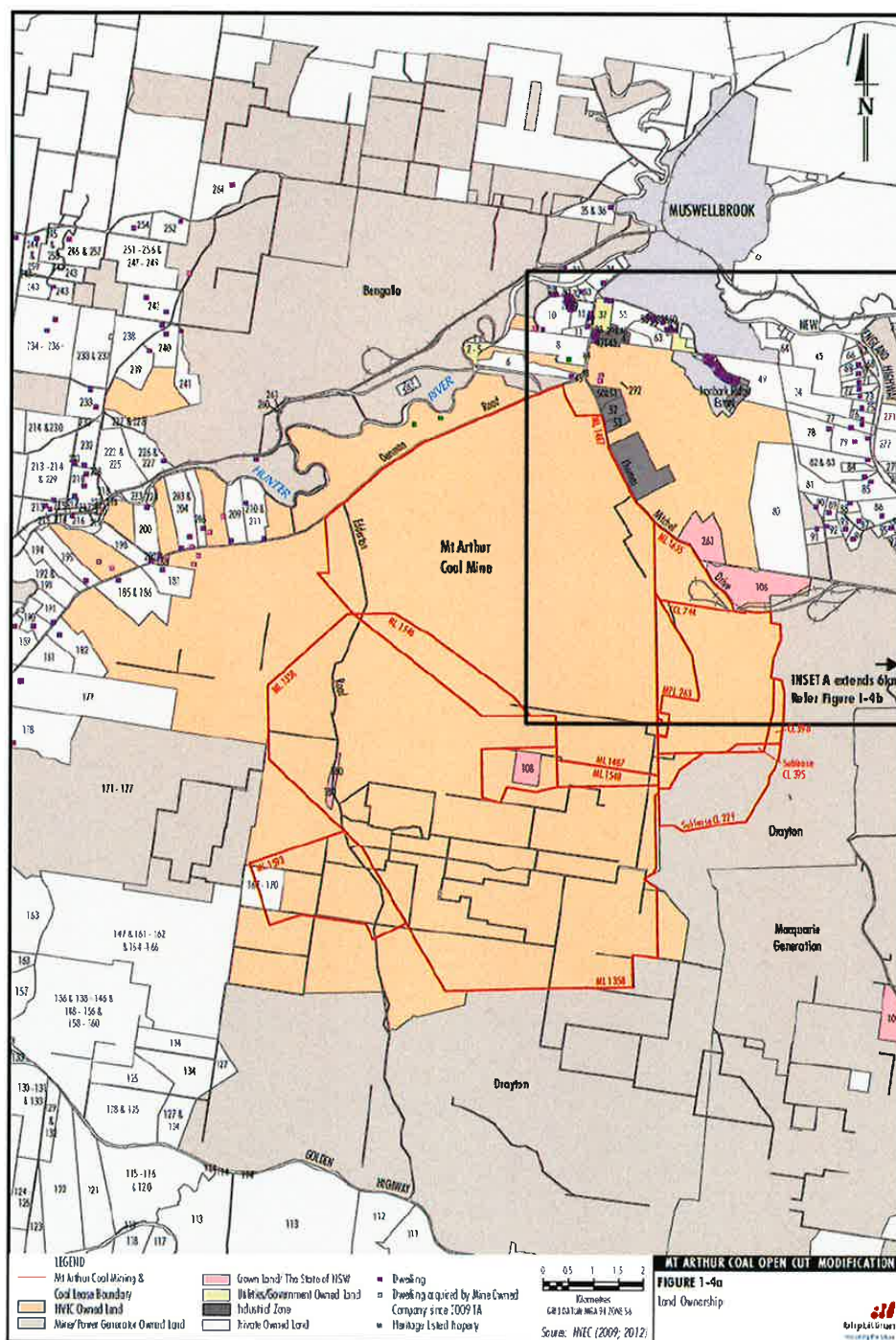
Bayswater Rail Loading Facility and Rail Loop

Development Application 105-04-00 and Environmental Impact Statement dated March 2000, and prepared by Umwelt (Australia) Pty Ltd.

Bayswater Coal Preparation Plant

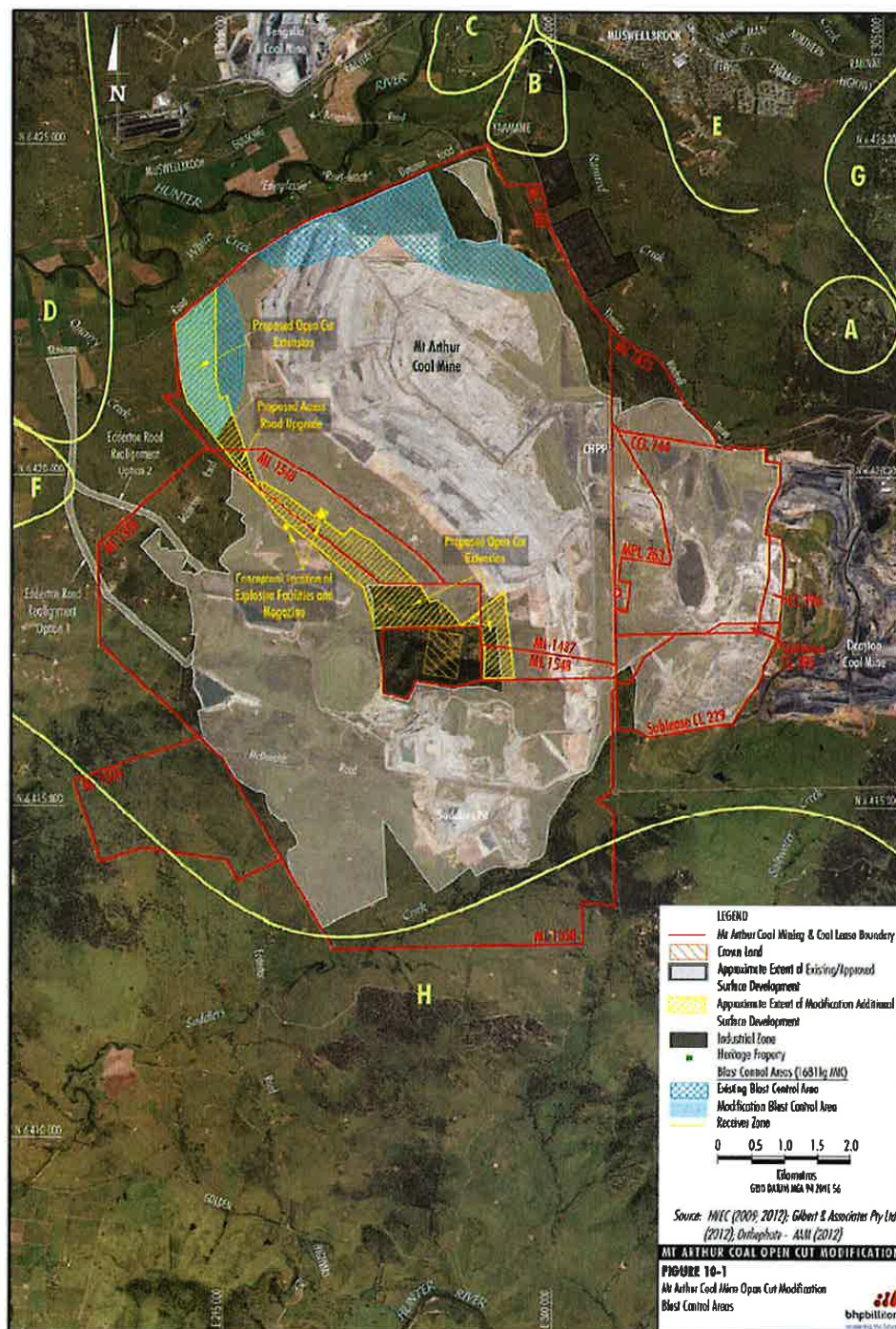
Development Application 24/97 and Environmental Impact Statement dated April 1997, and prepared by Umwelt (Australia) Pty Ltd.

APPENDIX 4 RECEIVER LOCATION PLANS

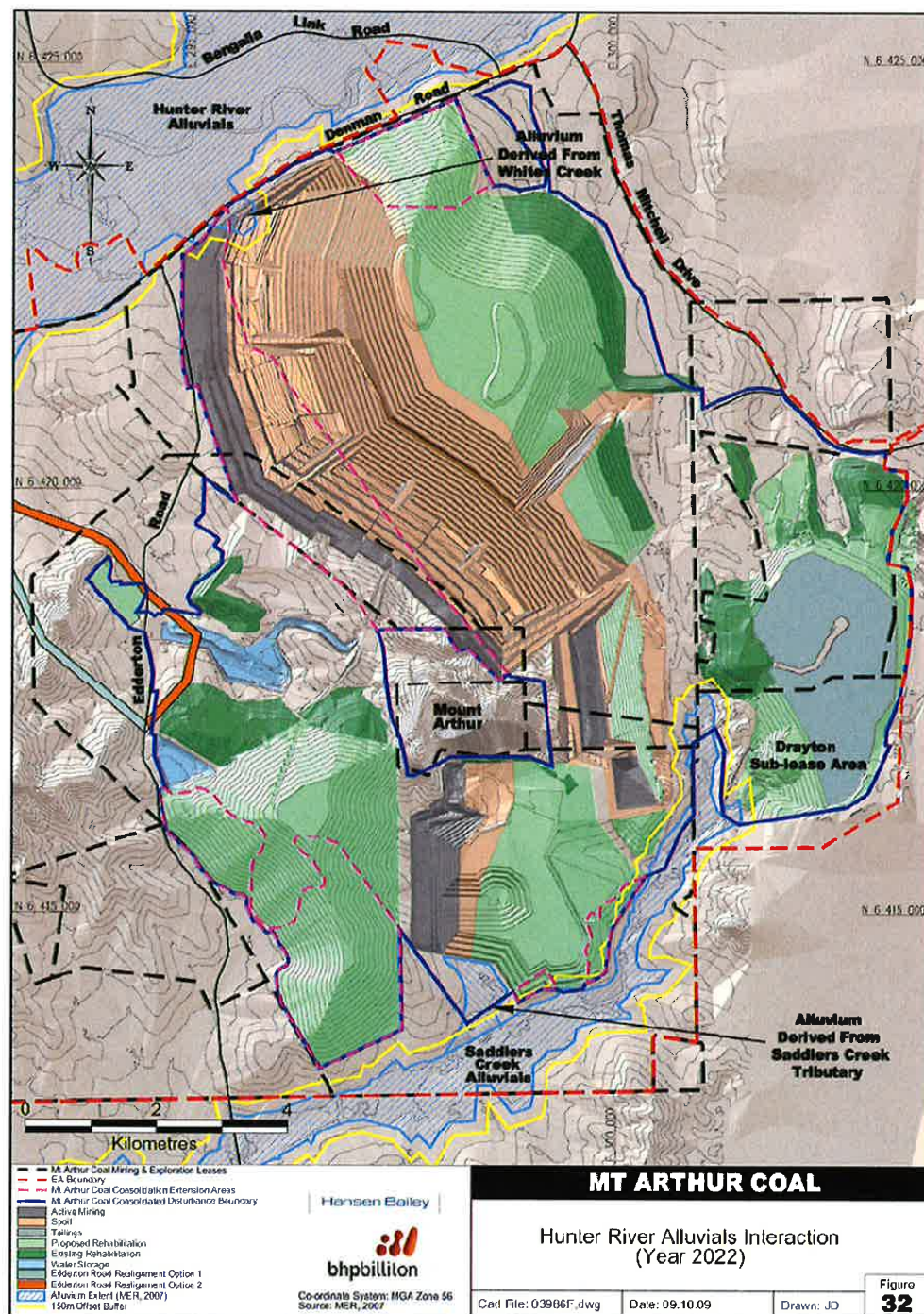




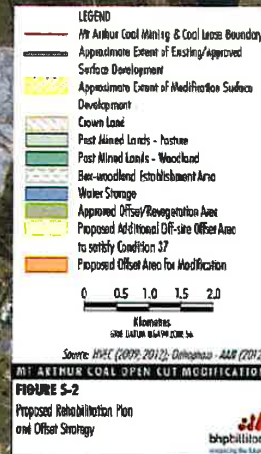
APPENDIX 5 BLAST CONTROL AREA

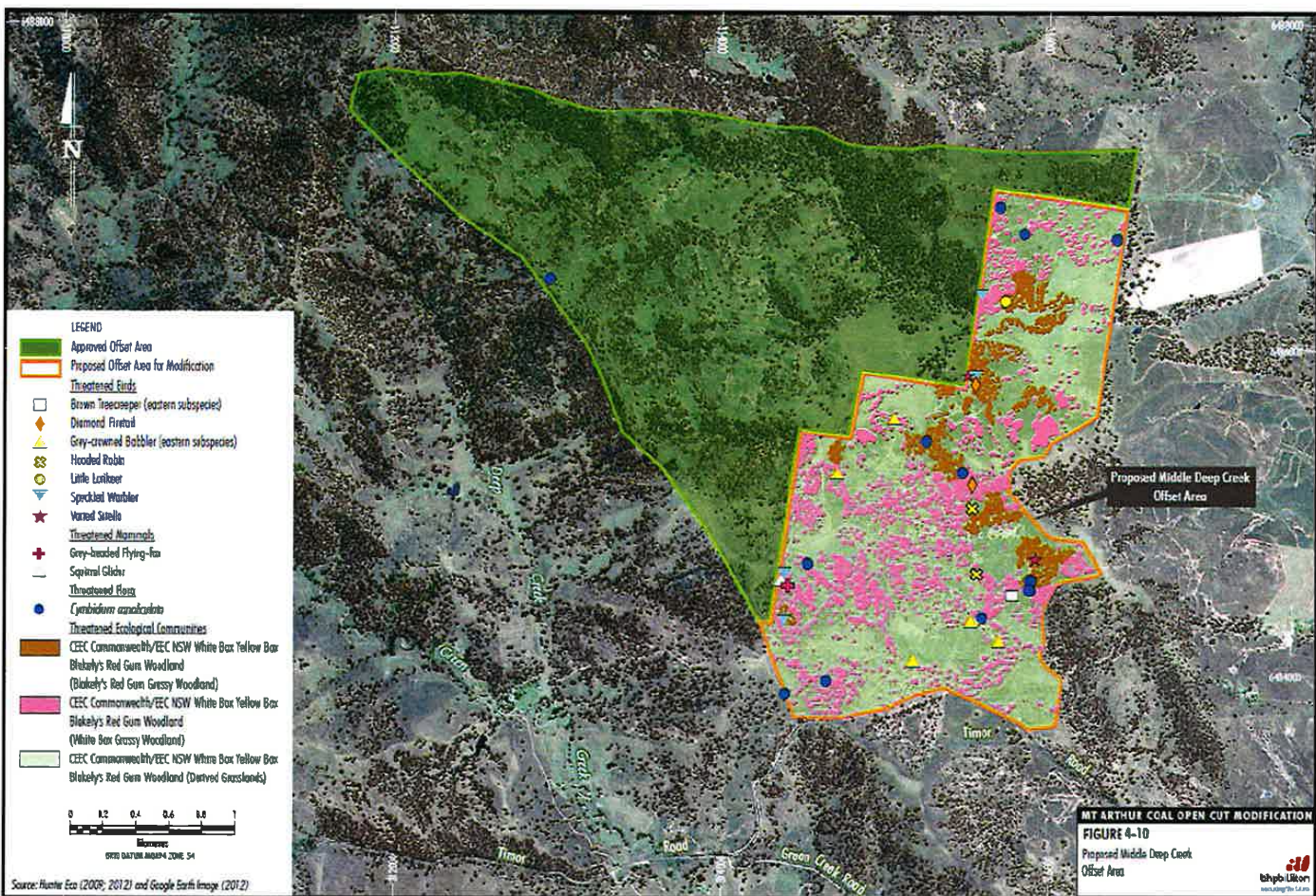


APPENDIX 6 HUNTER RIVER AND SADDLERS CREEK ALLUVIALS

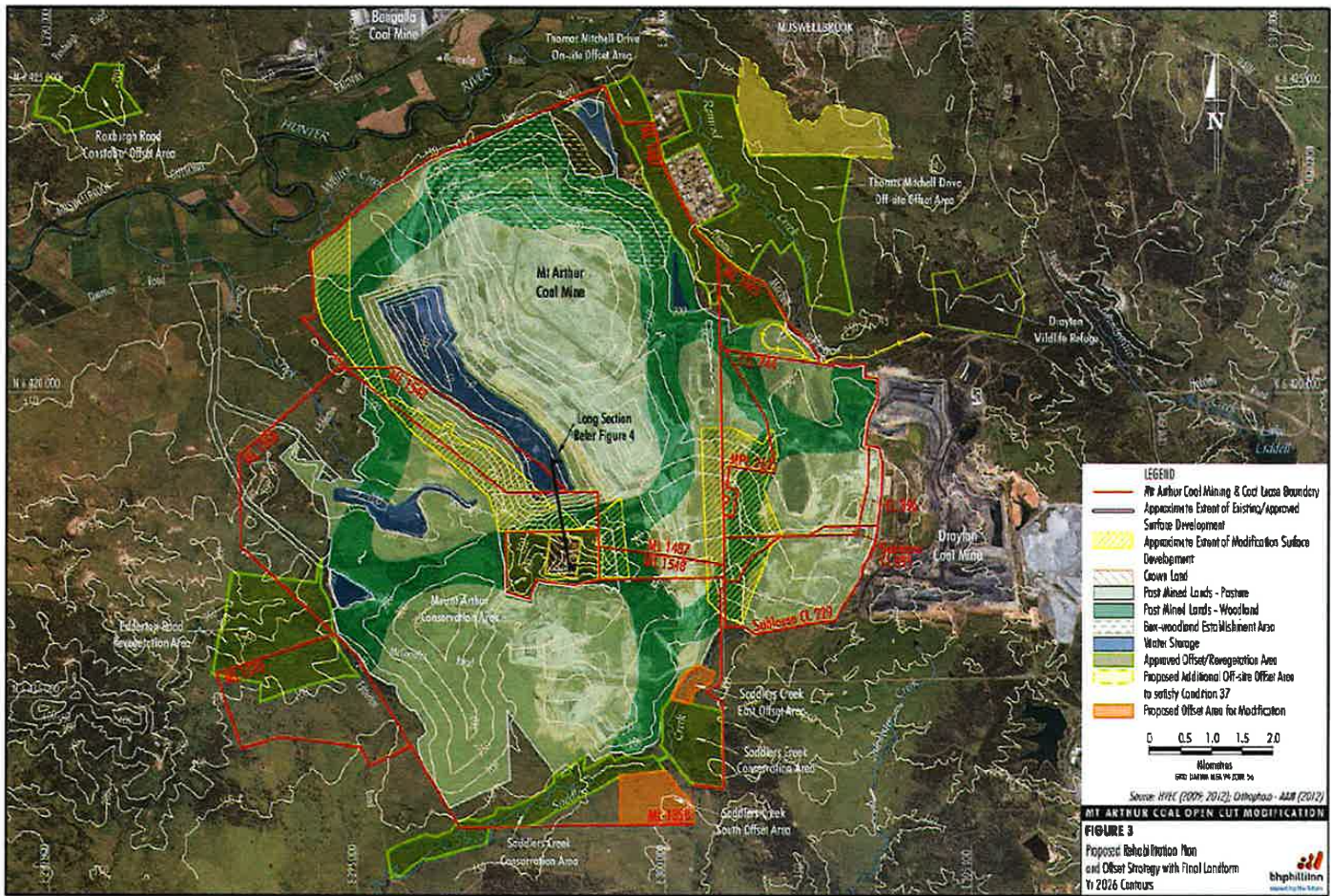


APPENDIX 7





APPENDIX 8
FINAL LANDFORM PLAN



NSW Government
Department of Planning and Environment

**APPENDIX 9
GENERAL TERMS OF THE PLANNING AGREEMENT**

Funding Area	Proponent Contribution	Notes / Funding Time Frame
Thomas Mitchell Drive Upgrade	\$3,000,000, plus \$4,060,000 capital	The total contribution of \$7,060,000 will be payable in yearly instalments to match execution of the works. The \$4,060,000 capital will be repayable to the Proponent by Council from contributions from other projects/developments, in accordance with the terms of the planning agreement.
Thomas Mitchell Drive Maintenance	\$120,000 per annum (max.)	Contributions to start at year 2 of the completion of the Thomas Mitchell Drive upgrade works (contributions to be staged if the upgrade works are staged).
Mt Arthur Coal Community Fund	\$500,000 per annum	Contributions to start on commencement of construction.
Council Environmental Assessment	\$20,000 per annum	Contributions to start on commencement of construction.

APPENDIX 10 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 2 of Schedule 3 are to apply under all meteorological conditions except the following:
 - (a) during periods of rain or hail;
 - (b) average wind speed at microphone height exceeds 5 m/s;
 - (c) wind speeds greater than 3 m/s measured at 10 m above ground level; or
 - (d) temperature inversion conditions greater than 3°C/100 m, or alternatively stability class F and G.

Determination of Meteorological Conditions

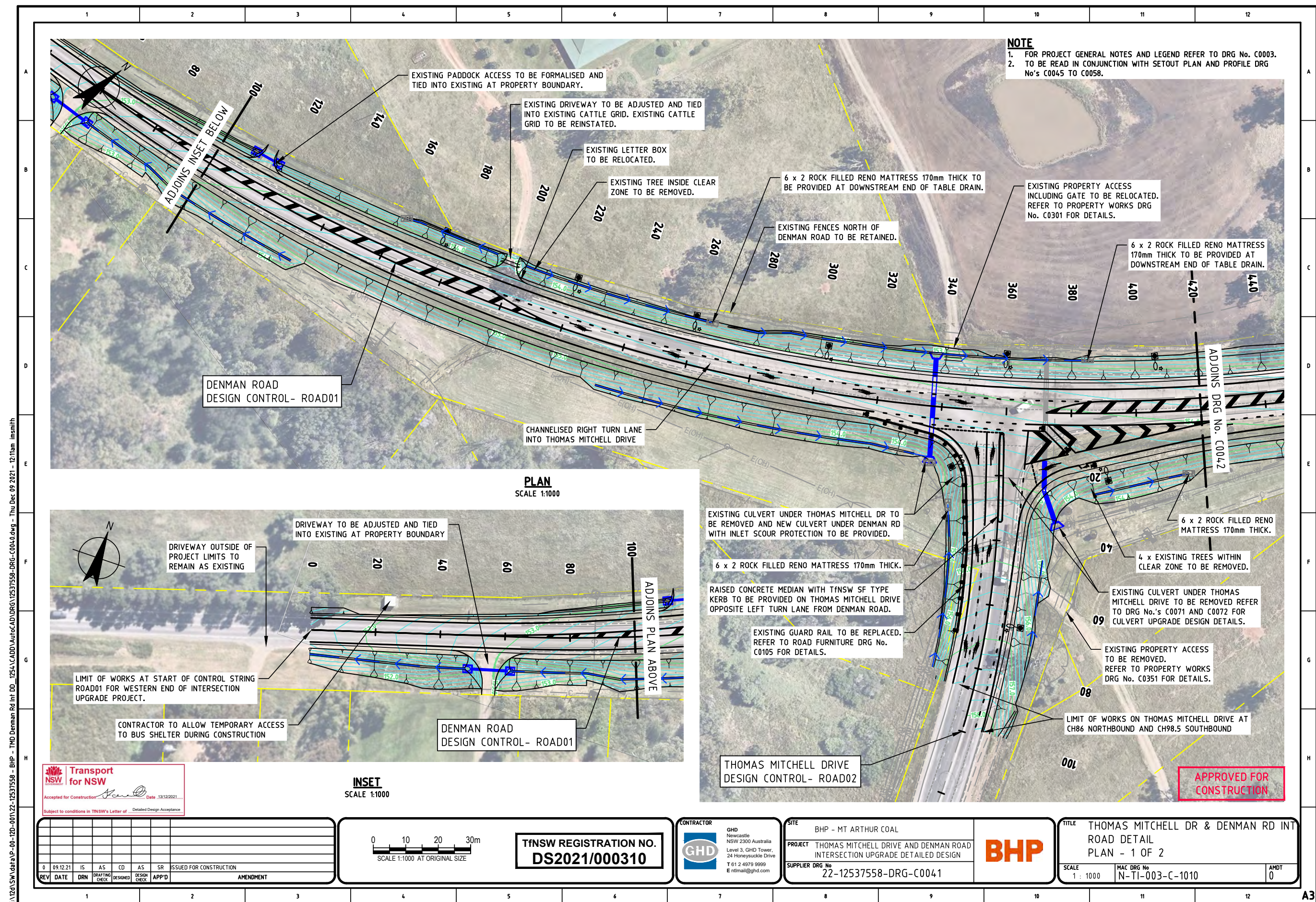
2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station on or in the vicinity of the site.

