



9.2. Community Infrastructure

9.2.1. Transfer of a Crown Road to Council (DA 2021-0129)

Attachments:	1. DA 2021-0129 Crown Road Access off Martindale Road [9.2.1.1 - 1 page]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Imelda Williams, Hamish McTaggart – Traffic & Roads Status Officer
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.2 - Maintain and continually improve asset management.

PURPOSE

To request that Council give consideration for the transfer of a Crown Road to Council under s.150 of the *Roads Act 1993* as described below.

OFFICER'S RECOMMENDATION

Council submit a request to Crown Lands that the Crown Road off Martindale Road associated with the DA 2021-0129 be transferred to Council under the provisions of s.150 *Roads Act 1993*.

Moved: _____ **Seconded:** _____

BACKGROUND

A development application has been lodged by Greyhound Racing NSW for an animal boarding or training establishment at 1949 Martindale Road Martindale for the purpose of rehoming and training retired racing greyhounds (DA 2021-129).

The Hunter and Central Coast Regional Planning Panel is the consent authority for this development application. The development application remains under assessment and a report for its determination by the Panel is being prepared by Council Officers.

Practical Legal access to the site is off Martindale Road via a Crown Road. Crown Lands have advised that for development and planning reasons, Council may request the transfer of a Crown Road from the department to Council. This will then allow Council to regulate the standard to which road access should be established and issue a construction certificate as the relevant roads authority under the *Roads Act 1993*.

CONSULTATION

Roads Drainage & Technical Service, Planning & Environment

REPORT

The purpose of this report is not to seek Council views on the determination of the development, but for Council to consider the related matter of the transfer of the road within



its function as the Road Authority for local roads within the Muswellbrook Shire.

The Crown Road access off Martindale Road is a basic constructed gravel road of approximately 750m which provides access to the site and 3 adjoining properties and farms (2 of which have alternative accesses). Council does not maintain the road, with responsibility currently resting with the landowners who use the road as is the case with most Crown Roads across NSW.

As part of the proposed development the applicant is required to carry out improvements to the intersection with Martindale Road and the Crown Road Reserve. These improvements require the construction of a Basic Right Turn Treatment (BAR) at the intersection as shown on the attachment. While the balance of works is proposed within the Martindale Road Reserve for which Council is the Road Authority a portion of works would be within the unmaintained Crown Road Reserve, and the development application was referred to NSW Crown Lands as the land manager to consider their requirements and consent to the works. NSW Crown Lands requested the transfer of the road to Council.

Council will require that the applicant will be responsible for the maintenance of the road and this requirement will be scheduled in the conditions of Consent for the proposal. A caveat or similar instrument is to be registered on the title of the land to this effect that while the property operates as an animal boarding/training establishment the proponent remains responsible for the maintenance of the access road. This is in line with Council's current Road Development Standards Policy Section 2.2 Road Maintenance whereby:

Council will only maintain the road network recorded in the Roads Register, and within Council's approved budget.

The responsibility and cost of maintenance of unmaintained roads, whether Formed, Unformed or Unmade roads rest with the landowners who use the road for access to private properties. Approval of a dwelling on a property accessed by an unformed road does not commit Council to any upgrade, construction or repair of that road.

Landowners may make a written application to Council for approval to construct a formed road, at the cost of the landowners. Applications will be assessed, and may be granted conditional approval based on conditions outlined in the policy procedure.

The formation or construction of a road to Council standards does not automatically imply that Council will maintain the road. Council will only take over maintenance of the road:

- if it provides wider community benefits and satisfies the criteria outlined in Requests for Council to take over maintenance; and
- following construction of the road in accordance with conditional approval and its acceptance by the authorised Council officer.

Landowners may make a written application for Council to assume responsibility for the maintenance of a road. Council will consider applications on an individual basis and on the merits of each individual application, and usually only where landowners agree to pay the costs to upgrade an existing unmaintained road to Council standards. Council will take the following into consideration when making a decision:

- Availability of funds (budget allocation);
- Number of residents per km – as a minimum, must be greater than 5;
- Lot size and future sub-division potential;
- Traffic volume – must be greater than 40 average annual daily traffic (AADT);
- Public, recreational and emergency services use; and



- Existing road condition, and public safety and risk considerations.

Sections of road that provide access to 5 or less residences will not be considered for addition to the maintained road list.

Private individuals or Contractors may perform maintenance on public roads that are unmaintained if they obtain a S138 permit from Council. Section 138 of the Roads Act (NSW) requires that all work undertaken within Council's road reserves must have Council consent prior to work being undertaken.

OPTIONS

Council can either:

- Request the Transfer of the Crown Road to Council.
- Refuse the transfer of the Crown Road to Council and advise Crown Lands accordingly.

CONCLUSION

It is recommended that Council requests the transfer of the Crown Road to Council.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The applicant will be responsible for the roads works and the ongoing maintenance of the access road.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Not applicable.

2. Financial Implications – Operational

Not applicable

POLICY IMPLICATIONS

In Line with MSC09E Road Development Standards Policy

STATUTORY IMPLICATIONS

The transfer of the road to Council will allow Council to act within its power as the road authority under the *Roads Act 1993*.

LEGAL IMPLICATIONS

The transfer of the road to Council will allow Council to act within its power as the road's authority under the *Roads Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable



WASTE MANAGEMENT IMPLICATIONS

Not applicable

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable

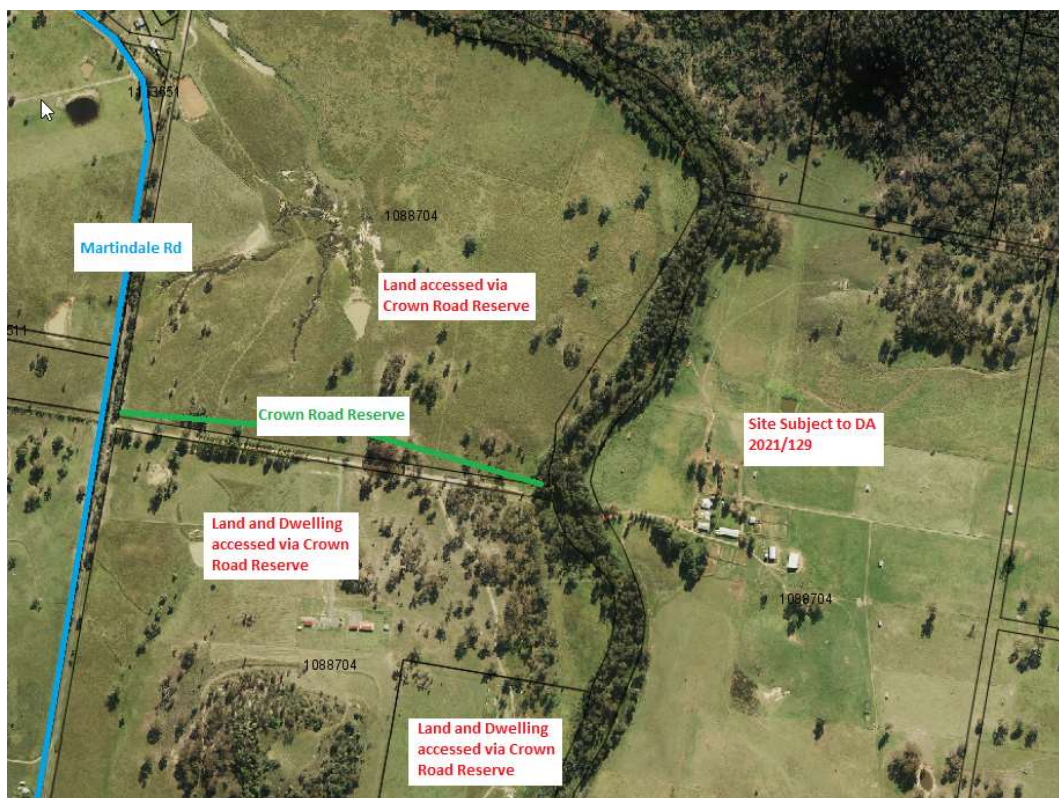
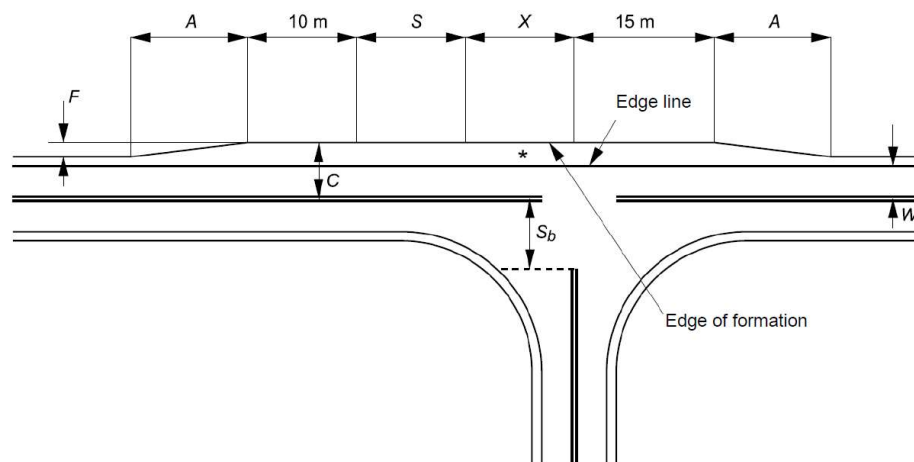


Figure A 28: Basic right (BAR) turn treatment on a two-lane rural road

* It is preferred that the widened shoulder is sealed, unless the shoulder can be maintained with a sound and even surface



**9.2.2. Review of Drinking Water Quality Policy MSC30E****Attachments:**

1. Drinking Water Quality Policy DRAFT REVIEW
[9.2.2.1 - 4 pages]

Responsible Officer:

Derek Finnigan - Acting General Manager

Author:

Irene Chetty, Chloe Wuiske, Madeleine St John –
Operations Manager: Water and Wastewater

Community Plan Issue:

- 5 - *Community Infrastructure*
6 - *Community Leadership*

Community Plan Goal:

Effective and efficient infrastructure that is appropriate to the needs of our community.

Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Community Plan Strategy:

- 5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.
6.2.5 - Implement a comprehensive and targeted business improvement program.
- 5.3.1.1 - Carry out Best Practice audit of water and wastewater services.
6.2.5.2 - Review the policy management framework.

PURPOSE

The purpose of this report is to present the DRAFT Drinking Water Quality Policy to Council for notice of intention to adopt after public exhibition.

OFFICER'S RECOMMENDATION

1. Council endorses the attached DRAFT Drinking Water Quality Policy for placement on public exhibition via Council's website for a period of 28 days.
2. A further report be submitted to Council for consideration once the exhibition period has been completed.

Moved: _____ **Seconded:** _____

BACKGROUND

The Drinking Water Quality Policy highlights Council's commitment to supplying safe, quality drinking water to the communities of Muswellbrook, Denman and Sandy Hollow, that consistently meets National Health and Medical Research Council (NHMRC)/Natural Resource Management Ministerial Council (NRMMC) Australian Drinking Water Guidelines 6, 2011 (ADWG 2011), and consumer and other regulatory requirements.

CONSULTATION

Operations Manager Water and Wastewater
Manex



REPORT

A review has been conducted of Council's Drinking Water Quality Policy to align it with the current Australian Drinking Water Guidelines which were updated in September 2022.

Council's Drinking Water Quality Policy was last reviewed in 2019. Proposed amendments to the policy are displayed with tracked changes in attachment 1.

OPTIONS

Council may:

1. Resolve to endorse the DRAFT Drinking Water Quality Policy for Public Exhibition;
2. Resolve to not endorse the DRAFT Drinking Water Quality Policy for Public Exhibition.
3. Request amendments to the DRAFT Drinking Water Quality Policy.

CONCLUSION

It is recommended that Council endorses the DRAFT Drinking Water Quality Policy for Public Exhibition to ensure alignment with recently updated Australian Drinking Water Guidelines.

SOCIAL IMPLICATIONS

Nil known

FINANCIAL IMPLICATIONS

Nil known

POLICY IMPLICATIONS

This policy was reviewed in line with Council's Policy Management Framework.

STATUTORY IMPLICATIONS

Legislation relating to the Drinking Water Quality Policy includes:

- NHMRC/NRMMC Australian Drinking Water Guidelines 6, 2011
- NSW Public Health Act 2010 and Public Health Regulation 2022
- Local Government Act 1993

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

5.3.1.1 - Carry out Best Practice audit of water and wastewater services.

6.2.5.2 - Review the policy management framework.



RISK MANAGEMENT IMPLICATIONS

Nil known

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition will provide the Community with an opportunity to make submissions.



Draft Drinking Water Quality Policy

~~MSC05~~MSC30E

Authorisation Details

Authorised by:	<u>General Manager Council</u>
Minute No:	<u>Noted by Council at Ordinary Meeting on 12/02/2019</u>
Date:	<u>12 Feb 2019</u>
Review timeframe:	<u>2 years 4 years</u>
Department:	Community Infrastructure: Water & Waste <u>Wastewater</u>
Document Owner:	Operations & Process Engineer <u>Manager Water & Wastewater</u>
<u>Policy type</u>	<u>External</u>

Details History

Version No.	Date changed	Modified by	Amendments made
<u>1</u>	<u>12/02/2019</u>	<u>Operations Manager Water & Wastewater</u>	<u>Original Version adopted by General Manager and Noted by Council at Ordinary Meeting on 12/02/2019</u>
<u>2</u>	<u>30/11/2022</u>	<u>Operations Manager Water & Wastewater</u>	<u>Updated policy statement</u>

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Policy Objective

To highlight Muswellbrook Shire Council's commitment to supplying safe, high quality drinking water to the ~~residents~~communities of Muswellbrook, Denman, and Sandy Hollow, ~~which appropriately that~~ consistently meets the ~~requirements of the~~NHMRC / NRMMC Australian Drinking Water Guidelines of 2011 (ADWG 2011), and consumer and other regulatory requirements.

(where, NHMRC is the National Health and Medical Research Council and NRMMC is the Natural Resource Management Ministerial Council)

Risks being addressed

Muswellbrook Shire Council affirms its commitment in ensuring that its customers in Muswellbrook, Denman and Sandy Hollow receive safe, high quality drinking water, ~~which appropriately that~~ consistently meets the quality requirements as stipulated in the ADWG 2011.

This commitment is in line with Council's goal of providing safe, secure, ~~efficient~~ and ~~effective~~reliable water, ~~sewerage~~ and ~~waste~~ wastewater services ~~in compliance with regulatory requirements~~ as outlined in Council's Operational Plan.

Scope

~~All managers and employees involved in the supply of drinking water at Muswellbrook Shire Council are responsible for understanding, implementing, maintaining and continuously improving the drinking water quality management system.~~

Policy Statement

Muswellbrook Shire Council's commitment to supplying safe, high quality drinking water to the communities of Muswellbrook Shire will be implemented through its Drinking Water Management System (DWMS) and Integrated Water Cycle Management (IWCM) Strategy, consistent with the Australian Drinking Water Guidelines 2011.

To achieve this, in partnership with stakeholders and relevant agencies, Muswellbrook Shire Council will:

~~Manage drinking~~

- manage water quality ~~through treatment, storage and distribution at all points along the delivery chain from source water~~ to the consumer ;
- ~~Establish and operate under use~~ a risk-based approach ~~to identify & mitigate in which~~ potential ~~hazards~~threats to water quality; are identified and balanced
- ~~Incorporate~~integrate the needs and expectations of our consumers, stakeholders, regulators, and employees into our planning ;

- ~~Implement continuous-establish regular~~ monitoring of the quality of drinking water ~~quality; together with~~ and effective ~~water quality reporting procedures-so-as~~ mechanisms to provide ~~suitable~~ relevant and timely information; and promote confidence in the water supply and its management ;
- ~~Ensure proficiency-of-in-emergency~~ develop appropriate contingency planning and incident response ~~procedures;capability~~
- ~~Enhance knowledge-on-drinking water quality issues and performance-by-participating-in-current~~ participate in appropriate research and development ~~work-carried-out-in-the water treatment industry;activities to ensure continued understanding of drinking water quality issues and performance~~
- ~~Respond to customers' concerns in a timely manner;~~
- ~~Participate in discussions that contribute to establishing~~ the debate on setting industry regulations and guidelines ~~to ensure that industrial and commercial operations do not discharge harmful substances into waterways that may impact the overall water quality and subsequently the~~ and other standards relevant to public health of ~~and~~ the community; water cycle
- ~~Assess~~ continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.

Muswellbrook Shire Council will implement and maintain a drinking water quality performance through audits on a regular basis ~~management system consistent with the Guidelines to improve operational capability of it~~ effectively manage the risks to drinking water treatment plants and reticulation system quality.

Ensure that Council

All managers and employees involved in the supply of drinking water ~~are appropriately trained and understand their role and responsibility~~ at Muswellbrook Shire Council are responsible for ensuring that water quality goals are achieved understanding, implementing, maintaining, and continuously improving the drinking water quality management system.

Delegations

There are no associated delegations with this policy.

Legislation

NHMRC/NRMMC Australian Drinking Water Guidelines 6, 2011
NSW Public Health Act 2010 and Public Health Regulation (2012)2022
Local Government Act 1993

Dispute Resolution

The Operations Manager Water & ~~Waste~~ Wastewater is the interpreter of this policy.

Associated Council Documentation

This policy is to be read in conjunction with:

- Muswellbrook Shire Council Drinking Water Management System ~~(ADWG)~~ 2014
- Muswellbrook Shire Council Drinking Water Management System ~~(DWMS)~~ – Improvement Plan ~~—reviewed & updated 27 June 2017 (Doc ID 749483)~~
- Muswellbrook Shire Council Integrated Water Cycle Management ~~(IWCN)~~ Strategy ~~—to be finalised by 2019.~~
- Operational Plan

~~2017-2018~~

**9.2.3. Best-Practice Management Review of Water Supply and Sewerage Services for 2020 -2021**

Attachments:	1. Final Audit Report - BPMWSS [9.2.3.1 - 4 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer Derek Finnigan - Acting General Manager
Author:	Irene Chetty – Operations Manager: Water and Wastewater
Community Plan Issue:	1 - <i>Economic Prosperity</i> 5 - <i>Community Infrastructure</i>
Community Plan Goal:	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i> Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements. 5.3.1.1 - Carry out Best Practice audit of water and wastewater services. 5.3.1.2 - Ensure compliance with all Licence conditions.

PURPOSE

The report provides information relating to the review of Council's water supply and sewerage services for compliance with the requirements of the NSW Best Practice Management Guidelines for Water Supply and Sewerage ("BPM Guidelines") and the NSW Best Practice Management Framework for Water Supply and Sewerage services ("BPM Framework") for reporting year 2020-21.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Muswellbrook Shire Council (MSC) engaged the services of an auditor, National Audits Group, to review its compliance with criteria set out in the NSW Best Practice Management of Water Supply and Sewerage Guidelines August 2007 ("BPM Guidelines – Aug 2007") for reporting year 2020-21.



CONSULTATION

The auditors consulted with Council's Water and Wastewater management staff to provide access to relevant strategic documents and audited financial statements and policies.

The documentation reviewed in the consultation process were:

- Intergrated Water Cycle Management Strategy;
- Long term Financial Plan;
- Developer Services Plan;
- Fees and charges for water supply tariffs, sewerage tariffs and liquid trade waste fees 2020/21;
- Operating Budgets and Costs Statements (Income Expenditure) for water and sewer funds 2020/21;
- Details of the number of water and sewer connections;
- All Liquid Trade Waste Approvals for 2020/21;
- Drought and Emergency Response Management Plan;
- Water Conservation/ Demand Management Plan; and
- Copies of NSW Dept of Planning and Environment Reports for 2020/21.

REPORT

Best practice management is promoted by the NSW Government Department of Planning, and Environment – Water ("DPE-Water") to all Local Water Utilities for water supply and sewerage services, and the following is stated:

"Local Water Utilities are encouraged to follow best practice in the effective and efficient delivery of water supply and sewerage services, and to promote sustainable water conservation practices and water demand management throughout NSW" (Source: Best Practice Management of Water Supply and Sewerage Guidelines, August 2007).

In June 2022, Council's Best Practice in the delivery of water supply and sewerage services to the Muswellbrook, Denman and Sandy Hollow communities was reviewed for compliance to the BPM Guidelines for 2020-21.

The overall finding of the review was that Muswellbrook Shire Council demonstrated substantial compliance with Best Practice Management (BPM) of Water Supply and Sewerage in line with the DPE-Water BPM Guidelines and the BPM Framework as applicable for the financial year ended 30 June 2021.

The findings of the review are summarised below:

Full Cost Recovery

The Water Fund was in deficit (\$298,000) and the Sewer Fund was in deficit (\$218,000) for the year ended 30 June 2021. Operating expenses for both Water and Sewer Fund have decreased compared to the previous period. Revenue was less than the financial modelling within the Long-term Financial Plan (LTFP) in the Integrated Water Cycle Management Strategy. The Guidelines require full cost recovery for each of the water supply and sewerage businesses resulting in a positive economic real rate of return. Details to the expenses and revenue comparison are in the attached audit report and copied to table 1, below

Table 1: Expenses and Revenue Comparison



Fund	2019/20 Expenses (\$'000)	2020/21 Expenses (\$'000)	2020/21 Revenue (\$'000)	2020/21 LTFP Forecast Revenue (\$'000)
Water	5,945	5,709	5,411	6,807
Sewer	6,188	5,449	5,231	5,738

Complying Water Supply Tariff

The Guidelines require local water utilities with 4,000 or more connected properties to have at least 75% of residential revenue generated through usage charges. Council is above the 4,000 connected properties threshold however, the current residential usage charge for water makes up only 71% of the Typical Residential Bill. The Guidelines also state that high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold. The residential consumption tariffs for 2020/21 were Tier 1 (for 350Kl/year, or less) \$1.91 and Tier 2 (above 350Kl/year) \$2.72 representing a step increase of only 42%.

Eligibility for Payment of Dividend

Council did not meet the eligibility requirements for payment of a dividend for the year ended 30 June 2021.

OPTIONS

The report is submitted to Council for information purposes.

CONCLUSION

The review concludes that Muswellbrook Shire Council has demonstrated substantial compliance with the Best Practice Management of Water Supply and Sewerage that is aligned with the NSW Best Practice Management Guidelines and Framework for the financial year ending 30 June 2021, however consideration must be given to address shortcomings in the highlighted revenue deficit.

SOCIAL IMPLICATIONS

Compliance with Best Practice Management of water supply and sewer services ensures Council is providing affordable, best value for money in water supply and sewer services to the community and maintains integrity of critical infrastructure in order to deliver such services.

FINANCIAL IMPLICATIONS

Adjustments to typical residential bill and fees and charges for water supply and sewer services have commenced so that operating expenses and revenue are aligned to Council's Integrated Water Cycle Management Strategy.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Council's Total Asset Management Plan in the Integrated Water Cycle Management Strategy details the Capital Expenses for the next 30 years and is aligned to the BPM guidelines and framework.



2. Financial Implications – Operational

Forecast on Operational Expenditure is detailed in the Integrated Water Cycle Management Strategy for the next 30 years, which is aligned to the BPM guidelines and framework.

POLICY IMPLICATIONS

Council's Revenue Policy

S15 -2 Liquid Trade Waste Policy

MSC051 Drinking Water Policy

Recycled Water Policy

STATUTORY IMPLICATIONS

Local Government Act 1993.

Water Management Act 2000.

Protection of the Environment Operations Act 1997.

NSW Government Best Practice Management of Water Supply and Sewerage Guidelines, 2007.

Public Health Act 2010

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with the Community Strategic Plan Goal 5.3 Provide safe, secure and reliable water supply and sewer services

RISK MANAGEMENT IMPLICATIONS

The reporting of the Best Practice Management Review is used as a tool to manage the risk of not effectively providing safe, secure, sustainable, and efficient water supply and sewerage services to the communities of Muswellbrook Shire.

Council is encouraged to make every effort to comply with the Best Practice Management Guidelines.

WASTE MANAGEMENT IMPLICATIONS

Not applicable to this review.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable to this review.

30 June 2022

Irene Chetty
Operations Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Emailed: Irene.Chetty@muswellbrook.nsw.gov.au

Dear Irene,

RE: INDEPENDENT ASSURANCE PRACTITIONER'S COMPLIANCE REVIEW REPORT

We have reviewed the compliance of Muswellbrook Shire Council with the criteria as set out in column (3) of Table 1 of the NSW Department of Planning, Industry and Environment (DPIE) *Best-Practice Management of Water Supply and Sewerage Guidelines* (Guidelines), for the year ended 30 June 2021.

Respective Responsibilities

Council is responsible for compliance with the criteria as set out in the Guidelines. Our responsibility is to express a conclusion on compliance with the Guidelines as measured by the criteria, in all material respects.

Our review has been conducted in accordance with applicable Standards on Assurance Engagements (ASAE 3100 Compliance Engagements) to provide limited assurance that Muswellbrook Shire Council has complied with the Guidelines as measured by the criteria.

Our procedures included reviewing whether Council has met the required outcomes for best practice set out in column (3) of Table 1 of the Guidelines including:

- Strategic business plan meets the criteria as set out in the Guidelines;
- Minimum 20-year financial plan which identifies the lowest required stable Typical Residential Bill (TRB);
- Full cost recovery for both water supply and sewerage;
- Complying water and sewer supply tariffs;
- Complying liquid trade waste fees and charges for all liquid waste discharges;
- Development Servicing Plan, including an assessment of water supply developer charges;
- Liquid trade waste approvals issued in accordance with the Guidelines;
- Sound water conservation and demand management is in place;
- Sound drought management plans are in place;
- Performance reporting completed and lodged with the DPIE as required; and
- Integrated Water Cycle Management evaluation and strategy has been completed.

These procedures have been undertaken to form a conclusion, that nothing has come to our attention that causes us to believe that Muswellbrook Shire Council does not comply in all material respects, with the criteria as set out in column (3) of Table 1 of the NSW Department of Planning, Industry and Environment (DPIE) *Best-Practice Management of Water Supply and Sewerage Guidelines* (Guidelines), for the year ended 30 June 2021.

Use of Report

The compliance review report was prepared for Muswellbrook Shire Council to express a conclusion on compliance with the Guidelines as measured by the criteria. We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than Muswellbrook Shire Council, or for any purpose other than that for which it was prepared.

Inherent Limitations

Because of the inherent limitations of any review, it is possible that fraud, error or noncompliance may occur and not be detected. A review is not designed to detect all instances of noncompliance as it generally comprises making enquiries, primarily of the responsible party, and applying analytical and other review procedures. The review conclusion expressed in this report has been formed on the above basis.

CONCLUSION

Qualified

Based on our review, which is not an audit, except for the effects of the matters described in the *Basis for Qualified Conclusion*, nothing has come to our attention that causes us to believe that Muswellbrook Shire Council does not comply, in all material respects, with the criteria as set out in column (3) of Table 1 of the NSW Department of Planning, Industry and Environment (DPIE) *Best-Practice Management of Water Supply and Sewerage Guidelines* (Guidelines) for the year ended 30 June 2021.

Basis for Qualified Conclusion

Full Cost Recovery

We note the Water Fund was in deficit (\$298,000) and the Sewer Fund was in deficit (\$218,000) for the year ended 30 June 2021. The Guidelines require full cost recovery for each of the water supply and sewerage businesses resulting in a positive economic real rate of return.

Complying Water Supply Tariff

The Guidelines require local water utilities with 4,000 or more connected properties to have at least 75% of residential revenue generated through usage charges. Council is above the 4,000 connected properties threshold however, the current residential usage charge for water makes up only 71% of the Typical Residential Bill. The Guidelines also state that high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold.

The residential consumption tariffs for 2020/21 were Tier 1 (for 350Kl/year, or less) \$1.91 and Tier 2 (above 350Kl/year) \$2.72 representing a step increase of only 42%.

Due to these matters, we provide a Qualified Conclusion for the year ended 30 June 2021.

Findings and Recommendations

Under the Australian Auditing Standards ("ASA") and more specifically ASA 260 "Communication of Audit Matters with Those Charged with Governance", we are required to report to you matters of interest that arose during the review, and in our opinion are both relevant and important. During our review, we identified the following matters on which we would like to comment:

Full Cost Recovery Result

As noted in the *Basis for Qualified Conclusion*, the Income Statement for the Water Fund had a deficit of \$298,000 and the Income Statement for the Sewer Fund had a deficit of \$218,000 in the audited Special Purpose Financial Statements for the year ended 30 June 2021.

We note operating expenses for both the Water and Sewer Fund have decreased compared to the previous period. However, revenue for both funds was less than the financial modelling within the Long-Term Financial Plan as detailed in Council's adopted *Integrated Water Cycle Management Strategy* as shown in the table below:

Fund	2019/20 Expenses (\$'000)	2020/21 Expenses (\$'000)	2020/21 Revenue (\$'000)	2020/21 LTFP Forecast Revenue (\$'000)
Water	5,945	5,709	5,411	6,807
Sewer	6,188	5,449	5,231	5,738

We recommend the financial projections and underlying assumptions be reviewed to ensure full cost recovery of both funds.

Water Supply Tariffs

As noted in the *Basis for Qualified Conclusion*, the Water Supply Tariffs do not currently comply with the outcomes listed in the Guidelines. We recommend Council review these and consider options to align with the requirements of the Guidelines.

Eligibility for Payment of Dividend

We were advised Council has not previously applied to the Minister for a payment of dividend from any surplus from the Water and Sewer Funds as allowed for within the Guidelines. As noted in the *Basis for Qualified Conclusion*, Council would not meet the eligibility requirements for payment of a dividend for the year ended 30 June 2021.

Council will need to address these matters, should it wish to consider applying for a dividend in the future.



Acknowledgement

We would like to take this opportunity to thank Council staff for their co-operation and assistance provided during the engagement. If you have any questions or require further information, please contact our office.

Yours faithfully,

National Audits Group Pty Ltd
Authorised Audit Company

A handwritten signature in black ink, appearing to read 'S. Prowse', is written over a light grey rectangular background.

Stephen Prowse
Director



9.2.4. Reducing Costs of Operating Bulk / Hard Waste Service

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Joann Polsen – Senior Coordinator Waste Operations
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.4 - Maintain and continually improve community infrastructure across the Shire.

PURPOSE

To inform Council of an opportunity to reduce absorbed operational costs related to the Bulky / Hard waste collection service.

OFFICER'S RECOMMENDATION

Council amends the Bulky / Hard waste service to remove mattresses and garden organics from the list of acceptable items.

Moved: _____ **Seconded:** _____

BACKGROUND

The evolving economic landscape has reduced the revenue received by Council for disposal of waste to the landfill void. Of notable impact is the decision by Upper Hunter Shire Council to cease sending kerbside collected waste to the Muswellbrook landfill. Prompted by the loss of revenue from Upper Hunter Shire Council, staff have been seeking to optimise service efficiency and reduce any avoidable costs currently being absorbed.

CONSULTATION

Acting General Manager

REPORT

Providing a twice yearly bulky / hard waste service costs Council \$155,000 annually in contract costs for the pickup and transport, funded by the Domestic Waste budget.

However, the labour and plant related to the costs of green waste stockpile management and loading mattresses into mattress cages, as well as the transport and reprocessing contracts for these materials, are absorbed by the Waste Operations budget. Two changes to the list of Eligible Items for bulk waste service are outlined in this report.

MATTRESSES

The mechanism Council uses to collect the requisite funds for mattress reprocessing, is to charge a fee (currently \$34) at the weighbridge per mattress disposed. However, mattresses collected in bulk waste enter the Waste Facility at no charge. The effect of the materials



bypassing the fee collection results in insufficient funds collected to pay the mattress recycling contract.

Based on recent collections, it is estimated that approximately 400 mattress units are collected from the kerbside during each bulk waste event. The following figures are based on 800 mattresses from 2 bulk waste events in a year.

The cost to the Waste Operations budget incurred with stockpile management and cage loading of these Bulk Waste collected mattresses includes:

- Staff load the recycler's cage(s), 4x staff up to 4x hours per cage plus the wheeled loader = \$1400 estimated per cage. 8 cages per year just for Bulky mattresses. This results in a total cost of \$11,200 per year.
- The cage pickup fee x 8 (\$24,000) plus the above staff & machine costs x 8 cages (\$11,200) = \$35,200 operational liability annually.

However, if residents brought the same number of mattresses (800) into the Waste & Recycling Facility over the course of the FY year it would recoup \$27,200 which would fully account for the cage charges and contribute 30% of the labour & machine costs detailed above.

This exercise also shows that our current mattress fee of \$34 falls short of recovering the full cost of the mattress recycling service when realistic loading costs are factored in. This will need to be addressed in Council's 2023-24 fees & charges.

Staff therefore recommend that Council remove mattresses from the list of eligible Bulky / Hard Waste items.

Other options which contemplate changes, but would incur transitional costs and are not immediately implementable:

Alternative A: Increase the Domestic Waste Management (DWM) charge on rates to recoup the \$35,200 and keep mattresses in the bulky waste

Alternative B: Increase the DWM charge on rates to cover the cost of an annual Mattress Muster event.

GARDEN ORGANICS

Garden organics processing, labour and plant operation costs require income to match these expenses, which is collected by a fee charged at the weighbridge for self-hauled garden organics. However, when garden organics are collected in bulky waste service, Council receives no fee income to cover these operational costs

The tonnage of Garden Organics collected during bulk waste service is generally very low, in the 2021-22 bulk wastes there were 91 tonnes, collected in 34 truck loads.

However, Council's contract for bulk waste service is paid based on the number of eligible premises. Therefore, if participation is low, then the relative cost per premises serviced becomes high. At current rates, the fee per eligible premise (~6000 premises eligible) for bulk waste results in an annual charge around \$30,000 Council pays to J R Richards for providing the bulk organics service, even if less than 100 premises participate, for example. The Bulky Garden Organics has a very low participation rate, and eligible residents are already provided fortnightly garden organics bins.

Calculating the contract fee against the tonnage collected in 2021-22 (91 tonnes / \$30K), Council is paying the equivalent of \$330 per tonne of material for collection and cartage to the Muswellbrook Waste & Recycling Facility. To compare, Council paid equivalent \$8 per tonne for collection and cartage for the kerbside green lid bin material in the same period, which illustrates the inflation of services costs when participation is extremely low.

Removing the green waste from the bulky service could save council \$30,000 per year in the



Domestic Waste budget and will ensure appropriate fees are captured to fund the operation expense of onsite processing.

Staff therefore recommend Council remove garden organics from the list of eligible Bulky / Hard Waste items

OPTIONS

Council may choose to support the Officer's Recommendation to amend the level of service or may choose not to support the savings outlined.

CONCLUSION

Budget savings may be realised by removing these charged recycling items in the bulk waste service.

SOCIAL IMPLICATIONS

Some residents may not be able to transport their end-of-life mattresses due to lack of transport, however social enterprises such as the Men's Shed do offer to collect and recycle mattresses, and activity with which they raise funds for their local charity.

FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

Nil known

2. *Financial Implications – Operational*

Estimated \$35,200 operational costs could be offset by up to \$27,200 fee revenue, if mattresses are excluded from bulky waste and instead dropped off by residents for a fee.

\$30,000 annual savings in the Domestic waste budget if garden organics are removed from the bulky waste service.

POLICY IMPLICATIONS

Nil known

STATUTORY IMPLICATIONS

Nil known

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies in principle with item 3.4.1.1 of the Operational Plan: 'Assist Council, households and businesses to manage waste effectively and use water and energy efficiently'.

RISK MANAGEMENT IMPLICATIONS

Removing mattresses from the bulk waste service will reduce the number and frequency of manual handling tasks undertaken by the contracted clean-up crews.



WASTE MANAGEMENT IMPLICATIONS

Collecting the required fees to fund recycling and reprocessing ensures the service can be financially sustained.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Changes would need to be advertised in the lead up to the March 2023 collection dates.



9.2.5. Denman to Sandy Hollow Water Pipeline Project - Transfer of Crown Road to Council

Attachments:	1. Almond Street Section for Transfer to Council [9.2.5.1 - 1 page]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Shahzad Khizer, Imelda Williams – Asset Manager Water and Wastewater
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements. 5.1.4.1 - Capital works programmes prioritised to demonstrate continual improvement in community infrastructure.

PURPOSE

To request that Council give consideration for the transfer of a Crown Road to Council under s.150 of the Roads Act 1993 as described below.

OFFICER'S RECOMMENDATION

Council submits a request to Crown Lands that the Crown Road section of Almond Street, Denman be transferred to Council under the provisions of s.150 Roads Act 1993.

Moved: _____ **Seconded:** _____

BACKGROUND

Muswellbrook Shire Council has been successful in gaining an \$18.9M Growing Local Economies grant for the construction of a Denman to Sandy Hollow water pipeline which incorporates potable water supply to a proposed State Significant abattoir construction project. All funding conditions have now been resolved and the project funding deed is forecast to be executed by Council and NSW Treasury early in 2023.

The Denman to Sandy Hollow water pipeline route alignment has been developed based on an Options Report drafted by Council, a Review of Environmental Factors (REF) and associated Determination by Council, and a Concept Design undertaken by Council's consultant.

Coinciding with confidence in realising the project funding, Council is now progressing with the required property acquisitions along the identified alignment, which is largely located within established road corridors. One such section of road corridor is a Crown Road located at the northern end of Almond Street, Denman. Council is the Road Authority for the southern section of Almond Street (approximately 830m length), transferred across to Council as a condition of DA 2012-311 for an adjacent residential subdivision. With plans in



the future for further subdivisions along the northern section of Almond Street, it is anticipated that the remaining section of Crown Road (approximately 1600m length) would be transferred to Council upon development of these future subdivisions.

Due to the immediate need for acquisition of this road corridor for the construction of the Denman to Sandy Hollow Pipeline project, it is proposed to request that the remaining portion/s of the Almond Street Crown Road be transferred across to Council in accordance with Section 150 of the Roads Act 1993 to facilitate both the construction of the pipeline as well as future subdivisions along the corridor.

CONSULTATION

Acting General Manager

Water and Wastewater Asset Management Team

Roads Drainage & Technical Services team

Crown Land services

REPORT

The purpose of the report is to request Council's consideration of the transfer of a section of Crown Road at Almond Street, Denman, within its function as the Road Authority for local roads within the Muswellbrook Shire.

The identified Crown Road section of Almond Street (1600m) is a combination of basic gravel road (820m) and vacant land (780m) currently utilised and maintained by adjacent landowners for access to their properties.

As has been the case with similar developments, it is expected that once a development application is lodged for the future subdivisions along the northern section of Almond Street, NSW Crown Lands would request the transfer of this section of Crown Road to Council. The immediate need to construct the Denman to Sandy Hollow Water Pipeline project along this section of Crown Road triggers the proposal to accelerate the transfer of this section of Crown Road to Council as the Road Authority.

After becoming the Road Authority, Council will preserve that the current landowners will be responsible for the maintenance of the section of road. Council will only maintain the road network recorded in the Roads register, and within Council's approved budget.

The responsibility and cost of maintenance of unmaintained roads, whether Formed, Unformed or Unmade roads, rests with the landowners who use the road for access to private properties. Approval of a dwelling on a property accessed by an unformed road does not commit Council to any upgrade construction or repair of that road.

Landowners may make a written application to Council for approval to construct a formed road, at the cost of the landowners. Applications will be assessed and may be granted conditional approval based on conditions outlined in the policy procedure.

The formation or construction of a road to Council standards does not automatically imply that Council will maintain the road. Council will only take over maintenance of the road:

- If it provides wider community benefits and satisfies the criteria outlined in Requests for Council to take over maintenance;



- Following construction of the road in accordance with conditional approval and its acceptance by the authorised Council officer.

Landowners may make a written application for Council to assume responsibility for the maintenance of a road. Council will consider applications on an individual basis and on the merits of each individual application, and usually only where landowners agree to pay the costs to upgrade an existing unmaintained road to Council standards. Council will take the following into consideration when deciding:

- Availability of funds (budget allocation);
- Number of residents per km – as a minimum, must be greater than 5;
- Lot size and future sub-division potential;
- Traffic volume – must be greater than 40 average annual daily traffic (AADT);
- Public, recreational and emergency services use;
- Existing road condition, and public safety and risk considerations.

Sections of road that provide access to 5 or less residences will not be considered for addition to the maintained road list.

Private individuals or Contractors may perform maintenance on public roads that are unmaintained if they obtain a S138 permit from Council. Section 138 of the Roads Act (NSW) requires that all work undertaken within Council's Road reserves must have Council consent prior to work being undertaken.

With Council as the Roads Authority over this section of the proposed pipeline alignment, the project will engage in the standard Section 138 process to facilitate pipeline construction and maintenance.

The Denman to Sandy Hollow Pipeline project will be responsible for traffic management and restoration of the unmaintained road, to be defined under its Section 138 application.

OPTIONS

- Request or not request the Transfer of the Crown Road to Council.
- **Compulsory acquisition:**
The NSW Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act) gives Councils a process to acquire any interest (legal right) in land for a public purpose. Entities that are authorised by legislation to acquire Crown land compulsorily can use the Just Terms Act. When Crown land is needed for a specific public purpose, authorities notify the department that they plan to compulsorily acquire any interest in land. After receiving notice of a compulsory acquisition, the department follows the review process.

CONCLUSION

It is recommended that Council requests the transfer of the Crown Road to Council. This is a relatively straightforward process, which Council would ultimately be required to do as further housing subdivisions are approved along Almond Street.

SOCIAL IMPLICATIONS

Nil Known

FINANCIAL IMPLICATIONS

The Denman to Sandy Hollow Pipeline project will be responsible for reinstating the section



of road to its original form and condition as part of the project works.

The relevant landowners that utilise the road will be responsible for ongoing maintenance in accordance with the existing arrangement with Crown Lands.

POLICY IMPLICATIONS

In line with MSC09E Road Development Standards Policy

STATUTORY IMPLICATIONS

The transfer of the road to Council will allow Council to act within its power as the Road Authority under the Roads Act 1993.

LEGAL IMPLICATIONS

The transfer of the road to Council will allow Council to act within its power as the Road Authority under the Roads Act 1993.

OPERATIONAL PLAN IMPLICATIONS

Nil Known.

RISK MANAGEMENT IMPLICATIONS

Nil Known.

WASTE MANAGEMENT IMPLICATIONS

Nil Known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil Known.

Section of Almond Street to be transferred to Council



9.3. Property and Place

9.3.1. Works Depot Concept Plan and Cost Estimate

Attachments:	1. Community Infrastructure Depot - Concept Site Plan [9.3.1.1 - 1 page]
	2. Community Infrastructure Depot - Cost Plan [9.3.1.2 - 22 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Joseph Thurairatnam, Matthew Lysaught – Works Engineer
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	6.3.2 - Continue to prioritise employee welfare initiatives. 6.3.1.1 - New Works Depot – tender for works called.

PURPOSE

To submit for Council's consideration the Concept Site Plan and preliminary Cost Estimate for the design and construction of a new Community Infrastructure Depot at the proposed Muswellbrook Waste and Recycling Facility site on Coal Road, Muswellbrook.

OFFICER'S RECOMMENDATION

Council endorses proceeding with a two-stage design and Development Application for the new Community Infrastructure Depot at the Muswellbrook Waste and Recycling Facility.

Moved: _____ **Seconded:** _____

BACKGROUND

For several years Council has been considering alternatives and the possibility of amalgamating operational and technical staff where practical from different sections of Community Infrastructure including Works Civil, Parks and Gardens, Water & Wastewater, Property and Buildings, Roads, Drainage and Technical Services, and Waste and Recycling to a new Community Infrastructure Depot. This was considered favourably due to the potential to:

1. Consolidate a number of existing sites into one Works Depot site;
2. Increase productivity by minimising the travel time to and from depots, particularly the back and forth from the Muswellbrook Heavy Industrial Estate; and
3. At the existing Works Depot on Carramere Road, staff are accommodated in demountable offices and amenities due to the structural condition of the main building.

Initially Council considered the plot at the corner of Sydney Street and Skellatar Stock Route as a suitable location for the new Community Infrastructure Depot. This site was identified during the early planning for the Recycle Water Treatment Works (RWTW) and options and investigations for a new depot commenced to a large extent following completion of the RWTW construction.

A concept design and preliminary budget estimate was completed for this site. However, due



to the extensive works involved with external civil works on this site and the resulting constraints on space, it was decided to investigate other locations including the Muswellbrook Waste and Recycling Facility on Coal Road.

At the Ordinary Council Meeting held on 28 June 2022, Council:

9.2.3. New Community Infrastructure Depot - Location Options

390. RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
Council endorses the Muswellbrook Waste and Recycling Facility as the proposed location for a new Community Infrastructure Depot and approves proceeding with planning for design development.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

Following Council's decision site layout options have been considered and a concept plan produced alongside a cost estimate for the Community Infrastructure Depot at Muswellbrook Waste and Recycling Centre.

CONSULTATION

Previous reports to Council and consultation with staff across council.

REPORT

In addition to providing accommodation for administration, stores, a vehicle maintenance workshop and associated infrastructure, the design and construction of a Community Infrastructure Depot facility at the Muswellbrook Waste and Recycling Facility is planned to form part of an integrated circular economy precinct for resource recovery and recycling.

Council was recently successful in a funding application for \$4.8 million from Resources for Regions Round 9 (R4R9) for this purpose.

The consolidation of depot sites for Community Infrastructure will provide economies of scale due to the centralising of stores across Council, sharing of resources, reuse of materials, site proximity to Muswellbrook town and bypass, rationalisation of building assets, and greater integration of work between technical and operational staff.

The Depot design proposes approximately 1150 sq m of buildings and will include:

- Administration Building (500 sqm);
- Internal Storage Facility (500 sqm);
- Mechanical Workshop – for servicing and repair of vehicles. (150 sqm);
- Parking facility for operational vehicles (heavy and light);
- External storage (combination of partly covered and open);
- Plant propagation nursery;
- Bunded washdown bay and bitumen emulsion storage tank; and
- Construction material storage area.

Attached to this report are the Concept Site Plan and Cost Plan.

The total budget available is \$5 million. Council has a budget allocation of \$200,000 towards design costs and the Resources for Regions Round 9 allocation of \$4.8m. The construction costs, excluding contingencies, is \$6,333,024 excluding GST. The total buildings costs are



estimated at \$2,497,813 and the external works and services costs are \$3,835,211. To manage the project within the available budget, it is proposed to separate the design into two stages. Primarily, the first stage will include external works and services to accommodate functional areas including an administration and amenities building, stores, and workshop, and a second stage of external works and structures. The scope of both stages will need to be further developed and reported back to Council.