Compliance Monitoring

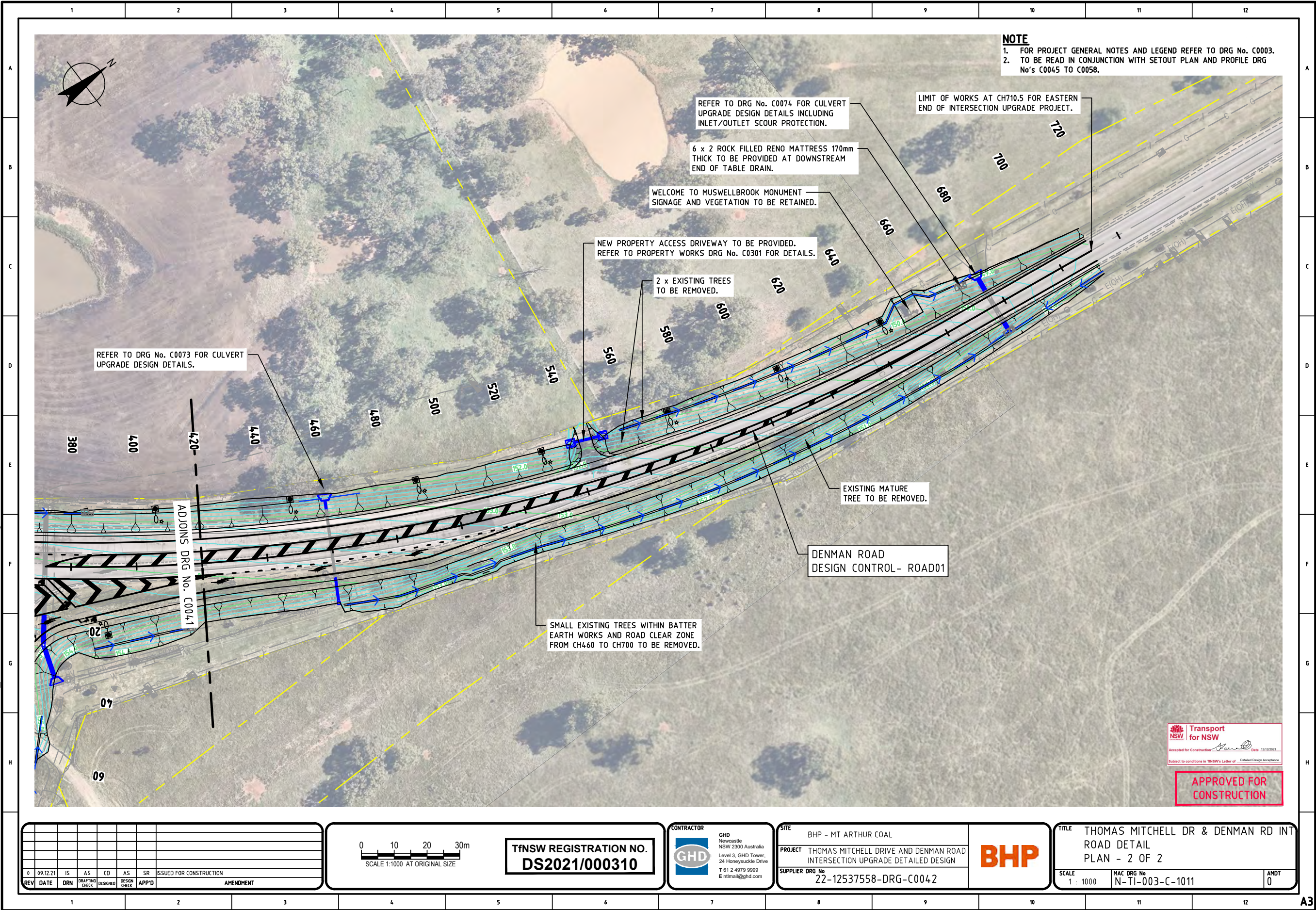
3. Attended monitoring is to be used to determine compliance with the relevant conditions of this Approval.
4. This monitoring must be carried out at least once a month (but at least two weeks apart), unless the Secretary directs otherwise.

Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the project.

5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.



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11.3 REMOVAL OF LEVEL ONE WATER RESTRICTIONS

Attachments:	Nil
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 requests Council's consideration to remove the level one water restriction that is currently in place for Muswellbrook, Denman, and Sandy Hollow town water supply.

OFFICER'S RECOMMENDATION

Council approves the removal of the mandatory level one water restriction for Muswellbrook, Denman, and Sandy Hollow town water supply, commencing Monday, 7 February 2022, following notification of this approval through Council's website and social media platforms.

Moved: _____ **Seconded:** _____

BACKGROUND

At the 11 June 2019 Ordinary Council Meeting, Muswellbrook Shire Council ('Council') approved the establishment of mandatory level one water restrictions for Muswellbrook and Denman town water supply to occur from 1 July 2019. At the 29 October 2019 Ordinary Council Meeting, Council approved the establishment of mandatory level one water restrictions for Sandy Hollow town water supply to occur from 11 November 2019. This was an initiative established through the Upper Hunter Water Alliance, comprising Muswellbrook Shire Council, Upper Hunter Shire Council, and Singleton Council.

In June 2019, the water level in Glenbawn Dam was 51.7%. The summer of 2019 remained considerably dry and hot, and the water level in Glenbawn Dam reduced to 39.0% by the end of January 2021.

As a result of the continuing reduction in water level at Glenbawn Dam, the Upper Hunter Water Alliance initiated discussions to align water restrictions to that of Hunter Water, which was at level two water restrictions. This was done in order to align messaging, and in order to demonstrate strong, consistent leadership in conserving water resources across the Hunter region.

Mandatory level two water restrictions were established across the three upper Hunter Councils from 2 March 2020. In Muswellbrook Shire Council, mandatory level two water restrictions were established at Muswellbrook, Denman and Sandy Hollow town water supplies.

Weather conditions improved by the spring season of 2020 and heavy rainfalls indicated a strong chance of a La Niña season in 2020 and 2021. The weather forecast of a La Niña season did occur as predicted by the Bureau of Meteorology, and the Glenbawn Dam water level improved to 52.3 % by March 2021. The Upper Hunter Water Alliance discussed the downgrading of the level two water restrictions in the Upper Hunter to level one as the water storage level in Glenbawn Dam continued to improve. On 3 May 2021, Muswellbrook Shire Council, in consultation with Upper Hunter and Singleton Councils, reverted from mandatory level two water restrictions to mandatory level one water restrictions. Heavy and persistent rainfall events have continued to dominate the weather forecast for the summer of 2021, and the Bureau of Meteorology has confirmed an extension of the La Niña season into the rest of summer 2022.

As at 24 January 2022, the water level in Glenbawn Dam has increased to 84.1% (source: www.waternsw.com.au accessed 24 January 2022).

CONSULTATION

External consultation has been carried out with Upper Hunter Shire Council and Singleton Council through the Upper Hunter Water Alliance forum.

Upper Hunter Shire Council has confirmed a report will be submitted to the 31 January 2022 Ordinary Council Meeting to remove level one water restrictions effective from Monday, 7 February 2022.

It is understood that Singleton Council will consider a report requesting the removal of level one water restrictions at either the March 2022 or April 2022 Singleton Council Ordinary Council Meeting.

Internal consultation has been carried out with the General Manager and a range of operational and administrative staff responsible for implementing, administering, and ensuring compliance with mandatory water restrictions and water consumption rates.

A copy of the report was forwarded to the Mayor for review.

REPORT

From 3 May 2021, Muswellbrook Shire Council, in consultation with Upper Hunter and Singleton Councils, reverted from mandatory level two water restrictions to mandatory level one water restrictions.

Continuing heavy rainfall events across Muswellbrook Shire and the Glenbawn Dam catchment throughout 2021 have resulted in the water level in Glenbawn Dam increasing to 84.1% as at 24 January 2022. The Bureau of Meteorology has confirmed an extension of the La Niña season into the rest of summer 2022.

The La Niña season has improved water storage in the Upper Hunter Region. The NSW water regulators, Department of Planning, Industry & Environment and WaterNSW, have fully allocated all water licence categories since 1 July 2021. The latest Water Allocation Statement for the Hunter Regulated River Water Source, published on 15 December 2021, is as follows:

Table 1: Taken from Attachment A (source <https://www.industry.nsw.gov.au/water/allocations-availability/allocations/statements/water-allocation-statements-2021>)

Access licence type	2021-22
Domestic and Stock	100%
Local and Major Water Utilities	100%
High Security	100%
General Security	100%
Supplementary	200%

With no restrictions on water allocations to all water licence types and high storage capacity in Glenbawn Dam, it is recommended that Council removes mandatory level one water restrictions for Muswellbrook, Denman, and Sandy Hollow town water supply, effective from 7 February 2022. Should Council approve the removal of water restrictions, information will be provided to the public through local newspapers and Council's website and social media platforms.

OPTIONS

Council may decide to:

1. Approve the removal of Level One Mandatory Water Restrictions, effective from 7 February 2022; or
2. Remain at the current level one status of mandatory water restrictions.

CONCLUSION

Given that the level of water storage in Glenbawn Dam is currently trending above 84%, and that above average rainfall is expected in the weather forecast for the rest of summer, it is recommended that Council removes the mandatory level one water restrictions for Muswellbrook, Denman and Sandy Hollow water supply, effective from 7 February 2022.

SOCIAL IMPLICATIONS

The communities of Muswellbrook, Denman and Sandy Hollow have been subjected to mandatory water restrictions for more than two years. The removal of water restrictions will provide a reprieve for the communities in being permitted to use water as needed and when required, both domestically and commercially.

FINANCIAL IMPLICATIONS

Mandatory level one and level two water restrictions reduced water supply user fees and charges revenue for 2020-21 by \$1 Million. This reduced revenue trend is expected to continue if mandatory water restrictions are not lifted.

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

Reduction in water user revenue will impact the water reserves and the potential cascading effect is a reduction in capital funding available for the carrying out of major water and sewer infrastructure projects. Removing mandatory water restrictions is expected to increase water supply revenue over time.

2. Financial Implications – Operational

The removal of mandatory water restrictions will improve the revenue generated by water user fees and charges and will, over time, improve the availability of funding for the Water & Wastewater operational budget areas.

POLICY IMPLICATIONS

The report complies with Council's Revenue Policy and is aligned with the management of water conservation in Council's 'Drought Management and Emergency Response Plan'.

STATUTORY IMPLICATIONS

Specific statutory regulations applied to this report include the *Local Government Act 1993* and the *Local Government Water Service Regulation 1999*.

LEGAL IMPLICATIONS

Under Part 6, Division 1, Clause 137 of the *Local Government (General) Regulation 2005*, Council is empowered to restrict water supply (by public notice published in a newspaper circulating within the Council's area). The reversal of restrictions, with due consideration, is therefore also applicable.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with Item 20.01.02 of the Operational Plan: 'Continue substantial achievement of Best Practice Water Supply and Sewerage Guidelines'.

RISK MANAGEMENT IMPLICATIONS

The report provides evidence of Council's considered approach in managing the risk associated with water security by initiating proactive, appropriate, timely controls to ensure the communities of Muswellbrook Shire achieve a satisfactory level of water security for the present and into the future.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

It is recommended that mandatory level one water restrictions are removed from Monday, 7 February 2022, aligning it with the date that Upper Hunter Shire Council will remove their level one Water restrictions. Should Council approve the removal of water restrictions, information will be is published in the local newspaper and communicated through social media and displayed on Council's website.

12 CORPORATE AND COMMUNITY SERVICES

12.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERSHIP

Attachments:	A. Audit Risk and Improvement Committee Charter ↓
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 Councillor membership and participation on the Audit, Risk and Improvement Committee (ARIC).

OFFICER'S RECOMMENDATION

Council nominates one Councillor (not being the Mayor) to join the Audit, Risk and Improvement Committee.

Moved: _____ Seconded: _____

BACKGROUND

The objective of the ARIC is to provide independent review of and advice to Muswellbrook Shire Council on the following areas:

- | | |
|-------------------------|--|
| 1. Compliance | 6. Implementation of IP&R Strategies and Plans |
| 2. Risk Management | 7. Service Reviews |
| 3. Fraud Control | 8. Performance Measurement |
| 4. Financial Management | 9. Business Improvement |
| 5. Governance | 10. External Accountability |

The Committee reports to Council and provides independent advice and recommendations on matters relevant to the Audit, Risk and Improvement Committee Charter (**Attachment A**).

REPORT

The ARIC meets quarterly and complies with the Office of Local Government's [Draft Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW](#)

The Committee consists of:

1. Three Members (voting)

- 1 x Councillor, not being the Mayor;
- 2 x Independent External Members (not a member of the Council).

2. Attendees (non-voting)

- General Manager, or their delegate;
- Deputy General Manager;
- Manager Corporate Services – CFO (Convenor);
- Manager Governance;
- Risk and Insurance Officer (Secretariat);
- Other Council Officers (by invitation);
- Representatives of the Internal Audit firm appointed by Council (by invitation).

The ARIC is open to any Councillor who wishes to attend. All Councillors will receive notification via email of scheduled meetings.

The ARIC is next scheduled to meet on Wednesday 2 March 2022, from 9:00am to 11:00am in the Loxton Room at the Council Administration Centre.

OPTIONS

Not applicable

CONCLUSION

It is recommended that Council nominates a Councillor Member (not being the Mayor) to the Audit, Risk and Improvement Committee.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

The recommendations within this report are in alignment with Council's Audit, Risk and Improvement Committee Charter (Attachment A).

STATUTORY IMPLICATIONS

In 2016, the *Local Government Act 1993 (S428A)* was amended to require councils to appoint an Audit, Risk and Improvement Committee.

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

None identified

RISK MANAGEMENT IMPLICATIONS

None identified

WASTE MANAGEMENT IMPLICATIONS

Not applicable

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable



muswellbrook shire council

Audit, Risk and Improvement Committee Charter

Authorisation Details:

Authorised by:	Council
Minute No:	261
Date:	30/03/2021
Review timeframe:	30/03/2023
Department:	Governance
Document Owner:	Manager Governance

Review History:

Version No.	Date changed	Modified by	Amendments made
2	22/02/2018	Melissa Cleary	Amendments to align with current <i>Internal Audit Guidelines – September 2010</i>
3	05/02/2019	Madeleine Brazier	Amendments to align with current <i>Internal Audit Guidelines – September 2010</i> and statutory changes proposed by the Office of Local Government
4	15/12/2020	Melissa Cleary	Adjust review timeframe in authorisation details table from 12/3/22 to 12/3/21 to align with 6.8
5	30/03/2021	Melissa Cleary	RESOLVED on the motion of Crs Woodruff and Eades that: Section 4.5 be amended to state that the Audit Risk and Improvement Committee will:

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			<i>Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and <u>endorse the plan for the determination of Council</u>;</i>
6	25/01/2022	Melissa Cleary	Amendments to 3.2 Attendees (non-voting) to align with current org structure and roles

1. Objective

The objective of the Audit, Risk and Improvement Committee (the Committee) is to provide independent review of and advice to Muswellbrook Shire Council on those matters identified in the Audit Plan. These include the following areas:

- | | |
|------------------------|---|
| 1 Compliance | 6 Implementation of IP&R Strategies and Plans |
| 2 Risk Management | 7 Service Reviews |
| 3 Fraud Control | 8 Performance Measurement |
| 4 Financial Management | 9 Business Improvement |
| 5 Governance | 10 External Accountability |

In fulfilling its objective, the ability of the Committee to maintain independent and objective judgement is vital.

The Committee will report to Council and provide independent advice and recommendations on matters relevant to the Audit, Risk and Improvement Committee Charter and the adopted Audit Plan.

2. Authority

Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities to:

- Request information required to inform decision making (subject to their legal obligations to protect information and with prior consultation with the General Manager)
- Discuss any matters with the internal and external auditors or other external parties (subject to confidentiality considerations)
- Request information from employees (with approval of the General Manager) or Councillors. They may request these persons to present information at the Committee meetings to assist in understanding any matter under consideration
- Obtain external legal or other professional advice, as considered necessary to meet its responsibilities (in accordance with Council Budget and procurement arrangements and subject to prior consultation with the General Manager)

3. Composition and Tenure

The Committee will consist of:

3.1 Members (voting)

- 1 x Councillor, not being the Mayor
- 2 x Independent External Members (not a member of the Council)

The Chair will be appointed by Council from the Independent External Members (cannot be the Councillor) for either the term of Council or if a casual vacancy arises.

3.2 Attendees (non-voting)

- General Manager, or their delegate
- Deputy General Manager
- Representatives of the Internal Audit firm appointed by Council
- Manager Corporate Services and Chief Financial Officer (Convenor)

- Risk & Insurance Officer (Agenda and minutes)
- Manager Governance

3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor
- Other officers or Councillors may attend by invitation as requested by the Committee.

The independent external members will be appointed for the term of four (4) years. Council may resolve to appoint an independent external member for consecutive terms.

The members of the Committee, taken collectively, shall have a broad range of skills and experience relevant to the operations of Muswellbrook Shire Council and ideally to the function of internal audit. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

Should the Chair be absent, the members present at the meeting will elect an Acting Chair (excluding the Councillor).

3.4 Remuneration

Council may pay a fee to a member of the committee who is not a Councillor or member of Council staff.

The fee paid to members at the date of this Charter is:

Chair: \$900.00 per meeting attended (including expenses)

Member: \$700.00 per meeting attended (including expenses)

4. Roles and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud;
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations;
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements;
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and endorse the plan for the determination of Council;
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;
- Monitor the implementation of internal audit recommendations by management;
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place;
- Periodically review the performance of Internal Audit.

4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided;
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management;
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Muswellbrook Shire Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgement;
- Express opinions frankly, ask questions that go to the fundamental core of the issues, and pursue independent lines of enquiry.

5. Reporting

At the first Committee meeting after 30 June each year, the Internal Auditor will provide a performance report to the Committee of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators;
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

The Committee will report regularly, and at least annually, to the governing body of Council on the management of risk and internal controls.

6. Administrative Arrangements

6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit, Risk and Improvement Committee Charter.

The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.

6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member. Meetings can be held in person, by telephone or by video conference

The General Manager may attend each meeting but will permit the Committee to meet separately with each of the Chief Audit Executive, Internal Auditor and the External Auditor in the absence of management on at least one occasion per year.

6.3 Voting

The Committee is expected to make decisions by consensus but if voting becomes necessary then the details of the vote are to be recorded in the minutes. Each member of the Committee shall be entitled to one vote only. In the case of an equality of votes on any issue the Chair shall have the casting vote.

6.4 Secretariat

The Manager Integrated Planning, Risk and Governance will ensure that appropriate secretariat support is provided to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meeting are prepared and maintained.

Minutes shall be approved by the Chair and circulated to all Committee members within two weeks of the meeting and filed in InfoXpert in accordance with Council's Records Management Policy.

6.5 Conflicts of Interest

Councillors, Council staff and members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

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

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

6.6 Induction

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

6.7 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.8 Review of Audit, Risk and Improvement Committee Charter

At least once every two years the Committee will review this Audit, Risk and Improvement Committee Charter and make recommendations on any changes to Council for its determination.

Any changes to the Audit, Risk and Improvement Committee Charter must be approved by Council.

The Audit, Risk and Improvement Committee Charter should also be reviewed and adopted at least once during each term of Council at an open meeting of Council.

12.2 FINANCE ADVISORY COMMITTEE MEMBERSHIP

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 Councillor membership and participation on the Finance Advisory Committee.

OFFICER'S RECOMMENDATION

Council nominates two additional Councillors to sit on the Finance Advisory Committee.

Moved: _____ **Seconded:** _____

BACKGROUND

The Finance Advisory Committee provides advice and direction to Council Officers and Council in relation to Council's Financial Management.

REPORT

The Finance Advisory Committee meets fortnightly and reviews Council's draft budgets, draft financial plans and monthly financial reports.

Committee membership includes:

- the Mayor (Chair) or delegate;
- two councillors nominated by Council;
- General Manager;
- Deputy General Manager; and
- Manager Corporate Services - CFO.

The finance advisory committee is open to any Councillor who wishes to attend. All Councillors will receive notification via email of scheduled meetings.

OPTIONS

Council may determine to accept the recommendation contained in this report or alternately elect to review the committee structure.

CONCLUSION

It is recommended that Council nominates two Councillors (in addition to the Mayor/Chair) to sit on the Finance Advisory Committee.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

WASTE MANAGEMENT IMPLICATIONS

Not applicable

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable

12.3 STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEMBERSHIP

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

For Council to nominate a minimum of two Councillors as representatives to the State Significant Development (SSD) Committee.

OFFICER'S RECOMMENDATION

The following Councillors and staff be appointed as members of the State Significant Development Committee:

- Cr _____;
- Cr _____;
- Mayor (Chair);
- General Manager;
- Executive Manager Environment and Planning;
- Development Compliance Officer;
- Corporate Lawyer.

Moved: _____ Seconded: _____

BACKGROUND

Throughout 2019 and 2020 a working group comprising councillors and staff met weekly to review and prepare submissions to the Department of Planning, Independent Planning Commission and Resources Regulator in relation to state significant developments, mine expansions and other related industrial development matters.

A report was submitted to the 22 December 2020 Ordinary Meeting recommended that the working group become a Committee of Council and as such report to Council on a quarterly basis.

At the 22 December 2020 Ordinary Meeting, it was resolved on the motion of Crs Rush and Scholes that:

1. Council establish a State Significant Development Standing Committee with the function of providing advice to Council on state significant development, prepare submissions and responses relating to state significant development in the Muswellbrook Shire and such further functions as may be delegated to it from time to time.

2. *For the purposes of such Committee:*
- a. *the Committee be constituted by the:*
 - i. *Council Spokesperson on Infrastructure, Development Assessment and Regulation (as Chair);*
 - ii. *Council Spokesperson on Innovation, Land use Planning, Heritage and Events;*
 - iii. *Council Spokesperson on Utilities and Sustainability;*
 - iv. *General Manager; and*
 - v. *Such further Staff officers as the General Manager may appoint.*
 - b. *the Committee meet at such times and at such places as it may determine; and*
 - c. *the Committee may invite such persons to participate in its processes as it may determine most efficiently and effectively allow it to discharge its functions.*

CONSULTATION

General Manager

REPORT

Muswellbrook Shire Council dedicates significant resources and time to providing comment, feedback and recommendations on state significant development proposals to government departments and the Independent Planning Commission to ensure intergenerational equity and positive legacy issues relating to industrial state significant developments in the Shire.

A working group including three Councillor members, the General Manager, Executive Manager Environment and Planning, Sustainability Team Leader and the Corporate Lawyer have met regularly to prepare submissions, consult with mining and power companies and the Resources Regulator in relation to state significant developments including solar and wind farms.

Council's Committee structure, membership and terms of reference is considered at the commencement of each new term of Council.

This report recommends that Council determines the membership of the State Significant Development Committee.

OPTIONS

Council may determine to:

- a) Nominate the Committee positions;
- b) Review the Committee.

CONCLUSION

It is recommended that Council determines the structure and membership of the State Significant Development Committee.

SOCIAL IMPLICATIONS

The SSD Committee considers social, health and wellbeing outcomes for the community.

FINANCIAL IMPLICATIONS

Nil identified.

POLICY IMPLICATIONS

This committee will operate within council policy requirements.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

The SSD committee will contribute to the achievement of Community Strategic Plan goals.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil identified.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil identified.

12.4 SECTION 355 COMMITTEES

Attachments:	A. MSC22E-Section 355 Committee Guidelines 1
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kimberley Cotter - Governance Officer
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 consider the structure, membership and terms of reference for Council's Section 355 Committees.

OFFICER'S RECOMMENDATION

Council notes the information contained in this report and reviews the following Section 355 Committees as part of the Strategic Planning Conference scheduled for February 2022:

- 1. Future Fund Committee.**
- 2. Muswellbrook Bypass Advisory Committee.**

Moved: _____ **Seconded:** _____

BACKGROUND

Following an election, it is best practice for Council to undertake a review of all Committees.

Section 355 Committees

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.

A Committee, their delegated functions and membership must be adopted by Council. Once established the Committee must adopt and implement the *Muswellbrook Shire Council Section 355 Committee Guidelines*, adopted by Council 26 October 2021 (**Appendix A**).

CONSULTATION

General Manager

REPORT

A Section 355 Committee allows for interested members of the Muswellbrook Shire community to actively participate in the provision and/or management of Council facilities and services. The aim of each Committee is to accurately reflect Council's vision and aims as informed by the community.

Due to the varied functions of each Committee across differing areas and assets, each Committee will have a separate delegation and terms of reference document outlining in detail the implicit roles and duties of the Committee.

Council's current Section 355 Committees are the Future Fund Committee and the Muswellbrook Bypass Advisory Committee.

The **Future Fund Committee** is an advisory committee established by Council under s355 of the Local Government Act 1993 on 11 June 2019. The Committee advises Council on the management of the Future Fund. Decisions about the acquisition, disposal, development, and financing of assets are made by the Governing Body of Council (the 12 Councillors).

The **Muswellbrook Bypass Advisory Committee** was established by Council at the 10 September 2019 Ordinary Meeting with the function of facilitating community feedback on the design of a Muswellbrook Bypass and building upon the opportunities created by the Bypass.

OPTIONS

Council may determine to:

- a) Confirm and continue the current structure, membership and terms of reference of its Section 355 Committees;
- b) Review the structure, membership and terms of reference of its Section 355 Committees.

CONCLUSION

It is recommended that Council reviews the Section 355 Committees as part of the Strategic Planning Conference scheduled for February 2022.

SOCIAL IMPLICATIONS

The involvement of community members in managing community services and facilities via Section 355 Committees is likely to lead to public decisions which are more equitable and sustainable and generally improve the liveability of the local community.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

A review of Council's Section 355 Committees will include a review of the following policies and guidelines:

- Future Fund Policy;
- Future Fund Committee Terms of Reference;
- Muswellbrook Shire Council Section 355 Committee Guidelines.

A review of Council's Section 355 Committees will include the development of the following policies and guidelines:

- Muswellbrook Bypass Advisory Committee Terms of Reference.

STATUTORY IMPLICATIONS

Local Government Act 1993 (NSW).

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Policies are reviewed on time.

RISK MANAGEMENT IMPLICATIONS

The Future Fund Policy ensures the professional management of risks associated with the Future Fund.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.



Section 355 Committee Guidelines

MSC22E



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1. Purpose and Delegations

1.1. Introduction

The Muswellbrook Shire Council ("Council") acknowledges and appreciates the important work undertaken by volunteers and community groups through the Section 355 committee framework. These guidelines are established to assist committee members in the operation of a Section 355 committee ("Committee"). A Committee and their delegated functions and members must be adopted by Council. Once adopted the Committee must adopt and implement the guidelines set out in this document.

Due to the varied functions of each Committee across differing areas and assets, each Committee will have a separate delegation and terms of reference document outlining in detail the implicit roles and duties of the Committee. Consequently, these guidelines are to be applied as guidelines supporting the Terms of Reference relevant to each Section 355 Committee.

1.2. Purpose of these Guidelines

These guidelines are designed 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.

1.3. Delegation of Function

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 may dissolve a Committee at any time.

1.4. Role of Section 355 Committees

The Committees allow for interested members of the Muswellbrook Shire community to actively participate in the provision and/or management of Council facilities and services. The aim of each Committee is to accurately reflect the Council's vision and aims as informed by the community. This provides for a dual benefit by providing protection to the community members operating under Council delegation and providing Council with assistance in carrying out its function.

Research shows that the involvement of community members in managing community services and facilities is likely to lead to public decisions which are more equitable and sustainable and generally improve the liveability of the local communities.

2. Committee Responsibility

2.1. Responsibility

Upon establishment of a Committee, the Committee will be responsible for those activities that the Council has deemed the purpose of the Committee. Terms of Reference for each Committee must be created and adopted by Council upon establishment of the Committee.

2.2. Limitation of Powers

In accordance with the Local Government Act, some powers are not delegable by Council. As such, a Committee is not authorised to make decisions concerning the following:

- a) employing or dismissing staff;
- b) the fixing of fees or charges;
- c) the borrowing of money;
- d) the allocation of Council funds for expenditure on other Council works, services or operations;
- e) an application or notice to the Governor or Minister;
- f) acceptance of tenders required to be called by Council;
- g) the sale, lease, sub-lease or surrender of land or other property vested in the Council;
- h) the payment or making of a gift to Committee members;
- i) this power of delegation; and
- j) any function under this Act or any other law that is required to be exercised by Council.

The powers and functions of a Committee are subject to limitations and conditions as imposed by law, resolution of Council or in writing by the General Manager to the Committee, from time to time. If Council, in its sole discretion, considers a Committee not to be functioning in strict accordance with its powers described herein, the Committee may have its powers revoked by signed written notice from the General Manager or his/her representative.

2.3. Accountability

The Committee is accountable non-exclusively for its actions, decisions and omissions to Council, user groups and the community at large. Committees are required to:

- a) hold an Annual General Meeting ("AGM") to elect office bearers as discussed further herein;
- b) provide to Council a report, minutes and annual financial statements as applicable and/or requested; and
- c) ensure that any affected persons are notified of the Committee meeting details.

In providing notification of the Committee's AGM, Committees must adopt the Advertisement for Annual General Meeting Template, generally in its approved form.



2.4. Responsible Staff

Council's Governance Manager is the staff member responsible for the administration of Committees. In addition, the Council's finance staff will provide Committees with financial reporting assistance.

3. Committee Procedures

3.1. Appointment

A Committee must be formally appointed by Council by way of the minutes of the AGM being sent to Council for endorsement at an ordinary Council meeting. Similarly, upon establishment of the Committee, all members of the Committee must be formally appointed by Council in the same manner.

Committee membership is:

- a) open to all interested citizens residing in the Council area; or
- b) in relation to Committees established to provide specialist assistance to Council, by written invitation of Council;
- c) to include representation of the predominant user groups of the facility where applicable; and
- d) representatives of minor groups within the community including schools, community groups, service providers et cetera provided such representative is over the age of fifteen (15).

Each Committee member is entitled to one (1) vote. Committee members must be appointed by Council prior to being able to vote or take part in a meeting of the Committee.

Council staff may be appointed by Council as office bearers for a committee as required for example as secretary, treasurer, publicity officer. With the exception of Council staff who are appointed as an office bearer, Council staff are considered observers and advisors and while permitted to participate in Committee discussions and deliberations, are not entitled to voting rights. For the avoidance of doubt, Council staff appointed as office bearers are afforded the same rights and obligations as any other Committee member and are consequently entitled to one (1) vote.

A Committee member will cease to hold office upon the occurrence of one (1) or more of the following events:

- a) resignation;
- b) deemed resignation, being when a Committee member fails to attend three (3) consecutive meetings of the Committee without reasonable excuse;
- c) death;
- d) bankruptcy;
- e) resolution by Council of removal;
- f) failure to disclose a pecuniary interest;
- g) conviction of an offence referred to in Part 4 of the *Crimes Act 1900* (NSW); or
- h) mental incapacity.



Should a Committee member vacancy arise, the Committee must as soon as practicable inform the Council in writing of same.

Council may, in its sole discretion, dissolve a Committee at any time. Unless otherwise indicated in a Committee's terms of reference, the term of office for Committees will be the same term as the current Council with an additional three (3) month period after the General Election of Councillors.

3.2. Committee Membership

Committees must, without prior approval of Council, comprise as a minimum three (3) members and as a maximum seven (7) members. Membership count is to be included in the terms of reference created upon establishment of the Committee, unless otherwise agreed by Council.

Council reserves the right to appoint up to two (2) Councillors to each Committee as voting members of the Committee.

Committee membership consists of office bearers and other Committee members.

If Committee membership is comprised of less than three (3) members, Council may allow the Committee a six (6) month period to re-establish a viable membership or alternatively dissolve the Committee and assume its obligations and responsibilities.

Committee members are expected to have access to a computer and possess the ability to use email as the primary form of communication.

Committee members are eligible for re-appointment.

Any applications for Committee membership must generally be in the approved form, being the Committee Membership Nomination Form Template.

3.3. Procedure for Obtaining New Membership

When a membership position on a Committee becomes vacant or the Committee determines that it requires additional members, the Committee may:

- a) in urgent circumstances, recommend to Council interested persons for appointment and the reasons justifying the urgency of same (urgent circumstances only); or
- b) request Council advertise the membership position in the Muswellbrook Chronicle or by such other means as determined by Council (usual and preferred practice).

3.4. Election of Office Bearers

A Committee must elect from their members certain roles, at a minimum, to be undertaken. These roles include:

- a) chairperson (mandatory);
- b) deputy chairperson (optional);
- c) secretary (mandatory);
- d) treasurer (mandatory if the Committee handles funds);
- e) assistant secretary/treasurer (optional);
- f) bookings officer (optional); and
- g) publicity officer (optional).



With the exception of the appointment of Council staff as office bearers in accordance with clause 3.1, all office bearers are to be elected by majority vote at the Committee's AGM. All office bearers, unless otherwise directed by Council, are to hold their position for a twelve (12) month period or until a successor is appointed.

The details of all office bearers must be provided by written notice to Council as soon as practicable after appointment is made. For the avoidance of doubt such particulars will include, but are not limited to, position, name, address, contact number, contact email and the user group represented (if applicable).

In the absence of a chairperson, either due to resignation or where no member is willing or able to perform such a function, the Mayor of the Council is by default the chairperson for the time being. The Mayor may delegate this position to a Councillor, Council staff member or member of the subject Committee until this role is duly appointed.

3.5. Meetings

Meetings are to be conducted to standard guidelines (based on the Code of Meeting Practice), which are detailed in the following section and include:

- a) a quorum be present;
- b) the appropriate notice is given;
- c) business on the agenda is properly conducted; and
- d) correspondence and minutes are recorded.

Committee meetings are open to the public and may be held as often as necessary but must, unless otherwise stated in the Committees terms of reference, be held quarterly as a minimum.

The Committee is responsible for determining meeting dates, location and providing notice of such meetings to the local community by way of newsletter, letter-drops, printed advertisement in the local newspaper and/or by electronic means.

To enable Council to advertise Committee meeting details via the Council website, Committees must advise Council of the meeting details at least three (3) weeks prior to the nominated meeting date.

3.6. Quorum

A quorum will consist of a majority of Committee members.

3.7. Agenda

Committee meetings must adhere generally to the meeting procedures as outlined in the Agenda Template.

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if possible. Late matters can be added to the agenda at the opening of the meeting as the chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be put on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes'.



If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

3.8. Minutes

In accordance with Clause 39 of the *Local Government Meeting Regulation 2005 (NSW)*, each Committee must ensure that full and accurate minutes of their meeting is maintained. In particular, the minutes must record the details of each motion moved at a meeting and, if applicable, any amendments moved to it, the full name of the member moving the motion or amendment, the full name of the member seconding the motion or amendment and whether the motion or amendment is passed or lost. Each motion passed by the Committee must have a sequential identifying number and the year, e.g. 1/2021, 2/2021 et cetera.

As soon as practicable after the minutes of meeting are confirmed at a subsequent Committee meeting or by email consensus, the chairperson must sign the previous meetings minutes.

The signed minutes of each meeting must be emailed to Council on or before fourteen (14) calendar days after the chairperson signs same.

Upon receipt by Council of the Committee meeting minutes, Council will review same and the Committee may be contacted if required. Council will not act upon any motion in the minutes without first contacting the Committee to allow the members the opportunity to provide any further information, action or comment.

The minutes of a Committee meeting must be generally in accordance with the Minutes Format Template.

3.9. Annual General Meeting

The AGM date must be set at an ordinary meeting of the Committee and publicly advertised at least fourteen (14) days prior to the AGM being held.

The AGM will report on the activities and achievements of the Committee for the previous twelve (12) month period, develop goals for the next twelve (12) month period, and confirm the details to be included in the annual report to Council. Consequently, the annual financial report must be adopted by the Committee to allow sufficient time to enable inclusion of same in the annual report to Council.

3.10. Annual Report

Council requires every Committee to provide an annual report inclusive of the following details:

- a) membership;
- b) position;
- c) achievements over the past twelve (12) months;
- d) goals for the next twelve (12) months;
- e) goals for the next five (5) years;
- f) goals for the next ten (10) years;
- g) longer term goals (if any);
- h) all income and expenditure; and
- i) submission of a financial statement (required on or before thirty-one (31) July of each year).



4. Role Responsibilities

Committee members are expected to have a certain degree of commitment to their role as a member. An advantage of a Committee is the possibility of a shared workload between the Committee members. The roles responsibilities listed below are not in any way conclusive but rather provided as a general framework for Committees. It is important that each member of a Committee understand their roles minimum responsibilities and what is expected from the community.

4.1. Chairperson

The chairperson's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

- a) preparation of the agenda (note: this responsibility may be conducted in consultation with the secretary or any other member or alternatively the chairperson may delegate this responsibility);
- b) management of the Committee's general responsibilities under these herein guidelines including for example that proper notice of a meeting is provided and a quorum is present.

During a Committee meeting:

- a) chairing the meeting, opening, welcoming and introducing members and guests (subject to the Mayor deciding, in their sole discretion, that he/she will be attending the meeting and chairing);
- b) keeps individuals and the meeting focused on the topics being discussed and encourages members to participate, ensuring adequate opportunity is given to members who wish to speak;
- c) ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates to someone to do this);
- d) ensures members are aware of decisions being made and that the minute taker has recorded decisions of the meeting;
- e) acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders ie. method of conducting meetings, and ensures statutory regulations and organisation's rules are observed; and
- f) closes meeting after business at hand has been properly concluded.

The chairperson needs to be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council, particularly regarding Government funding, the Committee budget (if any) and Council and community involvement and requirements.

The chairperson is responsible for assisting members of the Committee and ensuring that they fulfil their respective roles. The chairperson is a 'spokesperson' for the organisation and is the one to communicate with government departments and other relevant bodies as applicable.

The chairperson may vote on a motion considered by the meeting and in the event of a tied vote, the chairperson may exercise a second or casting vote.

4.2. Secretary

The secretary's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

- a) preparation of the agenda (note: this responsibility may be conducted in consultation with the chairperson or any other member or alternatively the chairperson may delegate this responsibility);
- b) draw up the agenda, (in consultation with the chairperson); and
- c) make copies of the agenda if required.

During a Committee meeting:

- a) take minutes;
- b) read minutes of previous meeting if necessary;
- c) provide a list of correspondence in order and summarises the important points; and
- d) record motions and/or decisions of the meeting including, mover and seconder.

After a Committee meeting:

- a) type minutes and distribute to Committee members as soon as possible;
- b) ensure that accurate minutes are kept;
- c) write correspondence as decided (this can be a shared role with another Committee member); and
- d) keep a record of action items and how they are progressing to report back to the committee at each meeting. Where possible, action items from a meeting should be distributed fairly amongst committee members.

Outside of Committee meetings:

- a) keep a register of both internal and external correspondence, with file copies; and
- b) inform other Committee members of correspondence requiring urgent attention.

4.3. Committee Members

Committee members' responsibilities include, but are not limited to, the following:

- a) attend Committee meetings, except in circumstances of a reasonable excuse;
- b) participate in meetings – this involves:
 - i. being on time;
 - ii. sticking to the agenda;
 - iii. contributing to the discussion where appropriate;
 - iv. being objective, listening to others' views; and
 - v. volunteering to do some of the necessary tasks required;
- c) support the office bearers in carrying out their roles, for example assisting with maintenance arrangements and the coordination of volunteers;
- d) assist in organising the AGM;
- e) attend and participate in fundraising days that may be held; and
- f) ensuring members of the Committee are accountable for their actions in relation to the activities of the Committee.

5. Code of Conduct

5.1. Introduction

The Council has adopted a Code of Conduct that is applicable to elected Councillors, employed staff and Committee members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.



As Committees are operating on behalf of Council, it is important for Committees to be aware of, and abide by, this Code of Conduct.

Appointed Committee members will be provided a copy of Council's Code of Conduct. Committee members are taken to have read and understood the contents of this Code of Conduct. Members could be personally responsible for a breach of the Code of Conduct. Further, without precluding other forms of action, a failure to comply with the Code of Conduct could result in the members removal from the Committee.

Council's Committees have the responsibility to ensure the following:

- (a). access is available to the entire community and is not denied because of ethnicity, gender, disability or religion;
- (b). priority of use should be given to non-profit making community groups and organisations; and
- (c). that the facility not be aligned with, or advocate or advertise for or on behalf of, a political party or person/s.

5.2. Conflicts of Interest

Pecuniary and Non-Pecuniary Interest may be defined as an interest that a Committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons include the spouse or de-facto partner or relative of the Committee person. Pecuniary refers to possible financial gain whereas non-pecuniary refers to any other type of interest.

Disclosure of Pecuniary and Non-Pecuniary Interests:

- (a). Interest should be declared and noted in the meeting minutes if:
 - (i) a Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or
 - (ii) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
 - (iii) the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.
- (b). A Committee must ensure that:
 - (i) particulars of disclosures made under this clause are recorded in the minutes; and
 - (ii) the minutes are available for inspection (ie Committee meeting minutes are placed on Council's website).
- (c). After a member of a Committee has disclosed the nature of an interest in a matter, the member must not:
 - (i) be present during the deliberation of the Committee with respect to the matter; or
 - (ii) take part in the decision of the Committee with respect to that matter.
- (d). For the purposes of the making of a determination by a Committee under subclause, a member who has a direct or indirect pecuniary interest in a matter to which the



disclosure relates must not be present during the deliberation for the purpose of making the determination.

6. Financial Matters

Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, Local Government Regulations and Accounting standards and must be adhered to.

Funds raised, received or spent are subject to public scrutiny and accountability including a responsibility to ensure that Committee funds are used in the manner for which they were intended and that a clear and full disclosure of the Committee's financial activities is available.

For those Committees handling funds, a financial report must be submitted to each of the Committee meetings.

The General Manager has the authority to direct Committees to process their financial records through the Council's financial system.

7. Risk Management and Insurance

7.1. Property Insurance

Council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to this policy which is currently \$20,000.00.

7.2. Public Liability Cover

The appointed Committee members are covered by the public liability policy of Council (currently \$20million).

Members of the Committee should note that they are only covered by third party injuries as a result of negligence which is insured under Council's public liability insurance when acting within the scope of their delegation.

This Policy also covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Committee.

This insurance does not preclude the Committee from due diligence and Council policies must be adhered to.

This Public Liability Policy for Council and Committees is subject to a claims excess which is currently \$12,500.00 per claim.

7.3. Personal Injury

Committee members may be covered when injured whilst undertaking duties relating to their role in the Committee.

7.4. Contractors insurance

Council's insurance does not provide any cover for Contractors. Where members of the Committee have authority to appoint contractors, the types of insurances that should be held by contractors (available to be sighted by Council if required) include Workers Compensation, Public Liability and where a vehicle is being used on Council property, Third Party Motor insurance.

7.5. Casual and Regular Hirers' Insurance Liability

A Casual and Regular Hirers' Policy (\$20 million) exists in order to cover persons using Council facilities on a non-permanent and not-for-profit basis.

Eg. Weddings, birthday celebrations or the like are covered under Council's Casual hirer's insurance Policy.

For a Casual or Regular Hirer the claims excess is \$1,000.00 for each and every claim, payable by the casual or regular hirer.

A record by the Committee of the history of bookings is essential for a claim to be made.

Note: Fundraising for an individual, a charity or community organisation or group will be covered under Council's Casual Hirer's Policy if the hirer:

- (a). is not a sporting group, club, association, corporation or incorporated body;
- (b). is not a sole trader or registered business;
- (c). is not making a personal financial gain from the activity;
- (d). is not undertaking an activity of a commercial nature;
- (e). is not a large (eg the halls capacity) evening event where alcohol will be permitted;
- (f). provides the Committee a signed statement from the hirer and beneficiary that identifies the hirer and the intended beneficiary will be receiving all proceeds made from the activity; and
- (g). the hirer acknowledges that they are responsible for the claims excess, currently being \$1,000.00 for each and every claim under the policy arising from the event.

7.6. Other hirers' insurance Liability

Persons or groups, not defined in 7.5 must have and provide the Committee with proof of their Public Liability insurance policy, including policy schedule and product disclosure statement (PDS), in the sum of not less than \$20 million if they fit into one of the following:

- (a). creates an income or profit from the activity eg. yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee;
- (b). makes a personal financial gain from the activity;
- (c). a sole trader or registered business;
- (d). a corporation or incorporated bodies; or
- (e). sporting body, club or associations of any kind.

It is the Committee's responsibility to ensure that users of the facility that meet any of the categories in this clause have adequate Public Liability insurance.



If there are situations not identified above where a hirer of the facility does not have its own Public Liability Insurance and there is uncertainty as to whether the hirer meets the “Casual or Regular Hirer” or “Other Hirer Guidelines” the matter must be referred to Council to confirm with its insurer.

7.7. Definitions of Clause 7

- | | |
|------------------------|--|
| Casual Hirer | Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve (12) times per calendar year. |
| Regular Hirer | Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, more frequently than once per calendar month or twelve (12) times per calendar year. |
| Personal Injury | <ol style="list-style-type: none"> 1. Bodily injury, death, sickness, disease, disability, shock, fright, mental anguish and mental injury; 2. False arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution and humiliation; 3. Assault and battery not committed by or at the direction of the Casual or Regular hirer unless committed for the purpose of preventing or eliminating danger to person or property. |

8. Care, Control and Management of a Council Facility

Hiring a facility and making it readily accessible to the community is central to the purpose of most Committees.

8.1. Conditions of Hire

It is essential that hirers sign a Hire Agreement which demonstrates their agreement to abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. It is best practice for a Committee member to ensure each hirer understands their obligations when hiring the facility, explaining the conditions with the hirer if required.

8.2. Inclusion

The Committee is acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity. Consideration of disability and inclusion is managed under the Disability Inclusion Act 2014 (NSW), which requires all government departments and certain public authorities, including councils, in NSW to have a Disability Inclusion Action Plan.

For Committees, this means that inclusion needs to be considered in all areas of planning and operation of the relevant hall or facility. Critical areas requiring consideration include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and/or hearing-impaired people and supporting access to sporting and recreation opportunities.



8.3. Fees and Charges

The schedule of fees and charges is set by Council, taking into the consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to Council. The Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. Figures submitted should show the GST (Goods and Services Tax) exclusive amount to which Council will add the ruling rate of GST. Once Council has adopted the fees and charges, a list will be supplied to each Committee.

The Committee is not able to provide subsidies or waive hire fees. Requests concerning fee reduction must be referred to Council.

8.4. Bonds

As a safeguard against possible damage, the Committee may hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this bond amount will be refunded if conditions of hire are satisfactorily met.

Abnormal costs associated with the hire of the facility will be deducted from the bond including the GST proportion. This may include extra removal of garbage, extra cleaning etc.

8.5. Keys and Security

Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key pick-ups and drop offs. If a key safe is used, the combination should be changed regularly for security purposes (eg weekly).

A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The Committee should manage keys with the utmost security in mind. Key deposits or bonds collected may help fund a change of locks from time to time.

8.6. Cleaning

The Committee has the responsibility for the overall cleanliness of the facility under its control. The Committee is responsible for the employment of the cleaner and this should be contracted out to a professional cleaner with the appropriate public liability insurance and an ABN, in accordance with Council's Procurement Policy and Procedure.

8.7. Purchasing of Goods and Services

Under the Local Government Act, Council can assist Committees by purchasing goods to be used in association with a function of the Committee. The benefit this provides to the Committee is that the item would be free of GST and utilise the purchasing power of Council to reduce costs.

Council is required to authorise a Committee to purchase goods and services in accordance with Council's Procurement Policy and Procedure.



9. Council Policies

Code of Conduct

Code of Meeting Practice

WHS Policy

Procurement Policy

Procurement Procedures

10. Templates

[Advertisement for Annual General Meeting Template](#)

[Committee Membership Nomination Form Template](#)

[Agenda Template](#)

[Minutes Format Template](#)

Authorised by:	Council
Minute No:	156
Date:	26 October 2021
Review timeframe:	2 Years
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

12.5 FUTURE FUND POLICY

Attachments:	A. MSC03E Future Fund Policy ↓ B. MSC03E Future Fund Policy - Rush M submission ↓
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kimberley Cotter - Governance Officer
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 consider the revised Future Fund Policy following a period of public exhibition.

OFFICER'S RECOMMENDATION

Council adopts the revised Future Fund Policy.

Moved: _____ Seconded: _____

BACKGROUND

It is best practice for Council to maintain updated Policies.

CONSULTATION

Public exhibition 29 October 2021 to 19 November 2021

REPORT

The revised Future Fund Policy (**Appendix A**) was endorsed by Council for public exhibition at the 12 October 2021 Extraordinary Council Meeting. The Policy was publicly exhibited via Council's website from 29 October 2021 to 19 November 2021, in accordance with s160 of the Local Government Act 1993 (NSW).

One submission was received during the exhibition period and is attached for the consideration of Council (**Appendix B**).

OPTIONS

Council may pursue the following options:

- Adopt the Future Fund Policy as exhibited (Attachment A);
- Adopt the amended Future Fund Policy as per the attached submission (Attachment B);
- Suggest further amendments to the Future Fund Policy;
- Review the Future Fund Policy as part of a broader review of Section 355 Committees.

CONCLUSION

It is recommended that Council adopts the revised Future Fund Policy.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

It is best practice for Council to review policies and ensure policies are up-to-date and relevant.

STATUTORY IMPLICATIONS

Local Government Act 1993 (NSW)

Local Government (General Regulation) 2021.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

Nil known.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.



muswellbrook shire council

Future Fund Policy MSC03E

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1. Policy Background (Preamble)

For almost 150 years, coal mining in the Muswellbrook Shire Council area has been a key local industry and employer. Coal mining, and particularly thermal coal mining, has increased substantially from the turn of the millennium and, together with thermal coal power generation, accounts for a significant proportion of the Shire's employment.

Council acknowledges:

- the employment benefits derived from local coal mining;
- the importance of sustaining local employment and economic activity in the long-term after the period of intensive local coal mining finishes;
- the impact of intensive coal mining on local liveability; and
- the long-term sterilisation of land and the compromising of agricultural productivity following soil, vegetation and water disturbance associated with coal mining.

As thermal coal mining and thermal coal power generation become less significant as a local industry and employer, Council wishes to ensure that future generations enjoy some of the benefits of mining that occurred within the Shire. This will be achieved by investing revenues associated with coal mining to generate a permanent dividend and, more particularly, to ensure that Council is able to:

- offset the mining rates category with dividends derived from investments associated with coal mining revenues;
- support local industry and facilitate new and emerging services and industries;
- improve landscape native vegetation connectivity and agricultural productivity.

To more transparently document how Council proposes to achieve these objectives, appropriately manage investments and to ensure the proper and orderly expenditure of such dividends, Council has resolved to create this Policy.

2. Policy Objective

The objective of this Policy is to:

- establish a Future Fund from;
 - certain assets held in Council's Commercial Fund as at the date of the first adoption of this Policy,
 - certain other buildings held in the General Fund as determined by Council, and
 - such revenues as Council may from time to time determine to allocate to the Future Fund;
- set out the purposes & scope of the Future Fund and its committee; and
- set out the provisions for ensuring the good governance of the Future Fund.

3. Policy Statement & Scope

Constitution of the Future Fund

- There is to be a Muswellbrook Shire Council Future Fund (the **Future Fund**).
- The Future Fund is to comprise the assets set out in the Schedule of this Policy as amended from time to time in accordance with this Policy and considering operational imperatives.
- The schedule is to be maintained and updated within 30-days of an asset being acquired, disposed or moved out of the Fund.

4. Asset Classes & Sub-Categories

The Future Fund is only to hold the following types of assets:

- land;
- improvements to land; or
- cash investments made in accordance with the Local Government Act, 1993 (the Act).

Assets are to be assigned a category which allocates them to different operational outcomes. These categories and/or their limitations are:

- **Type A:** Assets that meet the Primary Purposes of the fund. That is, commercial assets designed to provide the fund a consistent and market-based income stream or will provide an increase in value over the life of the asset.
- **Type B:** Assets that meet the Secondary Purposes of the fund.
- **Type C:** Assets that are held to provide a greater level of access to loans to continue sustainable growth. Type C Assets are provided to either staff or for social justice purposes. They can generate an income below market-value and are to be held in the fund at the discretion of Council on the recommendation of the General Manager. Type C properties cannot be sold, interfered or otherwise modified by the Future Fund Committee.

The final arbiter of determination of an assets type classification will be made by Council.

Assets which are residential dwellings or have been classified as Type C will not have the street addresses disclosed in the Schedule.

5. Administration of the Future Fund

5.1 Primary purposes of the Future Fund

The primary purpose of Future Fund is to:

- generate a commercial dividend to Council's General Fund;
- grow the Future Fund; and
- maintain a diversified portfolio of assets including, but not limited to, the diversification of assets by purpose and geography.

5.2 Secondary purposes

The Future Fund is to have the following secondary purposes:

- the improvement of the quality of commercial and residential buildings in the Shire having regard to, without limitation;
 - principles of equal access,
 - principles of health and safety (including fire safety), and
 - energy efficiency & environmental sustainability.
- the maintenance of an appropriate number of carparks in the commercial precincts of the Shire;
- the reduction of the public subsidisation of car-parking provided to commercial activities in the Shire by the consolidation of publicly provided car-parking with adjoining privately provided car-parking;
- the preservation and maintenance of significant heritage items;
- the construction of planned public infrastructure, drainage, liveability or environmental facilities or embellishments (as the case may be);
- the development or provision of;
 - the aged care industry in the Shire,
 - liveability infrastructure and businesses in the Shire,
 - the tourism and, particularly, the eco-tourism industry in the Shire,
 - the intensive agricultural industry in the Shire,
 - the renewable energy industry in the Shire,
 - social justice facilities or community services in the Shire,
 - innovative and growth industries, and
 - a town square in Muswellbrook's central business precinct;
- any matter set out in Council's Integrated Planning and Reporting Framework; and
- the furtherance of a function of Council set out in the Act.

5.3 Future Fund to have a Committee

There is to be a Future Fund Committee (the **Committee**) established under s355 of the *Local Government Act, 1993*.

The Committee shall be constituted by not less than three persons with an appropriate mix of the professional skills set out in this section (s5.3) of this Policy.

A Committee member must have relevant qualifications and substantial experience in any of the following professions:

- Strategic or development assessment planning, or;
- Accounting or finance, or;
- The law, or
- Property management or real estate;

When no independent members are available, Councillors or, at the recommendation of the General Manager, qualified Staff members will fill the vacant positions on the Committee.

A Councillor or staff member who is serving as a Committee member must not be remunerated except for the reasonable expenses relating to the work of the Committee.

A Committee member must agree that it is a condition of the appointment that they are bound by Council's Code of Conduct in the same way that a Councillor would be bound.

5.4 Acquisition, maintenance, development and disposal of assets in the Future Fund

The Committee shall review, not less than quarterly, the budget and assets in the Future Fund to ensure consistency with s5.1 and the purposes set out in s5.2 of this Policy.