The cost estimate provided for the Coal Road location is current at 12 December 2022. An overview cost comparison between the Skellatar Stock Route and Coal Road site is provided below. The Coal Road site at this preliminary stage of investigation and design is \$79 per square metre less than the previous Skellatar Stock Route site. It should be noted that there has been considerable cost escalation in the last 18 months.

SITE COMPARISON OF COSTS							
		SKELLATAR STOCK ROUTE			COAL ROAD		
	Date of Estimate	21-Feb-22			12-Dec-22		
	Cost Plan Ref:	Cost Plan # 01VE			Cost Plan # 02B		
		Area (m2)	Amount	Unit Rate sqm	Area (m2)	Amount	Unit Rate sqm
Total Cost for Buildings	Community Infrastructure Depot (Buildings)	1152	\$ 2,237,157	\$ 1,942	1152	\$ 2,497,813	\$ 2,168
Total Cost for External Works & Services	External Works and Services	11984	\$ 3,555,184	\$ 297	15679	\$ 3,835,211	\$ 245
Contingencies	Design & Contract Contingencies		\$ 593,715			\$ 649,135	
Miscellaneous Project Costs	Consultant fee, Furnitures, Fitting and Equipments		\$ 662,896			\$ 718,632	
Total End Cost	Buildings, External Works, Services and contingencies & Miscellaneous	13136	\$ 7,048,952	\$ 537	16831	\$ 7,700,791	\$ 458

The next steps to progress the project would be to develop a design for the Development Application stage and prepare supporting planning reports to support the application.

OPTIONS

Council could request that funding options be explored to enable the project to be built in one stage and report this back to Council.

CONCLUSION

It is recommended that Council proceeds with the Concept Site Plan separating the project into two stages. This will enable the project to progress to design and planning assessment with a second stage possible if funding becomes available.

SOCIAL IMPLICATIONS

The new depot will provide a centralised location for Community Infrastructure staff and will increase efficiency and economies of scale in terms of sharing resources, equipment and materials and recycling.



FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Available budget is \$5 million.

2. Financial Implications – Operational

Potential to minimise duplication of Council depots and stores.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'6.3.1.1 New Works Depot – tender for works called', *Muswellbrook Shire 2022 – 2023 Operational Plan*

RISK MANAGEMENT IMPLICATIONS

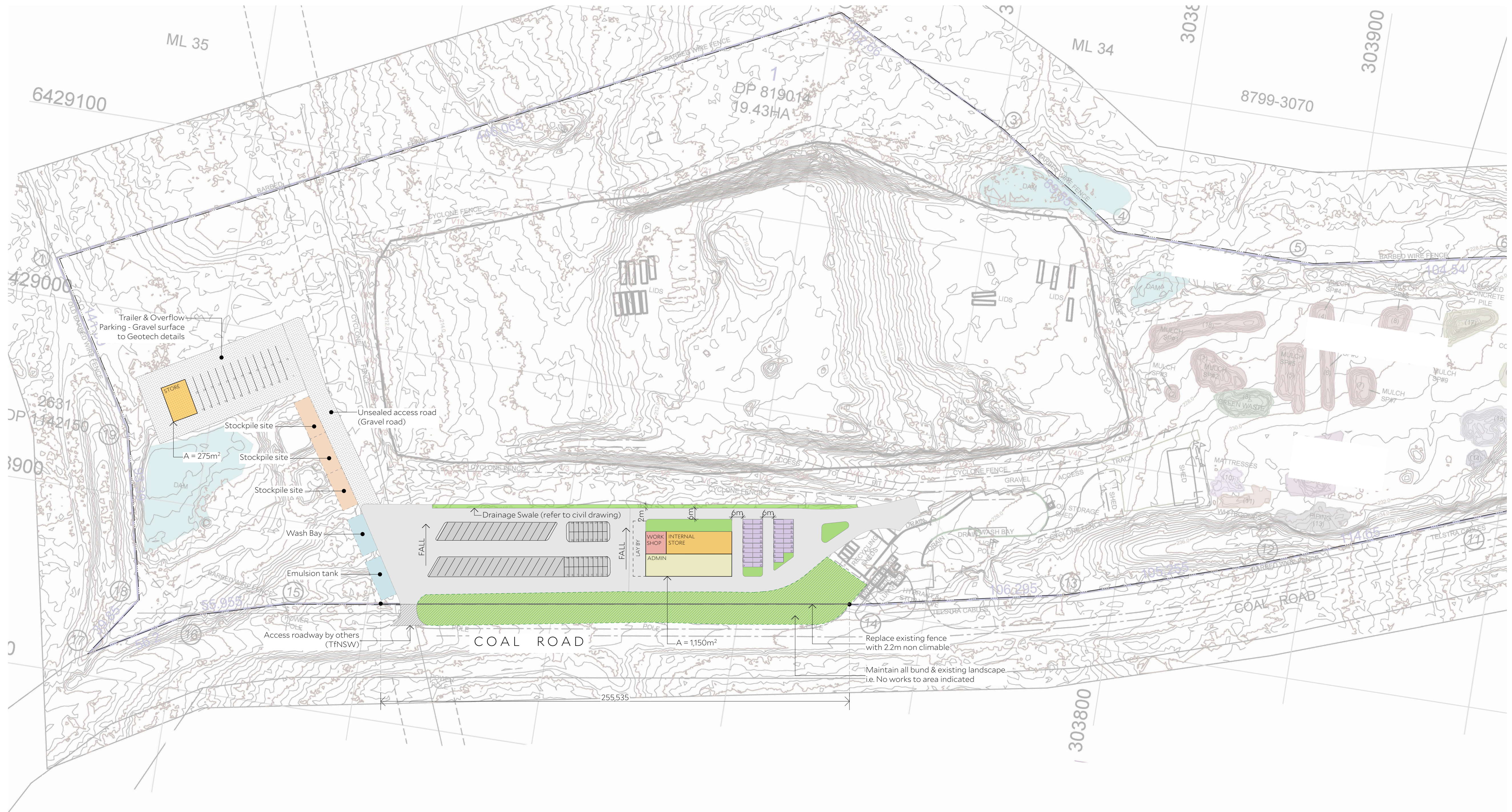
Project workshops will be held with key stakeholders across council on various stages during the design and construction of the new Community Infrastructure Depot to ensure risks have been considered and mitigated.

WASTE MANAGEMENT IMPLICATIONS

The proposed Depot and Coal Road site will form part of an integrated circular economy precinct for resource recovery and recycling.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation will be part of the planning assessment process.



COLLINS AND TURNER

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Level 5 Registrar Generals Building
1 Prince Albert Road Sydney
telephone +612 9356 3217
info@collinsandturner.com
collinsandturner.com
Registered Architect in NSW
Penelope Collins ARB 7342

Notes
01 Do not scale; dimensions govern
02 All dimensions are in millimeters
03 All dimensions to be verified on site
04 Collins and Turner are to be notified of any discrepancies

No	Date	By	Note
1	03/08/22	MR	For Information
2	08/08/22	MR	For Information
3	10/08/22	MR	For Information
4	11/08/22	MR	For Information
5	29/09/22	MR	For Information
6	28/10/22	MR	For Information

Client
Muswellbrook Shire Council

North

Scale

Project
332
Muswellbrook Shire Council Depot
Community Recycle Centre
Muswellbrook, NSW

Copyright Collins and Turner 2022

Drawing title	Site Plan - Coal Road Community Recycle Centre
Scale	1:1000 @ A1
Date	28/10/22
Drawn by	MR
Drawing Number	332_SK_1126
Revison	6

slattery

Ref 21888-cp2-ltr rev.b

12 December, 2022

Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Via email joseph.thurairatnam@muswellbrook.nsw.gov.au

Attention Joseph Thurairatnam

Dear Joseph,

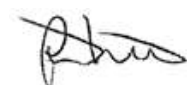
**Muswellbrook Shire Council – Community Infrastructure Depot
Cost Plan No. 2 – Revision B**

We have prepared Cost Plan No. 2 – Rev. B for the above project based on documentation prepared by Collins & Turner Architects and our discussion.

We trust the enclosed meets with your requirements. However, should you require any clarifications or further information please do not hesitate to contact us.

Yours faithfully,

Slattery Australia Pty Ltd



Tegan White

Senior Quantity Surveyor
ec.tw
encl

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slattery

Muswellbrook Shire Council
Community Infrastructure Depot
Cost Plan No. 2 – Revision B
12 December, 2022

Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

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Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

1. Cost Plan Summary

The Total End Cost of Cost Plan No. 2 – Rev. B at based on Collins & Turner's drawing 332_SK-1126 drawings is \$7,700,791 plus GST. Please refer to Appendix A for further information and the scope of works included.

We understand the construction budget for this project is \$4,500,000. The construction cost excluding contingencies currently sits at \$6,333,024. We note this is 1,833,024 over budget.

Please refer to Appendix A for a reconciliation against Cost Plan No.1.

All costs are reported exclusive of GST.

2. Scope of Works

We note the cost plan is based on Concept Design documentation and is therefore indicative only of the possible order of cost. All components of the cost plan will require confirmation once further information is available.

The following documentation formed the basis for the cost plan:

a. Architectural

- Architectural Site Plan – Coal Road Community Recycle Centre Revision 6 as prepared by Collins & Turner dated 28th October 2022.

b.S tructural / Civil

Structural information provided for this Cost Plan as follows:

- Cut and Fill Diagram as prepared by Triaxial, dated November 2022
- Geotechnical Assessment prepared by Qualtest Laboratory dated 29 June 2022.
- Preliminary & Detailed Contamination Assessment prepared by Qualtest Laboratory dated 12 July 2022.
- Email from Partridge dated 5 August 2022.

c. Environmental Sustainable Design (ESD)

ESD documentation was not available at the time of pricing the Cost Plan. We have made no allowances for ESD over and above business as usual.

3. Contingency

The cost plan includes a design contingency of 5% for resolution of design items prior to tender. We have also included a construction contingency 5% for the construction phase of the project.

These contingencies are intended for design documentation issues and are not for changes in scope.

Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

4. Cost Escalation

The cost plan is based on costs current at December 2022. No allowance has been made for cost escalation beyond this date. Other Development Costs

The following other development allowances have been included in the cost plan:

- Loose Furniture and Equipment – Provisional allowance of \$65,800
- Consultant Fees – Allowance of 8% of construction cost or \$558,573
- Authority Fees – Allowance of 1.35% of construction cost or \$94,259

5. Assumptions

We note the following assumptions have been made with regards to the Cost Plan:

- No allowance for ESD over and above business as usual.
- No allowance for wall finishes over and above paint with exception to Amenities and Kitchenette splashback.
- Allowance of \$25/m2 for sealer to concrete slab in Workshop and Internal Store.
- Allowance of 60m2 area for change room and amenities.
- Allowance of \$400/m2 for façade generally. Extra over allowance for 50m2 of windows.
- Allowance of 2 x \$10,000 for automated entry sliding doors to Admin.
- Allowance for air conditioning to Admin only.
- Provisional allowance of \$75,000 for rock excavation.
- Allowance of \$245,000 for Biofiltration swales including excavation, subsoil drainage, median layers, gravel and planting.
- No allowance for road widening works to Coal Road or crossovers. Assume all works by others (TfNSW)
- Allowance for 350mm of excavation and replacement with controlled fill to trailer overflow parking
- Allowance of 256m fencing to front boundary along coal road.
- Allowance of \$105,000 for fire infrastructure upgrades
- Allowance of \$75,000 for 5 No. light poles to entry of site. No allowance for external lighting throughout site.
- Allowance of \$5,000 for external lighting to building entries.
- Allowance of \$100,000 for below ground Emulsion Tank.
- No allowance for services diversions U.N.O

6. Clarifications

Costs are based on the assumption that the project will be competitively tendered to a select list of appropriate and interested contractors. No allowance has been made for other forms of procurement.

The cost plan assumes that a structured cost planning / value engineering process will be followed throughout the design process and that the project will be appropriately documented prior to tender.

Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

7. Exclusions

Please note that the cost plan specifically excludes any allowances for the following:

- Abnormal ground conditions
- Site decontamination and remediation
- Staging of the works
- Road upgrade works
- Regrading of existing dam / basin
- Services diversions (U.N.O)
- Client management and overhead costs
- Finance costs Land and land acquisition costs
- Legal Costs
- Costs associated with obtaining a DA
- Works outside site boundary, etc.
- Decanting and relocation costs
- Goods and services tax
- Cost escalation beyond December 2022

Where appropriate, allowances for the above items should be made in the overall feasibility study.

8. Main Risk Areas

The main risk areas associated with cost are:

- Alignment of Cost Plan with project budget
- Earthworks and Excavation including Rock Excavation
- Testing of cost plan allowances pending consultant input, particularly
 - o Civil Works
 - o Engineering Services
- Abnormal ground conditions/site contamination
- Cost escalation
- Services infrastructure / diversions and relocations

9. Limitations

The conclusions presented herein are based on the information made available to us during the current design phase and may be subject to change should the information upon which they are based is determined to be false, inaccurate or incomplete.

The purpose and contents of this document are intended solely for the recipient. If you are not the intended recipient, you are hereby notified that you must not disseminate, copy, or take any action in reliance on it.

Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

10. Appendices

-Appendix A – Cost Plan No. 2 – Revision B & Reconciliation

Muswellbrook Community Infrastructure Depot

Cost Plan No.2 – Revision B

Appendix A

Functional Area	Area (m2)	Rate (\$/m2)	Total (\$)
Community Infrastructure Depot	1,149	2,174	2,497,813
Total Building Cost at December 2022	1,152	2,168	2,497,813
External Works and Services	15,679		3,835,211
Allowance for services upgrades/relocations (U.N.O)	Note		Excluded
Total Building and Services Cost December 2022	16,831	376	6,333,024
Design Contingency	Item	5.0%	316,651
Contract Contingency	Item	5.0%	332,484
Cost Escalation beyond December (circa 4.5%p.a)	Note		Excluded
Total Construction Cost at December 2022	16,831	415	6,982,159
Consultant Fees	Item	8.0%	558,573
Loose Furniture, Fittings & Equipment	Item		65,800
Council Management Fees	Item		Excluded
Authority Charges & Headworks	Item	1.35%	94,259
Other Project Costs	Item		Excluded
Total End Cost at December 2022	16,831	458	7,700,791

Refer to the accompanying letter for details of basis of cost plan and exclusions from above costs.

Functional Area	Cost Plan No.2		
	Area (m2)	Rate (\$/m2)	Total (\$)
Community Infrastructure Depot	1,149	2,174	2,497,813
Total Building Cost at December 2022	1,152	2,168	2,497,813
External Works and Services	15,679	245	3,835,211
Preliminaries & Margin	Item		512,956
Demolition, Alterations & Renovations	1	15,000	15,000
Site Preparation	15,679	51	798,160
Roads, Footpaths & Paved Areas	14,484	105	1,523,065
Boundary Walls, Fencing & Gates	1,000	102	102,400
Outbuildings & Covered Ways	1,399	181	253,550
Landscaping & Improvements	Item		10,000
External Services	Item		620,080
Allowance for services upgrades/relocations (U.N.O)	Note		Excluded
Allowance for asbestos/hazardous material	Note		Excluded
Total Building and Services Cost December 2022	16,831	376	6,333,024
Design Contingency	Item	5.0%	316,651
Contract Contingency	Item	5.0%	332,484
Cost Escalation beyond September 2022	Note		Excluded
Total Construction Cost at December 2022	16,831	415	6,982,159
Consultant Fees	Item	8.0%	558,573
Loose Furniture, Fittings & Equipment	Item		65,800
ICT & AV	Item		Excluded
Council Management Fees	Item		Excluded
Authority Charges & Headworks	Item	1.35%	94,259
Other Project Costs	Item		Excluded
Total End Cost at December 2022	16,831	458	7,700,791

Refer to the accompanying letter for details of basis of cost plan and exclusions from above costs.

	Cost Plan No.1			Difference (\$)	Comments
	Area (m2)	Rate (\$/m2)	Total (\$)		
1,329,270	1,152	1,951	2,247,411	250,402	Minor changes due to market conditions ie. concrete and steel supply pricing, insurances and bank guarantee cost increases as well as overall builder's margin increases
	1,152	1,951	2,247,411	250,402	
266,323	12,454	401	4,997,493	(1,162,282)	Refer below
	Item		586,643	(73,687)	Pro-rata decrease due to change in scope/site
-4,485,000	1	15,000	15,000	-	Nil change
	12,454	115	1,437,840	(639,680)	Change in site has significantly reduced the overall earthworks
	12,053	152	1,828,710	(305,645)	Removal of road widening and crossover works
	1,000	300	300,000	(197,600)	
	952	251	239,300	14,250	Minor increase due to increase in size of external store and emulsion bay
	Item		20,000	(10,000)	Decrease due to new site conditions
	Item		570,000	50,080	Allowance for swales and storwater culverts to run into existing dam
	Note		Excluded		
	Note		Excluded		
	12,454	430	7,244,904	(911,880)	
	Item	5.0%	362,245	(45,594)	Pro-rata decrease due to cost changes
	Item	5.0%	380,357	(47,873)	Pro-rata decrease due to cost changes
	Note		Excluded		
	12,454	475	7,987,507	(1,005,348)	
	Item	8.0%	639,001	(80,428)	Pro-rata decrease due to cost changes
82,783	Item		65,800	-	
	Item		Excluded		
	Item		Excluded		
	Item	1.35%	107,831	(13,572)	Pro-rata decrease due to cost changes
	Item		Excluded		
	12,454	523	8,800,138	(1,099,347)	

Project: Muswellbrook Community Infrastructure Depot

Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

slattery

Elemental Summary

No	Description	Quantity	Unit	Rate	Total
	Construction Cost				
1	Community Infrastructure Depot	1,149	m2	2,174	2,497,813
2	Total Building Cost	1,149	m2	2,174	2,497,813
3	External Works and Services	15,679	m2	245.00	3,835,211
4	Total Building and External Works & Services Costs	16,828	m2	376.00	6,333,024
5	Design Contingency	5.00	%		316,651
6	Construction Contingency	5.00	%		332,484
	Escalation				Excluded
7	Total Construction Cost	16,828	m2	415.00	6,982,159
	Project Costs				
8	Consultant Fees	8.00	%		558,573
9	Furniture, Fittings & Equipment	1.00	Item		65,800
10	ICT & AV		Note		Excluded
11	Specialist Equipment		Note		Excluded
12	Authority Charges & Headworks	1.35	%		94,259
13	Other Project Costs		Note		Excluded
14	Total Project Costs	16,828	m2	458.00	7,700,791
15	Total End Cost	16,828	m2	458.00	7,700,791
	TOTAL				7,700,791

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Project: Muswellbrook Community Infrastructure Depot

Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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Community Infrastructure Depot

No	Description	Element Qty	Unit	Element Rate	Element Total	\$/m ² GFA
	Preliminaries					
1	Preliminaries	11.00	%		238,011	207
2	Builder's Margin	4.00	%		96,070	84
	Sub Total - Preliminaries				238,011	207
	Substructure					
3	Substructure	1,149	m2	385	442,400	385
	Sub Total - Substructure				442,400	385
	Superstructure					
4	Columns	1,149	m2	45	51,705	45
5	Upper Floors	0	m2	0.00	0	
6	Staircases	0	m/rise	0.00	0	
7	Roof	1,149	m2	380	436,620	380
8	External Walls	765	m2	434	331,750	289
9	External Doors	7	no	11,286	79,000	69
10	Internal Walls	869	m2	88	76,300	66
11	Internal Screens & Borrowed Lights	16	no	1,513	24,200	21
12	Internal Doors	0	no	0.00	0	
	Sub Total - Superstructure				999,575	870
	Finishes					
13	Wall Finishes	1,149	m2	10	12,000	10
14	Floor Finishes	1,149	m2	52	59,355	52
15	Ceiling Finishes	574	m2	92	52,860	46
	Sub Total - Finishes				124,215	108
	Fitments					
16	Fitments	1,149	m2	22	25,000	22
17	Special Equipment	1,149	m2	48	55,000	48
	Sub Total - Fitments				80,000	70
	Building Services					

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Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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Community Infrastructure Depot

No	Description	Quantity	Unit	Rate	Total
	Substructure				
1	Allow for bulk excavation to reduced levels (RL 149.2) - Assume included in cut & fill quantities		Note		INCL
2	Allow for detailed excavation for footings and beams	1,149	m2	50	57,450
	<u>Admin</u>				
3	Allow for footings	574	m2	120	68,880
4	Allow for 165 thick raft slab with SL82 mesh fabric top and SL92 mesh fabric bottom plus N12-400 top extra x 1600mm long across top of internal ribs including subbase, waterproofing and drainage	574	m2	180	103,320
	<u>Internal Store and Workshop</u>				
5	Allow for footings	575	m2	150	86,250
6	Allow for 200 thick raft slab with N16-300 each way bottom and N12-300 each way top plus N12-300 top extra x 1800mm long across top of internal ribs including subbase, waterproofing and drainage	575	m2	220	126,500
	Substructure Total				442,400
	Columns				
7	Allowance for columns - GFA rate	1,149	m2	45	51,705
	Columns Total				51,705
	Roof				
8	Allow for metal deck roof including steel framing and drainage	1,149	m2	380	436,620
	Roof Total				436,620
	External Walls				
9	Allow for external brick walls including steel supports, framing, insulation and windows where required - allow for 5m high	715	m2	450	321,750
10	Extra over for windows to admin	50	m2	200	10,000
	External Walls Total				331,750
	External Doors				
11	Allow for automatic glazed double sliding entry doors to Admin	2	No.	10,000	20,000
12	Allow for tilt doors to Workshop	2	No.	20,000	40,000
13	Allow for roller shutter to Internal Store	1	No.	15,000	15,000
14	Allow for single swing secondary entry to Internal Store and Workshop	2	No.	2,000	4,000
	External Doors Total				79,000
	Internal Walls				
15	Allow for full height acoustic walls between functional areas	295	m2	210	61,950

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Community Infrastructure Depot

No	Description	Quantity	Unit	Rate	Total
1	Allowance for undocumented internal walls to Admin for meeting rooms, amenities etc - GFA rate	574	m2	25	14,350
2	No allowance for internal walls to Workshop and Internal Store		Note		Excluded
Internal Walls Total					76,300
Internal Screens & Borrowed Lights					
<u>Quantities assumed</u>					
3	Allow for toilet partitions	8	No.	1,800	14,400
4	Allow for shower partitions	4	No.	1,800	7,200
5	Allow for urinal dividers	4	No.	650	2,600
Internal Screens & Borrowed Lights Total					24,200
Wall Finishes					
6	Allow for wall finishes to Amenities	1	Item	10,000	10,000
7	Allow for splashback to kitchenette	1	Item	2,000	2,000
Wall Finishes Total					12,000
Floor Finishes					
8	Allow for carpet tile to Admin	514	m2	70	35,980
9	Allow for tiles to Amenities including DDA - allow for 50m2 for changerooms and 10m2 for DDA	60	m2	150	9,000
10	Allow for sealer to Internal Store and Workshop	575	m2	25	14,375
Floor Finishes Total					59,355
Ceiling Finishes					
11	Allow for suspended ceiling tiles including grid to Admin	514	m2	90	46,260
12	Allow for moisture resistant plasterboard ceiling to Amenities	60	m2	110	6,600
13	No allowance for ceiling to Internal Store and Workshop		Note		Excluded
Ceiling Finishes Total					52,860
Fitments					
14	Allow for sanitary fitments to Amenities	1	Item	5,000	5,000
15	Allow for joinery to Lunch Room/Kitchenette	1	Item	15,000	15,000
16	Allow for storage joinery	1	Item	5,000	5,000
Fitments Total					25,000
Special Equipment					
<u>Admin</u>					
17	Allow for whitegoods and appliances	1	No.	5,000	5,000
	Allow for microwave				Included

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Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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Community Infrastructure Depot

No	Description	Quantity	Unit	Rate	Total
	Allow for dishwasher				Included
	Allow for coffee machine				Included
	Allow for fridge				Included
	<u>Workshop</u>				
1	Allow for prefabricated inspection pit including associated works	1	Item	50,000	50,000
	Special Equipment Total				55,000
	Hydraulic Services				
	<u>Admin</u>				
2	Allow for WC	7	No.	3,200	22,400
3	Allow for DDA WC	1	No.	3,700	3,700
4	Allow for Hand Basin and tapset	4	No.	2,300	9,200
5	Allow for DDA Hand Basin and tapset	1	No.	2,600	2,600
6	Allow for Shower and tapset	4	No.	2,100	8,400
7	Allow for Urinals	4	No.	3,200	12,800
8	Allow for floor waste grates	3	No.	600	1,800
9	Allow for kitchenette sink	1	No.	2,100	2,100
10	Allow for dishwasher point	1	No.	800	800
11	Extra over for hot water points	11	No.	400	4,400
	<u>Workshop</u>				
12	Allow for trough/basin	1	No.	2,100	2,100
13	Allow for hose point	1	No.	500	500
14	Allow for floor waste grate	2	No.	600	1,200
15	Extra over for hot water points	1	No.	400	400
	<u>Internal Store</u>				
16	No allowance for hydraulics to Internal Store		Note		Excluded
	Hydraulic Services Total				72,400
	Mechanical Services				
	<u>Admin</u>				
17	Allow for mechanical services including air-conditioning	574	m2	265	152,110
18	Allow for toilet exhaust	1	Item	2,500	2,500
	<u>Internal Store</u>				
19	Allow for mechanical ventilation	438	m2	45	19,710
	<u>Workshop</u>				

Project: Muswellbrook Community Infrastrucutre Depot

Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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Community Infrastructure Depot

No	Description	Quantity	Unit	Rate	Total
1	Allow for mechanical ventilation	137	m2	45	6,165
	Mechanical Services Total				180,485
	Fire Protection				
2	Allow for fire protection services	1,149	m2	65	74,685
	Fire Protection Total				74,685
	Electrical Services				
3	Allowance for electrical services including power, lighting, comms and security	1,149	m2	150	172,350
4	Allow for external lighting	1	Item	5,000	5,000
	Electrical Services Total				177,350

Project: Muswellbrook Community Infrastructure Depot

Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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External Works and Services

No	Description	Element Qty	Unit	Element Rate	Element Total	\$/m ² GFA
	External Works and Services Preliminaries					
1	Preliminaries	11.00	%		365,448	23
2	Builder's Margin	4.00	%		147,508	9
	Sub Total - External Works and Services Preliminaries				512,956	33
	External Works					
3	Demolition, Alterations & Renovations	1	m2	15,000	15,000	1
4	Site Preparation	15,679	m2	51	798,160	51
5	Roads, Footpaths & Paved Areas	13,954	m2	109	1,523,065	97
6	Boundary Walls, Fencing & Gates	256	m	400	102,400	7
7	Outbuildings & Covered Ways	1,071	m2	237	253,550	16
8	Landscaping & Improvements	1	Item	10,000	10,000	1
	Sub Total - External Works				2,702,174	172
	External Services					
9	External Stormwater Drainage	1	Item	270,080	270,080	17
10	External Sewer Drainage	1	Item	10,000	10,000	1
11	External Water Supply	1	Item	135,000	135,000	9
12	External Gas	0	Item	0.00	0	
13	External Fire Protection	1	Item	105,000	105,000	7
14	External Electrical Services	6	Item	16,667	100,000	6
15	External Special Services	0	Item	0.00	0	
16	Special Provisions	0	Item	0.00	0	
17	Builder's Work in Connection with Services	0.00	%		0	
	Sub Total - External Services				620,080	40
	TOTAL				3,835,211	245

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External Works and Services

No	Description	Quantity	Unit	Rate	Total
Demolition, Alterations & Renovations					
1	Allow to manage existing fill stockpiles	1	Item	10,000	10,000
2	Allow for removal of trees to make way for permanent batter	1	Item	5,000	5,000
3	No allowance for demolition of existing site structures		Note		Excluded
Demolition, Alterations & Renovations Total					15,000
Site Preparation					
4	Allow to clear the site and strip 50mm topsoil	15,679	m2	5	78,395
5	Excavation to required levels including compaction	10,052	m3	20	201,040
6	Fill with excavated material	8,461	m2	20	169,220
7	Allow for disposal of excavated material not require for fill	1,591	m2	30	47,730
8	Allow for grading to unsealed road to trailer overflow parking, no allowance for bulk excavation or benching to uniform level	1,181	m2	50	59,050
9	Allow for detail excavation to pavement area for inground services	10,819	m2	5	54,095
10	Provisional allowance for rock excavation	1	item	75,000	75,000
11	Extra over for stripping 350mm topsoil to overflow parking - depth as advised by Geotechnical Engineer	1,033	m3	40	41,320
12	Fill with 350mm engineered fill to overflow parking - depth as advised by Geotechnical Engineer	1,033	m3	70	72,310
13	No allowance to pump out existing dam to reshape for detention basin usage		Note		Excluded
14	No allowance to batter through existing mounds - assumed included within cut and fill quantities		Note		Excluded
15	No allowance for engineered fill to main carpark area		Note		Excluded
Site Preparation Total					798,160
Roads, Footpaths & Paved Areas					
16	410mm thick pavement to carparking comprising compacted subgrade CBR 2.5%, 100mm base course, 270mm subbase, 7mm primer and 2 coat seal and 30mm AC10	3,197	m2	150	479,550
17	Extra over for kerbs and gutters	1	Item	60,000	60,000
18	Extra over for linemarking	3,197	m2	4	11,190
19	Allow for two coat bitumen sealing (14/10mm) wearing surface for Western end of main carpark	6,625	m2	100	662,500
20	Allow for compacted gravel to trailer overflow parking and unsealed road	4,131	m2	75	309,825
21	No allowance for road widening to Coal Road or vehicular crossings, road upgrades to be carried out by others (TfNSW)		Note		Excluded
Roads, Footpaths & Paved Areas Total					1,523,065

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External Works and Services

No	Description	Quantity	Unit	Rate	Total
	Boundary Walls, Fencing & Gates				
1	Allow for new 2.2m high non-climbable fence for Coal Road	256	m	400	102,400
	Boundary Walls, Fencing & Gates Total				102,400
	Outbuildings & Covered Ways				
	<u>External Store</u>				
2	Allow for 200 thick slab including subbase, waterproofing and drainage	275	m2	200	55,000
3	Chain wire fence - allow for 3m high	204	m2	150	30,600
4	Roof including structural steel support framing	275	m2	350	96,250
5	Gate	1	No.	2,500	2,500
	<u>Wash Bay & Emulsion Bay</u>				
6	Allow for slab of grad including subbase	196	m2	200	39,200
7	Allow for walls to sides of wash bay and emulsion bay, allow 3m high	120	m2	250	30,000
	Outbuildings & Covered Ways Total				253,550
	Landscaping & Improvements				
8	Allow for hydroseeding to carpark soft landscaping areas	1	Item	10,000	10,000
	Landscaping & Improvements Total				10,000
	External Stormwater Drainage				
	<u>Swales</u>				
9	Biofiltration swales including excavation, subsoil drainage, median layers, gravel and planting	1	Item	245,000	245,000
	<u>Stormwater Drainage</u>				
10	450mm dia. reinforced concrete pipework including excavation and backfilling	8	m	175	1,400
11	525mm dia stormwater culvert including excavation and backfilling	19	m	220	4,180
12	Rock line outline	1	no	4,500	4,500
	<u>Bioretention Basin</u>				
13	Allow for new fence to bioretention basin	1	Item	15,000	15,000
14	No allowance for regrading or works to existing basin		Note		Excluded
	External Stormwater Drainage Total				270,080
	External Sewer Drainage				
15	Allow for connection to existing sewer	1	Item	10,000	10,000
	External Sewer Drainage Total				10,000
	External Water Supply				

Project: Muswellbrook Community Infrastructure Depot

Cost Plan: 1. Cost Plan No.2 - Rev. A / Revision: Initial

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External Works and Services

No	Description	Quantity	Unit	Rate	Total
	<u>Generally</u>				
1	Allow for connection to water supply	1	Item	10,000	10,000
2	Allow to replace damaged 20mm Property Service & Meter	1	Item	5,000	5,000
	<u>Wash Bay / Emulsion Bay</u>				
3	Allow for wash bay equipment	1	Item	10,000	10,000
4	Allow for emulsion bay equipment	1	Item	10,000	10,000
5	Allow for below ground Emulsion Tank - design and size TBC	1	Item	100,000	100,000
	External Water Supply Total				135,000
	External Gas				
6	No reticulated authority gas service on site. NO allowance for upgrade to gas cylinders at the existing external store.		Note		
	External Gas Total				0
	External Fire Protection				
7	Allow for new fire hydrant booster - double pillar feed hydrant	2	No.	50,000	100,000
8	Allow for connection to existing mains	1	Item	5,000	5,000
9	No allowance for new on-site hydrant storage tanks or pumps		Note		Excluded
	External Fire Protection Total				105,000
	External Electrical Services				
10	Allow for connection to existing mains power supply including consolidating existing 2No. incoming supply to a single supply	1	Item	25,000	25,000
11	Allow for street light poles to Northern site entry area - assume 5No.	5	No.	15,000	75,000
12	No allowance for new substation		Note		Excluded
	External Electrical Services Total				100,000

**9.3.2. Major Projects: Status Update**

Attachments:	1. Major Projects Status Report [9.3.2.1 - 3 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Matthew Lysaught – Director Property & Place
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire. Not applicable

PURPOSE

To provide Council with the monthly Major Projects Status Report.

OFFICER'S RECOMMENDATION

Council notes the report.

Moved: _____ **Seconded:** _____

BACKGROUND

A monthly tabular report is provided with status updates and information on major projects for areas of community infrastructure.

CONSULTATION

Respective project managers.

REPORT

The Major Projects Status Report is attached for the information of Councillors as at 12 December 2022.

Each iteration of the report is reviewed to improve the communication of status updates against Council's Delivery Program and 2022 – 2023 Operational Plan.

In the attached version of the Major Projects Status Report new projects or projects that have significantly changed due to recent funding announcements have been highlighted.

OPTIONS

Council may request further information on respective projects.

CONCLUSION

It is recommended that the information contained in the report be noted.



SOCIAL IMPLICATIONS

To provide infrastructure that is well-planned and appropriate for the needs of our community.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire',
Muswellbrook Shire 2022 – 2023 Operational Plan

RISK MANAGEMENT IMPLICATIONS

Risk implications are considered and assessed for major projects.

WASTE MANAGEMENT IMPLICATIONS

Project plans consider and have waste management plans.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Subject to the type and scale of the project, Council consults and provides communications to the community and media.

PROJECT NUMBER	PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	GL Number	BUDGET ESTIMATE	FY BUDGET ALLOCATION	WORKS INSURANCE	PLANNED START	PLANNED COMPLETION	START	COMPLETION	STATUS AS AT 12 DECEMBER 2022
MULTIPLE YEAR PROJECTS											
2019 Special Rate Variation											
TBA	Stormwater Drainage Projects	C	3540.1404.504	\$300,000	\$615,188	TBA					This funding is currently not formally allocated. Projects are to be prioritised and reported to Council. Merton St Denman is considered to be a high priority project for the consideration of Council in relation to this funding.
Olympic Park											
2019-2020-0417	Olympic Park Amenities and Grandstand	D & C	3710.7824.504	\$8,150,000	\$2,248,033	Existing Cover to \$2M	Jan-21	Dec-24	Jan-21		2022-23 Operational Plan Action: 1.4.1.2 Seek development approval for grandstand and amenities design for Olympic Park. Development Application has been submitted with the Regional Planning Panel. Approval is not expected until April 2023. Planned completion date has been amended to reflect anticipated approval. Funding for Stage 2 Grandstand \$5.5m confirmed and awaiting Funding Agreement. The Olympic Park Development Advisory Committee initial meeting is schedule for Tuesday 13 December 2022.
2021-2022-0520	Olympic Park Field Improvements	D	3710.1405.504	\$1,500,000	\$990,316	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		2022-23 Operational Plan Action: 1.4.1.1 Commence Olympic Park field improvements. Draft drainage and irrigation designs have been completed. Council to give consideration to request alignment of multiple grant funding sources for Olympic Park Projects from funding bodies.
TBA	Olympic Park Projects	D	3710.1405.504	TBD	\$171,301	Existing Cover to \$2M	Jul-22				Design for Olympic Park Funds to be allocated for investigation and design of other precinct stages including precinct landscape design.
Regional Entertainment and Conference Centre											
2020-2021-0463	Regional Entertainment and Conference Centre - ENABLING WORKS	D & C	3690.5433.504	TBD	TBD	TBA	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 4.2.1.1 Begin precinct enabling works, and 4.2.1.2 Review design value management options for theatre and community hall. The project was reported to the 28 September 2021 Ordinary Council Meeting. Tender negotiations with preferred tenderer, as resolved at 28 September 2021 Ordinary Council meeting, did not result in award of tender. The development application was withdrawn in October to address planning issues raised for resubmission. Engaging consultant to prepare alternative concept design for Possum Gully Culvert relocation to cater for the Civic Precinct. It is planned that the concept will be communicated with ARTC to seek feedback. Advice is being sought on the Planning pathway to carry out demolition works. Possibility of whether Demolition ancillary to the Possum Gully works can be carried out as exempt works is being explored.
2020-2021-0463	Regional Entertainment and Conference Centre	D & C	3690.5433.504	TBD	\$6,208,018	TBA	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 4.2.1.1 Begin precinct enabling works, and 4.2.1.2 Review design value management options for theatre and community hall. The project was reported to the 28 September 2021 Ordinary Council Meeting. Tender negotiations with preferred tenderer, as resolved at 28 September 2021 Ordinary Council meeting, did not result in award of tender. The development application was withdrawn in October to address planning issues raised for resubmission. The Regional Entertainment Centre Development Advisory Committee initial meeting is scheduled for Wednesday 14 December 2022.
Other											
TBA	Civic Precinct (Town Square)	D & C	3690.5498.504	\$14,500,000	\$3,404,981	Council Insured	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 1.4.1.3 Develop Pocket Park design for the Muswellbrook Town Centre. Planning for demolition and scoping of the Pocket Park has commenced. Funding of \$10.5m confirmed awaiting Funding Agreement.
2021-2022-0500	Denman Heritage Village	D & C	3590.4222.504	\$1,830,871	\$1,809,525	Existing Cover to \$2M	Sep-21	Jul-23	Sep-21		Dead for Heritage Items executed. Design and Construction tender awarded. Detail design being progressed with s68 approved and construction certificate approval required the inclusion of one accessible toilet and two ambulant toilets. Site establishment completed Monday, 24 October 2022. Excavation, foundation works and plumbing are underway. Report going to December Council meeting for request and approval of additional funding for variation to carry out design and construction of amenities as part of the construction certification.
2019-2020-0404	Hunter Beach	D & C	3920.5904.504	\$3,173,029	\$3,128,232	Contractor insured	Jul-22	Mar-22	Aug-22		Works have commenced on site and are progressing well. Significant vegetation management underway and commencement of earthworks and driveway construction. 80% of final design endorsed by Council. Final design plans approved by Chief Engineer to allow infrastructure works to proceed. Draft landscaping plan lodged to November Ordinary Council meeting. Driveway, car park construction, and drainage are current stage of works.
2020-2021-0443	MSC Depot Construction	D & C	3910.5939.504	\$200,000	\$200,000	Council insured	Jul-21	Dec-23	Jul-21		2022-23 Operational Plan Action: 6.3.1.1 New Works Depot – tender for works called. Preliminary budget estimate has been prepared for the new proposed location at the Waste Management Facility. Architect and civil engineer coordinating designs to finalise concept and costs estimate. Concept and cost estimate to be reported to December 2022 Ordinary Council Meeting. Resources for Regions Round 9 funding announced of \$4.8M.
2020-2021-0452	Muswellbrook Animal Shelter	C	3910.5887.504	\$3,191,041	\$1,206,134	Council Insured	Feb-21	Mar-23	May-21		Building works materially complete. The Community Garden design has been accepted by stakeholders. Detail design for Hunter River stormwater discharge is complete and under assessment for approval.
2019-2020-0413	Muswellbrook Indoor Sport Centre	D & C	3910.5844.504	\$1,242,452	\$1,205,944	Existing Cover to \$2M	Oct-19	Jun-23	Oct-19		Upper Hunter Youth Services was awarded Stronger Country Community grant funding of \$500k. Stakeholder consultation and preliminary design complete and Development Application approved. Call for Tenders for a detailed design early 2023 and concurrent land acquisition with Crown Land.
2020-2021-0448	Tertiary Education Centre - Stage 2 (Donald Horne Building) incl. Upper Hunter Innovation Hub and Weidmann Café	D & C	3690.5438.504	\$6,930,061	\$580,613	Council insured	Jul-19	Oct-23	Jul-19		Donald Horne Building nearing completion. Landscape works are being undertaken with completion expected late December, weather permitting. Loxton House works were placed on hold following structural works for design and tender review. The café design is progressing to accommodate the Blue Flame Restaurant. Staged OC process underway and ground works required to carry out external landscaping covered by recent Construction Certificate in progress. MELT eyewash station and laundry tub installation being planned for next week.
FUTURE FUND											
TBA	Marketplace Asset Renewal (incl. Lift)	D & C	3690.5540.504	\$331,194	\$331,194	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Heavy goods lift specification drafted for tender issue. Major tenant reviewing specification for advice in assisting in meeting needs of centre. Tenders to be called first quarter of next year.
N/A	Renewal of Existing Assets	D & C	3690.5421.504	\$326,805	\$326,805	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Combination of commercial building renewal projects and capital works for new tenancies. Major works to date include the warm shell to attract Best & Less tenancy to the Marketplace.
PLANNING, COMMUNITY AND CORPORATE SERVICES											
N/A	General Building Renewal Programme	C	3910.5819.504	\$250,000	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			Report endorsed September 2022 Ordinary Council Meeting. Request for Quote are out and activation of some projects contingent on grant funding announcements.
TBA	General Design Programme	D	3910.5855.504	\$49,452	\$37,656	Existing Cover to \$2M	Jul-21	Dec-22	Jul-21		Architect has consulted with heritage advisor to inform design development and draft concepts received. Design being progressed relies on glazing existing structure. Advice sought on planning pathway. Heritage architect has provided finishes recommendations. Planning Consultant to be engaged to progress design to Development Application within available budget.
TBA	Reactivation of Campbells Corner Retail for Muswellbrook	D & C	TBA	\$974,686			Jan-23	Jul-24			Resources for Regions Round 9 funding announced of \$974,686. Development Application (DA) design being finalised. DA to be submitted early in 2023 with Heritage, Building Code, Access and Statement of Environmental Effects reports.
TBA	Outdoor Pool Plant Upgrades	D	3700.5453.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-21	Mar-22	Sep-21	Mar-22	Tender Package completed. Tender subject to capital funding.
TBA	CBD Stage 7 (Town Centre)	D & C	3690.5479.504	\$1,685,796	\$1,630,345	Existing Cover to \$2M	Jan-22	Jun-23	Jan-22		A part funding allocation towards providing universally accessible pathways (including soft and hard landscaping) in accordance with NSW heritage requirements in the education precinct connecting Tertiary Education Centre 1, Loxton House, Donald Horne Building, Muswellbrook Library, and precinct car parking. Soft and hard landscaping are progressing. Reallocation of Resources for Regions Round 7, \$2,850,318. Includes Public Domain Works, Loxton House Refurbishment, Hill St Construction, Part Bridge Street Footpath, Bridge Street Median, Marketplace Public Car Park, and Marketplace laneway. Loxton House Development Application (DA) modification package being finalised. Expect to lodge DA end of week commencing 12 December 2022.
2021-2022-0509	Denman Children Centre	D & C	3920.5658.504	\$1,229,714	\$1,229,714	Existing Cover to \$2M	Jun-18	Aug-23	Mar-21		Council auspice project. DA 99/2018 approved May 2019. Denman Children's Centre Memorandum of Understanding was developed March 2021. Both parties signed MOU to progress project in FY 21/22. Project manager awarded and contracts for detailed design. Building design being amended in line with flood risk assessment. The main impact is the requirement for an entry ramp into the new building.
TBA	Denman Netball Courts	D & C	3710.7825.504	\$311,451	\$311,451	Existing Cover to \$2M	Oct-21	Jul-23	Sep-22		Project start dates delayed due to additional funding required. Denman Recreation Area user group consultation complete. Geotechnical investigations and tender documents preparation underway. Tenders to be called early 2023.
TBA	Denman Recreation Reserve Works	D & C	TBA	\$2,249,301			Jan-23	Apr-24			Resources for Regions Round 9 funding announced of \$2,249,301.
2019-2020-0406	Muswellbrook Aquatic Centre Upgrade	C	3700.5442.504	\$6,500,000	\$1,515,153	Contractor insured	Mar-20	Mar-21	Mar-20	Aug-22	Aquatic Centre officially opened Saturday 17 September 2022. Incomplete works being undertaken and defects being addressed. Formal notification of Council resolution to reject Renascents' Offer for Deed of Settlement underway.
2020-2021-0481	Karoola Park Plan of Management	I	3710.5532.504	\$30,000	\$30,000	Existing Cover to \$2M	Jul-21	Dec-22	Oct-21		Request For Quote for Plan of Management awarded. The inclusion of a Citizen Walk to be considered as part of draft Plan of Management.
TBA	Adventure Playground - Wollombi Rd (Pump Track)	I, D & C	3710.7831.504	\$480,000	\$480,000	TBA	Jan-23	Jun-23			Tenders to be called for design and construct contract early 2023.
TBA	Kayuga Rural Fire Station	D & C	3860.5415.504	\$650,000	\$591,293	Existing Cover to \$2M	Dec-21	Mar-23	Dec-21		External project manager engaged. Development approval received. Tender called for design and construction closing 27 June 2022. Direct negotiations with preferred tenderer to include cost savings identified. Additional funding being considered by RFS. An amendment to Development Approval submitted to reduce setback and include RFS supplied water tank. Revised tender amount to be reported to December 2022 Ordinary Council Meeting subject to funding.
TBA	Major Landcare Projects	I, D & C	3920.5617.504	\$171,286	\$171,286	Existing Cover to \$2M	Sep-22	Jun-23			Report endorsed September 2022 Ordinary Council Meeting.
TBA	Denman Indoor Sports Centre Upgrade	C	3910.5949.504	\$151,200	\$140,969	Existing Cover to \$2M	Jul-21	Dec-22			Works being delivered by Council's Building team. Delays have been experienced due to trade shortages and the nature of works.
TBA	Muswellbrook Indoor Sports Centre Upgrade	C	3910.5950.504	\$148,050	\$120,493	Existing Cover to \$2M	Jul-21	Dec-22			Works being delivered by Council's Building team. Delays have been experienced due to trade shortages and the nature of works. Insulation works completed.