The Committee may, after considering the matters set out in s5.1 and s5.2 and subject to the matters set out in s4 of this Policy, make such recommendation as to the acquisition, development, demolition or disposal of (whether or whole or in part) any asset (whether set out in the Schedule or not)—or anything properly incidental to those activities—to Council as it thinks fit.

The Committee shall ensure that all properties are to be maintained to an appropriate standard as determined by Council, taking into consideration equal access, health & safety, energy efficiency & environmental sustainability. Council will assign each property in the fund a Minimum Condition Rating ("MCR") that each building is required to maintain (Refer Appendix A). As such, the operational budgets for each asset within the Future Fund are to be largely based on the advice of the Council Officer charged with managing and maintaining those assets held in the Fund.

Nothing in this policy prevents the Committee from recommending the use of loans to finance the activities of the Fund, however, debt is to not exceed 50% of the value of assets held by the fund.

Council may choose to adopt, vary or reject the Committee's recommendation relating to all aspects of s5.4.

6. Reporting

In August each year, the Committee shall provide a report to Council and Council shall provide a report to the community which sets out the performance of the Future Fund against its purposes.

Reporting shall include, but is not limited to:

- Operational Performance,
- Financial health of the fund, including;
 - Operational result,
 - Portfolio distribution by asset type,
 - Capital Growth by asset type,
 - Any other matter Council requests.

7. Protocols

Council's General Manager may make protocols dealing with any aspect of this Policy not inconsistent with this Policy including, without limitation, to the conduct of Committee members.

8. Review

This Policy is to be reviewed within the first twelve months and not less than every four years thereafter.

The Schedule

No.	Common Name of Asset	Lot and Deposited Plan No.	Asset Type	MCR
1	88 Bridge Street, Muswellbrook	LOT: 3 DP: 219503	B	5
2	93A Hill Street, Muswellbrook	LOT: 1 DP: 1183406	B	5
3	98 Bridge Street, Muswellbrook	LOT: 11 DP: 511889	B	5
4	106 Bridge Street, Muswellbrook	LOT: 30 DP: 591020	B	5
5	108 Bridge Street, Muswellbrook	LOT: 8 DP: 161185	B	5
6	140 Bridge Street, Muswellbrook	LOT: 2 DP: 11221	B	5
7	63 Palace Street, Denman	LOT: 55 DP: 869289	B	3
8	5 Stanton Road, Seven Hills	LOT: 16 DP: 209284	A	2
9	Brook Street Plaza, 30 Brook Street Muswellbrook	LOT: 1 DP: 76058 & LOT 6 DP: 219503	B	3
10	Campbell's Corner, Ground Floor, 60 Bridge Street, Muswellbrook	LOT: 101 DP: 606303	A	1
11	Upper Hunter Conservatorium of Music, Campbell's Corner, First Floor, 60 Bridge Street, Muswellbrook	LOT: 101 DP: 606303	B	1
12	Glen Munro Road, Muswellbrook	LOT: 9 DP: 1131270	A	5
13	Glen Munro Road, Muswellbrook	LOT: 15 DP: 1131270	A	5
14	Glen Munro Road, Muswellbrook	LOT: 16 DP: 1131270	A	5
15	Glen Munro Road, Muswellbrook	LOT: 18 DP: 1131270	A	5
16	HACC Building, 155 Maitland Street, Muswellbrook	LOT: 2 DP: 118310	A	2
17	Industrial Land Bank, 24 Caramere Road, Muswellbrook	LOT: 22 DP: 1131270	A	5
18	Loxton House, 142 Bridge Street Muswellbrook	LOT: 1 DP: 11221	B	1
19	Land Development – Queen Street, Muswellbrook	LOT: 589 DP: 835738	A	5
20	Land Development – Adams Street, Muswellbrook	LOT: 319 DP: 1131731	A	5
21	Land Development – Turner Street, Denman	LOT: 42 DP: 771226	A	5
22	Market House, 2-4 Market Street, Muswellbrook	LOT: 1 DP: 229730	A	2
23	Marketplace, 72-78 Brook Street, Muswellbrook	LOT: 11 DP: 1046939	B	2
24	Sam Adams College, 63 Maitland Street, Muswellbrook	LOT: 2 DP: 857936	B	2
25	Upper Hunter Tertiary Education Centre, 87 Hill St, Muswellbrook	LOT: 3 DP: 11221	B	2
26	Wollombi Future Residential, 35-53 Wollombi Road, Muswellbrook	LOT: 48 DP: 261812	B	5
27	Wollombi Future Residential, 149-151 Wollombi Road, Muswellbrook	LOT: 70 DP: 261812	B	5
28	Weidmann Cottage, 132-134 Bridge St, Muswellbrook	PT: 8 ALT: B SEC: 6 DP: 758740	B	1
29	Wonderschool (Throsby) 54 Kunapalari Street, Throsby ACT	Title identifier 2433:18, Section 17, Block 4	A	2

Staff Housing Muswellbrook				
30			C	3
31			C	3
32			C	4
33			C	3
34			C	3
Staff Housing Denman				
35			B	3

Appendix A

Condition Rating	Condition	IP&R Description	IPWEA Description
1	Excellent / Very Good	No work required (normal maintenance)	New or as new condition. Only planned cyclic inspection and maintenance required.
2	Good	Only minor maintenance work required	Sound or good condition with minor defects. Minor routine maintenance along with planned cyclic inspection and maintenance.
3	Satisfactory	Maintenance work required	Fair condition with significant defects requiring regular maintenance on top of planned cyclic inspections and maintenance.
4	Poor	Renewal required	Poor condition with asset requiring significant renewal / rehabilitation, or higher levels of inspection and substantial maintenance to keep the asset serviceable.
5	Very Poor	Urgent renewal / upgrading required	Very poor condition. Asset physically unsound and/or beyond rehabilitation. Renewal required.

Authorisation Details

Authorised by:	Council
Minute No:	1315063
Date:	12-October-2021
Review timeframe:	1 Year
Department:	Planning & Building Services
Document Owner:	Manager, Planning & Building Services

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	2021	External	David Walsh	Included asset category & MCR Included limitations to asset management Updated Schedule Added Appendix A



muswellbrook shire council

DRAFT

Future Fund Policy MSC03E

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1. Policy Background (Preamble)

For almost 150 years, coal mining in the Muswellbrook Shire Council area has been a key local industry and employer. Coal mining, and particularly thermal coal mining, has increased substantially from the turn of the millennium and, together with thermal coal power generation, accounts for a significant proportion of the Shire's employment.

Council acknowledges:

- the employment benefits derived from local coal mining;
- the importance of sustaining local employment and economic activity in the long-term after the period of intensive local coal mining finishes;
- the impact of intensive coal mining on local liveability; and
- the long-term sterilisation of land and the compromising of agricultural productivity following soil, vegetation and water disturbance associated with coal mining.

As thermal coal mining and thermal coal power generation become less significant as a local industry and employer, Council wishes to ensure that future generations enjoy some of the benefits of mining that occurred within the Shire. This will be achieved by investing revenues associated with coal mining to generate a permanent dividend and, more particularly, to ensure that Council is able to:

- offset the mining rates category with dividends derived from investments associated with coal mining revenues;
- support local industry and facilitate new and emerging services and industries;
- improve landscape native vegetation connectivity and agricultural productivity.

To more transparently document how Council proposes to achieve these objectives, appropriately manage investments and to ensure the proper and orderly expenditure of such dividends, Council has resolved to create this Policy.

2. Policy Objective

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The objective of this Policy is to:

- establish a Future Fund from;
 - certain assets held in Council's Commercial Fund as at the date of the first adoption of this Policy,
 - certain other buildings held in the General Fund as determined by Council, and
 - such revenues as Council may from time to time determine to allocate to the Future Fund;
- set out the purposes & scope of the Future Fund and ~~it's~~ its committee; and
- set out the provisions for ensuring the good governance of the Future Fund.

3. Policy Statement & Scope

Constitution of the Future Fund

- There is to be a Muswellbrook Shire Council Future Fund (the **Future Fund**).
- The Future Fund is to comprise the assets set out in the Schedule of this Policy as amended from time to time in accordance with this Policy and considering operational imperatives.
- The schedule is to be maintained and updated within 30-days of an asset being acquired, disposed of or moved out of the Fund.

4. Asset Classes & Sub-Categories

The Future Fund is only to hold the following types of assets:

- land;
- improvements to land; or
- cash investments made in accordance with the Local Government Act, 1993 (the Act).

~~Assets are to be assigned a category which allocates them to different operational outcomes. These categories and/or their limitations are:~~

- ~~**Type A:** Assets that meet the Primary Purposes of the fund. That is, commercial assets designed to provide the fund a consistent and market-based income stream or will provide an increase in value over the life of the asset.~~
- ~~**Type B:** Assets that meet the Secondary Purposes of the fund.~~
- ~~**Type C:** Assets that are held to provide a greater level of access to loans to continue sustainable growth. Type C Assets are provided to either staff or for social justice purposes. They can generate an income below market value and are to be held in the fund at the discretion of Council on the recommendation of the General Manager. Type C properties cannot be sold, interfered or otherwise modified by the Future Fund Committee.~~

~~The final arbiter of determination of an assets type classification will be made by Council.~~

Assets which are residential dwellings ~~or have been classified as Type C will~~are not have the street addresses disclosed in ~~the~~ Schedule.

~~The administration of residential dwellings held for the primary purpose of staff housing or for the provision of social equity within the Shire, are to be administered in accordance with Council's Staff Housing Policy (as amended from time to time). The housing is not to be modified without Council approval.~~

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5. Administration of the Future Fund

5.1 Primary purposes of the Future Fund

The primary purpose of Future Fund is to:

- generate a commercial dividend to Council's General Fund;
- grow the Future Fund; and
- maintain a diversified portfolio of assets including, but not limited to, the diversification of assets by purpose and geography.

5.2 Secondary purposes

The Future Fund is to have the following secondary purposes:

- the improvement of the quality of commercial and residential buildings in the Shire having regard to, without limitation;
 - principles of equal access,
 - principles of health and safety (including fire safety), and
 - energy efficiency & environmental sustainability.
- the maintenance of an appropriate number of carparks in the commercial precincts of the Shire;
- the reduction of the public subsidisation of car-parking provided to commercial activities in the Shire by the consolidation of publicly provided car-parking with adjoining privately provided car-parking;
- the preservation and maintenance of significant heritage items;
- the construction of planned public infrastructure, drainage, liveability or environmental facilities or embellishments (as the case may be);
- the development or provision of;
 - the aged care industry in the Shire,
 - liveability infrastructure and businesses in the Shire,
 - the tourism and, particularly, the eco-tourism industry in the Shire,
 - the intensive agricultural industry in the Shire,
 - the renewable energy industry in the Shire,
 - ~~social equity justice facilities housing or community services facilities with~~in the Shire,
 - innovative and growth industries, and

- a town square in Muswellbrook's central business precinct;
- any matter set out in Council's Integrated Planning and Reporting Framework; and
- the furtherance of a function of Council set out in the Act.

5.3 Future Fund to have a Committee

There is to be a Future Fund Committee (the **Committee**) established under s355 of the *Local Government Act, 1993*.

The Committee shall be constituted by not less than three persons with an appropriate mix of the professional skills set out in this section (s5.3) of this Policy.

A Committee member must have relevant qualifications and substantial experience in any of the following professions:

- Strategic or development assessment planning, or;
- Accounting or finance, or;
- The law, or
- Property management or real estate;

When no independent members are available, Councillors or, at the recommendation of the General Manager, qualified Staff members will fill the vacant positions on the Committee.

A Councillor or staff member who is serving as a Committee member must not be remunerated except for the reasonable expenses relating to the work of the Committee.

A Committee member must agree that it is a condition of the appointment that they are bound by Council's Code of Conduct in the same way that a Councillor would be bound.

5.4 Acquisition, maintenance, development and disposal of assets in the Future Fund

The Committee shall review, not less than quarterly, the budget and assets in the Future Fund to ensure consistency with s5.1 and the purposes set out in s5.2 of this Policy.

The Committee may, after considering the matters set out in s5.1 and s5.2 and subject to the matters set out in s4 of this Policy, make such recommendation as to the acquisition, development, demolition or disposal of (whether or whole or in part) any asset (whether set out in the Schedule or not)—or anything properly incidental to those activities—to Council as it thinks fit.

The Committee shall ensure that all properties are ~~to be maintained~~ to at the standard set out in Appendix A with respect to the rating determined for each asset set out in an appropriate standard as determined by Council the Schedule, taking into consideration equal access, health & safety, energy efficiency & environmental sustainability. Council will assign each property in the fund a Minimum Condition Rating ("MCR") ~~that each at which each building-asset is required to be maintained (Refer Appendix A). Council's Property Team will provide the Committee. As such, the operational budgets for each asset within the Future Fund are to be largely based on the advice of the Council Officer charged with managing and maintaining those assets held in the Fund with advice as to their opinion as to the required maintenance for each asset in the Fund by March each year in preparation for the Committee's advice to Council as to its draft budget.~~

Nothing in this policy prevents the Committee from recommending the use of loans to finance the activities of the Fund, provided that, however, debt total debt leveraging in the Fund does not is to not exceed 50% of the value of assets held by the fund.

Council may choose to adopt, vary or reject the Committee's recommendation relating to all aspects of s5.4.

6. Reporting

In August-September each year, the Committee shall provide a report to Council and Council shall provide a report to the community which sets out the performance of the Future Fund against its purposes. Reporting shall include, but is not limited to:

- earnings Before Income Tax, Depreciation and Ammortisation – cash available to be paid out as a dividend.
- Operational Performance,
- Financial health of the fund other performance indicators, including:
 - Operational result;
 - Portfolio Asset diversification by class and geography, distribution by asset type,
 - Capital capital Growth-growth by asset class-type, and
 - Any other matter requested by Council, requests.

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7. Protocols

Council's General Manager may make protocols dealing with any aspect of this Policy not inconsistent with this Policy including, without limitation, to the conduct of Committee members.

8. Review

This Policy is to be reviewed within the first twelve months and not less than every four years thereafter.

The Schedule

No.	Common Name of Asset	Lot and Deposited Plan No.	Asset Type	MCR
1	88 Bridge Street, Muswellbrook	LOT: 3 DP: 219503	B	5
2	93A Hill Street, Muswellbrook	LOT: 1 DP: 1183406	B	5
3	98 Bridge Street, Muswellbrook	LOT: 11 DP: 511889	B	5
4	106 Bridge Street, Muswellbrook	LOT: 30 DP: 591020	B	5
5	108 Bridge Street, Muswellbrook	LOT: 8 DP: 161185	B	5
6	140 Bridge Street, Muswellbrook	LOT: 2 DP: 11221	B	5
7	63 Palace Street, Denman	LOT: 55 DP: 869289	B	3
8	5 Stanton Road, Seven Hills	LOT: 16 DP: 209284	A	2
9	Brook Street Plaza, 30 Brook Street Muswellbrook	LOT: 1 DP: 76058 & LOT 6 DP: 219503	B	3
10	Campbell's Corner, Ground Floor, 60 Bridge Street, Muswellbrook	LOT: 101 DP: 606303	A	1
11	Upper Hunter Conservatorium of Music, Campbell's Corner, First Floor, 60 Bridge Street, Muswellbrook	LOT: 101 DP: 606303	B	1
12	Glen Munro Road, Muswellbrook	LOT: 9 DP: 1131270	A	5
13	Glen Munro Road, Muswellbrook	LOT: 15 DP: 1131270	A	5
14	Glen Munro Road, Muswellbrook	LOT: 16 DP: 1131270	A	5
15	Glen Munro Road, Muswellbrook	LOT: 18 DP: 1131270	A	5
16	HACC Building, 155 Maitland Street, Muswellbrook	LOT: 2 DP: 118310	A	2
17	Industrial Land Bank, 24 Caramere Road, Muswellbrook	LOT: 22 DP: 1131270	A	5
18	Loxton House, 142 Bridge Street Muswellbrook	LOT: 1 DP: 11221	B	1
19	Land Development – Queen Street, Muswellbrook	LOT: 589 DP: 835738	A	5
20	Land Development – Adams Street, Muswellbrook	LOT: 319 DP: 1131731	A	5
21	Land Development – Turner Street, Denman	LOT: 42 DP: 771226	A	5
22	Market House, 2-4 Market Street, Muswellbrook	LOT: 1 DP: 229730	A	2
23	Marketplace, 72-78 Brook Street, Muswellbrook	LOT: 11 DP: 1046939	B	2
24	Sam Adams College, 63 Maitland Street, Muswellbrook	LOT: 2 DP: 857936	B	2
25	Upper Hunter Tertiary Education Centre, 87 Hill St, Muswellbrook	LOT: 3 DP: 11221	B	2
26	Wollombi Future Residential, 35-53 Wollombi Road, Muswellbrook	LOT: 48 DP: 261812	B	5
27	Wollombi Future Residential, 149-151 Wollombi Road, Muswellbrook	LOT: 70 DP: 261812	B	5
28	Weidmann Cottage, 132-134 Bridge St, Muswellbrook	PT: 8 ALT: B SEC: 6 DP: 758740	B	1
29	Wonderschool (Throsby) 54 Kunapalari Street, Throsby ACT	Title identifier 2433:18, Section 17, Block 4	A	2

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	Staff Housing Muswellbrook			
30			C	3
31			C	3
32			C	4
33			C	3
34			C	3
35			B	3

Appendix A

Condition Rating	Condition	IP&R Description	IPWEA Description
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5	Very Poor	Urgent renewal / upgrading required	Very poor condition. Asset physically unsound and/or beyond rehabilitation. Renewal required.

Authorisation Details

Authorised by:	Council
Minute No:	XXXXXX
Date:	XXXXXX
Review timeframe:	1 Year
Department:	Planning & Building Services
Document Owner:	Manager, Planning & Building Services

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
F28/1	XXXXXX	External	David Walsh	Included asset category & MCR Included limitations to asset management Updated Schedule Added Appendix A

12.6 2021-2022 OPERATIONAL PLAN 31 DECEMBER QUARTERLY REVIEW

Attachments:	A. Q2 2021-2022 Council Review <u>↓</u>
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

The adopted 2021/22 Operational Plan has been reviewed over the months of 1 October 2021 to 31 December 2021.

OFFICER'S RECOMMENDATION

The 2021/22 Operational Plan Review dated 31 December 2021 be noted.

Moved: _____ Seconded: _____





BACKGROUND

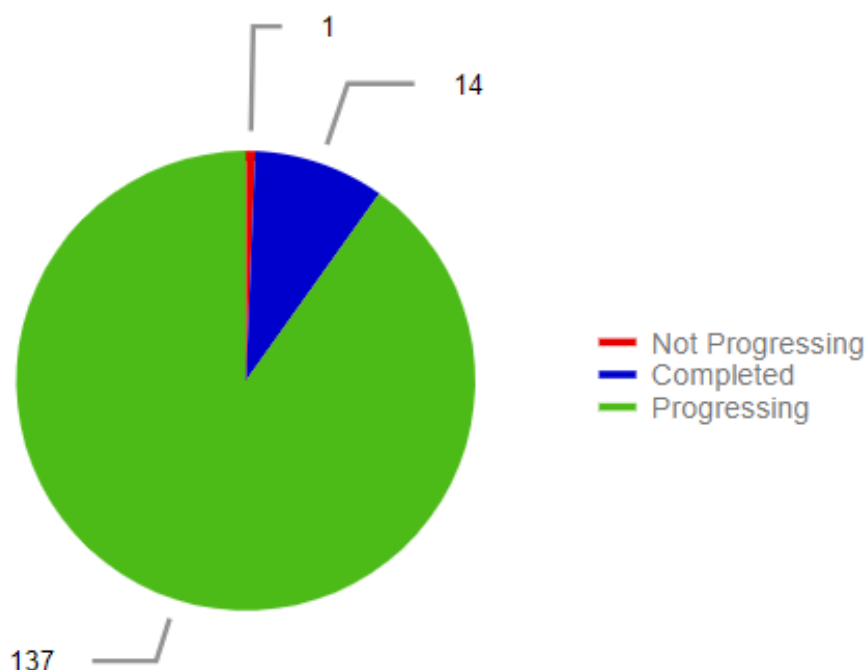
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the Q2 2021-2022 Council Review (attached) for the full Operational Plan review for the period to 31 December 2021.

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

Overall - of the 152 activities, approximately:	
	0.5% are not progressing;
	0% are not due to start;
	90% are progressing;
	9.5% have been completed on or ahead of schedule.



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

ACTION	STATUS
2.4.8 Implement funded components of the Muswellbrook Shire Walk and Cycle Plan	Construction of the Council nominated and funded shared pathway in Ironbark Road Muswellbrook (Rutherford Road to Calgaroo Ave) has been completed.
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.
5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project	The installation of the Max Watters Sculpture is completed, a successful opening of the sculpture was held in October 2021.
5.5.2 Continue matched funding Small Sport and Recreation Grants Programme	The Small Sport and Recreation Grants Programme for 2021/2022 has been awarded.
5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	The Large Sport and Recreation Grants Programme for 2021/2022 has been awarded.
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.

ACTION	STATUS
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.
18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	The Muswellbrook Shire Councils annual financial contribution has been made to UH Arts and the Community Services Manager is a member of the UH Arts Board of Management.
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.
20.1.7 Provide a report to Council listing priorities for construction	A report listing Water & Wastewater capital construction priorities was approved by Council at the 26 October 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.
21.1.3 Carry out progressive linemarking of Bylong Valley Way	The linemarking of Bylong Valley Way is complete.

The action reported as **not progressing** is as follows:

ACTION	STATUS
2.1.1 Develop funded components of the Denman Thermal Baths and Tourist Park	This project is not progressing at this time. The Denman Recreation and Tourist Park has a master plan and links well to the progress of the Denman Heritage Village, which is progressing.

There were no actions reported as **not due to start** for Q2 2021/2022.



Q2 2021-2022 Council Review

1 October 2021 – 31 December 2021


Economic Prosperity

Plan for Local Economic Prosperity

Support job growth.

Facilitate the expansion of and establishment of new industries and business.


Target: New growth achieved

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
1.1	Facilitate the expansion of and establishment of new industries and business.	1.1.1 Support the Upper Hunter Economic Development Corporation to facilitate the expansion and establishment of new industries and business	Progressing	55%	The UHEDC Board and CEO are operational with a number of innovative projects underway including the establishment of the Manufacturing Innovation Hub. The Chair of the UHEDC will report to the Council Strategic Planning conference in February and provide an overview on economic development programs underway.	

Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business.


Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.


Target: Facilitation leads to the establishment of new industries and business enterprise which diversify our economic base and create employment

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.1	Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.	2.1.1 Develop funded components of the Denman Thermal Baths and Tourist Park	Not Progressing	45%	This project is not progressing at this time. The Denman Recreation and Tourist Park has a master plan and links well to the progress of the Denman Heritage Village, which is progressing.	

Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.


Target: Research and innovation leads to the establishment of new industries.


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.2	Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.	2.2.1 Revise and update investment prospectus	Progressing	35%	This goal is transferred to the Upper Hunter Economic Development Committee and is included in the UHEDC Operational Plan. The UHEC will report to council on progress in achieving this goal.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.2.2 Implement key recommendations in the Upper Hunter Tourism Strategy	Progressing	50%	The Upper Hunter Country Tourism Committee have reviewed their Strategic Plan revising their objectives and actions for 2021/23. Council will meet with this group and focus on partnership projects.	

Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.


Target: New planning instruments lead to greater industry investment in the Shire




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.3	Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.	2.3.1 An update to section 13 Flooding of Development Control Plan 2009, to reflect the recommendations in the Hunter River Flood Study and Risk Management Plan, is publicly notified	Progressing	50%	Exhibition commenced Dec 2021.	





Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.3.2 The Shire-wide Muswellbrook Local Environmental Plan instrument is drafted for a Councillor Workshop and referred to Department of Planning, Industry and Environment for a Gateway Determination	Progressing	40%	Staff have been participating in discussions with DPIE on proposed changes to residential and employment definitions and zones for LEPs (statewide initiative). These changes will be exhibited in the next quarter and staff can progress the Shire wide LEP. Staff also involved in a vineyards amenity and productivity assessment with DPIE which will aid designation of rural land as either RU1 or RU2.	




Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.

Target: Implement the first stage of the Muswellbrook Town Centre Masterplan (Regional Entertainment and Conference Centre - subject to Special Variation) and the Denman town revitalisation project

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.4	Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.	2.4.1 Seek commercial opportunities consistent with Muswellbrook and Denman town centre strategies	Progressing	50%	Commercial opportunities and concepts are being sought and developed in Muswellbrook and Denman consistent with the Muswellbrook and Denman town centre strategies.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.4.2 Implement the funded stages of the Muswellbrook Parking Strategy	Progressing	50%	The funded stages of the Muswellbrook Parking Strategy continue to be implemented with improvements made within the parking at the rear of Bridge St Muswellbrook.	
		2.4.3 Progress the Muswellbrook and Denman CBD parking and traffic strategies	Progressing	50%	The Muswellbrook and Denman CBD parking and traffic strategies continued to be implemented with traffic facilities installed within the Bridge St Carpark and consultants engaged to develop an Active Transport Strategy for Muswellbrook and Denman.	
		2.4.4 Construct the Wilder St Bridge as part of the Olympic Park Masterplan	Progressing	50%	Contractors Saunders Civil Group were engaged for a Design and Construct contract to build the Wilder St Bridge in February 2021. Construction of the bridge commenced in October 2021 and is continuing in accordance with the project plan.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.4.5 Commence upgrade of Olympic Park grandstand amenities	Progressing	50%	The Olympic Park grandstand and amenities design is being progressed to development approval.	
		2.4.6 Develop a 'Cooling the Streets' concept plan for Muswellbrook Shire	Progressing	20%	Council's new active transport, walk and cycle plans, and recreation needs studies will all include a review of the impact of climate change on the Shire's urban amenity. A 'Cooling the Streets' strategy and implementation plan is required.	
		2.4.7 Develop Denman CBD Walking Trail Plan	Progressing	35%	The Denman CBD Walking Trail is to be included in the completed Shire Active Transport Walk and Cycle plan, scheduled for delivery in 2022.	
		2.4.8 Implement funded components of the Muswellbrook Shire Walk and Cycle Plan	Completed	100%	Construction of the Council nominated and funded shared pathway in Ironbark Road Muswellbrook (Rutherford Road to Calgaroo Ave) has been completed.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.4.9 Develop a concept design for the Muswellbrook Heritage Museum	Progressing	25%	Council is seeking long-term tenure of preferred site and reviewing approved design.	
		2.4.10 Construct Sandy Hollow Pocket Park	Progressing	75%	Construction of the Sandy Hollow Pocket Park is nearing completion.	
		2.4.11 Develop a plan for improved accessible pedestrian link to Muswellbrook Marketplace	Progressing	50%	A concept plan to provide improved accessible pedestrian access to the Marketplace from the Hill st access and bus stop is being developed for reporting to Council.	