TBA	Muscle Creek Nature Trail (AGL Macq Project)	C	3920.5946.504	\$237,500	\$140,238	Existing Cover to \$2M	Oct-21	Jun-23			Track options have been scoped to connect with Wilder St bridge works when complete.
N/A	General Recreation Programme	C	3710.5293.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-22	Jun-23	Sep-22		Report endorsed September 2022 Ordinary Council Meeting. Request for Quote are out and activation of some projects contingent on grant funding announcements.
N/A	Landscaping and Tree Management Programme	C	3710.5311.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Street tree applications have been received and programmed for planting.
N/A	Major Large Capital Grants Programme (Dollar for Dollar Grant Programme)	C	3710.5494.504	\$90,000	\$90,000	Existing Cover to \$2M	Oct-22	Feb-23			Applications have closed and will be reported January 2023 Council meeting.
N/A	Cemetery General Programme	C	3722.5297.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Jun-23			First stage of concrete path works complete.
N/A	Sport and Recreation Small Capital Grants	C	3710.5482.504	\$25,000	\$25,000	Existing Cover to \$2M	Oct-22	Feb-23			Applications have closed and will be reported January 2023 Council meeting.
ROADS AND DRAINAGE											
TBA	Bridges Renewal Program	I	3530.4131.504	\$95,000	\$42,281	Existing Cover to \$2M	Aug-21	Jun-23	Jul-22		Following the level 3 assessment of Bell St Bridge over Muscle Creek a prioritised program of works has been prepared. Works will be undertaken in accordance with this program to the limit of the available budget. The works in 2022-23 include geotechnical testing and assessment of the abutments, and monitoring of the movement of the bearings. The geotechnical testing and assessment have been completed and a report issued. The monitoring works are programmed to be undertaken in the new year.
TBA	Carpark Renewal Program	D	3580.4234.504	\$100,000	\$93,143	Existing Cover to \$2M	Feb-22	Jun-23	Dec-21		Consultation has occurred with the Manager Works, Property and Building, and Commercial Property Coordinator to undertake improvements to the Hill St Carpark to improve carparking provision and access to the Marketplace off Hill St. The concept plans were prepared for consultation and reported to the May 2022 meeting of Council. The IFC design drawings have been prepared in preparation for proposed construction upon notification of reallocation of funding from Resources for Regions. R4R Funding has been confirmed and Council will engage panel contractors to commence the construction in Feb 2023.
TBA	CPTIGS - Bus Shelter Program	I and D	3500.2781.504	\$48,400	\$251,040	Existing Cover to \$2M	Mar-22	Jun-23	Aug-22		Consultants are being sought to prepare a standard drawing for the design of an accessible bus stop (concrete pad) hardstand for the installation of the shelter. An in-kind source of funding for the upgrade of the Bus Stop in Tindale St has been provided through development in the street. A brief has been prepared to tender for the design and installation of the shelters.
TBA	Drainage Devices Program	I	3540.4065.504	\$150,000	\$150,000	Existing Cover to \$2M	Feb-22	Jun-23			Program and concept design reported to Council.
TBA	Footpath & Cycleway Renewals	C	3500.4072.504	\$150,000	\$150,000	Existing Cover to \$2M	Aug-22	Jun-23	Aug-22		A prioritised program was reported and endorsed by Council July 2022. This program of work has commenced with work in Maitland St Muswellbrook. Work on this program will continue in 2023.
TBA	Heavy Patching Programme	C	3500.4035.504	\$500,000	\$500,000	Existing Cover to \$2M	Aug-22	Jun-23	Aug-22		A prioritised program was reported and endorsed by Council July 2022 with nominated sites now being constructed to the limit of funding available.
TBA	Kerb & Gutter Replacement	C	3560.4065.504	\$150,000	\$150,000	Existing Cover to \$2M	Aug-22	Dec-22	Aug-22	Oct-22	A prioritised program was reported and endorsed by Council July 2022 with 100% of works now complete to the limit of available funding.
TBA	Large Plant Items	D	3985.5870.504	\$1,680,000	\$1,680,000	Contractor/ Council insured	Oct-21	Jun-23	Mar-22		The plant replacement programme priorities were endorsed by Council at the March 2022 Ordinary Council Meeting. The truck has been ordered for the Waste Management Facility. the Motor Grader was reported to the September Ordinary Council meeting, and the new tractor tender reported to the November 2022 Ordinary Council Meeting.
TBA	Merton Street Drainage for Denman	C	TBA	\$2,589,582	\$1,412,582		Jul-23	Oct-24			Resources for Regions Round 9 funding announced \$1,412,582. The design was endorsed by Council at the October 2022 meeting. The estimated cost to construct based on this design is \$2,589,582 the sources of funding to supplement the R4R R9 funding will be reported to Council. Once total funding is confirmed this project will be prepared for tender.
TBA	New Footpath & Cycleway	C	3500.4073.504	\$250,000	\$250,000	Existing Cover to \$2M	Feb-23	Jun-23			Prioritised program reported to Council for endorsement July 2022 with footpath priorities Maitland St and Turtle St Denman. Work will commence to link the path to the new Signals at Thompson St when this project is substantially complete.
TBA	Purchase of vehicles	I	3900.5660.504	\$342,558	\$342,558	Council & Contractor insured	Jul-22	Jun-23	Jul-22		Light fleet programme prepared. Difficulty sourcing vehicles as per requirements and long delays in delivery of vehicles.
TBA	Regional Road Renewal Programme	C	3502.4135.504	\$314,000	\$314,000	Council & Contractor insured	Nov-22	Apr-23			Design for the rehabilitation of a section of Bylong Valley Way 5.9km to 6.6km has been prepared. A tender for the construction is currently advertised. Work is expected to commence early in the new year.
TBA	Oakleigh Bridge Replacement	C	3530.4434.504	\$543,988	\$543,588	Council & Contractor insured	Dec-22	Apr-23	Dec-22		The Tender was awarded at the November 2022 meeting of Council. The contractor has commenced works on the construction.
	Resources for Regions - Round 5			\$8,542,556	\$8,143,687						
TBA	Edderton Road Safety Upgrade	C	3500.4257.504	\$2,508,232	\$2,427,544	Council & Contractor insured	Nov-20	Apr-22	Feb-21	Dec-21	Construction is complete.
TBA	Thompson St signalisation	D	3500.4277.504	\$2,100,845	\$1,402,428	Council & Contractor insured	Feb-22	Jan-23	May-22		Construction is continuing with the works in stage 4 of the four (4) stage project. Stage 4 works involve pavement and central median construction. The contractor is preparing to demobilise from the site in late December.
TBA	UHSC - Murulla St causeway	I	3500.4282.504	\$1,192,578		Council & Contractor insured					This is an Upper Hunter Shire Council project. Murulla Street is located in Murrurundi. This project has not commenced.
TBA	Wilkinson St Bridge	C	3530.5888.504	\$2,740,901	\$1,023,357	Council & Contractor insured	Dec-20	May-23	Oct-21		Tenders for a design and construct contract were received and reported to the 2 February 2021 Extra Ordinary Council Meeting with the contract awarded to Saunders Civil Group. Construction of this project is now substantially complete. Work being undertaken currently is the construction of the road approaches, the connection to the existing roads and a roundabout for circulation at the Olympic Park precinct. Wet weather has impacted asphalt contractor and therefore the contractors availability. The asphaltting works are now programmed to be undertaken in January, which will see the completion of the project.
	Resources for Regions - Round 6			\$1,108,627	\$1,108,627						
TBA	Ridgeland Road	D & C	3500.4303.504	\$388,385		Council & Contractor insured	Oct-22	Jan-23	Oct-22	Dec-22	A contract for the construction was awarded to Hunter Wide Civil. The works are now complete.
TBA	Heavy Patching Programme	C	3500.4306.504	\$66,352		Council & Contractor insured	Aug-21	Mar-22	Aug-21	Oct-21	Project Complete.
TBA	Nandowra / Dartbrook Rd	D&C	3500.4421.504	\$403,732		Council & Contractor insured					This is an Upper Hunter Shire Council project.
TBA	Bylong Valley Way	D&C	3500.4422.504	\$250,158		Council & Contractor insured	Jul-21	Jun-22	Jul-21	Aug-21	Project Complete.
TBA	Road Resealing Program	C	3500.4030.504	\$892,655	\$892,655	Existing Cover to \$2M	Dec-22	Apr-23	Sep-22		Preparatory works have been scoped. Quotations have been received from sealing companies listed on the panel of service providers. Preparatory works are programmed to be completed in December in Queen and King St Muswellbrook. Sealing is booked for 10 January which will complete the urban roads sealing. Preparatory works are to be undertaken on Thomas Mitchell Drive in expectation of sealing in late January 2023.
TBA	Roads to Recovery Programme	I	3500.2068.504	\$577,898	\$577,898	TBA	Jan-22	Dec-22			This funding is currently not allocated. Projects are to be prioritised and reported to Council. Merton St Denman is considered to be a high priority project for the consideration of Council in relation to this funding.
TBA	Rosebrook Bridge Replacement	I	3530.4429.504	\$1,633,500	\$1,633,500	TBA	Jan-23	Jun-23	Jul-22		Project preliminaries such as geotechnical investigation, site survey and completion of a review of environmental factors for the project were completed. The design and construct tender was awarded to Waseg Constructions. The design of the bridge has commenced with 85% review to be provided late October. The submitted program has construction on site commencing site establishment 30 January 2023 and completion mid June 2023.
TBA	Rural Roads Regravelling	C	3500.4055.504	\$350,000	\$350,000	Existing Cover to \$2M	Aug-22	Jun-23	Aug-22		Grading undertaken on Wells Gully Road and planned to be undertaken on Rouchel Gap and Dorset road.
TBA	Safety Audit Ridgeland Road	I	3500.4270.504	\$47,272	\$47,272	Council insured					Works completed.
TBA	Safety Device Renewal	C	3590.4145.504	\$135,000	\$135,000	Existing Cover to \$2M	Jan-23	Jun-23			A prioritised program was endorsed by Council at the July 2022 Ordinary Council meeting. This program will be delivered in the first quarter of 2023.
TBA	Sandy Creek Rd Curve Improvements	C	3500.2066.504	\$246,506	\$246,506	Contractor insured	Jun-21	Dec-21	Jun-21	Sep-21	Works completed.
TBA	Widden Valley Rd pavement rehabilitation	C	3500.4424.504	\$553,397	\$553,397	Existing Cover to \$2M	Aug-21	Oct-21	Aug-21	Jun-22	Works completed.
TBA	Yarrawa Rd (Fixing Local Roads)	I	3500.2780.504	\$4,931,278	\$4,931,278	Council & Contractor Insured	September	Jun-22	Oct-21	Nov-22	This project is substantially complete. A double seal will be applied in March 2023.
SEWER CAPITAL BUDGET											
TBA	Access and Security Improvements	D&C	6340.4475.504	\$155,000	\$155,000	TBA	Jul-22	Sep-22	Jul-22	Sep-22	Security improvements across Council's assets. Fencing upgrade works carried out at a number of pumping station sites.
TBA	Mains Renewal And Replacement	I,D&C	6310.4340.504	\$589,431	\$589,431	TBA	Jan-23	Jun-23	Jul-22		Aberdeen Sewer Main replacement is in design stage. Lining of Doyle, Hill, Turanville, Wilson and George streets projects in design stage. Execution is planned in June 2023 completion by October 23.
TBA	Solar Array	I, D & C	6310.4493.504	\$1,800,000	\$1,800,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Sustainability initiatives associated with operation of the Raw Water Treatment Works. RFQ has been called and awarded for project management consultant to run the design and construct tender process including preparation of tender documentation.
TBA	Sewer Operational Contingency	I,D&C	6340.4494.504	\$150,000	\$150,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Sep-22	Contingency budget available to replace equipment and improve systems that have been impacted by the floods over the past year. Purchase orders were committed for the following equipment: a spare critical pneumatic valve positioner for the RWTW, a replacement motor and spare critical motor for the extraction fan for MSPS4 odour control system and a new control panel for the odour control system for MSPS4 (critical replacement since replacement parts are obsolete). In addition to the above purchases, final payment claim was made to Aurecon Australasia Pty Ltd for the RWTW project and critical proximity sensors were purchased and replaced the damaged sensors on the RWTW grit bins. UPS upgrade at the RWTW, replacement of pump at MSPS10, purchase of butterfly valve wafers (100mm, 150mm, 200 mm) and spare valve for RWTW

TBA	System Plant Asset Renewals	I, D & C	6340.4488.504	\$650,000	\$650,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		The construction of a septage receival facility at the Muswellbrook recycled water treatment works is completed. Denman Sewer treatment plant dewatering/desludging of ponds is the main priority and dewatering system design and investigation is in process. Project planned to start by Jan 23 and completion by October 23. Smoke testing of sewer main and manholes is at investigation stage to stop ingress of storm water in sewer system. Muswellbrook Sewer Pump station 8 pipe works and valves are replaced. The works were awarded in July 2022 and completed in Aug 22. The electric panel is in the process of design and execution is likely to commence in May 23. Aerator at Denman Sewer treatment plant is design and in in process of procurement and fabrication, project completion is by June 2023
TBA	Transportation System Improvements	I, D & C	6340.4485.504	\$81,939	\$81,939	Existing Cover to \$2M	Jan-23	Jun-23			Project valve installation to cater for emergency break of recycle water main from dam in ARTC corridor (near railway line) in investigation stage and likely execution by Feb 23.
WATER CAPITAL BUDGET											
N/R	Asbestos Removal, Earth Work and Security	C	5310.4575.504	\$155,000	\$155,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Funding is used to carry out earthwork asbestos removal for water main projects. The projects include Bligh Street East earth removal, Turanville, Forbes and Lorne Streets. Bligh Street is in progress and will be completed by December.
TBA	Denman to Sandy Hollow Pipeline	D & C		\$28,473,519				Jul-24			Funding Deed executed.
TBA	Mains Renewal And Replacement	I, D & C	5320.4340.504	\$748,278	\$748,278	Council & Contractor insured	Jun-23	Mar-23	Jul-22		Contract for the water main replacement program has been awarded. Under this program, water mains in Lorne St., Forbes St. and Turanville Ave are in progress and will be completed by the end of September. Bligh Street West/ East water main replacement will commence in Oct 22 for completion by December 22. Design and investigation ongoing for Wilder, Wilkinson, and Flanders Avenue.
TBA	Replacement of Water Meters	C	5320.4376.504	\$78,000	\$78,000	Council insured	Jul-22	Jun-23	Jul-22		Ongoing ageing water meter replacement programme.
TBA	System Plant Asset Renewals	I, D & C	5340.4400.504	\$891,376	\$700,000	Council & Contractor insured	Jul-22	Jun-23			Transformer at Muswellbrook water treatment plant required to be replaced - The design has been completed. Supplier has provided a quote, and work will take 25 - 30 weeks from date of issuing the Purchase Order. The Project will be designed and will be carried out in next FY. South Muswellbrook Main is new asset and is part of this programme. Review of environmental factor has been completed, survey and investigation is in process. Wilder street and Wilkinson street will be phase1 of this project. Project commence next financial year.
TBA	Upgrade Fluoride Dosing System	I, D & C	5310.4577.504	\$346,461	\$346,461	TBA	Oct-22	Jun-23	Jul-22		Tender Schedules have been advertised on Vendor Panel, Newcastle Herald and Sydney Morning Herald. The Hunter Valley News will advertise on 14/12/2022. There were a number of requests to extend the closing date. It was extended to 25 Jan 2022. A report will be submitted to Council in the February Ordinary Council Meeting with recommendations.
TBA	Vehicle Replacement	C	5330.4370.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Difficulty in sourcing vehicles as per requirements and long delays in delivery of vehicles.
TBA	Vehicle - Equipment Replacement	C	5330.4378.504	\$117,394	\$117,394	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Programme being prepared.
TBA	Water Operations Contingency Project	I	5340.4406.504	\$117,686	\$117,686	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Jun-23	Contingency budget available to replace equipment and improve systems that have been impacted by the floods over the past year. Replacement of the electrical cables for the Denman River Pump1, a higher dose rate coagulant pump for the MWTP, a portable UVA laboratory meter (to test for dissolve organics in the raw water), four filter differential pressure transmitters for MWTP and a replacement Watson-Marlow coagulant dosing for DWTP were purchased in this quarter. Further to the above purchases, a new UF membrane module was purchased to replace a damaged module at the Denman Water Treatment Plan, a macrolite media recirculating pump was purchased to replaced a failing existing pump at the Sandy Hollow Water Treatment Plant and a critical spare helical gearmotor was purchased for the lime auger at the Muswellbrook Water Treatment Plant. Denman River Pump required a new motor and refurbishment after flood damage. A spare transfer pump was purchased for polymer dosing at the MBK WTP. Replacement of a critical differential pressure transmitter was purchased for MBB WTP.
TBA	Water Stop Valve Replacement Programme	I, D & C	5320.4379.504	\$285,627	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			The funds will be utilised for water main and valves replacement projects in Bligh Street east and Flanders Avenue, for which design is in process.
WASTE											
TBA	Waste & Recycling Centre Leachate Dam	D	3653.4530.504	\$498,212	\$498,212	Existing Cover to \$2M	Feb-23	Jul-23			Design and Construction Cost Estimates complete (\$500,000). Biodiversity Assessment RFQ issued and required prior to Development Application. Geotechnical report for project area received, triggered dam design revision due to lack of winnable clay on site. Revised design underway by consultant. Test pits required to determine if rock can be ripped to design depth. Quotes received.
TBA	FOGO Infrastructure	I		N/A		TBA					Preliminary Design and EIS complete. DA 2021/58 lodged June 2021. Further information on odour impacts as requested by NSW EPA was lodged in April 2022. Expression of Interest to be called FOGO.



9.4. Corporate Services

9.4.1. Model Code of Conduct (and Procedures)

Attachments:	1. Model Code of Conduct [9.4.1.1 - 48 pages] 2. Procedures for the Administration of the Model Code of Conduct [9.4.1.2 - 35 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Madeleine St John – Business Improvement Officer
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Review the policy management framework.

PURPOSE

The report presents for Council's consideration *The Model Code of Conduct for Local Councils in NSW* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* for adoption following public exhibition via Council's website for a period of 28 days.

OFFICER'S RECOMMENDATION

Council ADOPTS the *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

Moved: _____ **Seconded:** _____

BACKGROUND

The *Model Code of Conduct for Local Councils in NSW* (the Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The Code sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and
- act in a way that enhances public confidence in local government.

All councils must adopt a code of conduct that incorporates the provisions of the Code. A council's adopted code of conduct may also include provisions that supplement the Code and that extend its application to persons that are not "council officials" for the purposes of the Code (for example, volunteers, contractors and members of advisory committees).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the



Code. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Code.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct.

Breaches of a council's code of conduct are to be dealt with in accordance with the Procedures. All councils must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.

CONSULTATION

Councillors

Public exhibition 26 October to 23 November 2022

Manager Governance

Governance Officer

Business Improvement Officer

REPORT

At the Ordinary Meeting of Council held at Muswellbrook on 25 October 2022, Council endorsed the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Public Exhibition from 26 October to 23 November 2022.

No submissions were received by Council during the public exhibition period.

OPTIONS

Under section 440(7) of the *Local Government Act 1993*, Council must review their code of conduct within 12 months of a Local Government Election and make such adjustments as they consider appropriate. Councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.

CONCLUSION

It is recommended that the Code and the Procedures be ADOPTED by Council.

SOCIAL IMPLICATIONS

Nil known

FINANCIAL IMPLICATIONS

Nil known

POLICY IMPLICATIONS

The attached *Model Code of Conduct* and *Model Procedures* require review and adoption by Council to ensure compliance with legislation.

STATUTORY IMPLICATIONS

Under section 440(7) of the *Local Government Act 1993*, councils must review their adopted code of conduct within 12 months of the election and make such adjustments as they consider appropriate and are consistent with the Act.



LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Nil known

WASTE MANAGEMENT IMPLICATIONS

Nil known

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known



**muswellbrook
shire council**

Model Code of Conduct

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
- b) gifts of alcohol that do not exceed a value of \$100
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]
[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June)	Nature of any	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	---------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	Within the first 12 months of the term of each new Council
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	11/10/22	External	Business Improvement Officer	Reformatted to comply with Council's policy template



Procedures for the Administration of the Model Code of Conduct

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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to

be taken as a determination that there has been a breach of the council's code of conduct.

- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 5 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

5.56 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

5.57 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

- a) a panel of conduct reviewers established by the council, or
- b) a panel of conduct reviewers established by an organisation approved by the Office.

5.58 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

5.59 A conduct reviewer must not accept the referral of a code of conduct complaint where:

- a) they have a conflict of interest in relation to the matter referred to them, or
- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
- c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.

- 5.60 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 5.61 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 5.62 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 5.63 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 5.64 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 5.65 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 5.66 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 5.67 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

- 5.68 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 5.69 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 5.70 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 5.71 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 5.72 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 5.73 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 5.74 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.75 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

- 5.76 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.77 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 5.78 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 5.79 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 5.80 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 5.81 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 5.82 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

- 5.83 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 5.84 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 5.85 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 5.86 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council

- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 6 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 6.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 6.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 6.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 6.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 6.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 6.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 6.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 6.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 6.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 6.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 6.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 6.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 6.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 6.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 6.15 Investigations are to be undertaken without undue delay.
- 6.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 6.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 6.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 6.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 6.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 6.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 6.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 6.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 6.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 6.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 6.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 6.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 6.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 6.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 6.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 6.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

- 6.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 6.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

- 6.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 6.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

- 6.36 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

- 6.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

- c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

- 6.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 6.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 6.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 6.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 6.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 6.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 6.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting

for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

- 6.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 6.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 6.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 6.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 6.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 6.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 6.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 6.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 6.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

- 6.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 6.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 6.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 6.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 6.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 6.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 6.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 6.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 7 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 7.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 7.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 7.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 7.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 7.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 7.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 7.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 7.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 7.9 Where the Office makes a practice ruling, all parties must comply with it.
- 7.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 7.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 7.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 7.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 7.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 7.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 7.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 7.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 7.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 7.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

7.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 8 PROCEDURAL IRREGULARITIES

- 8.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 8.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 9 PRACTICE DIRECTIONS

- 9.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 9.2 The Office will issue practice directions in writing, by circular to all councils.
- 9.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 10 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 10.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

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

PART 11 CONFIDENTIALITY

- 11.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 11.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 11.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 11.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 11.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and

- d) any other person the general manager or their delegate considers should be notified of the determination.

11.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

11.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	Within the first 12 months of the term of each new Council
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Modified by	Amendments made
1	11/10/22	Business Improvement Officer	Reformatted to comply with Council's procedure template

**9.4.2. Policies Recommended To Be Rescinded**

Attachments:	1. Policy A 30-1 Aims and Objectives of Muswellbrook Regional Arts Centre [9.4.2.1 - 2 pages]
	2. Policy C 38-6 Council Buildings or Property – Use of Tables and Chairs (Arts Centre) [9.4.2.2 - 1 page]
	3. Discharge of Mortgage Policy M 60-2 Redacted [9.4.2.3 - 2 pages]
	4. Granting of Second Mortgage M 60-1 [9.4.2.4 - 2 pages]
	5. Policy F16 2 Partnership Funding Agreement [9.4.2.5 - 4 pages]
	6. Plant Management P 15-1 [9.4.2.6 - 2 pages]
	7. Policy F16 2 State Infrastructure Partnership Funding Policy [9.4.2.7 - 4 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Madeleine St John, Chloe Wuiske – {position}
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program.
	6.2.5.2 - Review the policy management framework.

PURPOSE

The purpose of this report is to recommend the rescission of the attached seven outdated policies.

OFFICER'S RECOMMENDATION

Council RESCINDS the following outdated policies:

1. Aims and Objectives of Muswellbrook Regional Arts Centre
2. Council Buildings or Property – Use of Tables and Chairs (Arts Centre)
3. Discharge of Mortgage
4. Granting of Second Mortgage
5. Partnership Funding Agreement
6. Plant Management
7. State Infrastructure Partnership Funding Policy

Moved: _____ **Seconded:** _____

BACKGROUND

A review of Council policies is currently in progress to remove duplicates, review version control and identify policies recommended for rescission.



CONSULTATION

Director Corporate Services and Chief Financial Officer

Director Economy and Community

Finance Manager

Manager Community Services

Arts Centre Director

Business Improvement Officer

Manex

REPORT

Following consultation with policy owners and Manex, the following seven policies have been identified as being outdated and are recommended to be RESCINDED by Council:

Policy Name	Date adopted	Policy Owner	Reason to rescind
1. Aims and Objectives of Muswellbrook Regional Arts Centre	5/06/2000	Arts Centre Director	Convert to a management strategy
2. Council Buildings or Property – Use of Tables and Chairs (Arts Centre)	13/03/2000	Arts Centre Director	Outdated and no longer applicable
3. Discharge of Mortgage	11/09/2000	Finance Manager	Outdated and no longer applicable. Please note that names and addresses have been redacted to avoid any privacy concerns.
4. Granting of Second Mortgage	11/09/2000	Finance Manager	Outdated and no longer applicable
5. Partnership Funding Agreement	12/09/2011	Finance Manager	Outdated and no longer applicable
6. Plant Management	11/09/2000	Finance Manager	Outdated and no longer applicable
7. State Infrastructure Partnership Funding Policy	12/09/2011	Finance Manager	Outdated and no longer applicable

OPTIONS

Option 1:

Council rescinds the seven identified outdated policies.

Option 2:

Council does not rescind the seven identified outdated policies.

CONCLUSION

It is recommended that Council rescind the above seven policies.

SOCIAL IMPLICATIONS

Nil known

FINANCIAL IMPLICATIONS

Nil known



POLICY IMPLICATIONS

A review of Council policies has been completed to identify outdated policies and recommend their rescission.

STATUTORY IMPLICATIONS

Nil known

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Recommendations in this report mitigate Council's governance risk.

WASTE MANAGEMENT IMPLICATIONS

Nil known

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known



A30/1

POLICY REGISTER

Subject: Aims and Objectives of Muswellbrook Regional Arts Centre

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
Minute No:	813	792	383	762
Meeting Date:	5.6.2000	11.12.95	8.5.89	14.10.85

POLICY

a) As an Arts Centre

1. The **Muswellbrook Shire Collection** is mainly held in the Muswellbrook Regional Arts Centre. Parts of the Collection will be displayed from time to time in accordance with Exhibition Programmes.
2. The Arts Centre provides a programme of exhibitions in the gallery spaces with the following aims:
 - (a) to encourage and stimulate local artists;
 - (b) to provide a varied, balanced and interesting presentation of the visual arts;
 - (c) to serve an educational role in the community in relation to the arts;
 - (d) to concentrate on presenting works of the highest possible quality;
 - (e) to encourage enjoyment and appreciation of the arts by the general public. (Artworks in sculpture, printmaking, painting, photography and crafts should be included periodically).
 - (f) To encourage participation in the Centre's activities from a broad cross section of the community and proactively seek participation from minority groups eg youth, Aboriginal and Torres Strait Islanders.
3. The Arts Centre should be used for lectures, performances and events that will foster the arts.
4. The Arts Centre's activities should work to encourage development of the arts in the Region and Australia.

Muswellbrook Shire Council

5. The Director will submit monthly reports and proposed programmes to the General Manager for recommendation to Council.
6. Council should maintain membership of the Museum and Galleries Foundation of NSW Ltd and call upon the expertise of its staff and members for advice and assistance.
7. Local Artists should be invited to exhibit in at least two exhibitions per year.
8. The **Max Watters Collection** will be housed in the Muswellbrook Regional Arts Centre. The Max Watters Gallery will be permanently available for a changing exhibition of part of the Watters Collection.

b) As a Multi Purpose Centre

The Regional Arts Centre is to be promoted and used on a commercial basis for a wide range of activities including conference, convention, weddings, birthday parties etc.

Muswellbrook Shire Council



C38/6

POLICY REGISTER

Subject: Council Buildings or Property – Use of Tables and Chairs (Arts Centre)

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
Minute No:	679			
Meeting Date:	13.3.2000			

POLICY

That the new tables and chairs purchased for the Muswellbrook Regional Arts Centre be not hired to the public or allowed to be taken from the Muswellbrook Regional Arts Centre except where specifically approved by Council for another Council function.

Muswellbrook Shire Council



muswellbrook shire council

Discharge of Mortgage Policy No. M60/2

**Assembled by
XXX**

**Adopted By Council
XXX
Minute No. XX**

Discharge of Mortgage

Policy No. M60/2

POLICY

That subject to either:

- a) the receipt of all principal and interest (if any) due to Council in respect of mortgage held by Council over any freehold land; or
- b) the Mayor and/or the General Manager being reasonably satisfied that proper arrangements have been made for the repayment of the moneys referred to in sub-clause (a) hereof within a reasonable time.

Council authorise the affixing of its seal to a discharge of mortgage held by Council from the time to time in respect to the following:

a) **Housing Advances**

[REDACTED]

b) **Land Sales**

[REDACTED]

REVIEW HISTORY:

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
Minute No:	1062	316	792	283
Meeting Date:	11/9/2000	14.7.97	11.12.95	8.5.89



muswellbrook shire council

Granting of Second Mortgage Policy No. M60/1

**Assembled by
XXX**

**Adopted By Council
XXX
Minute No. XX**

Granting of Second Mortgage

Policy No. M60/1

That Council raise no objection to the granting of a Second Mortgage in respect of any mortgage held by Council over any freehold land SUBJECT TO:

- a) Council at all times retaining first mortgage; and
- b) that all costs involved being met by the mortgagor.

FURTHER that Council authorises the affixing of its Seal to any documentation in relation to the granting of any second mortgage relating to land sales.

** ** *

REVIEW HISTORY:

	<i>Current</i>	<i>Previous</i>	<i>Previous</i>	<i>Previous</i>
<i>Minute No:</i>	1062	187	438	836
<i>Meeting Date:</i>	11/9/2000	14 /4/97	1989	08/12/86



muswellbrook shire council

Partnership Funding Agreement Policy

F16/2

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NOTE; THAT THE MONIES ALLOCATED FOR THE PURPOSE OF THIS POLICY ARE NOT THE SAME AS POLICY F16/1 – FINANCIAL ASSISTANCE. REFER TO POLICY F16/1 IF SEEKING SPONSORSHIP.

Policy Objective

This policy has been developed as a local initiative from Council to provide seed money for State Government Department projects in the Shire.

Policy Statement

An allocation has been made in the 2011/12 budget by Council. This allocation has been designed to assist in the development of State Government Department facilities and services within the Muswellbrook Shire.

1. Access to the funding will be determined on the following;
 - 1.1. That a third (3rd) partnership model between Council, State Government and the party receiving the funding forms the basis for the allocation of funds.

Note; That is, for example, a project totalling \$15,000 will be funded through a \$5,000 contribution from each party.

- 1.2. That any allocation of funds will be limited to;
 - 1.2.1. Preliminary stages of a major project such as the design; or
 - 1.2.2. Minor infrastructure projects such as a bus shelter.

Note; Projects will not be entirely funded by Council; the allocation of monies is to provide an incentive for local development or upgrades.

2. Applications for the funding will be subject to the approval of Council.
 - 2.1. Any conditions set by Council with regard to the proposed project should be taken into consideration.
3. Council will not contribute in excess of \$20,000 for any one application or subsequent application for the same project.

Authorisation Details

Authorised by:	Council
Minute No:	72
Date:	12 September 2011
Review timeframe:	
Department:	Governance
Document Owner:	Scott McNamara

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made



muswellbrook shire council

Plant Management Policy No. P15/1

**Assembled by
XXX**

**Adopted By Council
XXX**

Plant Management

Policy No. P15/1

A plant Internal Restricted Asset Account shall be maintained by Council as one means of financing all plant replacements required for operational activities.

A plant fleet will be maintained by Council consistent with commercial operating practises.

All vehicles, including sedans, utilities, station wagons and trucks shall be airconditioned.

All plant items shall be fitted with airconditioned enclosed roll-over protected cabins subject to the following conditions:

- Plant not required by statutory law to be fitted with roll-over protection shall not be fitted with airconditioning
 - Airconditioning is readily available as an option for the plant item being purchased.
-

REVIEW HISTORY:

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<i>Minute No:</i>	1062	187	325	
<i>Meeting Date:</i>	11/9/2000	14/4/97	13/4/87	



muswellbrook shire council

State Infrastructure Partnership Funding Policy

F16/2

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NOTE; THAT THE MONIES ALLOCATED FOR THE PURPOSE OF THIS POLICY ARE NOT THE SAME AS POLICY F16/1 – FINANCIAL ASSISTANCE. REFER TO POLICY F16/1 IF SEEKING SPONSORSHIP.

Policy Objective

This policy has been developed as a local initiative to:

- A. Encourage, by seed funding, capital renewal of State infrastructure and new projects in the Shire by the State Government; and
- B. To further the Council's desire that Muswellbrook develop as the Sub-Regional centre for the provision of State Government facilities and services.

Policy Statement

It is Council's policy to:

- 1. provide for a \$100,000 (indexed) allocation each year in its capital budget for the purposes set out in this policy;
- 2. allocate the funding to State Government capital renewal or upgrade projects, following the receipt of an application, on the basis of equal contributions being made by each of the Council, the State Government, and the party receiving the funding – except where the funding is solely for design, investigation and/or costing;
- 3. not to allocate funding of more than \$50,000 to any individual project;
- 4. not to allocate funding to any project which would be or is likely to be funded by the State Government from recurrently allocated capital funds or in circumstances where Council's contribution would effect a reduction in the amount the State Government would have expended in the Shire but for the promise of Council's funding under this policy;
- 5. carry forward, into a subsequent financial year, any unallocated funds to be expended in accordance with this policy in that subsequent year; and to
- 6. Favour, particularly, projects which are of a regional nature and which places State Government infrastructure in Muswellbrook to service the Sub-Region.

Authorisation Details

Authorised by:	Council
Minute No:	89
Date:	12 September 2011
Review timeframe:	
Department:	Governance
Document Owner:	Scott McNamara

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made



9.4.3. Local Orders Policy 2022 MSC04E for Adoption

Attachments:	1. Local Orders Policy 2022 MSC04E [9.4.3.1 - 61 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Sharon Pope, Madeleine St John, Chloe Wuiske – Director - Planning & Environment
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Review the policy management framework.

PURPOSE

The purpose of this report is to present the *Local Orders Policy* to Council for adoption following public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the *Local Orders Policy*.

Moved: _____ **Seconded:** _____

BACKGROUND

Council periodically receives complaints about the keeping of animals in urban areas, dilapidated buildings, the hoarding of rubbish, machinery and equipment, and drainage problems, amongst other things. Councils may order a person to do or to refrain from doing things specified in Sections 124 and 125 of the *Local Government Act 1993* (the Act), which includes many of the matters Council receives complaints about.

The purpose of a *Local Orders Policy* (the Policy) is to supplement provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The Policy specifies the criteria that Council staff will take into consideration in determining whether to issue an Order. It provides a guideline for residents by documenting the criteria that Council will use in investigating complaints.

The current *Local Orders Policy* was adopted by Council on 12 March 2019. Under section 165 of the LG Act, the Policy is automatically revoked 12 months after each ordinary Council election, unless reviewed and adopted by the new Council.

CONSULTATION

Staff in the Planning, Environmental and Regulatory Services team.

REPORT

At the Ordinary Meeting of Council held at Muswellbrook on 25 October 2022, Council endorsed the DRAFT Local Orders Policy for Public Exhibition in accordance with the



requirements of the *Local Government Act 1993*.

The DRAFT Policy was exhibited on Council's website from 26/10/22 to 23/11/22, and submissions were open for acceptance until 07/12/22.

No submissions were received by Council during the submission period.

OPTIONS

Council may:

1. Resolve to Adopt the *Local Orders Policy* in Attachment 1, in accordance with the requirements of the *Local Government Act 1993*. This is the preferred option as it provides guidance and transparency on the issuing of Orders.
2. Request further amendments to the *Local Orders Policy*.
3. Resolve not to continue with a *Local Orders Policy*. This option will mean that Council staff will not have a Policy to inform the carrying out of duties after 30 December 2022.

CONCLUSION

It is recommended that the *Local Orders Policy* be ADOPTED.

SOCIAL IMPLICATIONS

Council receives complaints from people who are concerned about their safety or wellbeing as a result of the actions of others. Adoption of a *Local Orders Policy* will provide guidance to all parties on what has been identified by Council, and the broader community via consultation, to be acceptable in maintaining safety and wellbeing.

FINANCIAL IMPLICATIONS

No direct financial impacts. The issuing of orders is usually undertaken by staff in the Planning, Environmental and Regulatory Services team as part of day-to-day activities.

It is an offence not to comply with an order. The Local Government Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance. Expenses incurred in giving effect to the terms of an Order may be recovered in a Court order.

POLICY IMPLICATIONS

Under the *Local Government Act*, the *Local Orders Policy* will be automatically revoked 12 months after each ordinary Council election, unless reviewed and adopted by the new Council.

STATUTORY IMPLICATIONS

Section 158 & 159 of the *Local Government Act 1993* enables Council to prepare a *Local Orders Policy*.



LEGAL IMPLICATIONS

The adoption of a *Local Orders Policy* will allow timely and consistent action by Council staff when complaints are received that may lead to an Order being issued.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Public Risk may be reduced through the implementation of the *Local Orders Policy*.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The DRAFT Policy was publicly exhibited on Council's website from 26/10/22 to 23/11/22, and submissions were open for acceptance until 07/12/22.



Local Orders Policy

MSC04E

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Policy Objective

The purpose of the Local Orders Policy is to, in accordance with s159 of the Local Government Act, supplement provisions of the Act and the Local Government (General) Regulation 2021 by specifying the criteria which Council staff will consider in determining whether or not to give an Order under Section 124 of the Local Government Act. The Objectives are:

- To promote an integrated framework for dealing with Orders;
- To ensure consistency and fairness in the manner in which the Council gives Orders;
- To make the Council's policies and requirements for Orders readily accessible and understandable to the public; and
- To establish a system of community participation which can effectively resolve disputes and conflicts as they arise.

Risks being addressed

This policy mitigates risks of health and safety hazards to the community, while at the same time it helps Council to improve liveability in the Shire. In particular, the Local Orders Policy helps:

- a) Minimise the incidence of nuisance being caused to persons;
- b) Protect the welfare of companion and farm animals;
- c) Protect the welfare and habitat of wildlife;
- d) Minimise the disturbance of or damage to protected vegetation; and
- e) Safeguard the environment.

Scope

This policy applies to all land within Muswellbrook Shire Local Government Area.

Definitions

Abatement means the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings.

Act means the Local Government Act 1993 and regulations made thereunder.

Adequate means equal to the requirement or occasion; fully sufficient, suitable or fit.

Article means anything capable of ownership except a living creature.

Clean and Sanitary means the provision of a healthy environment by the exclusion of dust, dirt, vermin, bacteria and waste.

Convenience means a state of affairs in which members of the community can enjoy a public place without aggravation, fear, annoyance or disruption from a source within private property.

Danger to the Public means a liability or exposure to harm, injury, risk or peril to the public.

Dilapidated reduced to or fallen into ruin or decay.

Expedient is to promote a proposed or desired object, a means to an end.

Local Government Act means the Local Government Act 1993 (as amended) and includes subordinate legislation made thereunder.

Land includes allotments, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein.

Land in the Immediate Vicinity of a Public Place means any land either having an allotment boundary to a public place or giving legal access to the public across any other land to a public place.

Likely means probably or apparently going or destined to be.

Matter means the substance or substances of which physical objects, whether solids, liquids or gases are composed.

Necessary means something that cannot be dispensed with.

Order means any order issued under s124 of the Act.

Physical Environmental Damage means the degrading of existing physical surroundings including the land or water.

Safety means freedom from injury or danger.

Sewage Management Facility means:

- a. a human waste storage facility, or
- b. a waste treatment device intended to process sewage, and
- c. a drain connected to such a facility or device.

Sewerage System in relation to any premises means the pipes, fittings and fixtures on the premises, connected to the infrastructure, which are used or intended to be used for the conveyance of sewage from the premises, but does not include a septic tank, an effluent system or a sullage system.

Significant means important; of consequence.

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, discharges or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface rising from excavation within the land that is suffering damage or likely to suffer damage.

Threat means a reasonable menace or likelihood of harm.

Waterhole or Dangerous Hole means any hole, pit, quarry, excavation, dam or waterhole which in the opinion of the Council is or may become dangerous to life but does not include a swimming pool within the means of the Swimming Pool Act 1992.

Waste means:

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the *Protection of the Environment Operations Act 1997*, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Waste Receptacle means a container approved by Council, used for the retention and storage of waste arising from premises.

Work means any activity, process, task or action and includes a reference to the rebuilding of, the making of alterations to or the enlargement or extension of a work or enclosing a public place in connection with the carrying out of a work.

Policy Statement

Criteria for Consideration

In accordance with the Act, Council is required to observe certain procedures before giving Orders.

Listed in the Orders schedule are the types of orders that Council may give, the circumstances under which they may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular order are self-explanatory no additional criteria has been provided.

Note: *The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for that order.*

If a *Council authorised investigating officer* decides to give an order they are required to take the criteria listed in the orders schedule into consideration before giving the order (Section 131 of the Act).

Under Section 126 of the Act, Council may not give an Order in respect to the following land without the prior written consent of the Minister:

- Vacant Crown land;
- A reserve within the meaning of the Crown Lands Act 1989;
- A Common.

Section 131A of the Act requires that if an Order will or is likely to have effect of making a resident homeless, the Council must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality. If the person is not able to arrange satisfactory alternative accommodation in the locality the Council must provide the person with information as to the availability of satisfactory alternative accommodation in the locality and any other assistance that the Council considers appropriate.

Giving Notice and Representations

Section 132 of the Local Government Act requires that the following be carried out prior to issuing an Order:

- Before giving an order, Council must give notice to the person(s) to whom the Order is proposed to be given of its intention to give the Order, the terms of the proposed Order and the period proposed to be specified as the period within which the Order is to be complied with (*section 132(1) of the Act*).
- Council's notice must indicate that the person to whom the Order is proposed to be given may make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order (*section 132(2) of the Act*).
- The notice may indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case (*section 132(3) of the Act*).

- A person, to whom an Order is proposed to be given, when making representations may be represented by an Australian legal practitioner or agent. (*section 133 of the Act*).
- The Council or a specified committee, or specified Councillor or employee of the Council is required to hear and to consider any representations made pursuant to s133 (*section 134 of the Act*).

Representations are to be received, heard and considered by the Manager of the issuing officer.

After hearing and considering any representations made concerning the proposed Order, the Manager concerned may determine:

- a) to give an Order in accordance with the proposed order; or
- b) to give an Order in accordance with modifications made to the proposed Order;
or
- c) not to give an Order (*section 135 of the Act*).

If the determination is to give an order in accordance with modifications made to the proposed order then Council is not required to give notice of the proposed order as so modified. (*section 135(2) of the Act*).

If Council observes the above procedure it is taken to have observed the rules of procedural fairness. (*section 130 of the Act*).

Content of Orders

The order must:

Indicate the things the person must do or refrain from doing:

- State the reasons for the order. It can be within the order or in a separate document but must be given at the same time the order is given except in the case of an emergency order in which case they must be given the next working day (*section 136 of the Act*).
- Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately (*section 137 of the Act*).
- State that the person may appeal to the Land and Environment Court against the order or a specified part of the order and specify the period within which an appeal may be made (*section 138 of the Act*).

The order may:

- Specify the standard that the premises are required to meet and indicate the nature of the work that, if carried out, would satisfy that standard instead of specifying the things that the person to whom the order is given must do or refrain from doing. (*section 139 Local Government Act*)
- Clause 99 of the Local Government (General) Regulation 2021 also requires that the following information must be included:
 - a) Any relevant provision of the Local Government Act, regulation or local orders policy made under the Local Government Act that is not being or has not been complied with;

- b) That it is an offence not to comply with an Order and the maximum penalty for the offence; and
- c) That, if the Order is not complied with, the Council may give effect to the Order and recover the costs of doing so from the person concerned.

Revocation and Modification of Orders

- Council may modify an order given to a person at any time (including a modification of the period of compliance) providing the person agrees to that modification (*section 152 Local Government Act*).
- Council may revoke an order at any time (*section 153 Local Government Act*).

After an Order is Given

There are several possible scenarios:

- The person who receives the order complies.
- The owner or occupier of premises complies. If the occupier or manager complies with the Order, they may deduct the cost (plus interest) from rent payable to the owner or recover the cost in court (*section 147 of the Act*).
- Council can modify the Order if the person agrees to the modification (*section 152 of the Act*).
- Council can revoke the Order (*section 153 of the Act*).
- The person on whom the Order is served may appeal against the order to the Land and Environment Court and seek compensation (*see sections 180, 181, 182 of the Act*).
- Person fails to comply with the Order.

It is an offence not to comply with an order. The Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance– see applicable penalties (*section 628 of the Act*).

Council may do all things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order. Expenses incurred in giving effect to the terms of the Order may be recovered in a Court of competent jurisdiction as a debt due to Council by the person concerned (*section 678 of the Act*).

Council may seek orders of the Land and Environment Court to enforce the terms of the order (*section 673 of the Act*).

Penalties for Non-Compliance

Penalties for non-compliance with the terms of orders issued by Council are prescribed under section 628 of the Local Government Act.

Orders 1, 2, 3, 4, 6, 13, 14, 20, 26

This Local Orders Policy does not include details or criteria with respect to orders 1, 2, 3, 4, 6, 13, 14, 20 and 26 in the table to section 124 Local Government Act, either because they have been repealed from the Act, or no criteria is required to be specified.

Other Orders

Section 124 of the Local Government Act does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act.

For example, some of those Acts and the orders (or notices or directions) that may be given include—

<i>Food Act 2003</i>	(by delegation) Improvement notice or prohibition order
<i>Protection of the Environment Operations Act 1997</i>	Environment protection notices
<i>Public Health Act 2010</i>	Direction concerning maintenance or use of certain regulated systems
<i>Roads Act 1993</i>	Order preventing the passage of traffic along a road or tollway
	Order for the removal of an obstruction or encroachment on a road
<i>Swimming Pools Act 1992</i>	Order requiring owner of swimming pool to bring it into compliance with the Act

SECTION 124 ORDERS

The following Orders under Sections 124 of the Local Government Act are set out to indicate:

- a) To do what (action required to be taken). This wording is mandated under the Act.
- b) In what circumstances (restricts the particular circumstances in which an Order may be given). This wording is mandated under the Act.
- c) To whom (the person the Order must be given to). This wording is mandated under the Act.
- d) The criteria to be taken into consideration when determining whether an order is to be given. This wording is at the discretion of Council.

Order 5 – Compliance with standards and requirements

To do What?