Develop agricultural industry opportunities in the Shire.

Target: Develop agricultural industry masterplan


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.5	Develop agricultural industry opportunities in the Shire.	2.5.1 Develop a Climate Change Resilience Policy	Progressing	40%	Staff participated in a Climate Change Risk assessment with Council's insurers to assist in developing a Resilience Policy.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	Progressing	50%	The Upper Hunter Country Tourism Committee have reviewed their Strategic Plan revising their objectives and actions for 2021/23, this strategy is not included in their rveside strategic plan. Council will meet with this group and focus on partnership projects.	

Facilitate greater access to higher education and participation in the knowledge and creativity economy.

Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.

Target: Additional education and creativity infrastructure constructed to support improved access to higher education and participation in the knowledge and creativity economy

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
3.1	Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.	3.1.1 Complete the Upper Hunter Innovation Precinct - Stage 2	Progressing	50%	Construction work is progressing on site.	

Develop Muswellbrook as a Regional Centre

Council will apply to IPART for a permanent continuation of IPART's approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPART's 2.7% rate peg


Target: The special variation will support:

An additional allocation of \$300,000 per year for stormwater drainage and \$100,000 per year for roads and parks asset maintenance programs.

Development of the Olympic Park Sports Precinct and Regional Entertainment and Conference Centre with a combined value of \$26,010,000 (subject to receiving grants and voluntary planning agreements) is made up of:

- an SRV contribution of \$11,800,000;
- grants of \$10,500,000;
- voluntary planning agreements contributions of \$3,710,000; and
- annual operational maintenance and net yearly operational contributions of \$700,000.

An additional \$250,000 towards the Job Creation program and \$62,000 to offset a shortfall in rating revenues arising from a change in NSW Government policy with respect to biodiversity offsets.

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
4.1	Council will apply to IPART for a permanent continuation of IPART's approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPART's 2.7% rate peg	4.1.1 Report against IPART granted Special Variation projects and programs	Progressing	40%	All new Councillors will be provided information on council's obligations as part of the successful application for special rating variation as part of the previous term of council.	



Social Equity and Inclusion

Access to a wide range of community and government agencies appropriate for their age and needs.

Continue to improve the affordability, liveability and amenity of the Shire's communities.


Implement the outcomes of the Recreation Needs Study.

Target: The recommendations from the Recreation Needs Study are implemented

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.1	Implement the outcomes of the Recreation Needs Study.	5.1.1 Report on the list of prioritised capital sport and recreation projects	Completed	100%	A report providing a list of prioritised capital sport and recreation projects was approved by Council at the 28 September 2021 Ordinary Council Meeting.	
		5.1.2 Undertake a Muswellbrook Shire recreation needs study	Progressing	25%	Detailed brief for consultants is being prepared.	


Continue town centre revitalisation projects.




Target: Revitalisation projects completed

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.2	Continue town centre revitalisation projects.	5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project	Completed	100%	The installation of the Max Watters Sculpture is completed, a successful opening of the sculpture was held in October 2021.	

Facilitate investment in entertainment opportunities, particularly for young people.


Target: New entertainment opportunities provided

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.3	Facilitate investment in entertainment opportunities, particularly for young people.	5.3.1 Develop Library programs that increase social engagement with young people in our libraries	Progressing	80%	The library has expanded children's services to include online deliveries including school holiday programming. The library has recently relaunched its face to face children's programming and has introduced a regular story time session at Denman Library. The Summer Reading program was launched following a series of face to face school visits by library staff. The library has continued to expand inclusive	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.3.2 Develop Aquatic Centre and Gym programs that increase social engagement and wellbeing with young people in Council's pools and gym	Progressing	40%	Due to reconstruction of the Muswellbrook Indoor Aquatic Centre facilities is not open. The Muswellbrook and Denman Outdoor Pools remain open and have provided reduced Learn to Swim Programs to the community and participating schools. The construction, COVID Health Orders and weather conditions have impacted on the provision of services.	
		5.3.3 Construct Muswellbrook Youth Venue in partnership with the Upper Hunter Youth Services Committee	Progressing	50%	The Muswellbrook Youth Centre Building Extension Development Application has been lodged with Muswellbrook Shire Council Planning Department.	
		5.3.4 Expand the home library service to increase participation of people with mobility or accessibility issues	Progressing	70%	The library has continued its expanded services and continues to deliver to a range of family groups and community members with accessibility issues. Denman Library will shortly be commencing monthly deliveries to Denman and surrounds.	




Improve access to waterways





Target: Greater appreciation and interaction by the community with our local rivers and creeks

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.4	Improve access to waterways	5.4.1 Construct approved stages of the Hunter Beach project	Progressing	25%	Following a resolution from Council at the 28 September 2021 Ordinary Council Meeting, contracts are being finalised with the short-listed contractor for delivery of the Hunter Beach project. Commencement of project to commence in the third quarter of 2021-22 with approved time extensions for grant funding provided.	

Promote and facilitate increased participation in active and passive recreational activities.


Target: Increased participation in recreation activities. Implement the Olympic Park Precinct Masterplan (subject to Special Variation)





Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.5	Promote and facilitate increased participation in active and passive recreational activities.	5.5.1 Maintain the sporting and recreational facilities to the standard specified in the Precinct Specifications Manual	Progressing	50%	Sporting and recreational facilities are generally being maintained to the standard specified in the Precinct Specifications Manual. Some difficulties have been experienced in carrying out mowing activity due to persistent wet weather events and the impact of COVID.	
		5.5.2 Continue matched funding Small Sport and Recreation Grants Programme	Completed	100%	The Small Sport and Recreation Grants Programme for 2021/2022 has been awarded.	
		5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	Completed	100%	The Large Sport and Recreation Grants Programme for 2021/2022 has been awarded.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.5.4 Continue user group consultation programme	Progressing	50%	Regular meetings are held with sportsground and facility user groups in order to facilitate increased participation in active and passive recreation. The programme of meetings have been interrupted by COVID-19 restrictions.	
		5.5.5 Progress planning for the prioritised elements of the Recreational Vehicle Strategy	Progressing	25%	Following a resolution from Council at the 28 September 2021 Ordinary Council Meeting, contracts are being finalised with the short-listed contractor for delivery of the Hunter Beach site including a Recreation Vehicle parking area.	
		5.5.6 Manage Crown lands in line with Plans of Management	Progressing	50%	Crown Land Plans of Management are being developed for Council's Crown Land sites.	
		5.5.7 Develop staged detailed designs for Hunter, Simpson, and Wollombi Park concept plans	Progressing	50%	Concept designs for Hunter Park and Wollombi Park have been approved by Council. Detailed designs are progressing.	

Consider and deliver social inclusion principles across Council functions.

Target: People with disability are continually included in improving the provision of accessible options across the Shire



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.6	Consider and deliver social inclusion principles across Council functions.	5.6.1 Seek external grant funding opportunities to support the interests and aspirations of the Shire's communities	Progressing	50%	During the second quarter of 2021/22 Council submitted applications for nineteen (19) grants valued at \$5.3 million, these all being competitive State grants except for the Black Summer Bushfire Recovery Grants and the Australia Day Community Grant which are Federal programs. The combined value of these projects is more than \$9 million. Applications were submitted for projects to be undertaken across the organisation including flying fox and fish habitat, replacing bridges and culverts, improvements to sporting facilities, food organics and garden organics infrastructure, workplace health and safety programs and extensions to the Muswellbrook Regional Arts Centre.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.6.2 Address the actions identified in accessibility building and property audits and ensure all designs include accessibility considerations as a core component of the design process	Progressing	50%	All designs include accessibility considerations as a core component of the design process. Specific projects have been identified and are progressing as part of the 2021/2022 capital works programme.	
		5.6.3 Deliver responsive actions in relation to changing needs of Information Services, ensuring compatibility with current systems design and direction of the organisation	Progressing	75%	The ICT Strategy has been reinvigorated and expanded to include important ICT updates. Q2, 2022 saw the creation of a number of project teams and numerous conversations with our providers to arrange updates. Many of the changes will be completed through Q3 & Q4 of 2021/22.	
		5.6.4 Implement Emergency Management Plan	Progressing	40%	Council has revised the latest Emergency Management Plan.	
		5.6.5 Continue prioritised implementation of Asset Management System improvements	Progressing	40%	The new integrated asset management plan is scheduled for delivery in 2022. A project team has been established and will be led by the new Manager Corporate Services.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		5.6.6 Consider all levels of abilities in the preparation of Council's plans and strategies	Progressing	50%	Council has a new website with improved all ability access. The website and new digital media strategy will continue to be improved as an ongoing continuous improvement program.	

Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.


Target: New affordable housing opportunities provided

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.7	Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.	5.7.1 Complete an audit of vacant but serviced and subdivided residential land in the Shire	Progressing	10%	Commenced mapping to identify vacant parcels.	
		5.7.2 Seek development approval for Wollombi Road residential development	Progressing	25%	Preliminary aspects of this project are underway.	

Stabilise the tenancy turnover in the Shire's social housing.

Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.


Target: Reduction in the turnover of tenants residing in social housing

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
6.1	Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.	6.1.1 Advocate for improvement in the standard and condition of community housing in the Muswellbrook Shire with NSW state agencies	Progressing	70%	Muswellbrook Shire Council have entered into an agreement with a local not for profit community housing provider to provide an accommodation option for vulnerable individuals and families escaping domestic violence.	

Build social inclusion and improve the delivery of social services.


Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services

Target: Improved social indicators across the Shire

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.1	Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services	7.1.1 Continue to support and promote the Muswellbrook Healthy and Well Program	Completed	100%	Unfortunately the Muswellbrook Healthy & Well Project no longer meet as a group since funding of the project came to an end.	


Facilitate and implement improved disability access and inclusion across the Shire.



Target: Disability and inclusion improved to targeted facilities

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.2	Facilitate and implement improved disability access and inclusion across the Shire.	7.2.1 Develop a targeted program to improve accessibility in Council owned and public spaces	Progressing	25%	Development of a targeted programme to improve accessibility in Council owned and public spaces is underway.	

Facilitate opportunities to expand seniors' living.***Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.***

Target: Improved services for older residents




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
9.2	Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.	9.2.1 Deliver funded components of the Ageing Strategy	Progressing	80%	Funded strategies and initiatives from the Ageing Strategy 2020-22 have been delivered or incorporated into council works such as the production of a local Seniors Festival Brochure, redesign of public spaces such as the main street of Denman, Muswellbrook Indoor Aquatic Centre, Denman Memorial Park.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		9.2.2 Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Progressing	20%	Preliminary work has commenced to deliver a local resource for the 2022 Seniors Festival (25 March - 3 April)	
		9.2.3 Increase the membership of older people at both Muswellbrook and Denman Aquatic Centres, gym and Muswellbrook Libraries	Progressing	80%	The library has reintroduced adult programs including book clubs and adult writers group which has increased engagement and membership of older people. Members aged 50+ currently account for 29% of total active Library memberships. The Muswellbrook Indoor Aquatic Centre is currently being reconstructed an Aqua Areobics program has been held at the Muswellbrook Outdoor Pool there is a 70% participation of older people in this activity.	

Further the process of reconciliation in the Shire.




Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.

Target: Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
10.1	Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.	10.1.1 Work with the Aboriginal community on the delivery of at least two events annually to celebrate and promote Aboriginal art and culture	Progressing	50%	No further events have been developed with the Aboriginal Community, due to the change of Council and the impact of COVID 19 Health Orders.	
		10.1.2 Review the currency of the Working with ATSI website and update to reflect changes in legislation and policy	Progressing	55%	The Community Partnerships Officer is reviewing the content of the workingwithindigenoustralians.info website. Correspondence will be sent to the 'In Our Own Words' participants seeking additional documents, photos, maps to further enhance the Aboriginal Oral History Digitised Project.	
		10.1.3 Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	Progressing	20%	Preliminary planning has commenced regarding available budget and expense.	

Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.

Target: Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
10.2	Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.	10.2.1 Facilitate implementation of recommended outcomes from Aboriginal treaty document	Progressing	60%	This project is currently on hold due to the change of Council. Initial consultation work has been completed however the project has been severely impacted and delayed due to the impact of COVID NSW Health Restrictions.	
		10.2.2 Consult with the Aboriginal community to identify priority projects	Progressing	30%	The identification of priority projects with the Aboriginal Reconciliation Committee have not progressed due to the progress of the Treaty Project, initial consultations have been held with the Aboriginal Community identifying preliminary projects and issues within the Aboriginal Community, this has also been impacted by the NSW COVID Health Order.	
		10.2.3 Liaise with National Parks and Wildlife to ensure the conservation of culturally significant Aboriginal sites on Widden Valley Road	Progressing	10%	This issue will be presented to the Aboriginal Reconciliation Committee for progression when Council is formed.	



Environmental Sustainability


Environmental Sustainability to focus on the regeneration of mined land and urban riparian areas, increase our use of renewable energy and to monitor and manage our use of natural resources.

Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation.

Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.

Target: Improvements in final landforms and void depths



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
11.1	Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.	11.1.1 Develop a Mining and Extraction (Quarries) Policy to inform the calculation of environmental bonds, modifications and extensions and other relevant matters within the Shire	Progressing	30%	The Development Compliance Officer is reviewing material on the Natural Resources Regulator website to help prepare the new Policy.	
		11.1.2 Review new State Significant Development and requests for modification of State Significant Development (where the approval authority is the Department of Planning, Industry & Environment) to provide input and submissions consistent with Council's policy position	Progressing	50%	Feedback has been provided on projects planned for both Liddell and Bayswater Power Station sites, a new battery storage project near the Muswellbrook Transformer substation, the Bowmans Creek Wind farm, the Bells Mountain Pumped Hydro project and a number of renewable energy projects proposed in the New England and Central West Renewable Energy Zones.	





Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		11.1.3 Attend Community Consultative Committees operated by the mines within the Shire	Progressing	50%	Staff and a Councillor attend the various Community Consultative Committee meetings as scheduled.	

Enhance native vegetation connectivity across the Upper Hunter.

Target: Enhanced native vegetation connectivity across the Upper Hunter

Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
12.1	Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.	12.1.1 Support Landcare activities in the Shire	Progressing	50%	Grant funding project agreements for this year's local land care projects are all signed and returned to Council	
		12.1.2 Maintain rehabilitation works along Muscle Creek, Karoola Wetlands and Denman Wetlands to improve habitat quality and vegetation connectivity across the Upper Hunter	Progressing	50%	Maintenance of rehabilitation works along Muscle Creek, Karoola Wetlands, and Denman Wetlands are being carried out to improve habitat quality and vegetation connectivity. Heavy rainfall in recent months have generated high growth of vegetation.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		12.1.3 Maintain areas that have undergone rehabilitation activities to avoid degradation	Progressing	50%	Maintenance works are being carried out at sites that have undergone rehabilitation activity to avoid degradation. Heavy rainfall experienced in recent months have generated high growth of vegetation.	
		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	Completed	100%	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. Watering and maintenance phase now in place.	
		12.1.5 Obtain easements over Possum Gully in order to facilitate the carrying out of vegetation rehabilitation works	Progressing	50%	Planning for obtaining of easements to facilitate the carrying out of vegetation rehabilitation works is progressing as part of a catchment study.	
		12.1.6 Progressively obtain stormwater drainage easements associated with development	Progressing	50%	Stormwater easements associated with development will progressively be obtained.	

Our local rivers and creeks are enhanced, utilised and valued.

Adopt an Urban Riparian Masterplan and implement actions.


Target: Healthier waterways and greater recreational use by the community




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
13.1	Adopt an Urban Riparian Masterplan and implement actions.	13.1.1 Commence construction of 240m of walkway behind the Muswellbrook Community Pool	Progressing	50%	Scope of project has changed, a different section of footpath will now be constructed due to safety and security issues behind the pool. Additional solar powered lights along the existing track and a virtual augmented experience for track users will also be installed.	




Support initiatives which reduce the community's impact on the environment.




Carry out actions under the Sustainability Action Plan

Target: Actions carried out

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
14.1	Carry out actions under the Sustainability Action Plan	14.1.1 Develop a work program to prepare a Muswellbrook Urban Catchment Management Plan which prioritises areas for remediation and activities that reduce and slow urban stormwater runoff	Progressing	50%	Project brief completed, next stage will seek requests for quotation.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		14.1.2 Continue to monitor air quality for the Shire and advocate for improved quality, regulation and compliance	Progressing	50%	Staff attend Upper Hunter Air Quality Advisory Committee meetings and report air quality information to Council. Council's monitoring activities site has been disrupted by COVID travel restrictions (the Australian Nuclear Science and Technology Organisation is based in Sydney) but are expected to resume in 2022.	
		14.1.3 Complete the Muswellbrook Shire Council NetZero by 2050 Road Map	Completed	100%	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.	
		14.1.4 Conduct a minimum of two community education programs to reduce the volume of food waste going to the Waste Management Facility. This could include providing grants to the community	Progressing	50%	Due to COVID restrictions impacting on the ability of staff to carry out face to face education programmes, staff have completed and uploaded a number of videos on using up food in a households fridge/pantry, shopping to a menu and growing a backyard veggie patch.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		14.1.5 Assist Council staff in implementing affordable procurement that minimises waste and improves sustainability outcomes	Progressing	50%	Implementation of NetZero roadmap has commenced with the next large site and small site energy contracts being put out for tender with a preference for renewable energy. Outcomes of tender process will be reported in the third quarter of 2021-22.	
		14.1.6 Conduct a minimum of two education programs or events to engage businesses and the boarder community to minimise waste and encourage reuse. This could include providing grants to community groups, residents and local businesses	Progressing	50%	Planning is being carried out for the delivery of programs in 2022.	
		14.1.7 Encourage the establishment and maintenance of a minimum of one community garden. This could include providing grants to community groups to establish, enlarge or maintain new or existing community gardens	Progressing	50%	Planning for the relocation and upgrade of the community garden at the new Sustainability Hub is advanced. Preparatory site works have commenced and a formal move to the new site is likely to proceed in the third quarter. Advice is being provided to households on establishing backyard vegetable gardens, and free seedling giveaways occurred during Spring.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		14.1.8 Continue surveillance and regulation of illegal dumping based on reports from the community and staff	Progressing	50%	Rangers follow up on community complaints and undertake regular surveillance of known trouble spots for illegal dumping.	
		14.1.9 Implement the Flying Fox Management Plan and the funded management actions	Progressing	50%	Staff have purchased clothes line and car covers for affected households. Council's Expression of Interest nominating Muswellbrook for funding to establish an out of town 'Flying Fox Camp' on rural land has been approved to progress to stage 2 - project development.	
		14.1.10 Implement appropriate studies and planning approvals for Food Organics and Garden Organics management	Progressing	30%	Information being collected to respond to NSW EPA request regarding potential odour impact of proposed development.	

Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.

Target: Development application process includes review of potential environmental impacts and mitigation requirements included in conditions

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
14.2	Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.	14.2.1 Report the Muswellbrook Biodiversity Offset Strategy scoping paper to Council for funding in the 2022/23 financial year	Progressing	25%	Preliminary work is being carried out.	


Cultural Vitality

Increase the local variety, availability and access to the arts and cultural experiences.

Conserve the heritage and history of the Shire.

New investment in heritage conservation and restoration made.


Target: Funding allocation for heritage conservation and restoration is available

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
16.3	New investment in heritage conservation and restoration made.	16.3.1 Allocate funding for heritage conservation and restoration of heritage items through the Local Heritage Grants Fund	Progressing	50%	Funding applications have been reviewed by Council's new Heritage Advisor.	

Facilitate options to improve cultural activities in the Shire.

Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).



Target: Construction completed


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
17.1	Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).	17.1.1 Commence construction of the Regional Entertainment and Conference Centre (RECC)	Progressing	10%	A development application has been lodged for the project. A detailed scope of enabling works has been prepared.	

Facilitate cultural activities and events which engage the community and visitors, and which create a 'sense of place' and identity.

Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.



Target: Increased attendance and participation at a variety of festivals and events


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.1	Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.	18.1.1 Develop an Events and Festival Strategy with Action Plan for the period 2021 to 2024	Progressing	80%	The development of this Strategy will need to be considered with the development of the Service Agreement with Upper Hunter Economic Development Corporation; The Denman Visitor Information Centre is operational; the Blue Heeler Film Festival 2021 has been delivered in partnership with the University of Newcastle - School of Creative Industries; preparation for Australia Day 2022 Citizenship Ceremony and Community Awards are underway.	
		18.1.2 Deliver the funded actions of the approved Events and Festival Strategy 2021-2024 during 2021/22 financial year	Progressing	70%	Council has delivered and budgeted for the Blue Heeler Film Festival, Citizenship Ceremonies for 15 conferees in this reporting period.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		18.1.3 Support the delivery of the Denman Food and Wine Affair 2022	Progressing	50%	A meeting has been held between Council and the Denman Chamber of Commerce discussions focused on the new plans of the Chamber to activate the Denman Main Street, Council is providing financial and operational support to the Chamber.	


Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre

Target: A minimum of five exhibitions each year and the artist in residency completed

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.2	Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre	18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year	Progressing	50%	The following exhibitions have been held: 1. Mullins Conceptual Photographic Prize; Gundi: There is No Place like Home - Healing Country Find Me (Inmates from St Heliers Correctional Centre); Introducing The Woods (Hanna Kay); Growth, Colour, Light, Life: Surrounding Nature (Georgina Mason) 2. Max's House: Todd Fuller & Max Watters: Art Is 3. Two Artist Tour Muswellbrook & From MANAWATU to MUSWELLBROOK	
		18.2.2 Work with sponsors to maintain the annual delivery of the Muswellbrook Art Prize	Completed	100%	Sponsorship has been secured for the annual Muswellbrook Art Prize.	



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		18.2.3 Partner with local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions	Progressing	80%	In partnership with St Hellier Correctional Centre the Art Centre exhibited Gundi: There's No Place Like Home - Healing Country, Finding Me. This exhibition showcased Indigenous Artist Artwork. The Arts Centre has worked extensively with Muswellbrook High School to exhibit Alternate Perspective: Seeing the World in a Different Way. This exhibition featured works from Highschool Students.	

		18.2.4 Muswellbrook Regional Arts Centre to host an Artist in Residence Program	Progressing	80%	<p>Phase 2 of the Wollemi Artist in Residence Project was initiated. In July 2021 Michelle Napanangka Earl - weaver, basket maker and Wonnarua woman, undertook her fieldwork, collecting information about foliage, colours and bird life; whilst in December Travis De Vries - multidisciplinary artist and Gamilaroi man, undertook his fieldwork, taking sound recordings at various locations in Wollemi National Park.</p> <p>The Wollemi Artist in Residence Project has engaged a total of five artists across two financial year and has been jointly funded by Singleton Council with technical support from NSW National Parks and Wildlife Service. Promoting conservation and celebrating the local natural environment in unity with the arts, works resulting from the project will be presented in concurrent exhibitions at Muswellbrook Regional Arts Centre and Singleton Culture and Arts Space in May 2022.</p>	
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Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		18.2.5 Develop a strategy to attract major exhibitions to the Shire	Progressing	80%	Secured joint/matched funding from Singleton Council for 'The Wollemi Project' - Muswellbrook Artist in Residence Project 20/21 and 21/22. The Wollemi Project will see presented at the gallery a major exhibition of commissioned (non-acquisitive) works by five artists. The five artists include those who have been finalists numerous times in numerous national art prizes, including Marie Mansfield the most recent winner of the Portia Geach Memorial Award https://www.art-almanac.com.au/marie-mansfield-2021-portia-geach-memorial-award/	

Support Arts Upper Hunter as the peak organisation of Artist endeavour.

Target: Financial support is provided each year

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.4	Support Arts Upper Hunter as the peak organisation of Artist endeavour.	18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	Completed	100%	The Muswellbrook Shire Councils annual financial contribution has been made to UH Arts and the Community Services Manager is a member of the UH Arts Board of Management.	
		18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	Progressing	20%	UH Grants Program is administered through UH Arts, this program has not yet commenced. When Council is contacted by interested groups they are provided with information about this grants program.	




Community Infrastructure



Expand on the infrastructure required for Muswellbrook to realise Regional Centre status, improve community facilities and improve accessibility to community facilities.

Our community's infrastructure is planned well, is safe and reliable and provides required levels of service.

Improve and maintain civic precincts.



Target: Civic precincts and traffic safety devices and networks are well maintained and safe



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.1	Improve and maintain civic precincts.	19.1.1 Deliver the approved capital program substantially on time, on budget and in accordance with relevant design and construction standards	Progressing	50%	Work is progressing to deliver the Capital Program for Roads and Drainage. Capital project status reports are submitted to Council on a monthly basis.	
		19.1.2 Implement and monitor effectiveness of the street and footpath sweeping program under contract	Progressing	50%	The effectiveness of the street and footpath sweeping contract is monitored regularly, and scheduled meetings are conducted with the responsible contractor representative.	
		19.1.3 Carry out the management and removal of graffiti in compliance with Council's Graffiti Management Policy	Progressing	50%	Graffiti removal is managed in compliance with Council's Graffiti Management standards.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.1.4 Carry out annual audit of Council's Best Practice Management of water supply and sewerage services	Progressing	25%	A request for quotations will be submitted in vendor panel, in February 2022, for the audit to proceed in March 2022.	
		19.1.5 Identify a suitable location for a new Muswellbrook cemetery site and develop a concept plan for the site	Progressing	50%	A suitable location for a new Muswellbrook cemetery site has been identified and a concept plan is being developed for submission to Council.	

Maintain and continually improve asset management.

Target: Implement Council's asset management strategy



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.2	Maintain and continually improve asset management.	19.2.1 Co-ordinate and facilitate implementation of the Asset Management Improvement Strategy	Progressing	50%	A review of the Road Asset Management Plan is being finalised for review and submission to Council. Condition Assessments for Muscle Creek Bridge and road pavements is in progress for completion in the third quarter of 2021-22. Special Schedule 7 requirements have been completed. Active Transport Review for footpaths in the Shire also being finalised for review and submission to Council. Water and Wastewater Audit is being undertaken for reporting in the fourth quarter of 2021-22.	
		19.2.2 Monitor service levels achieved compared to Level of Service targets in asset management plans and Precinct Specifications Manual	Progressing	50%	Service levels are monitored for compliance with Level of Service targets in asset management plans and the Precinct Specifications Manual.	




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.2.3 Progressively reduce passive mowing areas through the staged establishment of pockets of native vegetation that comply with the principles of crime prevention through environmental design and applying Planning for Bush Fire Protection standards and guidance	Progressing	50%	National Tree Planting Day assists to reduce passive mowing areas. All park and reserve development works include consideration of the principles of crime prevention through environmental design and Bush Fire Protection standards, and is aimed at reducing the areas that require passive mowing.	
		19.2.4 Implement the funded components of the bus stop shelter upgrade and renewal program for Muswellbrook Shire	Progressing	50%	Grant funding to the amount of \$48,400 has been obtained under the Country Passenger Transport Infrastructure Grants Scheme. A design for town bus shelters was approved by Council at the 29 June 2021 Ordinary Council Meeting. Further funding is being sought in order to progress the programme. An in-kind contribution has been obtained to construct the bus stop in Tindale St Muswellbrook .	



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.2.5 Progress the potential for Olympic Park and Highbrook Park to be irrigated by high quality recycled water	Progressing	50%	Conceptual planning is being carried out to progress the potential for Olympic Park and Highbrook Park to be irrigated by high quality recycled water supplied by the Muswellbrook recycled water treatment works. Olympic Park recycled water irrigation plans were part of a recent successful grant application.	

Facilitate investment in high quality community infrastructure necessary to a regional centre.

Target: High quality infrastructure is provided to support Muswellbrook as a Regional Centre




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.3	Facilitate investment in high quality community infrastructure necessary to a regional centre.	19.3.1 Complete the funded stages of the new animal care facility	Progressing	75%	Construction of the new animal care facility is progressing on site.	
		19.3.2 Provide to Council a list of works proposed for design	Progressing	50%	A list of works proposed for design has been developed for submission to Council and to be reported to the 1 March 2022 Ordinary Council Meeting.	



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.3.3 Provide to Council designs and associated estimates for the forward financial year	Progressing	50%	Designs and associated estimates for nominated Capital Projects have been reported to Council for endorsement prior to construction.	
		19.3.4 Investigate and recommend appropriate management treatments for road safety and traffic management	Completed	100%	A report recommending appropriate management treatments for road safety and traffic management was approved by Council at the 27 July 2021 Ordinary Council Meeting.	
		19.3.5 Deliver the Capital Program substantially on time, on budget, fit for purpose and in accordance with relevant design and construction standards	Progressing	50%	The capital works programme is being delivered substantially on time, on budget, is fit for purpose and in accordance with relevant design and construction standards.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.3.6 Deliver timely, professional engineering assessment of proposed development	Progressing	50%	Response times have been consistent in providing advice, with a particular focus on improvements to historic DAs up to Construction Certificate stage. During this period, a number of State Significant Developments have also been assessed within the required timeframe. Recent Subdivision Certificate applications have been diligently assessed and Quality Assurance reviewed to ensure improved infrastructure outcomes for Council.	
		19.3.7 Conduct regular meetings of the Muswellbrook Bypass Advisory Committee	Progressing	50%	The Muswellbrook Bypass Committee met in December 2021 to receive an update from Transport for NSW and provide feedback on the latest Bypass design. The Bypass Committee will continue to meet throughout 2022.	

Maintain and continually improve community infrastructure across the Shire.

Target: Roads, footpath and cycleway networks, stormwater devices and kerb and guttering are well maintained, safe and meet relevant standards and the community's service expectations

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.4	Maintain and continually improve community infrastructure across the Shire.	19.4.1 Progress planning for projects arising from the Floodplain Risk Management Plan	Progressing	50%	Design for a flood warning system for Muscle Creek is underway. This is the highest priority project identified in the Floodplain Risk Management Plan.	
		19.4.2 Negotiate transfer Muswellbrook and Denman Levee Systems to the relevant State Department	Progressing	50%	Previous meetings with the Department of Environment and Heritage have agreed in principle to transfer the Muswellbrook and Denman levee systems to the Hunter Valley Flood Mitigation Scheme. This remains to be formalised.	
		19.4.3 Carry out a prioritised programme of asset condition inspections	Progressing	50%	Condition Assessments underway for water and sewer, road pavement and bridge assets. A level three inspection of the Bell Street bridge over Muscle Creek has been completed. Reports for these assets groups to be completed at end of fourth quarter of 2021-22.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.4.4 Effectively manage customer service requests	Progressing	80%	Councils ability to respond in an effective and timely manner has continued to be impacted by resourcing and COVID. Council has initiated projects to identify system process improvements that will enable Council to respond to customer service requests within the timelines expected of the community. It is expected that these projects will see results by Q2, 2022/23.	
		19.4.5 Implement construction waste avoidance and resource recovery strategy	Progressing	50%	Construction waste avoidance and resource recovery strategies are considered as a key focus of all construction and maintenance projects.	



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		19.4.6 Progress formalisation of Bengalla Link Road-Wybong Road route as an alternative over-mass, over-size vehicle route	Progressing	50%	Council nominated Bengalla Link Road - Wybong Road for reclassification as a State Road in round one of the Transport for NSW Road Reclassification Project. Although the submission was unsuccessful in round one Council will be resubmitting an application for reclassification in round two of the program.	



Utility services are operated as distinct business units within Council.




A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health.

Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.

Target: Council re-news, upgrades and maintains Council's water and waste utilities and facilities to agreed standards and within regulatory requirements

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
20.1	Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.	20.1.1 Continue to operate in accordance with the New South Wales Environment Protection Agency (EPA) Licences	Progressing	50%	A detailed Environment Protection Licence report will be submitted to the NSW Environment Protection Authority in April 2022, providing information on the performance of the recycled water treatment works, the pumping stations and all sewer related incidents in Muswellbrook and Denman. The quality of recycled water produced from 1 Mar 2021-1 March 2022 will be submitted with this report.	
		20.1.2 Continue substantial achievement of Best Practice Water Supply and Sewerage Guidelines	Progressing	50%	A quarterly review of the Water and Sewer Levels of Service Report, for October to December 2021, will be submitted to the 1 March 2022 Ordinary Council Meeting.	




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		20.1.3 Test and monitor water supply and sewerage system, including re-use systems, to ensure legislative compliance with health guideline and licence parameters	Progressing	50%	Water Operators test water quality at the treatment plant and reticulation daily. Reticulation samples are collected and sent on a weekly basis to the NSW Health appointment laboratory for verification testing. All drinking water samples have satisfactorily met compliance standards as stipulated in the Australian Drinking Water Guidelines (2011).	
		20.1.4 Monitor higher risk zones and treatment works within the sewer system exposed to businesses with liquid trade waste discharges	Progressing	50%	Inspections of liquid trade waste premises and review of liquid trade waste applications and approvals are being carried out to ensure compliance with Council's Liquid Trade Waste Policy.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		20.1.5 Undertake inspections and approvals of liquid trade waste premises and agreements	Progressing	50%	Inspections of liquid trade waste premises and review of liquid trade waste applications and approvals are being carried out to ensure compliance with Council's Liquid Trade Waste Policy. An annual report has been submitted to the NSW Department of Planning, Industry and Environment for review.	
		20.1.6 Implement and monitor effluent reuse arrangements with relevant stakeholders to ensure secure and cost effective effluent disposal	Progressing	50%	Council has a contract with Mt Arthur Coal for a minimum purchase of 750 ML of recycled water annually. Recycled water is also used to irrigate the Muswellbrook and Denman golf courses and to irrigate sporting fields in Denman.	
		20.1.7 Provide a report to Council listing priorities for construction	Completed	100%	A report listing Water & Wastewater capital construction priorities was approved by Council at the 26 October 2021 Ordinary Council Meeting.	

The road, footpath and cycleway networks are integrated and allow for the safe movement of residents around the Shire.

Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.

Target: The Shire's footpaths, cycleways and car parks are well planned, maintained, safe, assist community connectivity and meet the community's service expectations

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
21.1	Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.	21.1.1 Provide a report to Council listing priorities for construction	Completed	100%	A report listing priorities for construction was approved by Council at the 27 July 2021 Ordinary Council Meeting.	
		21.1.2 Deliver the Capital Program substantially on time, on budget, fit for purpose and in accordance with relevant design and construction standards	Progressing	50%	The capital works programme 2021-22 is continuing to be delivered substantially on time, on budget, fit for purpose and in accordance with relevant design and construction standards.	
		21.1.3 Carry out progressive linemarking of Bylong Valley Way	Completed	100%	The linemarking of Bylong Valley Way is complete.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		21.1.4 Manage over mass over size vehicle permits to minimise impact on Council road network efficiency	Progressing	50%	Permits for Over Size Over Mass (OSOM) vehicles continue to be processed as received within the nominated timeframes. 382 permits were approved in the second quarter of 2021-22. Inspections and escorting are regularly carried out to manage OSOM vehicle movements to ensure minimisation of the impact on Council's road network efficiency.	


Community Leadership





To improve the community's participation in decision making and implement business improvement initiatives to improve service delivery.





Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.

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.

Target: Heightened levels of community satisfaction with Council's decision-making processes and the maintenance of high standards of transparency and accountability

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
22.1	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.	22.1.1 Carry out a desk-based exercise to test preparedness for a severe weather event	Progressing	50%	Arrangements have been made with Council's insurer to conduct an exercise to prepare for a severe weather event in the second half of 2021-22. In addition, a number of severe weather event Consequence Management Guides have been developed through a review of Council's Emergency Management Plan (EMPLAN).	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		22.1.2 Ensure currency of all relevant emergency management plans	Progressing	75%	A review of Council's Emergency Management Plan (EMPLAN) has been carried out and will be submitted to the March 2022 meeting of the Local Emergency Management Committee for endorsement.	
		22.1.3 Ensure meetings of the Local Emergency Management Committee are held regularly	Progressing	50%	Quarterly meetings of the Local Emergency Management Committee were conducted by video conference on Thursday, 2 September 2021 and Thursday, 8 December 2021.	
		22.1.4 Undertake strategic advocacy with government and industry leaders to further the interests and aspirations of the Shire's communities	Progressing	30%	A draft Advocacy Plan will go to Council in February for further development ahead of the coming Federal Election.	
		22.1.5 Monitor effectiveness of Council's Emergency Management Plan (EMPLAN)	Progressing	75%	A review of Council's Emergency Management Plan (EMPLAN) has been carried out and will be submitted to the March 2022 meeting of the Local Emergency Management Committee for endorsement.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		22.1.6 Attend Regional Emergency Management Committee meetings	Progressing	50%	Attendance at Regional Emergency Management Committee meetings is being carried out. A meeting was conducted in Newcastle on Thursday, 16 December 2021.	
		22.1.7 Attend Combined Muswellbrook-Singleton Bush Fire Risk Management Committee meetings	Progressing	50%	Attendance at combined Muswellbrook-Singleton Bush Fire Risk Management Committee meetings is being carried out as scheduled.	
		22.1.8 Ensure infrastructure projects consider emergency risk management in the design process	Progressing	50%	All infrastructure projects consider emergency management as a core component of the design process.	
		22.1.9 Council will support the Shire's communities with a flexible and scaleable response to the impacts of the Novel Coronavirus (COVID-19) to reduce the social and economic impacts	Progressing	60%	Council continues to meet regularly with the LEMC and Hunter New England Health with a particular focus on supporting COVID-19 testing and pop-up vaccination clinics.	

Genuine and well-informed community participation in decision making.

Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.


Target: Increased participation of residents and other key stakeholders in consultation and decision-making processes

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
23.1	Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.	23.1.1 Undertake a community consultation program as per the Community Participation Plan in preparation for the new suite of Integrated Planning and Reporting documents	Progressing	50%	Two online surveys were conducted in Q.2 where Council capitalised on a community engagement database comprising community members who had indicated an interest in being contacted for consultation during previous community satisfaction telephone surveys. The Active Transport Survey (walking & cycling) was open from 3/11/21 to 26/11/21 with 111 individuals and 5 organisations fully completing the survey. A community survey was conducted from 17/11/2021 to 5/12/2021 to seek feedback from Shire residents, ratepayers, business owners and workers on the ongoing relevance of goals articulated in the 2017-2027 Community Strategic Plan. It	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
					was promoted via paid advertising, the GM's radio spot, Facebook, the GM's staff newsletter and via direct emailed invitation to the community engagement database. Survey participation (excluding Council staff) included an opportunity to win one of ten \$100 We Live Here cards. A total of 178 respondents fully completed the survey by the closing date.	

Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.


Target: Greater awareness in the community of Council's activities

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
23.2	Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.	23.2.1 Promote Council and the Muswellbrook Shire and share information through a range of communications media	Progressing	50%	Council has launched a new, improved website. The draft digital media strategy is currently with MANEX and will go to Council in the first half of 2022.	

A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders.


Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.





Target: Strong financial discipline maintained. Delivering approved programs complying with statutory obligations




Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
24.1	Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.	24.1.1 Manage Council's Future Fund in line with the Future Fund Investment Strategy	Progressing	90%	Q2, 2022 saw a revised LTFP & Future Fund Policy being endorsed by Council. This extended periods of investment for the future fund to ensure financial sustainability of Council. Additionally, Q2, 2022 saw a new Committee under a new Chair to guide the Future Fund.	




Implement a comprehensive and targeted business improvement program.




Target: Improve information systems and business processes to provide responsive and customer focused service delivery



Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
24.2	Implement a comprehensive and targeted business improvement program.	24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes	Progressing	5%	Recruitment for a Business Improvement Officer is ongoing.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.2 Ensure compliance with Council's statutory reporting obligations	Progressing	50%	As a result of a departmental restructure, Council has appointed a Governance Manager and Governance Officer (12 month contract) to facilitate compliance with Council's statutory reporting obligations.	
		24.2.3 Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services	Progressing	50%	The number of applications continues to increase with more than 170 expected compared to 136 in 2020. Staff have been involved in switching the receipt of applications and notification of determinations to the new e-planning portal.	
		24.2.4 Deliver high quality, cost effective and competitive Principal Certifying Authority (PCA) certification services	Progressing	50%	Council staff are nominated as the Principal Certifying Authority in the majority of cases.	
		24.2.5 Undertake inspections of development sites subject to Development Application / Construction Certificate in accordance with statutory requirements and ongoing conditions	Progressing	50%	Inspections were able to continue through COVID lockdowns as staff followed COVID safety plans.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.6 Facilitate the registration and inspection of all regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, private water supply) in accordance with regulatory requirements to ensure public health and safety is protected	Progressing	50%	Some inspection activities were delayed due to COVID lockdowns, and staff have used this time to update templates and registers. Inspection activities are expected to be able to occur more efficiently as a result. Food shop inspection will recommence in February to allow business owners to focus on customer service during the busy end of year period.	
		24.2.7 Facilitate registration, care and control of animals in the Shire in accordance with the Companion Animals Regulations	Progressing	50%	All services have operated as normal during the second quarter of 2021-22.	
		24.2.8 Ensure statutory requirements relating to fire safety measures are implemented through maintenance of a register, annual notices and follow up with businesses to record compliance	Progressing	40%	Planning underway for inspections in 2022 now COVID restrictions are lifted.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.9 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are achieved	Progressing	40%	Inspection of pool safety fences occurring, although the number of pools inspected slowed during COVID restrictions to focus only on those properties being sold or leased. Training organized for one of the Rangers to enable them to undertake inspections to assist.	
		24.2.10 Continue to review, update and revoke policies in accordance with the policy framework management strategy	Progressing	10%	As the Policy Officer role is currently unfunded, individual policy owners are currently tasked with the review and update and management of Council policies.	
		24.2.11 Provide support services for the elected Council and executive	Progressing	50%	All council meetings are supported in line with Council's Code of Conduct and Code of Meeting Practice.	


Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.12 Implement the Muswellbrook Shire Council Resourcing Strategy	Progressing	20%	The Resourcing Strategy will be updated as part of the new Delivery Program and Operational Plan. A complete review of the resourcing strategy will be undertaken as part of council's community engagement program on service levels planned for 2022.	
		24.2.13 Ensure compliance with all Recover at Work processes in accordance with requirements of regulators and insurer	Progressing	50%	All Recover at Work requirement are in line with regulators and insurer. Statecover measures that Muswellbrook Shire Council is currently providing best practice in the area of RTW in comparison to all other Councils.	
		24.2.14 Provide clear, accessible and relevant information to the community	Progressing	40%	Council's focus on business improvement for 2022/2023 is completing the Authority upgrade, restructuring the general ledger and revising the structure of data management particularly as it relates to planning assessment and compliance management.	

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.15 Engage with other levels of government to promote the interests of the Shire's communities	Progressing	30%	Council will review its Advocacy Program, reengage with the Hunter Joint Organisation of Councils (HJO) and work closely with Regional NSW particularly to support continued development of the Muswellbrook Hospital and health services for the community, achievement of the Muswellbrook By-Pass, completion of a new Youth Services centre for the Muswellbrook Shire, provide regular feedback on State Significant Developments via the NSW Department of Planning and hold regular meetings with the NSW Resources Regulator.	
		24.2.16 Contribute to regional strategic partnerships	Progressing	40%	Council will be providing feedback on the new Hunter Regional Plan and working with the Hunter Joint Organisation of Council's on Hunter Wide projects that will improve transport, health, tourism and business for the Upper Hunter.	

A sustainable Council that is best practice employer providing safe, happy and productive workplace.

Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.

Target: Initiatives and upgrades undertaken

Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
25.1	Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.	25.1.1 Ensure Council continues to meet each of its Workplace Health and Safety obligations and responsibilities	Progressing	40%	Council has improved resourcing in WHS and will continue to focus on safety as a mainstream component of all council's service delivery.	

12.7 CORRESPONDENCE FOR COUNCILLOR INFORMATION

Attachments:	A. Hit the Ground Running Seminars ↓
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kimberley Cotter - Governance Officer
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 provide collated correspondence for Councillor information.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

The attached correspondence is provided for the information of Councillors.

Hit the Ground Running Seminars

From: OLG Office of Local Government Mailbox <olg@olg.nsw.gov.au>
Sent: Wednesday, 19 January 2022 9:57 AM
Subject: PRIORITY ATTENTION: Invitation to participate in OLG Webinar – Hit the Ground Running– Commencing Saturday 5 February 2022
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Attention General Managers

To assist councils in the delivery of their councillor induction and refresher training, the Office of Local Government (OLG) will be holding a series of "Hit the Ground Running" webinars. The webinars will be held each Saturday from 2pm, running for up to two hours, starting on 5 February 2022. Recordings of the webinars will be made available on OLG's website.

Information on the scheduled times and information for the webinars can be found [here](#).

All councillors, new and returning, are strongly encouraged to participate in the "Hit the Ground Running" webinars. The webinars will provide essential information to support councillors in serving their community and fulfilling their responsibilities under the Local Government Act 1993. Councillors will receive a certificate of attendance to provide to councils for each of the webinars they attend.

The webinars are designed to complement the recently updated edition of the Councillor Handbook which can be found [here](#) published on OLG's website. Councils are encouraged to incorporate the webinars into the councillor induction and refresher program they are required to deliver to elected members after the December 2021 council elections. More information on the requirement for induction and professional development training can be found [here](#).

I would be grateful if you would share this email with all of your councillors and encourage them to register their interest by completing the "Registration of Interest Form" that can be found on the "Hit the Ground Running" page on the [Council Portal](#). Councillors can register to access the Council Portal using their council email address.

Invitations to attend will be sent closer to the date of each webinar to the participants registered.

For further information, contact OLG's Council Governance Team on (02) 4428 4100.

Ally Dench
Executive Director – Local Government

12.8 REPORT ON COUNCIL GRANT FUNDING AND COMMUNITY ENGAGEMENT - FEBRUARY 2022

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 and community engagement activities.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

For some time Muswellbrook Shire Council has been very successful in obtaining grants which have been decided via competitive applications and, in addition, Council has continued to receive grant allocations from both State and Federal government sources for which we are required to nominate proposed projects for funding. Council has also managed its own grant programs including Large and Small Capital Sports Grants, Community Grants, Heritage Grants and Landcare and Sustainability Grants.

CONSULTATION

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

REPORT**Upcoming grant and funding opportunities**

- Council is now able to propose a work schedule for Round 3 of the Local Roads and Community Infrastructure Fund with Muswellbrook Shire Council eligible for approximately \$1.1 million. There is some urgency to progress this application as there is a need to install shade-cloth at Denman Memorial Playground, make similar improvements to Highbrook Park, and fund public domain works in around the town's education centre including the library. The public domain work is included in Council's capital works programme but is currently loan funded and this could be replaced with grant funding.
- The NSW Start Strong Capital Works Grants Program improves access to preschool. The Major Capital fund creates additional community preschool places in areas of need and demand across the State through new builds, extensions and renovations of centre-based community preschools. We are working with Denman Children's Centre on an application valued at \$556,312 and the **deadline for expressions of interest for the next tranche is 6 February 2022.** If Denman Children's Centre is successful with the EOI they will be invited to submit a more detailed

application.

- The Federal Building Better Regions Fund Round 6 offers grants of \$5,000 up to \$10 million to cover 50 per cent or more of eligible project costs. Projects will be funded under two streams - the Infrastructure Projects Stream supports the construction of new infrastructure, or the upgrade or extension of existing infrastructure, and the Community Investments Stream funds community development activities including, but not limited to, new or expanded local events, strategic regional plans, leadership and capability building activities. This time Council could apply for Stage 1 of the Civic Square project and **the deadline for applications is Thursday, 10 February 2022.**
- A full application for the Flying-fox Foraging Habitat Restoration fund is **due on or before Wednesday, 16 February 2022.** The project will involve restoring Grey Headed Flying Fox foraging habitat in Muswellbrook. The total project cost is likely to be \$125,000, with the grant being \$100,000 and Council's contribution of \$25,000.
- The NSW Government has committed \$200 million to the Multi-Sport Community Facility Fund, recognising the critical role local sport infrastructure plays in keeping communities healthy, active and connected. **Applications close Friday 25 February 2022,** and outcomes will be advised from May 2022. Projects must be completed by 30 June 2025 and construction must commence in 2022. The grant funding request must be a minimum of \$1 million and cannot exceed \$5 million. All applications are required to provide a minimum 50% financial co-contribution and the selected project is the Grandstand at Olympic Park.
- The Transport for NSW Walking and Cycling Program grant system aims to encourage and support Councils to innovate and plan towards improving infrastructure through a program of co-funded works. The objective of this Program is to support the planning and delivery of functional and safe walking and cycling infrastructure that promotes cycling and walking as attractive, reliable and competitive choices for travel. **Applications close end of February 2022.**
- Places to Play offers \$16.7 million to provide more public open spaces for adventure and play to support the health and wellbeing of the community. Places to Play will support the broadening of the Everyone Can Play program and will focus on the creation of inclusive water, nature and adventure play for people of all ages and abilities in New South Wales. Applications for Round 1 of Places to Play are now open and **will close on 4 March 2022.** A possible project is the proposed adventure playground at Wollombi Park.
- Round 2 (detailed application including Business Case) of the Medium to Large Projects are now open through the Create NSW Creative Capital program and **need to be submitted before Monday, 28 March 2022.** The focus of the fund is new infrastructure or upgrades to existing cultural infrastructure to make existing spaces fit for purpose. The proposed project for this grant opportunity is the extensions to the Muswellbrook Regional Arts Centre. The total project cost is \$920,460, Council is applying for a grant of \$670,460 and Council is contributing \$250,000.
- The next round of NSW Government's Clubgrants Category 3 Fund – Infrastructure is coming up in April and **the closing date is likely to be 22 April 2022.** Applicants are required to contribute matching funds for this grant opportunity and the likely 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
- The Commonwealth Bridges Renewal and Heavy Vehicle Safety and Productivity Program (HVSP) is an Australian Government initiative to fund infrastructure projects that improve the productivity and safety outcomes of heavy vehicle operations across Australia. **The fund is currently open**

and on-going. A likely project for the Heavy Vehicle Safety and Productivity Program component is the re-development of Thomas Mitchell Drive starting from the Denman Road intersection.

Grant funding recently announced

- 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 and the construction of two 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.
- \$15,000 for the **Denman Summer Night event** to be held in March under the Festival of Place Summer Night Fund which supports free, COVID-Safe activations or events in public spaces in local centres between January and the end of April as part of the NSW Government's efforts to re-energise our local centres in the evening and at night as we emerge from lockdown.
- \$30,000 for Muswellbrook Shire's **Australia Day activities** from the National Australia Day Council's (NADC) Australia Day 2022 Community Events Grants program.
- \$2,500 under the Small Business Month grant program for Council to **Sponsor a one-day event being organised by the Muswellbrook Chamber of Commerce and Industry** in March.

Grant funding to be announced shortly

- The Regional Sports Facility Fund assists eligible organisations to develop quality core sport infrastructure that will meet the current and future needs of the community and supports the development of well-designed and utilised new and improved sport infrastructure projects that can directly impact and support participation and performance opportunities in sport at all levels. The maximum funding available is \$1 million and Council applied for funding for **field improvements at Olympic Park.**
- Round 2 of the Fixing Country Bridges Program is a \$500 million NSW Government program which enables Councils to replace timber bridges in poor condition and better connect regional and rural communities. Council applied for funding for the **replacement of Oakleigh Bridge on Widden Valley Road and the culvert over Rainbow Creek on Sandy Creek Road.** Although Council has recently applied for funding for this project under the Black Summer Bushfire Recovery Grants Program, an additional application was submitted under this fund as a backup.
- An application for a **new bus shelter on the southern side of the Golden Highway at Sandy Hollow** has been submitted under the 2021-23 Country Passenger Transport Infrastructure Grants Scheme. If Council is successful with this application, Council will need to decide whether it will commit to funding the cost difference between the \$11,500 grant funding 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.
- An application was submitted for \$128,211 focussing on **improvements to Muscle Creek within Muswellbrook Golf Club** under the NSW Environmental Trust's 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.
- An application for funding of \$47,640 for the **Muswellbrook Sustainable Futures Network** under the NSW Environment Trust's Environmental Education Tier 1 Program 2021 was submitted, with a total project cost of \$156,860. The 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.

- An application for funding of \$38,005 for the **Muscle Creek Habitat Enhancement Project** under the NSW Environment Trust's Fish Habitat Action Grant with a total project cost of \$76,305 has been submitted.
- 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, with our contribution coming from the General Recreation Programme and/or the Large Capital Grant programme.
- 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**.
- The Regional Co-investment Fund is designed to help fund local broadband infrastructure projects to deliver higher speed broadband services to households, businesses and communities, primarily in areas that are currently served by nbn's Fixed Wireless and Satellite footprint. Council submitted an EOI for a build estimate for an area **in the vicinity of Council's Muswellbrook Water Treatment Plant and two industrial areas facing Thomas Mitchell Drive**.
- An application for the development of **Muswellbrook Shire Organics Recycling Facility (ORF)** with a request for \$600,000 under the Organics Infrastructure (Large and Small) - Stream 1 Organics Processing Infrastructure. The total estimated cost of the project is \$3 million.
- Funding of \$10,075 for **Council's Reset + Recharge Your Wellness for staff** in 2022 under the Better Regulation Division WHS Sponsorship program.

Community grants managed by Muswellbrook Shire Council

Council offers a number of grant programs to individuals and/or community groups and organisations. Promotion of the opportunities occurs via our usual communication channels, along with emails to organisations who had previously expressed interest in the programs and to those organisations on the various databases held by Council.