To take such action as is necessary to bring into compliance with relevant standards or requirements set or made or under the Local Government Act 1993 or Local Government Act 1919:

- a. A camping ground, caravan park or manufactured home estate
- b. A moveable dwelling or manufactured home
- c. (*Repealed*)
- d. A place of shared accommodation.

This section applies to the following kinds of places of shared accommodation—

- places of shared accommodation that are class 3 buildings under the *Building Code of Australia* (within the meaning of the [Environmental Planning and Assessment Act 1979](#)),
 - places of shared accommodation that are general boarding houses within the meaning of the [Boarding Houses Act 2012](#).
- e. A hairdressers shop or beauty salon
 - f. A mortuary
 - g. A water meter, water supply or sewerage system on premise
 - h. Rectification of defective water supply or sewerage work, but only in relation to any work that is not plumbing and drainage work within the meaning of the [Plumbing and Drainage Act 2011](#)
 - i. Flow of surface water across land. This includes the repair of defective or insufficient roofing, guttering, downpiping or drainage.

In What Circumstances?

Failure to comply with relevant standards or requirements set or made by or under the Act or under the Local Government Act 1919.

To Whom?

Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of the licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within twelve months after the work is carried out or the material is supplied, the licensed contractor.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration

Non-compliance with:

1. With respect to Order 5(a) in its operation as to camping grounds, caravan parks and manufactured home estates, and 5(b) in its operation as to moveable dwellings, any applicable standards referred to in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
2. For the purposes of Order No 5 (d) in its operation as to places of shared accommodation to which this section applies, the standards for places of shared accommodation set out in Part 1 of Schedule 2 of the Local Government (General) Regulation 2021
3. For the purposes of Order No 5 (e), the standards for hairdressers shops set out in Part 2 of Schedule 2 of the Local Government (General) Regulation 2021
4. For the purposes of Order No 5 (e), the standards for beauty salons set out in Part 3 of Schedule 2 of the Local Government (General) Regulation 2021
5. For the purposes of Order No 5 (f), the standards for mortuaries set out in Part 4 of Schedule 2 of the Local Government (General) Regulation 2021 -

Water supply and sewerage system pipes, fittings and fixtures

(1) Without limiting Order No 5 (h), and except in the case of a defect to which section 88 applies, the following acts are taken to be acts that may be required by an Order under 5(h) —

- (a) to remove, replace, alter, extend or repair a pipe, fitting or fixture located on premises connected to the council's water supply system or sewerage system,
- (b) to stop using such a pipe, fitting or fixture pending its removal, replacement, alteration, extension or repair.

Rectification of defective water supply or sewerage work

(1) For the purposes of Order No 5 (h) (and without limiting that Order) in the case of an Order to a licensed contractor under Column 3 of the Table to section 124 of the Act in respect of a defect, the circumstances specified in Column 2 are taken to be included in that Column only where the council notifies the contractor of the defect after the date of issue by the contractor of a certificate to the effect that the work has been carried out as required by the Act and the [Environmental Planning and Assessment Act 1979](#).

(2) A licensed contractor so notified must bear the cost of rectifying the defect.

(3) A circumstance in which the defective work is the subject of an order made by the Civil and Administrative Tribunal under the [Home Building Act 1989](#) constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which Order No 5 (h) can be made.

(4) An Order given by a council in respect of any such defective work ceases to have effect if an order referred to in subsection (3) is made in respect of the defective work.

Order 7 – Fencing Land

To do What?

To fence land.

In What Circumstances?

Public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and a public place.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

The condition, location or use of the land poses a threat to the health, safety and convenience of the public.

Order 8 – The identification of premises

To Do What?

To identify premises with such numbers or other identification in such a manner as is specified in the Order.

In What Circumstances?

Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

Such an Order would be served if there is unauthorised use of or duplication of numbers, numbers not in accordance with the street patterns, or no numbers at all, or there is confusion in identification of premises and the owner / occupier has not complied with Council's request for rectification.

Order 9 – Dangerous hole or waterhole

To do What?

To fence, empty, fill in or cover up a hole or waterhole in a manner specified in the Order.

In What Circumstances?

Hole or waterhole is or may become dangerous to life.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The hole or waterhole is directly accessible from a public place or another private property and/or
2. The hole or waterhole is not adequately covered or fenced to the minimum requirements of the Swimming Pools Act 1992 to prevent direct access to it from a public place or any other private property and,
3. The nature, location and depth of the hole or waterhole is considered to be dangerous to life.

Criteria Does Not Include:

Any hole or water hole that falls under the definition of a swimming pool as defined in the Swimming Pools Act 1992, as that Act has defined safety requirements.

Order 10 – Unsightly articles or matter

To Do What?

To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees.

In What Circumstances?

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Definition of “Article” or “matter” in Order 10 includes but is not limited to:
 - a. Disused motor vehicles, caravans, trailers or boats;
 - b. Disused motor vehicle parts, caravan parts, trailer parts or boat parts;
 - c. Disused machinery, equipment and appliances;
 - d. Old, used or second-hand materials (including building materials);
 - e. Demolition material;
 - f. Sand, soil, rock, blue metal and any other material derived from any extraction or dredging process;
 - g. Any organic or vegetative material;
 - h. Any industrial or commercial waste products;
 - i. Any household rubbish or waste;
 - j. Any recycled or composted material;
 - k. Furniture;
 - l. Signs, notices, banners and graffiti.
2. The article(s) must be visible from the public place.

“Land in the immediate vicinity of a public place” in Order 10 means any land that immediately adjoins a public place.

Order 11 - Prevent and repair environmental damage

To Do What?

To do or to refrain from doing such things as are specified in the Order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage.

In What Circumstances?

Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

- a) drainage; or
- b) drainage works; or
- c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under Part 2 of the Water Management Act 2000,

not being environmental damage arising from premises, works or equipment the subject of a licence issued under the Protection of the Environment Operations Act 1997 or the subject of a notice or direction issued by the regulatory authority under that Act.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

Potential or actual physical environmental damage must be because of the flow of water over any land, discharged from the following sources:

1. Drainage, being a drain or system of drains, whether artificial or natural, which are designed for the carrying of water other than sewage and which includes a natural water course or
2. Drainage works, being any part of the on-site process involved in the construction of a drain or drainage system and which includes, but not limited to site excavation, materials, compiling and any associated buildings works or
3. Obstruction of a natural water course, being the carrying out of building works or the deposition of any material in such a position as to block or restrict the flow of water within or to redirect the flow of water away from a natural water course.

Order 12 - Control of surface water across land

To Do What?

To do such things as are necessary to control the flow of surface water across land.

In What Circumstances?

Other land or a building on the land or other land is being damaged or is likely to be damaged.

To Whom?

Owner or occupier of land.

Definition:

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface arising from excavation within the land that is suffering damage or likely to suffer damage.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Erosion of land is occurring from the flow of surface water.
2. Physical damage to a building is or has occurred or there is sufficient evidence to suggest that it is likely to occur.
3. Surface water flows across the land boundary onto other land.
4. Situations where this Order may apply include but are not limited to:
 - i. Water from defective guttering, downpipes or drainage (including underground drainage pipes)
 - ii. Water from roofs not fitted with guttering
 - iii. Emptying or backwashing swimming pools
 - iv. Surface water that has been purposely redirected away from its natural direction of flow towards other land.
 - v. The surface water is turbid or otherwise polluted and is flowing across the land boundary.

Criteria Does Not Include:

1. Stormwater runoff which is **NOT** redirected in any manner (i.e. natural surface flow) and follows existing natural land contours.
2. Surface water runoff occurring in periods of exceptionally heavy rain.
3. Stormwater runoff flowing onto and down existing hard surface areas such as driveways, tennis courts, concrete slab or paved areas.
4. Discharges from defective or blocked private stormwater easements.
5. Overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of a building's stormwater drainage system to Council's Stormwater Drainage System.
6. Runoff from any building or development work that is the subject of a Development Consent and has been constructed in accordance with that consent.

7. Any circumstance in which the flow of surface water across land is capable of being regulated by any other Act by a public authority and Conservation constitutes a circumstance where an Order No. 12 cannot be made.

Order 15 - Threatening or hazardous activities

To Do What?

Not to conduct, or to cease conducting an activity on premises (whether or not the activity is approved under the Local Government Act)

In What Circumstances?

The activity constitutes or is likely to constitute:

- A. a life threatening hazard; or
- B. a threat to public health or public safety

and is not regulated or controlled under any other Act by a public authority.

To Whom?

Any person apparently engaged in promoting, conducting, or carrying out the activity.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The activity being carried out is causing or is likely to cause a life-threatening hazard or a threat to public health or public safety to any person whether on private or public land.
2. Situations where this Order may apply include but are not limited to:
 - i. Use of a defective septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.
 - ii. Construction work on a septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.

Criteria Does Not Include:

1. Any activity that is covered by any other Act or Regulation.
2. Any activity that is controlled by another authority.

Order 16 - Ceasing to use or evacuating premises

To Do What?

To cease the use of premises or to evacuate premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

The person to whom Order No. 15 is given.

Criteria:

No additional criteria.

Order 17 - To leave or not enter premises

To Do What?

To leave premises or not to enter premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

Any person.

Criteria:

No additional criteria.

Order 18 – The Keeping of Birds and Animals

To Do What?

Not to keep birds or animals on premises, other than such kinds, in such numbers or in such manner as specified in the Order.

In What Circumstances?

Birds or animals kept on premises are:

- a) In the case of any premises (whether or not in a catchment district) – of an inappropriate kind or number or are kept inappropriately; or
- b) In the case of premises in a catchment district – birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.

To Whom?

Occupier of premises

Criteria

For the purposes of Order No 18, the standards for the keeping of birds or animals set out in Part 5 of Schedule 2 of the Local Government (General) Regulation 2021 apply.

Also refer to:

- Order 18 (1) - The keeping of birds
- Order 18 (2) - The keeping of cats
- Order 18 (3) - The keeping of dogs
- Order 18 (4) - The keeping of declared dogs
- Order 18 (5) - The keeping of greyhounds
- Order 18 (6) - The keeping of static guard dogs
- Order 18 (7) - The keeping of rabbits
- Order 18 (8) - The keeping of ferrets
- Order 18 (9) - The keeping of guinea pigs
- Order 18 (10) - The keeping of rodents
- Order 18 (11) - The keeping of horses and other livestock
- Order 18 (12) - The keeping of cattle
- Order 18 (13) - The keeping of poultry
- Order 18 (14) - The keeping of pigeons

Order 18 (15) - The keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Order 18 (16) - The keeping of non-indigenous animals - primates (monkeys)

Order 18 (17) - The keeping of squirrels

Order 18 (18) - The keeping of bees

Order 18 (19) - The keeping of pigs (swine)

Order 18 (20) - The keeping of fish, aquariums and ponds

Order 18 (21) - The keeping of reptiles

Order 18 (22) – The keeping of native wildlife

Order 18 (1) - The Keeping of Birds

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.

Criteria:

Environmental Management

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council, and designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
2. All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1997* may apply.

6. Extensive aviculture activities are required to submit aviary plans for development approval by Council.
7. Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
8. Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Enclosed buildings for the primary purpose of holding caged birds require Council consent.
10. An animal trade must not be conducted without prior consent.
11. Vermin proof food storage facilities must be provided.
12. An adequate rodent and pest control program must be in place.
13. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.

Aviary Structures

Aviary structures must satisfy the development standards and general requirements outlined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (as amended), and Subdivision 4 Aviaries, or have development consent from Council.

Order 18 (2) – The Keeping of Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of cats does not adversely impact on the community or the environment; and
- To ensure that all provisions of relevant legislation are complied with.

Criteria:

1. Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so. Council Officers will determine the suitability of the premises for the purpose and number of cats to be held and will consider:
 - a) If there are adequate holding facilities in place, especially for male cats.
 - b) That cats are not be permitted to create a nuisance in any form, including straying, interfering with the properties of others.
 - c) That odours and waste are being managed to the satisfaction of Council.

2. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
3. Wildlife must be protected from cats.
4. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2001* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note – Owners of cats are encouraged to de-sex their cats and keep them contained at night. Registration fees are cheaper for desexed animals.

Order 18 (3) – The Keeping of Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.

Criteria:

Note – This section does NOT limit section 18(4) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) Criteria.

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.
2. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

a) Allotments less than 2500m2 and more than 400m2 in area

- Dogs in excess of 35 kilograms - maximum 2 dogs
- Dogs between 15 and 35 kilograms - maximum 3 dogs OR
- Dogs less than 15 kilograms - maximum 4 dogs

b) Allotments less than 400m2

Council recommends a maximum of 1 dog maximum weight 15kg per allotment less than 400m², unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

3. Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.
4. All noise, including barking, must be controlled.
5. All odours must be controlled.
6. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.
7. Wildlife must be protected where possible from dogs.
8. Dog breeding and/or boarding kennels are subject to Council approval.
9. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2006* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note - Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

Council will consider altering the above criteria in a case-by-case basis, depending on the facilities provided by the applicant, and after taking submissions of close neighbours into account.

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.

Order 18 (4) – The Keeping of Declared Dogs (Dangerous and Restricted Dogs)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with;
- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment; and
- To ensure that the keeping of Declared Dogs does not endanger the community.

Criteria:

Note – This section does NOT limit section 18(3) The Keeping of Dogs Criteria.

1. A declared dog must be kept in an enclosure and in manner that complies with the requirements prescribed in the *Companion Animals Act 1998* and the regulations.

Order 18 (5) – The Keeping of Greyhounds

Objectives:

- To ensure the satisfactory care and management of greyhounds;
- To ensure that the keeping of greyhounds does not adversely affect the surrounding community or the environment; and
- To ensure that all owners of greyhounds comply with all relevant government legislation and regulations.

Criteria:

1. Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.
2. Greyhounds must be muzzled and be always leashed in public places exempt if they are pet greyhounds and muzzle free after completing approved re-training program and wears an approved collar in a public place (Companion Animals Regulation 33B).
3. Greyhounds must be kept in a secure, fenced property to prevent escape.
4. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

Allotments less than 2500m² in area

 - Greyhounds in excess of 25 kilograms - maximum 2 dogs
 - Greyhounds between 11-25 kilograms - maximum 3 dogs
5. The keeping of greyhounds in townhouse and unit developments and on allotments with an area of less than 400 square metres is not permitted unless they are pet greyhounds.
6. Greyhounds must be provided with:
 - Sufficient food drink and clothing;
 - Sufficient exercise;
 - Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - Veterinary attention when necessary.
7. Greyhound trainers must be registered with the Greyhound Racing Control Board.

Order 18 (6) – The Keeping of Static Guard Dogs

Objectives:

- To encourage the appropriate care and management of static guard dogs within the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of static guard dogs (e.g. Dogs that are kept on a site) does not pose a safety threat to the Muswellbrook Shire community; and
- To ensure that the owners of static guard dogs comply with all relevant Legislation.

Criteria:

1. Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:
 - a) To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
 - b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
 - c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
 - d) Such signs must include an emergency contact phone number to be used in emergency situations.
2. Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.
3. No attack trained dog may be held within the Muswellbrook Shire Local Government Area (police dogs and other Government instrumentalities excepted).
4. All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept within the Muswellbrook Shire Local Government Area.
5. Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Muswellbrook Shire Local Government Area, on a commercial or private basis.

Order 18 (7) – The Keeping of Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Muswellbrook Shire Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; and regulations and;
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment.

Criteria:

1. The keeping of wild rabbits is subject to all requirements of NSW Agriculture, Fisheries and Forestry which may include gaining a licence for the keeping of wild rabbits. No more than 2 wild rabbits may be kept at any one time, unless approval has been received from the Minister of Agriculture and Council.
2. No more than 4 adult domestic rabbits may be kept at any one time on an allotment less than 2500m² in area without the prior approval of Council.
3. Rabbits being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.
4. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
5. Hutches and cages must be kept clean at all times.
6. All odours must be controlled.
7. Rabbits must not be bred for greyhound training.
8. Rabbits must be protected from all predators.
9. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.

Note – Owners of rabbits are encouraged to keep vaccinations for calicivirus current.

Order 18 (8) – The Keeping of Ferrets**Objectives:**

- To encourage the correct care and management of ferrets in the Muswellbrook Shire Local Government Area;
- To ensure that ferret owners comply with all relevant government legislation; and
- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
3. Ferrets being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.
4. Protection for ferrets from extreme weather conditions must be provided.

5. Hutch or cage construction must be of a standard that will prevent escape.
6. Ferrets are not to be fed live food.
7. Sufficient food and drink must be provided at all times.
8. Ferrets must be caged and/or secured at all times and are not permitted to free range.
9. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (9) – The Keeping of Guinea Pigs

Objectives:

- To encourage the appropriate care and management and care of guinea pigs within the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be vigorously controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (10) – The Keeping of Rodents

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice; and
- To ensure the keeping of rodents, rats and mice does not adversely affect the surrounding community and the environment.

Criteria:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

2. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. These animals must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be vigorously controlled at all times.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
8. Rodents, rats and mice being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.

Order 18 (11) – The Keeping of Horses (Donkeys) and Other Livestock not Covered in this Policy (referred to as Equines)

Objectives:

- To ensure that the satisfactory care and management of horses is maintained in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of equines does not adversely affect residents or the surrounding environment; and
- To ensure that equines owners comply with relevant government legislation.

Criteria:

Subject to compliance with the stables provisions of Council's Development Control Plan which includes but not limited to the following:

1. Equines must not be kept within 10 metres of an adjoining property boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to the Local Environmental Plan).
2. The floors of stables must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
3. Equines yards must be so enclosed as to prevent the escape of horses.
4. Yarded equines must be provided with a loosebox or similar shelter.
5. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the equines. Yards and other holding facilities must be of post and rail or similar

construction. Paddock held equines may use natural cover, but rugging and constructed shelters should also be considered.

6. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:
 - a. Be vermin resistant;
 - b. Have a minimum floor area of 12 square metres for every equine;
 - c. Have doors with a minimum height of 1.3 metres. The doors must open outward; and
 - d. Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.
7. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
8. All fences must be of such construction and standard of maintenance that will reasonably ensure that equines cannot escape and/or be injured.
9. No tethered equines may be on a roadway or public place, unless under the direct supervision of an adult.
10. Equines on busy roadways must be under the direct care of a responsible adult.
11. No equines may be taken onto a public reserve, unless permission to do so has been obtained from Muswellbrook Shire Council.
12. The keeping of equines on allotments less than 2500m² in area is not permitted.
13. No equines may be kept on a public place or vacant allotment within the Muswellbrook Shire Local Government Area.
14. Any stabled equines must be exercised at least daily for a minimum of 30 minutes and the time out of stables must be in excess of 2 hours.
15. **Cleansing and Waste Requirements**
 - a. No impervious surfaces used by equines shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Council.
 - b. Cleaning of all areas must be completed daily.
 - c. Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.
16. Suitable fire safety procedures must be provided. In the case of more than four individual stables (connected) and for all barn type stables, fire assessment and fire plans are required, including the provision of:
 - a. At least one exit to the outside per five stables;

- b. Exit width of 1.3 metres per stable, and an exit width of 2 metres for aisles. All doors are to open outwards;
- c. Fire hose reels, in working Order;
- d. Adequate water pressure;
- e. Feed and bedding storage in a separate and unconnected building; and
- f. Smoke detection equipment in working Order.

Order 18 (12) – The Keeping of Cattle

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle in the Muswellbrook Shire Local Government Area;
- Ensuring that the keeping of cattle does not adversely affect the community or the environment; and
- To ensure that cattle owners comply with relevant government legislation.

Criteria:

1. Cattle must not be within 10 metres (or such a greater distance as the council may determine in a particular case) of any premises.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.
6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
7. No cattle may be kept on an allotment with an area of less than 2500m².
8. The keeping of cattle in townhouse or unit developments is not permitted.

Order 18 (13) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

1. All poultry must be kept in accordance with the **Local Government (General) Regulation 2021 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:

Poultry not to be a nuisance or health risk

A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

C. Fowls (that is, birds of the species *Gallus Gallus* "chicken/chook") or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.

D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause C above.

E. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:

- i. that are more than 15 metres from any dwelling, public hall or school; or
- ii. that are situated on clean sand.

F. Poultry yards must be enclosed as to prevent the escape of poultry.

G. Poultry houses must not exceed 3 metres in height or 15 m² in floor area.

2. All food must be stored in sealed vermin proof containers and must not be left uncovered.
3. All offensive noise, odours, vermin and other pests must be controlled.
4. All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.
5. The slaughtering of poultry is not permitted.

6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
7. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.
8. The total numbers of poultry (excluding pigeons, see 18(14)) kept on premises in an urban area must not exceed the maximum amount specified below:

Type	Maximum numbers
Peacocks and peahens	Nil
Roosters	Nil
Ducks	Nil
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (chickens)	10
Pheasants	10
Quails	10
Pea Fowls	2
Pigeons	See Clause 18 (14)

Order 18 (14) – The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the

Muswellbrook Shire Local Government Area is permitted with the following control conditions applying:

1. A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
2. All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 C12.7.
 - a) A maximum 10 m² surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and
 - b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
3. The keeping of pigeons within unit or townhouse developments is not permitted.
4. **Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
5. Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
6. Enclosed housing must use deep litter or other appropriate substrate.
7. Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
8. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
10. Waste must be disposed of in an approved manner.

11. Liberation of Pigeons (General)

Note: This section relates to the practice commonly referred to as homing

- a) The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.
- b) Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
- c) Free non-flight time must be conducted under close supervision by the owner.
- d) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
- e) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
- f) Every reasonable attempt must be made to retrieve birds that do not return.
- g) Birds must not be permitted to roost on neighbours' premises.
- h) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Order 18 (15) – The Keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of Sheep, Goats, Alpacas, Llamas, and Camels remains a priority;
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not adversely affect nearby residents or property; and
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not affect the surrounding environment.

Criteria:

1. No Sheep, Goats, Alpacas, Llamas, and Camels may be kept in a residential area on an allotment with an area less than 2500 square metres.
2. Sheep, Goats, Alpacas, Llamas, and Camels may not be kept within 10 metres of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
3. Sheep, Goats, Alpacas, Llamas, and Camels are only permitted to be kept on land where suitable grazing exists.

4. The keeping of Sheep, Goats, Alpacas, Llamas, and Camels in townhouse or unit developments is not permitted.
5. No Sheep, Goats, Alpacas, Llamas, or Camels may be kept on a public place, including footpath areas and vacant allotments within the Muswellbrook Shire Local Government Area.
6. The slaughtering of Sheep, Goats, Alpacas, Llamas, and Camels is not permitted in urban areas unless within an approved facility.

Order 18 (16) – The Keeping of Non-Indigenous Animals Primates (Monkeys)

Objectives:

- To ensure the satisfactory care and management of non-indigenous animals in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of non-indigenous animals remains a priority; and
- To ensure that the owners keeping non-indigenous animals comply with the relevant government legislation and regulations.

Criteria:

1. All primates must have access to outside enclosures on most days.
2. Inside enclosures must maintain a temperature and humidity range that is appropriate to the species being kept.
3. All primates must be tested for tuberculosis annually, using an intradermal skin test that is conducted and assessed by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
4. All owners of primates within the Muswellbrook Shire Local Government Area must provide the Council, each year, with a certificate prepared by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
5. The certificate must include an opinion by the veterinary surgeon that the animal is healthy and is maintained in conditions that are suitable for the particular species.
6. The owner of any primate must agree to allow access to council officers at any reasonable time to inspect any premises where primates are kept.
7. Primates may only be held by private individuals under highly regulated circumstances. These include the provisions of a B class Zoo Licence, the *Exhibited Animals Protection Act 1986*, or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.
8. Appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
9. The standards and conditions of management and care prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.
10. The primates must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of the primate.