Large and Small Capital Sports Grants - Muswellbrook Shire Council's Sport and Recreation Small and Large Capital Grants Programme allows local user groups to fund priority projects. Grants are available on a matched funding (dollar-for-dollar) basis up to a value of \$2,000 per project (small category grants) and \$50,000 per project (large category grants).

Community Grants - Muswellbrook Shire Council's Community Grants provide financial assistance to local not-for-profit community groups and organisations working towards enhancing the social, cultural and recreational wellbeing of the communities of Muswellbrook Shire. There will be two funding rounds each year and the number and value of grants given in any funding period is subject to the total annual funding pool. Round 1 of the 2022 Muswellbrook Shire Community Grants program will open soon.

Heritage Grants - Muswellbrook Shire Council offers small grants to property owners for maintenance works on older buildings in the Shire. This program is offered on a dollar for dollar basis with an upper limit of \$2,000 per property and is funded by Council and the Heritage Office.

Landcare and Sustainability Grants - Muswellbrook Shire Council's Sustainability and Landcare grants programs target schools, community projects and local Landcare groups. The Sustainability grants will fund projects that focus on energy, water and waste initiatives, as well as environmental education activities and events. The Landcare grants will pursue projects such as tree planting, weed control and regeneration of natural areas as well as Landcare education activities and events.

Muswellbrook Shire Council Grants Workshops

Council officers have prepared a presentation on Grants and Funding covering all aspects of the grant process from application to acquittal. Workshops with local community groups and other organisations will be held throughout the Shire in 2022, and Council officers are also planning practical sessions at Council's libraries whereby people can experience registering and completing an online application form.

Muswellbrook Shire Council Grants Portal

Council receives a monthly update on our grant finding portal at <https://muswellbrook.grantguru.com.au/>. The report for 2021 provides data on several performance indicators including those listed in the table below:

Indicator	Nov	Oct	Sept	Aug	July	June	May
Total unique portal visitors	59	37	30	84	85	94	117
Number of page views	206	136	196	296	219	475	667
Total cumulative registrations to the portal (via the sign-up form)	35	32	30	28	25	21	17
Grant alerts sent per month to registered users	338	259	241	180	139	67	13

Community interaction with the grant finding portal is generally positive. The number of registered users continues to increase, as does the number of grant alerts sent per month to registered users.

OPTIONS

Not applicable

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.

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 and other Council strategic documents.

RISK MANAGEMENT IMPLICATIONS

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

12.9 REPORT ON INVESTMENTS HELD AS AT 31 DECEMBER 2021

Attachments:	A. Portfolio Valuation Report 31/12/2021 ↓ B. Trading Limit Report ↓
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 31 December 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. Due to Council meetings held earlier in the month, the month prior will be reported.

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

COMMENT:

As at 31 December 2021, Council's weighted running yield is 0.78% for the month. Trading Limit exceedances are noted due to owning parent entity of numerous banks – this is being dealt with by Finance to ensure that investment maturity and allocations are more suited to Council needs.

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.

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit										
Westpac Bus Prem At Call		20,514,894.84	1.00000000	20,514,894.84	100.000	0.000	20,514,894.84	31.64%	0.34%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.15%	0.34%	
		20,614,894.84		20,614,894.84			20,614,894.84	31.80%		0.34%
Fixed Rate Bond										
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	100.297	0.545	2,521,050.00	3.89%	1.68%	
NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		2,000,000.00	1.00000000	2,000,000.00	100.000	0.048	2,000,960.00	3.09%	1.10%	
NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.048	1,500,720.00	2.31%	1.10%	
SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	100.708	0.774	2,029,640.00	3.13%	1.80%	
		8,000,000.00		8,000,000.00			8,052,370.00	12.42%		1.46%
Floating Rate Deposit										
ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.241	1,002,412.83	1.55%	1.24%	
		1,000,000.00		1,000,000.00			1,002,412.83	1.55%		1.24%
Floating Rate Note										
Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	100.335	0.115	1,004,500.00	1.55%	0.80%	
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.780	0.043	2,016,460.00	3.11%	1.12%	
Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	100.178	0.017	1,502,925.00	2.32%	0.67%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.819	0.175	504,970.00	0.78%	1.10%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	101.297	0.216	1,015,130.00	1.57%	1.06%	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	101.496	0.202	508,490.00	0.78%	1.17%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.800	0.200	505,000.00	0.78%	1.09%	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.438	0.033	2,984,130.00	4.60%	0.54%	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.369	0.099	1,004,680.00	1.55%	0.98%	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.871	0.029	2,997,000.00	4.62%	0.72%	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	101.155	0.005	2,023,200.00	3.12%	1.00%	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.123	0.210	506,665.00	0.78%	1.42%	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.474	0.182	4,574,520.00	7.06%	1.17%	
Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.680	0.083	2,015,260.00	3.11%	1.21%	
Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.786	0.020	1,497,090.00	2.31%	0.82%	
UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	100.796	0.117	1,009,130.00	1.56%	1.10%	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	101.076	0.162	1,670,427.00	2.58%	0.93%	
		27,150,000.00		27,150,000.00			27,339,577.00	42.17%		0.95%
Term Deposit										
AMP 0.3 19 Jan 2022 215DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.161	801,288.77	1.24%	0.30%	
AMP 0.55 14 Feb 2022 276DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.348	3,010,442.46	4.64%	0.55%	
AMP 1 30 Nov 2022 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.085	1,000,849.32	1.54%	1.00%	

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
ME Bank 0.5 18 Oct 2022 484DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.264	3,007,931.52	4.64%	0.50%	
		7,800,000.00		7,800,000.00			7,820,512.07	12.06%		0.56%
Fixed Interest Total		64,564,894.84		64,564,894.84			64,829,766.74	100.00%		0.78%

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Report Code: TBSBP100EXT-01.17
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded
Settlement Date-Based Balances



Trading Limit Report 125
Muswellbrook Shire Council
As At 7 January 2022

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-		4,800,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	74.00	26.00	1,656,489	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00 % of 64,564,894.84	19,369,468.45	5.00	95.00	18,369,468	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	70.00	30.00	1,956,489	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	20,614,894.84	Book	30.00 % of 64,564,894.84	19,369,468.45	100.00	0.00	0	6.00	1,245,426
Bank of Queensland Ltd	A+ to A-		5,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	77.00	23.00	1,456,489	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	20,614,894.84	Book	30.00 % of 64,564,894.84	19,369,468.45	100.00	0.00	0	6.00	1,245,426
BankVic	BBB+ to BBB-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00 % of 64,564,894.84	19,369,468.45	0.00	100.00	19,369,468	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	47.00	53.00	3,456,489	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00 % of 64,564,894.84	19,369,468.45	0.00	100.00	19,369,468	0.00	0
Credit Suisse Sydney	A+ to A-		0.00	Book	20.00 % of 64,564,894.84	12,912,978.97	0.00	100.00	12,912,979	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
Greater Bank Ltd	BBB+ to BBB-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
Heritage Bank Ltd	BBB+ to BBB-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00 % of 64,564,894.84	12,912,978.97	23.00	77.00	9,912,979	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	16.00	84.00	5,456,489	0.00	0
Members Equity Bank Ltd	A+ to A-	Bank of Queensland Ltd	5,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	77.00	23.00	1,456,489	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	47.00	53.00	3,456,489	0.00	0
National Australia Bank Ltd	AA+ to AA-		2,000,000.00	Book	30.00 % of 64,564,894.84	19,369,468.45	10.00	90.00	17,369,468	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	77.00	23.00	1,456,489	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00 % of 64,564,894.84	19,369,468.45	18.00	82.00	15,869,468	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00 % of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		3,500,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	54.00	46.00	2,956,489	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00 % of 64,564,894.84	12,912,978.97	0.00	100.00	12,912,979	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00 % of 64,564,894.84	12,912,978.97	0.00	100.00	12,912,979	0.00	0
Royal Bank of Scotland	BBB+ to BBB-		0.00	Book	5.00 % of 64,564,894.84	3,228,244.74	0.00	100.00	3,228,245	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	3,000,000.00	Book	10.00 % of 64,564,894.84	6,456,489.48	47.00	53.00	3,456,489	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	20,614,894.84	Book	30.00 % of 64,564,894.84	19,369,468.45	100.00	0.00	0	6.00	1,245,426

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
Suncorp Bank	A+ to A-		2,000,000.00	Book	20.00	% of 64,564,894.84	12,912,978.97	16.00	84.00	10,912,979	0.00	0
UBS Australia Ltd	A+ to A-		2,650,000.00	Book	20.00	% of 64,564,894.84	12,912,978.97	21.00	79.00	10,262,979	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		20,614,894.84	Book	30.00	% of 64,564,894.84	19,369,468.45	100.00	0.00	0	6.00	1,245,426
			134,409,579.36				364,791,655.85			235,363,772		4,981,704
		(Excluding Parent Group Duplicates)	64,564,894.84									

2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 64,564,894.84	64,564,894.84	0.00	100.00	64,564,895	0.00	0
AA+ to AA-	5,500,000.00	Book	100.00	% of 64,564,894.84	64,564,894.84	9.00	91.00	59,064,895	0.00	0
A+ to A-	11,650,000.00	Book	70.00	% of 64,564,894.84	45,195,426.39	26.00	74.00	33,545,426	0.00	0
A1+	21,614,894.84	Book	100.00	% of 64,564,894.84	64,564,894.84	33.00	67.00	42,950,000	0.00	0
A1	1,000,000.00	Book	70.00	% of 64,564,894.84	45,195,426.39	2.00	98.00	44,195,426	0.00	0
A2	8,800,000.00	Book	60.00	% of 64,564,894.84	38,738,936.90	23.00	77.00	29,938,937	0.00	0
A3	2,000,000.00	Book	60.00	% of 64,564,894.84	38,738,936.90	5.00	95.00	36,738,937	0.00	0
BBB+ to BBB-	14,000,000.00	Book	60.00	% of 64,564,894.84	38,738,936.90	36.00	64.00	24,738,937	0.00	0
N/R	0.00	Book	10.00	% of 64,564,894.84	6,456,489.48	0.00	100.00	6,456,489	0.00	0
	64,564,894.84				406,758,837.49			342,193,942		0

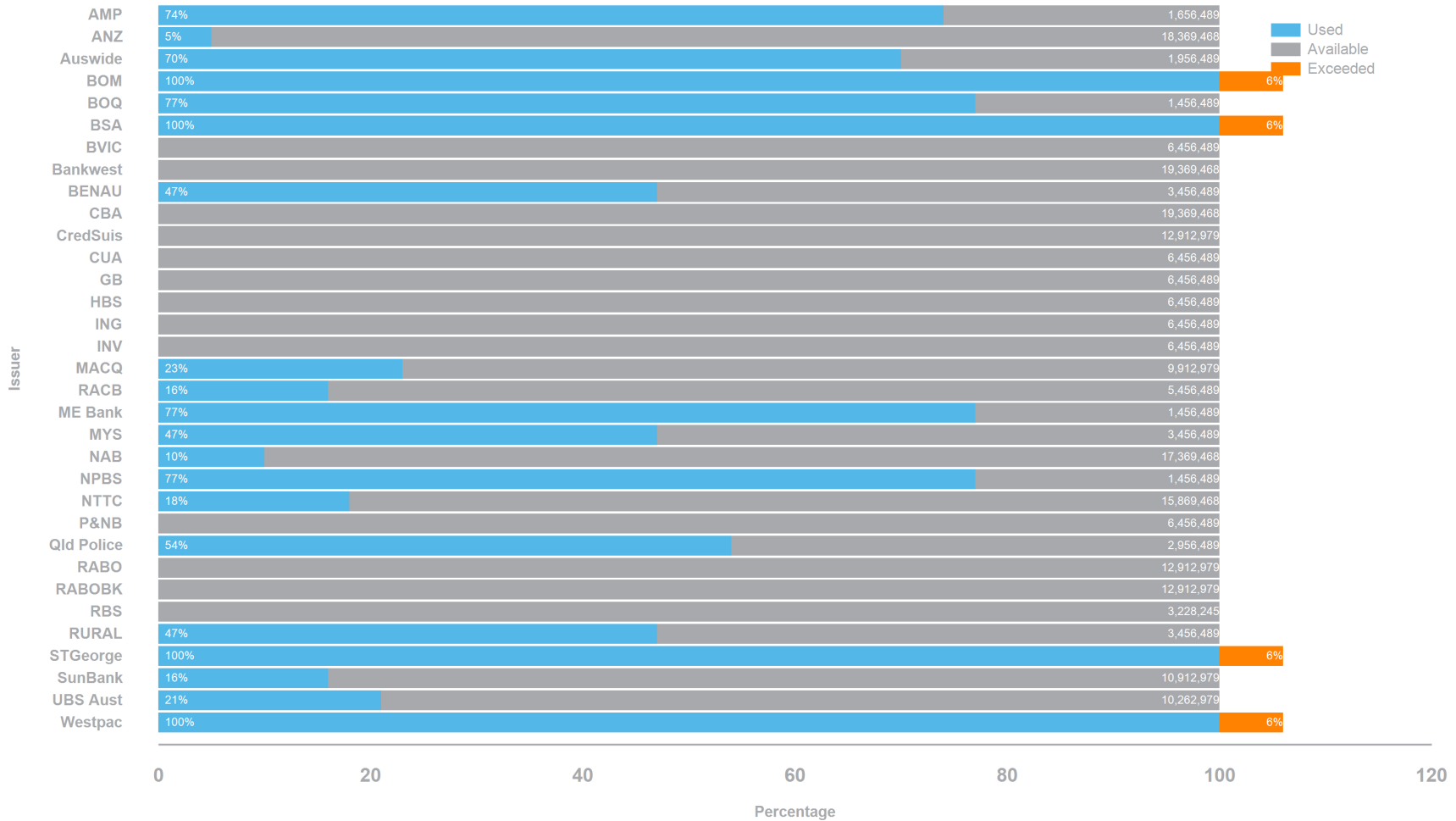
Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

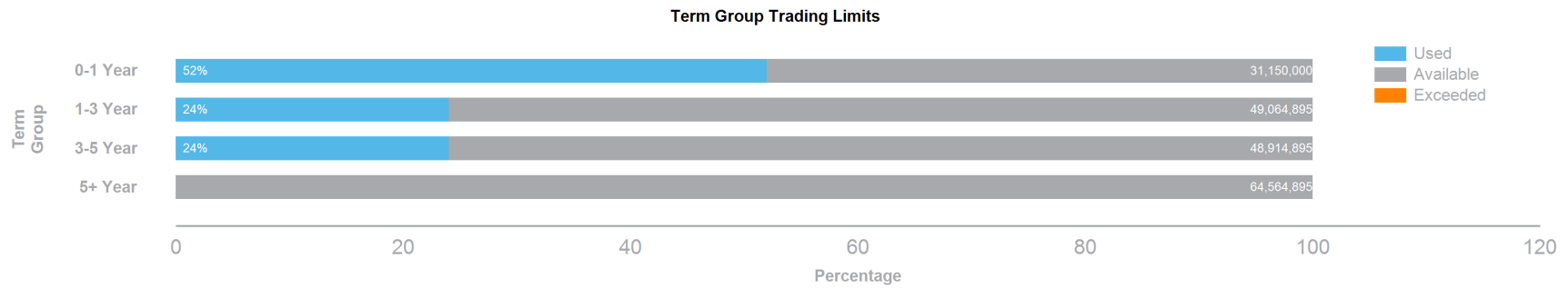
3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	33,414,894.84	Book	100.00	% of 64,564,894.84	64,564,894.84	52.00	48.00	31,150,000	0.00	0
1-3 Year	15,500,000.00	Book	100.00	% of 64,564,894.84	64,564,894.84	24.00	76.00	49,064,895	0.00	0
3-5 Year	15,650,000.00	Book	100.00	% of 64,564,894.84	64,564,894.84	24.00	76.00	48,914,895	0.00	0
5+ Year	0.00	Book	100.00	% of 64,564,894.84	64,564,894.84	0.00	100.00	64,564,895	0.00	0
	64,564,894.84				258,259,579.36			193,694,685		0

Issuer Trading Limits







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BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 7 January 2022
Balance Date: 9 January 2022 (but 7 Jan 2022 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: BalOnly
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Not Ignored

12.10 DECEMBER 2021 MONTHLY FINANCIAL REPORTS

Attachments:	A. December 2021 - Monthly Reporting ↓ B. December 2021 - Project Reporting ↓ C. Monthly Reporting - December 2021 - Reserves ↓ D. Monthly Reporting - December 2021 - Loan Schedule ↓
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 31 December 2021.

OFFICER'S RECOMMENDATION

The Financial Reports for the month ending 31 December 2021 be noted.

Moved: _____ Seconded: _____

REPORT

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

Muswellbrook Shire Council

Financial Report - December 2021



Council Consolidated												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Adopted Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD % vs FY Sept Review Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
Revenue												
Rates and Charges	\$20,149	\$2,449,943	(\$2,429,794)	-99%	\$28,953,426	\$14,699,657	\$14,253,769	97%	\$29,399,314	\$29,399,314	98%	Revenue timing will result in monthly unfavourable variances for much of the year. * Rates & Charges are at 98% of the FY Budget * User Charges & Fees are behind from a YTD perspective, with 39% FY Budget achievement * Overall revenue is at 68% of the FY budget
User Charges and Fees	\$1,814,168	\$1,655,672	\$158,496	10%	\$7,839,473	\$9,934,029	(\$2,094,556)	-21%	\$20,325,816	\$19,868,058	39%	
Interest and Investments Revenues	\$67,902	\$59,229	\$8,673	15%	\$257,181	\$355,372	(\$98,191)	-28%	\$710,743	\$710,743	36%	
Other Revenues	\$244,964	\$242,539	\$2,425	1%	\$1,109,303	\$1,455,234	(\$345,931)	-24%	\$2,610,982	\$2,910,469	38%	
Operating Grants and Contributions	\$633,816	\$515,610	\$118,206	23%	\$4,194,454	\$3,093,658	\$1,100,796	36%	\$5,882,317	\$6,187,317	68%	See individual funds for commentary specific to that fund
Internal Revenue	\$290,700	\$484,124	(\$193,424)	-40%	\$1,864,200	\$2,904,743	(\$1,040,543)	-36%	\$5,728,274	\$5,809,487	32%	
Total Revenue	\$3,071,699	\$5,407,116	(\$2,335,417)	-43%	\$44,218,037	\$32,442,694	\$11,775,343	36%	\$64,657,445	\$64,885,387	68%	
Expenses												
Wages and Salaries	\$1,035,709	\$1,218,489	\$182,780	15%	\$6,509,112	\$7,310,932	\$801,820	11%	\$14,761,285	\$14,621,864	45%	Overall costs are below from a YTD perspective - at 45% against FY budget. * Other Costs significantly over YTD budget expectations - see General Fund * All other expenses are below expected levels for the year-to-date (<50%)
Materials and Contracts	\$1,288,798	\$1,653,280	\$364,482	22%	\$7,786,173	\$9,919,681	\$2,133,508	22%	\$19,163,922	\$19,839,361	39%	
Other Costs	\$698,421	\$535,691	(\$162,730)	-30%	\$4,093,354	\$3,214,147	(\$879,207)	-27%	\$6,392,984	\$6,428,295	64%	
Borrowing Costs	\$127,627	\$176,614	\$48,987	28%	\$790,855	\$1,059,683	\$268,828	25%	\$2,137,285	\$2,119,367	37%	
Overheads	\$316,356	\$365,657	\$49,301	13%	\$1,898,140	\$2,193,942	\$295,802	13%	\$4,387,884	\$4,387,884	43%	See individual funds for commentary specific to that fund
Depreciation	\$1,173,304	\$1,210,675	\$37,371	3%	\$7,038,283	\$7,264,053	\$225,770	3%	\$14,528,106	\$14,528,106	48%	
Total Expenses	\$4,640,215	\$5,160,406	\$520,191	10%	\$28,115,917	\$30,962,438	\$2,846,521	9%	\$61,371,465	\$61,924,876	45%	
Result	(\$1,693,554)	\$246,709	(\$1,815,225)		\$16,402,571	\$1,480,255	\$14,621,865		\$3,285,979	\$2,960,511		

Muswellbrook Shire Council

Financial Report - December 2021



General Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD September Review Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD % vs FY Sept Review Budget	Variance Commentary (By material exception)
Revenue	Monthly				YTD				Full Year			
Rates and Charges	\$19,263	\$1,887,690	(\$1,868,427)	-99%	\$22,661,385	\$11,326,139	\$11,335,246	100%	\$22,652,278	\$22,652,278	100%	Revenue commentary will focus on material exceptions and concerns * User Charges and Fees are behind from a YTD perspective, at 39% of FY budget; largely due to lower Waste fees. This will continue to be closely monitored going forward
User Charges and Fees	\$938,415	\$636,032	\$302,383	48%	\$2,938,992	\$3,816,194	(\$877,202)	-23%	\$7,983,830	\$7,632,387	39%	
Interest and Investments Revenues	\$63,625	\$37,548	\$26,077	69%	\$240,405	\$225,287	\$15,118	7%	\$450,573	\$450,573	53%	
Other Revenues	\$244,964	\$242,539	\$2,425	1%	\$1,109,303	\$1,455,234	(\$345,931)	-24%	\$2,610,982	\$2,910,469	38%	
Operating Grants and Contributions	\$633,816	\$509,433	\$124,383	24%	\$4,117,064	\$3,056,599	\$1,060,465	35%	\$5,808,198	\$6,113,198	67%	
Internal Revenue	\$290,700	\$423,035	(\$132,335)	-31%	\$1,744,200	\$2,538,208	(\$794,008)	-31%	\$4,995,203	\$5,076,416	34%	
Total Revenue	\$2,190,783	\$3,736,277	(\$1,545,494)	-41%	\$32,811,349	\$22,417,661	\$10,393,688	46%	\$44,501,064	\$44,835,321	73%	
Expenses												
Wages and Salaries	\$845,400	\$1,027,701	\$182,301	18%	\$5,450,502	\$6,166,208	\$715,706	12%	\$12,471,836	\$12,332,415	44%	Overall costs are under from a YTD perspective - with costs at 46% against FY budget * Other Costs significantly over YTD budget expectations due to: - Legal costs at 600k YTD against FY budget of 696k - Timing of payments to the UHEDC * All other costs are below expected levels for YTD (<50%)
Materials and Contracts	\$933,557	\$1,245,805	\$312,248	25%	\$5,924,971	\$7,474,832	\$1,549,861	21%	\$14,505,827	\$14,949,663	40%	
Other Costs	\$616,836	\$382,161	(\$234,675)	-61%	\$3,323,123	\$2,292,967	(\$1,030,156)	-45%	\$4,556,092	\$4,585,934	72%	
Borrowing Costs	\$15,181	\$36,499	\$21,318	58%	\$81,489	\$218,995	\$137,506	63%	\$437,990	\$437,990	19%	
Overheads	\$133,703	\$169,404	\$35,701	21%	\$802,222	\$1,016,425	\$214,203	21%	\$2,032,850	\$2,032,850	39%	
Depreciation	\$793,959	\$834,872	\$40,913	5%	\$4,762,205	\$5,009,232	\$247,027	5%	\$10,018,463	\$10,018,463	48%	
Total Expenses	\$3,338,636	\$3,696,443	\$357,807	10%	\$20,344,512	\$22,178,658	\$1,834,146	8%	\$44,023,058	\$44,357,315	46%	
Result	(\$1,147,853)	\$39,834	(\$1,187,687)		\$12,466,837	\$239,003	\$12,227,834		\$478,006	\$478,006		

Muswellbrook Shire Council

Financial Report - December 2021



Water Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD September Review Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD % vs FY Sept Review Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
Revenue												
Rates and Charges	\$416	\$146,663	(\$146,247)	-100%	\$1,769,262	\$879,980	\$889,282	101%	\$1,759,959	\$1,759,959	101%	Water usage charges for YTD are below budget due to lower-than-expected usage.This will continue to be monitored.
User Charges and Fees	\$19,230	\$373,562	(\$354,332)	-95%	\$1,006,904	\$2,241,372	(\$1,234,468)	-55%	\$4,482,744	\$4,482,744	22%	
Interest and Investments Revenues	\$2,350	\$16,586	(\$14,236)	-86%	\$5,434	\$99,517	(\$94,083)	-95%	\$199,033	\$199,033	3%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$3,127	(\$3,127)	-100%	\$38,586	\$18,763	\$19,823	106%	\$37,526	\$37,526	103%	
Internal Revenue	\$0	\$32,605	(\$32,605)	-100%	\$0	\$195,627	(\$195,627)	-100%	\$391,254	\$391,254	0%	
Total Revenue	\$21,996	\$572,543	(\$550,547)	-96%	\$2,820,186	\$3,435,258	(\$615,072)	-18%	\$6,870,516	\$6,870,516	41%	
Expenses												
Wages and Salaries	\$102,818	\$100,308	(\$2,510)	-3%	\$535,461	\$601,850	\$66,389	11%	\$1,203,699	\$1,203,699	44%	Overall costs are below FY projections - at 42% against FY budget. * All cost categories are below expected levels for YTD.
Materials and Contracts	\$118,046	\$169,220	\$51,174	30%	\$785,646	\$1,015,322	\$229,676	23%	\$1,880,644	\$2,030,644	39%	
Other Costs	\$16,570	\$42,470	\$25,900	61%	\$104,827	\$254,822	\$149,995	59%	\$509,644	\$509,644	21%	
Borrowing Costs	\$25,841	\$7,122	(\$18,719)	-263%	\$32,699	\$42,733	\$10,034	23%	\$85,467	\$85,467	38%	
Overheads	\$113,231	\$126,831	\$13,600	11%	\$679,386	\$760,987	\$81,601	11%	\$1,521,975	\$1,521,975	45%	
Depreciation	\$152,830	\$164,359	\$11,529	7%	\$916,985	\$986,155	\$69,170	7%	\$1,972,310	\$1,972,310	46%	
Total Expenses	\$529,336	\$610,312	\$80,976	13%	\$3,055,004	\$3,661,869	\$606,865	17%	\$7,173,738	\$7,323,738	42%	
Result	(\$507,340)	(\$37,769)	(\$469,572)		(\$234,818)	(\$226,611)	(\$8,207)		(\$303,222)	(\$453,222)		

Muswellbrook Shire Council

Financial Report - December 2021



Sewer Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD September Review Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD % vs FY Sept Review Budget	Variance Commentary <i>(By material exception)</i>
	Monthly				YTD				Full Year			
Revenue												Revenue commentary will focus on material exceptions and concerns - NO concerns exist at this stage
Rates and Charges	\$470	\$415,590	(\$415,120)	-100%	\$4,522,779	\$2,493,538	\$2,029,241	81%	\$4,987,077	\$4,987,077	91%	
User Charges and Fees	\$33,518	\$38,743	(\$5,225)	-13%	\$175,249	\$232,457	(\$57,208)	-25%	\$540,384	\$464,915	38%	
Interest and Investments Revenues	\$1,927	\$5,095	(\$3,168)	-62%	\$11,342	\$30,568	(\$19,226)	-63%	\$61,136	\$61,136	19%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$3,049	(\$3,049)	-100%	\$38,804	\$18,296	\$20,508	112%	\$36,593	\$36,593	106%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$35,915	\$462,477	(\$426,562)	-92%	\$4,748,174	\$2,774,860	\$1,973,314	71%	\$5,625,189	\$5,549,720	86%	
Expenses												Overall costs are in line with FY projections - with costs at 50% against FY budget. * Depreciation at 56% is above the expected level for YTD due to updates in the depreciation for the RWTW * All other cost categories are at or below expected levels for YTD (50%)
Wages and Salaries	\$71,210	\$70,724	(\$486)	-1%	\$420,608	\$424,342	\$3,734	1%	\$848,684	\$848,684	50%	
Materials and Contracts	\$66,009	\$80,117	\$14,108	18%	\$426,192	\$480,700	\$54,508	11%	\$861,400	\$961,400	44%	
Other Costs	\$38,514	\$37,612	(\$902)	-2%	\$196,974	\$225,672	\$28,698	13%	\$451,344	\$451,344	44%	
Borrowing Costs	\$71,443	\$61,729	(\$9,714)	-16%	\$354,922	\$370,371	\$15,449	4%	\$740,742	\$740,742	48%	
Overheads	\$69,422	\$69,422	(\$0)	0%	\$416,532	\$416,530	(\$2)	0%	\$833,060	\$833,060	50%	
Depreciation	\$175,328	\$157,497	(\$17,831)	-11%	\$1,051,974	\$944,980	(\$106,994)	-11%	\$1,889,959	\$1,889,959	56%	
Total Expenses	\$491,926	\$477,099	(\$14,827)	-3%	\$2,867,202	\$2,862,595	(\$4,607)	0%	\$5,625,189	\$5,725,189	50%	
Result	(\$456,011)	(\$14,622)	(\$441,389)		\$1,880,972	(\$87,735)	\$1,968,707		\$0	(\$175,469)		

Muswellbrook Shire Council

Financial Report - December 2021



Future Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD September Review Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD % vs FY Sept Review Budget	Variance Commentary <i>(By material exception)</i>
	Monthly				YTD				Full Year			
Revenue												
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	Revenue commentary will focus on material exceptions and concerns - NO concerns exist at this stage COVID impacts of rental income is still to be assessed - confirmation will be presented once known.
User Charges and Fees	\$823,005	\$607,334	\$215,671	36%	\$3,718,328	\$3,644,006	\$74,322	2%	\$7,318,858	\$7,288,013	51%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$0	\$28,485	(\$28,485)	-100%	\$120,000	\$170,909	(\$50,909)	-30%	\$341,817	\$341,817	35%	
Total Revenue	\$823,005	\$635,819	\$187,186	29%	\$3,838,328	\$3,814,915	\$23,413	1%	\$7,660,675	\$7,629,830	50%	
Expenses												
Wages and Salaries	\$16,281	\$19,755	\$3,474	18%	\$102,541	\$118,533	\$15,992	13%	\$237,065	\$237,065	43%	Overall costs are below FY projections - with costs at 41% against FY budget. * Other Costs are above expected levels due to insurance costs (timing) * All other expenses are at or below expected levels for YTD
Materials and Contracts	\$171,186	\$158,138	(\$13,048)	-8%	\$649,364	\$948,827	\$299,463	32%	\$1,916,051	\$1,897,654	34%	
Other Costs	\$26,501	\$73,448	\$46,947	64%	\$468,430	\$440,686	(\$27,744)	-6%	\$875,904	\$881,373	53%	
Borrowing Costs	\$15,162	\$71,264	\$56,102	79%	\$321,745	\$427,584	\$105,839	25%	\$873,086	\$855,168	38%	
Overheads	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Depreciation	\$51,187	\$53,948	\$2,761	5%	\$307,119	\$323,687	\$16,568	5%	\$647,374	\$647,374	47%	
Total Expenses	\$280,317	\$376,553	\$96,236	26%	\$1,849,199	\$2,259,317	\$410,118	18%	\$4,549,480	\$4,518,634	41%	
Result	\$542,688	\$259,266	\$283,422		\$1,989,129	\$1,555,598	\$433,531		\$3,111,196	\$3,111,196		

Capital Costs (incl. Loan Repayments & excl. Revenue)

YTD Actuals

Carry Overs

Total Budget

September Review Budget

YTD % Spend

Over Budgets

General & Future Fund Projects

111 Brook Street Mbk Purchase

Aquatic Centres Programme

Art Acquisitions

Bakery Set Up

Bridges St Footpath

Bridges Renewal Programme

Buildings New and Replacement

Bushfire Assets

Capital Works Contingency

Capital Renewal Programme

CBD Stage 7 (Town Centre)

Civic Precinct (Town Square)

Contribution to Future Fund (Objectors)

Corporate Services General Programme

COVID 19

CPTGS - Bus Shelter

Demman Childrens Centre - Expansion (Contribution)

Demman Heritage Village

Demman Netball Courts

Developer Coordinated Works Programme

Drainage

Drainage Devices Programme

Emulsion Tank

Footpath and Cycleway Renewal Programme

Future Fund Contribution

General Design Program

General Design Projects - Loans

Heavy Patching Programme

Hunter 2050 Foundation

Hunter Beach

Investigation and Design - Aquatic Centre

Ironbark Road Footpath

Karoola Park Citizens Walk Pathway

Keib and Gutter Replacement Programme

Kirk and Peberdy Bridges

Large Plant Items

Leachlane Dam

Library Books General Capital Purchases (General)

Library Subsidy Projects

Local Roads Infrastructure Backlog

Local Priority Grants

Local Roads Projects

Manoroola Road Upgrade

Marketplace

Marketplace Air Conditioning

Mbk and Dim Indoor Sports Centre Upgrades

MSC Depot

Muscle Creek Nature Trail and Revegetation (AGL Macq Project)

New Footpath and Cycleway Programme

Olympic Park Project

Performance and Convention Centre

Performance and Convention Centre

Public Art Sculpture

Purchase of Land - Companion Animal Impounding Facility

Recreation Capital Works

Regional Road Renewal Programme

Regional Road Assets New Acquisitions

Resources for Regions - Mine Affected Roads Programme

Resources for Regions - Round 5

Resources for Regions - Round 6

Resources for Regions Road Programme

Road Design Program

Road Resealing Programme

Roads Capital Contingency

Roads to Recovery Program

Rosebrook Bridge

Rosemount Road Culvert

Rural Road Pavement and Rehabilitation Programme

Rural Road Resealing Programme

Safety Audit/Ridehands Road

Safety Device Renewal Programme

Sandy Creek Road Curlew Improvement

Sandy Hollow Village Centre

Shire Relief Fund Contribution

Sport and Recreation Small Capital Grants Program

Throsby ACT

Town Education Centre 2

Transport Vehicles

Urban Road Renewal Programme

Waste Management Facility

Widened Valley Road Pavement Rehab

Wilkinson Bridge

Yarra Valley Road (Excl. Local Roads)

Total General Fund

Water Fund

Asbestos Removal

Debris - Investigation and Design

Laboratory Equipment

Mains Renewal and Replacement (In-Carriover)

Office Upgrade

Replacement of Water Meters Programme

Sandy Hollow Augmentation

South Muswellbrook Reservoir

System Plant Asset Renewals

Upgrade Fluoride Dosing System WTP

Vehicle Replacement

Vehicle-Equipment Replacement

Water Fund Environmental Grants

Water Stop Valve Replacement

Total Water Fund

Sewer Fund

Access & Security Improvements RMTW

Mains Renewal and Replacement

Sewer Plant and Equipment

Solar Array

System Plant Asset Renewals

Transportation System Improvement

Loan - Sewer RMTW

Shellharbour Main

Total Sewer Fund

Consolidated Total

218,005

18,903

-

1,158

30,582

23,593

87,258

14,325

-

440,385

43,751

59,526

-

3,000

-

1,078

1,706,700

222,782

-

116,336

307,249

41,935

173,814

34,021

31,095

1,526,705

398,491

19,288

-

129,775

18,495

180,790

49,546

695,655

63,297

143,158

56,523

-

2,442,015

325,948

13

29,186

-

-

3,942

283,974

180,409

1,500

-

17,208

80,834

62,876

7,483

259,999

2,912,001

-

19,654

359,209

53,726

197,828

14,453,841

-

22,655

1,106

408,582

7,472

17,736

11,574

154,457

86,506

260

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13,916

724,864

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62,182

55,449

327,452

42,404

492,679

15,672,784

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MUSWELLBROOK SHIRE COUNCIL



RESERVES TRANSACTIONS

Balance as at 30 June 2021	2021/2022 Original Budget		Carryovers	September 21 Review Changes		December 21 Review Changes		Operating Reserves		Closing Balance 30 June 2022 (Fest)	Comments
	Transfer to	Transfer From	Transfer From	Transfer to	Transfer From	Transfer to	Transfer From	Transfer to	Transfer From		
Unrestricted	3,022	1,000			288		265		22	1,447	
Externally Restricted											
Unexpended Loan - COVID	728		728							0	
Unexpended Loan - Wilkinson Bridge	1,785		1,785							0	
s7.11 & s7.12 Levies	81									81	
s7.11 & s7.12 - Drainage	153									153	
s7.11 & s7.12 - Roads	302							242		60	
s7.11 & s7.12 - Parking	2									2	
s7.11 & s7.12 - Open Space	209									209	
s7.11 & s7.12 - Community Facilities	3									3	
s7.11 & s7.12 - Tourism	37									37	
s7.11 & s7.12 - Bushfire	111									111	
s7.11 & s7.12 - Social Infrastructure	17									17	
Mt Arthur VPA	474	1,034	1,034	166						308	
Bengalla VPA	1,705	226	226	1,455		250				0	
Mangoola VPA	445	399	399	439						6	
Liddell VPA	23									23	
Mt Pleasant VPA	648	350	350	394		250				4	
Mangoola Muswellbrook Rec	102									102	
Ridgeland	1,610	155	655	640		470				0	
Muswellbrook Coal	396			396						0	
Bengalla Coal Community Fund	45									45	
Mangoola Education	161									161	
VPA Reserves										0	
Road Network Efficiency	2,034			2,034						0	
Section 64 (Water)	7,498									7,498	
Section 64 (Sewer)	3,373		1,800							1,573	
Unexpended Grants (G)	4,970			924					759	3,287	
Unexpended Grants (W)										0	
Unexpended Grants (S)										0	
Water	6,105	354	698		377				641	4,035	
Sewer	1,174		30		175					969	
Domestic Waste	790									790	
Externally Restricted Sub-total	34,981	2,164	4,818	9,689	0	1,522	0	242	1,400	19,474	
Internally Restricted											
Plant and Vehicle	2,576		365							2,211	
Infrastructure Replacement	108								66	42	
Mine Affected Roads	908						462			1,370	
Road Reserve	912									912	
Employee Leave Entitlement	1,313									1,313	Unavailable for reallocation
Deposits Retentions and Bonds	4,341									4,341	Unavailable for reallocation
Carpark Replacement	113									113	
Road Works Contingency	494									494	
Future Fund	1,559	606		498		220		500		947	
Building Replacement	7									7	
Culture	10									0	
Drainage Reserve	143								10	143	Only available for Water/Drainage
Administrative	3									3	
Environmental	613							500		113	
Waste Management Centre	7,180	201		913		75			250	60	6,583 Only available for Water Management
Stormwater	881									881	Only available for Stormwater
Sustainability Reserve	56			50						6	
Builders Rubble	80									80	
Road Pavement Consumption Charge	90									90	
Road Closure	206									206	
Contingency Reserve	268		50		65					81	
Prior Year Carryover	1,844	0	0	1,315	0	150	0	0	0	260	
Waste Levy Aggregate (R&D)	61									0	
SRV Reserve	92			86				61		0	
Works in Progress	148									148	Only available for SRV Projects
Financial Assistance Grant	1,889					1,872				17	
Mine Affected Roads Study	70									70	
Legal Contingency	151									151	
Election Reserve	123								123	0	
Insurance Reserve	0									42	
Infrastructure Works - Muswellbrook	125						42			125	
Internally Restricted Sub-total	26,364	807	415	2,940	65	2,317	504	1,061	250	606	20,651
Grand Totals	64,367	2,971	6,233	12,629	65	4,127	504	1,568	250	2,028	41,572

Details of Current Council Loans



Balance at 30/06/2021	Payment Type	2019/20 Repayments	2020/21 Repayments	2021/22 Repayments	2022/23 Repayments	2023/24 Repayments	2024/25 Repayments	2025/26 Repayments	2026/27 Repayments	2027/28 Repayments	2028/29 Repayments	2029/30 Repayments	2030/31 Repayments
Water Fund													
\$1,007,297	Principal	\$310,206	\$330,160	\$351,400	\$375,624	\$280,273	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Interest	\$87,745	\$67,791	\$46,551	\$23,815	\$4,977	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total	\$397,951	\$397,951	\$397,951	\$399,439	\$285,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Fund													
\$15,619,999	Principal	\$642,256	\$677,873	\$710,385	\$743,509	\$778,430	\$816,997	\$856,300	\$780,502	\$815,416	\$850,535	\$886,347	\$922,883
	Interest	\$761,835	\$726,218	\$693,706	\$660,582	\$625,661	\$587,094	\$549,281	\$509,827	\$474,913	\$439,794	\$403,982	\$367,446
	Total	\$1,404,091	\$1,404,091	\$1,404,091	\$1,404,091	\$1,404,091	\$1,404,091	\$1,405,581	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329
General Fund													
\$7,033,329	Principal	\$592,931	\$614,941	\$715,625	\$747,212	\$589,049	\$398,903	\$411,895	\$425,955	\$440,494	\$455,537	\$471,112	\$400,583
	Interest	\$226,943	\$245,540	\$233,183	\$201,596	\$160,992	\$145,179	\$147,540	\$133,362	\$118,758	\$103,536	\$87,667	\$59,397
	Total	\$819,874	\$860,481	\$948,808	\$948,808	\$750,041	\$544,083	\$559,435	\$559,318	\$559,252	\$559,073	\$558,780	\$459,980
Future Fund													
\$45,600,163	Principal	\$4,822,070	\$5,116,650	\$5,447,178	\$5,288,747	\$4,625,951	\$4,747,820	\$4,672,525	\$2,736,585	\$2,781,513	\$2,095,246	\$1,306,313	\$1,010,380
	Interest	\$1,196,886	\$964,183	\$839,494	\$736,121	\$732,550	\$679,379	\$609,912	\$510,992	\$442,438	\$380,663	\$336,230	\$270,629
	Total	\$6,018,956	\$6,080,833	\$6,286,672	\$6,024,868	\$5,358,501	\$5,427,199	\$5,282,437	\$3,247,577	\$3,223,952	\$2,475,910	\$1,642,544	\$1,281,009
\$69,260,789		\$8,640,872	\$8,743,355	\$9,037,522	\$8,777,205	\$7,797,882	\$7,375,373	\$7,247,453	\$5,097,223	\$5,073,533	\$4,325,312	\$3,491,652	\$3,031,318

Purpose	Original Amount	Interest Rate	Balance at 30/06/2021	2021/22 Principal Repayments	2021/22 Interest Repayments	2021/22 Total Payments	Year of Final Payment	Notes (If any)
Water - South Muswellbrook Reservoir	\$1,100,000	6.03%	\$177,682	\$85,735	\$6,377	\$92,112	2022/23	
Water - Sandy Hollow Augmentation	\$300,000	6.09%	\$48,855	\$23,428	\$1,780	\$25,208	2022/23	
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$780,760	\$242,238	\$38,394	\$280,632	2023/24	
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$493,102	\$86,344	\$27,418	\$113,762	2025/26	
General - Widden Bridge	\$1,750,000	6.00%	\$1,235,130	\$75,776	\$70,290	\$146,066	2034/35	
General - Smiths Bridge	\$1,573,967	4.28%	\$1,242,076	\$61,664	\$50,833	\$112,497	2024/25	
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$924,205	\$350,782	\$54,528	\$405,310	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,749,405	\$107,823	\$24,668	\$132,491	2025/26	
Future Fund	\$3,300,000	1.60%	\$3,135,000	\$165,000	\$48,950	\$213,950	2024/25	
Future Fund - Seven Hills, Campbell's Corner	\$13,500,000	2.32%	\$9,863,009	\$1,882,507	\$218,357	\$2,100,864	2021/22	
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$12,817,758	\$616,862	\$151,900	\$768,762	2023/24	
Future Fund - Muswellbrook Marketplace	\$5,000,000	3.43%	\$1,693,904	\$954,627	\$45,373	\$1,000,000	2022/23	
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$10,593,826	\$1,308,183	\$239,901	\$1,548,084	2024/25	
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$6,326,136	\$252,074	\$278,898	\$530,972	2038/39	
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,800,761	\$371,967	\$387,390	\$759,357	2037/38	
Covid 19	\$2,000,000	1.77%	\$1,882,513	\$119,580	\$32,863	\$152,443	2022/23	
Throsby ACT	\$7,800,000	1.86%	\$7,496,667	\$520,000	\$135,013	\$655,013	2025/26	
TOTAL	\$88,385,467		\$69,260,789	\$7,224,590	\$1,812,933	\$9,037,523		

12.11 COMMUNITY SERVICES

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

PURPOSE

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

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK and DENMAN

During December the Muswellbrook and Denman Libraries focused on relaunching programming with the easing of Covid restrictions. Home library services also made deliveries within the Muswellbrook area during the month with **310 items** selected and delivered by library staff. Throughout the month library staff continued to provide assistance with Local history enquiries and tech help.

Core programming included:

Children's Storytime and Rhyme time: These themed programs continued throughout December with a Summer, Insect and Christmas themes. These sessions were attended by **34 children at Muswellbrook** and **6 at Denman**.

The Library launched the 2022 Summer Reading Club with this year's theme 'Adventures are calling'. This program was launched during a series of Preschool and Childcare visits which saw library staff providing Storytime programs to **248 children**. This years program focuses on re-discovering the libraries with one a series of challenges.

The Upper Hunter Writers Collective and Adult Bookclub commenced their monthly meeting at the Muswellbrook Library with **18 members** attending.

The Muswellbrook Shire Libraries was attended by **550 customers**.

Providing opportunities that increase community literacy, both physical and digital

- Online Engagement:

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 **3,466** post views on Facebook.

- Collections:

During September the library added **184 new items** to the physical collections. Over the month the library loaned **2,390 physical items** and there have been **164 eAudio loans, 149 eBook Loans and 40 Digital magazine loans.**

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

- Children's Programs

Children's Storytime and Rhyme time: These programs continued throughout December with a Summer and Christmas theme. These sessions were attended by **34 children at Muswellbrook** and **6 at Denman**. Outreach: During December the Library launched its annual Summer Reading Programming with this year's theme 'Adventures are calling'. This program was launched during a series of Preschool and Childcare visits which saw library staff providing Storytime programs to **248 children.**

- Adult's Programs

The Upper Hunter Writers Collective and Adult Bookclub commenced their monthly meeting at the Muswellbrook Library with **18 members** attending.

- Wifi and Computer Usage

Wifi Usage: Muswellbrook: 113 occasions Denman: 53 occasions

Increasing and maintaining library memberships

Muswellbrook and Denman libraries registered **24 new members** during December

MUSWELLBROOK REGIONAL ARTS CENTRE

'Two Artists Tour Muswellbrook' features works from Liz Anelli and Mario Minichiello, these works were produced as the annual Artist in Residence Program. Works feature significant landscapes and features of Muswellbrook and its surrounding areas.

The Wollombi Gallery hosts 'From Manawatu to Muswellbrook' by Photographer Jessica Duggan which displays her love for her two homes. Both exhibitions along with 'Art Is' in the Watters Gallery were successfully launched on the 8 January and are on exhibition until the 5 March.

The Saturday Art Station is proving to be popular Saturday morning activity for children and their carers, workshops are held the third Saturday of the month, workshops are focused on the current exhibitions and hosted by Art Galley employees.

The Muswellbrook Art Prize has 2 weeks left for Artist to enter their works in the following categories; Painting (\$50 000 acquisitive); Works on Paper (\$10 000 acquisitive); Ceramics (\$10 000 acquisitive); the Muswellbrook Art Prize receives national interest from artist and in 2021 received over 800 entries.

COMMUNITY PARTNERSHIPS

A significant amount of work has occurred in preparation for Australia Day 2022 Ceremony. The Ceremony will be held at Olympic Park Muswellbrook commencing at 8am with a smoking ceremony, didgeridoo performance, Indigenous dance performances and free BBQ, the announcement of Australia Day Award Winners and Citizenship Ceremony will commence at 9am.

Celebrations will continue from 12noon to 3pm with free entry to both Muswellbrook and Denman Outdoor Pool. Free food vouchers and Power FM will live broadcast from Denman Outdoor Pool to celebrate Australia Day 2022.

Governance support has been provided to Arts UH and Upper Hunter Youth Services and Upper Hunter Homeless Support.

MUSWELLBROOK SHIRE AQUATIC & FITNESS CENTRE – Denman and Muswellbrook

The Muswellbrook Outdoor Pool, Denman Outdoor Pool and the Muswellbrook Fitness Centre are all operational and Learn to Swim and Aqua Aerobic programs resume in Jan/Feb.

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 STATE SIGNIFICANT DEVELOPMENT MEETING HELD ON WEDNESDAY, 3 NOVEMBER 2021

Attachments:	Nil
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 State Significant Development held on 3 November 2021.

OFFICER'S RECOMMENDATION

The minutes for the State Significant Development meeting held on Wednesday 3 November 2021 be NOTED.

Moved: _____ Seconded: _____

REPORT

The Executive Officer reports that the State Significant Development met on Wednesday 3 November 2021.

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

PRESENT: CR B. WOODRUFF (CHAIR), CR R. SCHOLES AND CR J. LEDLIN.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Ms S. Pope (Executive Manager – Planning & Environment), Ms A. Hathway (Corporate Lawyer), Theresa Folpp (Development Compliance Officer) and Mrs M Sandell-Hay.

14 APOLOGIES AND LEAVE OF ABSENCE

Nil

15 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Ledlin and Cr Scholes that:

The Minutes of the State Significant Development Committee held on 18 October 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

16 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr B. Woodruff – declared a pecuniary interest in Item 5.1. Cr Woodruff advised the meeting that the report mentions Mangoola, Mt Pleasant and Bengalla and his employer undertakes work for these Mines.

17 PUBLIC PARTICIPATION

Nil

18 BUSINESS ARISING

Nil

19 BUSINESS

6.1 THOMAS MITCHELL DRIVE CONTRIBUTIONS STUDY 2021

Disclosure of Interest

Cr B. Woodruff declared a pecuniary interest in this Item. Cr Woodruff advised the meeting that the report mentions Mangoola, Mt Pleasant and Bengalla and his employer undertakes work for these Mines.

At 4:33pm Cr Woodruff left the meeting and therefore took no part in discussion or voting on this item.

Cr Scholes assumed the role of Chair for the conduct of this item.

RECOMMENDED on the motion of Cr Scholes and Cr Ledlin that:

The information contained in this report be noted and the draft submission will be circulated to Councillors on the Committee for feedback prior to finalisation.

At 4:41pm Cr Woodruff returned to Meeting and resumed the role of chair for the remainder of the meeting.

6.2 UPDATE ON STATE SIGNIFICANT DEVELOPMENT USING LOCAL ROADS FOR OVER SIZE OVER MASS VEHICLES

RECOMMENDED on the motion of Cr Scholes and Cr Ledlin that:

The Committee:

1. Notes the Letter of Offer from Hills of Gold Wind Farm Pty Ltd and concerns of staff;
2. Authorises staff to continue to negotiate with various State Significant Developments (SSD) that seek to transit components through the Shire via local roads; and
3. Authorises staff to object to all SSD that nominates the use of local roads in the Shire for transport of components to another LGA, until EnergyCo, TfNSW and DPIE find a more strategic solution to managing transport issues that is acceptable to Council.

20 DATE OF NEXT MEETING

TBD

21 CLOSURE

The meeting was declared closed at 4.56pm.

.....
Ms F. Plesman
General Manager

.....
Cr B. Woodruff
Chairperson

22 NOTICES OF MOTION / RESCISSION

14.1 RECOGNITION OF SERVICE

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

Cr Brett Woodruff has indicated his intention to move the following motion at the next ordinary meeting of Council as follows:

MOTION

Muswellbrook Shire Council present a certificate of Service to the following past Councillors in recognition of their dedicated service to the Shire of Muswellbrook its people and communities:

Cr Jacinta Ledlin

Cr Stephen Ward

Cr Janelle Eades

Cr Jason Foy

Cr Martin Rush

Cr Scott Bailey

Cr Michelle Green

Moved: _____ **Seconded:** _____

RESPONSE BY GENERAL MANAGER

Certificates of service will be arranged for outgoing Councillors.

23 QUESTIONS WITH NOTICE

15.1 FENCING FOR MUSWELLBROOK SKATEPARK

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

Councillor Mark Bowditch has asked the following question with notice for the Council Meeting on 1 February 2021, as follows:

I have had a conversation with a concerned highway officer regarding the safety of children in the skate park.

With the traffic movements around the roundabout coming out of Coles and vehicles coming down Rutherford Road there is a potential of an incident if an accident happens, and they have a medical episode.

In this situation we have no protection only the pool fencing to stop a vehicle from going straight ahead over the guttering and into the park.

They are suggesting putting safety bollards along the fence line to protect the people using the skate park.

MOTION

Council:

- 1. Notes the information contained in the report;**
- 2. Requests that grant funding opportunities are sought in relation to the provision of safety barrier bollards or fencing at the section of Rutherford Road adjacent to the Muswellbrook skatepark; and**
- 3. Will consider the project for inclusion in the 2022-23 Capital Works Programme.**

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

Council currently has not budgeted for the installation of safety barrier bollards or fencing at the section of Rutherford Road adjacent to the Muswellbrook Skatepark.

Three options are open to Council in order to expedite this project. These are:

1. If it is possible to fund the project through savings identified in the March budget review, request that the project be considered for addition to the 2021-22 capital works programme.
2. Request staff to prioritise this project as a candidate for applicable grant funding opportunities.
3. Consider the project for inclusion in the 2022-23 Capital Works Programme.

24 COUNCILLORS REPORTS

25 QUESTIONS FOR NEXT MEETING

26 CLOSURE

DATE OF NEXT MEETING: TUESDAY 1 MARCH 2022