11. Any enclosure used for the purposes of keeping primates must exceed the following dimensions:
12. **Species less than one kilogram in body weight** – indoor enclosure of 0.75 cubic metres, outdoor enclosure of at least 1.8 metres high and two cubic metres wide. Such an enclosure is suitable for small family groups. Building consent is required.
13. **Species between one kilogram and ten kilograms in body weight** – indoor enclosure of two cubic metres per animal, outdoor enclosure of five cubic metres per animal.
14. Enclosure must not be within 10 metres of any dwelling.
15. No species greater than ten kilograms may be held, except for individuals holding a B Class Zoo Licence.

Order 18 (17) – The Keeping of Squirrels

Criteria

1. Squirrels may only be held by private individuals under highly regulated circumstances. These include the provision of a B Class Zoo Licence, the *Exhibited Animals Protection Act 1986* or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.
2. All appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
3. The standards and conditions of management and care as prescribed by the Exhibited Animals Protection Act 1986 must be fully complied with.
4. Squirrels must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of squirrels.
5. All squirrels must have access to outside enclosures on most days.
6. Inside enclosures must maintain a temperature and humidity range appropriate to the species.
7. The owner of squirrels must agree to allow access to council officers at any reasonable time to inspect any premises where squirrels are kept.

Order 18 (18) – The Keeping of Bees

Objectives:

- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations.

Criteria:

1. All beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the *Apiaries Act 1985*.
2. All beehives must be identified by branding all brood boxes with their registration number.
3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.
4. The aims, objectives and husbandry procedures as defined in the Beekeeping Code of Practice must be complied with.
5. Complaints about beehives are to be directed to the Director-General of the NSW DPI.

6. Urban Areas

In urban areas, where allotments are less than 2500m², no more than two hives is permitted, and then only when the following circumstances prevail:

- a. Only docile strains of bees should be kept;
- b. Beekeeper must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands;
- c. Hives should not be located within the vicinity schools, child care centres, hospitals or other public facilities;
- d. A suitable barrier must be erected close to the landing board to force flight paths above two metres;
- e. Beehives should not be positioned in the front yard of houses.
- f. Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.
- g. A permanent water source suitable for bees should be established within close proximity to the hive;
- h. The hive is not within 10 metres of any neighbouring swimming pool;
- i. Hive/s are regularly monitored for signs of disease; and
- j. The keeping of bees in unit and townhouse developments is not permitted.

Note – *Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association. In Order to keep more than two hives, development consent is required.*

7. Wild Hives

Wild hives must be controlled. Any person having a wild hive on their property must consult NSW Agriculture for advice.

A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

Order 18 (19) – The Keeping of Pigs (Swine)

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.

Criteria:

1. Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
2. Pigs must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school, a public place in a town or village or other urban part of an area.
3. No pigs may be kept in a residential area with an area of less than 2500 square metres.
4. Keeping pigs within units or townhouse developments is not permitted.
5. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
6. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
7. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
8. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
9. Feeding troughs must be used and the troughs must be constructed of an impervious material.
10. All feed must be stored in vermin proof containers.
11. Noise must be controlled at all times.
12. All odours must be kept under control.

Order 18 (20) – The Keeping of Fish, Aquariums and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Criteria:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.
7. Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.
8. Council approval is required for the construction of a pond that fails to meet the following requirements:
 - a) The pond is to be located at the rear of the yard and no closer than 900 millimetres to the nearest adjoining boundary;
 - b) The maximum surface area of the pond is to be 2 square metres;
 - c) The pond will not be capable of being filled to a greater depth than 300 millimetres;
 - d) The pond will not be constructed so that it prevents the natural flow of stormwater, drainage or runoff; and
 - e) The pond will not be constructed so that it is higher than 300 millimetres above the existing ground level.

Order 18 (21) – The Keeping of Reptiles

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations are complied with.

Criteria:

1. All provisions of the *National Parks and Wildlife Act 1974* must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.
3. It is prohibited to move a reptile from the natural environment.
4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

Snakes –

- a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;
- b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;
- c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;
- d) All housing for snakes must be kept in a clean condition;
- e) Muswellbrook Shire Council must approve all housing facilities for snakes.

Turtles –

- f) Ponds that house turtles must be cleaned on a regular basis;
- g) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking;
- h) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D)), with gradual sides to allow easy exit;

- i) Turtles are to be in an enclosed area so as to prevent escape.
6. All offensive odours must be controlled.
 7. All noise must be controlled.
 8. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
 9. All reptiles must be protected from the predation of other animals.
 10. Muswellbrook Shire Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
 11. All reptiles must be kept in appropriate numbers.

Order 18 (22) – The Keeping of Native Wildlife

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation.

Criteria:

1. No native animal may be taken from the wild and kept as a pet.
2. Carers of injured native wildlife must be a member of a licensed rehabilitation group and have completed the appropriate training courses for the caring of injured animals.
3. Injured wildlife must not create a nuisance of any kind to the surrounding community.
4. All offensive noise must be controlled.
5. All odours must be controlled.
6. Suitable facilities for the housing of injured animals must be available and used.
7. The caring of injured native wildlife in townhouse or unit developments is not permitted.
8. A Native Animal Keepers' licence is required to keep most native animals as pets (ie those bred in captivity). Contact the Office of Environment and Heritage's licencing unit for licencing requirements.

Order 19 - Use of tennis courts

To do What?

To use or not to use a tennis court as specified.

In What Circumstances?

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

To Whom?

Occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Tennis courts are not to be used after 10:00pm unless otherwise approved by development consent.
2. Tennis courts on private property shall not be used for commercial purposes (i.e. for hire to non-residents of the property) without development consent being issued.

Order 21 - Safe and healthy land and premises

To do What?

To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

In What Circumstances?

The land or premises are not in a safe or healthy condition.

To Whom?

Owner or occupier of land or premises.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

Land or premises would be considered not to be in a safe or healthy condition if the safety or the health of the owner or occupier of the land or premises, or members of the community, is detrimentally affected, or conditions, matters or things on the land or premises create or are likely to create a health or safety risk to any person. Action that can be required includes, but is not limited to, the following:

1. The abatement of dampness in walls and ceilings in any property.
2. The removal of defective floor timbers and stair treads and replacement with sound material.
3. The renewal or repair of waste pipes and sanitary fittings and flush pipe to water closet pans.
4. Renewal or repair of defective sewerage service pipes.
5. Clearing of choked sewerage service pipes.
6. Repair of defective septic tanks, pipes and absorption pits.
7. The removal of the following accumulations which are likely to afford harbourage to vermin or otherwise pose a threat to health and safety to any person:
 - i. disused and/or second hand building materials or household fixtures and fittings;
 - ii. dilapidated and/or abandoned motor vehicle or ancillary parts and accessories or machinery;
 - iii. dilapidated and/or abandoned boats, watercraft, trailers or caravans;
 - iv. disused and/or second hand containers, bottles, scrap metal, wastepaper, rags, rubbish or other scrap materials; and
 - v. tree trunks, tree stumps, organic material, vegetation or firewood.
8. Provision of suitable facilities for toilet, kitchen sink, bathing and for washing of clothes with hot and cold water provided.
9. Provision of suitable cooking facilities.
10. The treatment of an untreated swimming pool or excavation where the condition of the water within it is or is likely to be breeding mosquitoes.
11. The boarding up or fencing off of a dilapidated building to prevent unauthorised access where there is a safety issue and Order no. 7 cannot be used.
12. Cleaning of garbage containers and waste storage rooms or areas.
13. Disconnection of an electric fence from its energiser or otherwise render it inoperable.
14. Removal of petroleum storage tanks (underground and overground).

Order 22 - Waste on land or premises

To Do What?

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the Order, provided that it is not inconsistent with the regulations made under the Protection of the Environment Operations Act 1997.

In What Circumstances?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the Environment Operations Act 1997.

To Whom?

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The standards for the disposal of certain waste set out in Part 6 of Schedule 2 of the Local Government (General) Regulation 2021.
2. Waste is being stored on land or premises for collection by Council not in the approved impervious receptacles with close-fitting lids that are provided for this purpose.
3. Where waste is present on land or premises and is not being properly stored, collected or removed satisfactorily from those premises.
4. Where there is a defective on-site sewage management system.
5. Where there is disposal of human waste on site without an approved method of waste disposal.

Order 22A - Remove Waste from land

To do what?

To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises.

In What Circumstances?

The waste is causing or is likely to cause a threat to public health or the health of any individual.

To Whom?

Owner or occupier of the premises.

Criteria:

No additional criteria.

Order 23 - Connection to water supply

To Do What?

To connect premises to the council's water supply by a specified date

In what Circumstance?

The premises are situated within 225 metres of a water pipe of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions:

The premises is less than ten years old and provision has been made for a wholesome water supply of more than 60,000ltrs.

Order 24 - Connection to sewerage system

To Do What?

To connect premises with a sewerage system by a specified date

In what Circumstance?

The premises are situated within 75 metres of a sewer of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions

The premises is less than ten years old and an effective on-site sewage management system is being operated in accordance with licence conditions.

Order 25 - Human waste storage facility on premises

To Do What?

Not to use or permit the use of a human waste storage facility on premises after a specified date.

In What Circumstances?

It is necessary for the purpose of protecting public health.

To Whom?

Owner or occupier of premises.

Criteria:

The human waste storage facility is so defective or poorly designed so as to potentially or actually permit human waste to discharge or overflow from the storage facility in such a manner to be a danger to the health of the public.

Criteria Does Not Include:

Where the use of human waste storage facilities is capable of being regulated by the Department of Environment and Conservation, Council may not make an Order No. 25.

Order 27 - Object or matter in a public place

To Do What?

To remove an object or matter from a public place or prevent any object or matter being deposited there.

In What Circumstances?

The object or matter:

- a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or
- b) is causing or is likely to cause danger, annoyance or inconvenience to the public.

To Whom?

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. An Obstruction interrupts, make difficult or opposes the passage, progress or course of a person.
2. Object or matter is any article, item or thing which is visible and tangible and can include but is not limited to:
 - a. advertising sign, advertisement generally;
 - b. motor vehicles or motor vehicle parts;
 - c. caravans or caravan parts;
 - d. trailers/boats or trailer/boat parts;
 - e. machinery, equipment and appliances;
 - f. second hand materials including building materials;
 - g. demolition materials;
 - h. scrap materials;
 - i. sand, soil rock, blue metal and any other material derived from any construction or dredging process;
 - j. any organic or vegetative material;
 - k. any industrial or commercial waste product;

- l. any household fixtures, rubbish or waste.
- m. second hand containers, bottles, scrap metal, waste paper, rags, or rubbish;
- n. any recycled or composted material.

Criteria Does Not include:

1. The placing of articles on a public place during a designated period of a Council clean up provided these articles do not breach conditions in the circumstances (a) and (b). above.
2. The display of goods on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.
3. The placement of outdoor dining facilities and other items on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.

Order 28 - Damage to a public place

To Do What?

To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place.

In What Circumstances?

There is actual or likely damage:

- a. by excavation or removal of material from or adjacent to the public place; or
- b. by a work or structure; or
- c. by surface drainage or irrigation.

To Whom?

- a. the person responsible for the excavation or the removal of the material.
- b. the owner or person entitled to the benefit of the work or structure.
- c. the owner or occupier of land from which surface drainage flows or from which spray emanates.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

- 1. There is no approval issued by Council.
- 2. The work is not in accordance with approval granted by Council.

Order 29 - Work or structure in a public place

To Do What?

To alter or repair a work or structure on, over or under a public place.

In What Circumstances?

It is in the public interest to do so.

To Whom?

Owner of the work or structure.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The work or structure on, over or under the public way is not in accordance with an approval or is considered unsafe or dangerous.
2. Repairs are required to private services within a public place such as, but not limited to, sewer services and roof water / stormwater pipes that are not covered by lease agreements.
3. Driveway crossings which are not being maintained in a safe condition.
4. Shop awnings which are not being maintained in a safe or sightly condition.
5. Maintenance of underground pipes within a public place.

Order 30 - Compliance with approvals

To Do What?

To comply with an approval.

In What Circumstances?

The approval is not being complied with.

To Whom?

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. An approval granted by Council under the Local Government Act or Regulations has not been complied with.
2. Conditions of an approval granted by Council under the Local Government Act or Regulations have not been complied with.

Additional Provisions of Policy

Copies of Certain Orders to be Provided to the Environment Protection Authority

If Council gives Order No 11, 12, 18, 21 or 25 in respect of land or premises and the land or the land on which the premises are situated is the subject of a contaminated land action, the Council must provide the EPA with a copy of the Order and of any modification or revocation of it.

Failure to provide the EPA with a copy does not invalidate an Order, modification or revocation. "Contaminated land action" means a current action under the Contaminated Land Management Act 1997 comprising:

- a) a declaration or Order made under Part 3 of that Act in respect of which the EPA has notified the Council under s59 of that Act, or
- b) a voluntary proposal in respect of which the EPA has notified the Council under s59 of that Act, but which has not yet been fully carried out, or
- c) a notice to maintain remediation action issued by the EPA under s28 of that Act, or
- d) a covenant to maintain remediation imposed by the EPA under s29 of that Act. (Clause 97 Local Government (General) Regulation 2021).

Delegations

The General Manager shall be responsible for the implementation of the provisions of this policy and responding to any complaints to Council issued Orders.

All employees who deal with complaints and the enforcement of the Local Government Act 1993, including the issuing of Orders, are responsible for adhering to this policy.

Legislation

Apiaries Act 1985

Companion Animals Act 1998

Companion Animals Amendment Act 2001 and 2006

Companion Animals Regulation 2008

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1979

Exhibited Animals Protection Act 1986

Food Act 2003

Food Regulation 2015

Home Building Act 1989

Local Government (General) Regulation 2021

Local Government Act 1993

National Parks and Wildlife Act 1974

Non-Indigenous Animals Act 1997

Protection of the Environment Operations Act 1997 (or more recent Act)

Public Health Act 2010

Public Health Regulation 2022

Roads Act 1993

Swimming Pool Act 1992

Water Management Act 2000

Dispute Resolution

All complaints are to be submitted to the Assistant Director Environment and Community Services who authorises the issuing of Orders. If a person wishes to escalate a complaint, they can do that by writing to the General Manager who has an authority to make a final decision in regard to a disputed Order.

Associated Council Documentation

Muswellbrook Local Environmental Plan 2009

Muswellbrook Development Control Plan 2009

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	Within 12 months of an ordinary Council election
Department:	Environmental and Planning Services
Document Owner:	Director Environment and Planning

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	12 March, 2019	Council	Sharon Pope	Original Policy
2	11 October, 2022	Council	Sharon Pope	Updates to reflect changes to the Local Government Act 1993, Local Government Act (General) Regulations 2021 and related Acts and Regulations.

**9.4.4. Muswellbrook Shire 2022 Community Panel**

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Melissa Cleary – Manager - Governance
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. 6.1.1.2 - Develop and implement a community panel engagement process to establish agreed levels of service between Council and the community.

PURPOSE

To present the feedback and recommendations from the Muswellbrook Shire 2022 Community Panel to Council.

OFFICER'S RECOMMENDATION

Council notes the report detailing the feedback and recommendations of the Muswellbrook Shire 2022 Community Panel

Moved: _____ **Seconded:** _____

BACKGROUND

The conduct of the Muswellbrook Shire 2022 Community Panel (the Panel) links to the Muswellbrook Shire Council Integrated Planning Framework in the following ways:

- **Muswellbrook Shire 2022-2032 Community Strategic Plan**, endorsed 24/5/2022:
Goal 6 - Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community;
- **Muswellbrook Shire Council 2022-2026 Delivery Program**, adopted 28/6/2022:
Activity 6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures.
- **Muswellbrook Shire Council 2022-2023 Operational Plan**, adopted 28/6/2022:
Action 6.1.1.2 - Develop and implement a community panel engagement process to establish agreed levels of service between Council and the community.

CONSULTATION

Muswellbrook Shire 2022 Community Panel



Muswellbrook Shire Council Community Engagement Database

Mayor

Councillors

Acting General Manager

Manex

REPORT

The Muswellbrook Shire 2022 Community Panel was convened in August and September 2022 to provide information to participants about Council's services and community engagement activities and seek feedback and recommendations for improvement in relation to Council's ongoing approach to community and stakeholder engagement.

A full report detailing the feedback and recommendations from the Muswellbrook Shire 2022 Community Panel is included under separate cover for the information of Councillors.

OPTIONS

Council notes the report detailing the feedback and recommendations of the Muswellbrook Shire 2022 Community Panel.

CONCLUSION

A full report detailing the feedback and recommendations from the Muswellbrook Shire 2022 Community Panel is included under separate cover for the information of Councillors.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

The conduct of the Muswellbrook Shire 2022 Community Panel was achieved within the adopted 2022-2023 Budget.

POLICY IMPLICATIONS

Muswellbrook Shire Council Community Engagement Strategy 2022

STATUTORY IMPLICATIONS

None identified

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

6.1.1.2 - Develop and implement a community panel engagement process to establish agreed levels of service between Council and the community.

RISK MANAGEMENT IMPLICATIONS

None identified

WASTE MANAGEMENT IMPLICATIONS

None identified



COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

None identified

**9.4.5. Stores & Materials Stocktake - 22 November 2022**

Attachments:	Nil
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Kate Collins – Accounts Payable Officer
Community Plan Issue:	1 - <i>Economic Prosperity</i>
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves. 6.2.1.1 - Provide transparent reporting to the community about Council's finances.

PURPOSE

The Stocktake of Stores and Materials was conducted on 22 November 2022. The result of the stocktake is reported below.

OFFICER'S RECOMMENDATION

Council notes the report on the stocktake carried out on 22 November 2022 and that the amount of \$3938.31 be added to the inventory register

Moved: _____ **Seconded:** _____

BACKGROUND

Twice a year Council staff undertake a stocktake of materials.

CONSULTATION

Works Procurement and Improvement Officer.

REPORT

An inventory of Stores and Materials has been undertaken and compared with the recorded level of Stores and Materials on hand. This comparison has revealed the need to make a small number of adjustments to the level of stores on hand.

With the very short list of adjustments required as shown below:

1. It was required to add \$3938.31 to the Works Depot Department.



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STOCKTAKE DISCREPANCY REPORT

Report Date: 22/11/2022 Page: 1

Location 1 General Fund

Bin Number	Stock Item Description	Quantity	Transaction	Count	-----Discrepancy-----
		Ord Unit On Hand	Quantity	Quantity	Quantity Value
7205	Hats-Sun	EACH	209.00	206.00	-3.00 -67.96
	Count Total :			206.00	
7259	Cable ties (x100) 298mm x 4.8mm	EACH	35.00	34.00	-1.00 -4.69
	Count Total :			34.00	
7725	Guideposts - Flexible	EACH	28.00	150.00	122.00 3102.46
	Count Total :			150.00	
10003	Green Slit Bag	EACH	402.00	401.00	-1.00 -3.94
	Count Total :			401.00	
10020	Water Meter 20mm	EACH	186.00	185.00	-1.00 -48.66
	Count Total :			185.00	
50055	Ball Valve 90 Degree - FxF 20ml	EACH	26.00	23.00	-3.00 -62.04
	Count Total :			23.00	
50066	Main Cock - 50mm - Top Section	EACH	2.00	6.00	4.00 221.92
	Count Total :			6.00	
52500	Main Cock Elbow - Ferrule Bend - 50mm	EACH	1.00	4.00	3.00 278.10
	Count Total :			4.00	
60025	25MM T Section MC	EACH	10.00	13.00	3.00 67.05
	Count Total :			13.00	
60105	Pink Thread Tape - NW	EACH	50.00	47.00	-3.00 -7.88
	Count Total :			47.00	
60107	T Top Bollards Orange	EACH	24.00	20.00	-4.00 -118.00
	Count Total :			20.00	
60225	25MM Gal Clamp 25x150	EACH	10.00	14.00	4.00 156.08
	Count Total :			14.00	
60257	Main Cock - 20mm - Elbow	EACH	10.00	16.00	6.00 77.10
	Count Total :			16.00	
60320	20MM Copper Clamp 20x150	EACH	3.00	7.00	4.00 134.64
	Count Total :			7.00	
60330	32MM Copper Clamp 32x150	EACH	4.00	6.00	2.00 78.04
	Count Total :			6.00	
70201	Elbow - 20mm male	EACH	3.00	6.00	3.00 37.81
	Count Total :			6.00	
74802	Brass Socket 20mm	EACH	3.00	39.00	36.00 98.28
	Count Total :			39.00	
Total:					3938.31

A summary of the changes appears in the table below:

Value of Stock Recorded Before Stocktake	Value of Stock Recorded After Stocktake	Variance
\$532,828.28	\$536,766.59	\$3938.31

OPTIONS

Not applicable.

CONCLUSION

An inventory of Stores and Materials was undertaken which revealed the need to adjust the level of stores on hand and add an amount of \$3938.31

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The total provision in the General Fund Stores to be added to the inventory register of \$3938.31.

The previous stocktake report that was submitted to the Council Ordinary Meeting on 24 May 2022 which showed an amount of \$618.69 to be deducted from the inventory register.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Not applicable.

2. Financial Implications – Operational

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.

**9.4.6. Monthly Financial Report - November 2022**

Attachments:	1. Monthly Financial Reports - November 2022 [9.4.6.1 - 11 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Mandy Fitzgerald – Senior Financial Accountant
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide Council with an overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any material variances against Council's approved budget at an organisational level for the month ending 30 November 2022.

OFFICER'S RECOMMENDATION

Council notes the Financial Reports for the month ending 30 November 2022.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the November 2022 details of:

- Monthly & YTD operating performance by Fund
- Project Spend
- Details of Current Loans
- Reserve Balances
- Outstanding Debtor Balances

Overview

Rising electricity costs and other impacts of inflation continue to put significant pressure on Council's Budget and its capacity to deliver services. As stated in the September Quarterly Budget Review, management have taken steps to identify offsets for these rising costs. In addition to specific cuts, Management have also implemented measures including: a freeze on all non-essential recruitment, limiting overtime to only urgent, essential activities, a restriction on non-essential training and conferences, postponement of non-essential projects and purchases, and limiting discretionary spending where practicable.

Management will continue to monitor and manage expenditure, but the pressures will continue into the foreseeable future and adjustments to service levels may be necessary to help ensure Council's financial sustainability.

**General Fund****• Revenue:**

- Waste revenue is trending low primarily due to the Mixed Waste Fees, which show an unfavourable variance for the year-to-date of \$417k (40%) against the YTD budget of \$1.03M. This will continue to be monitored and then updated accordingly in the December Quarterly Budget Review.
- Muswellbrook Aquatic Centre income shows an unfavourable variance of \$175k (49%) against the YTD budget of \$356k. This will continue to be monitored and then updated accordingly in the December Quarterly Budget Review.
- Interest and Investment Income shows a favourable variance to budget and projections will be revised accordingly.

• Expenses:

- Electricity costs have increased dramatically across all areas of Council and projections indicate an unfavourable impact of over \$1M for 22/23. This is due to the combined effect of major increases in pricing plus significant increases in electricity consumption at the new Aquatic Centre facilities. Council staff are exploring practical avenues to improve energy efficiency across the organisation as well as identify offsets in other areas.

As previously noted, offsets were identified in the September budget review, organisation-wide cost-saving measures have been implemented and work to identify and implement efficiency improvements will continue. This notwithstanding, these pressures will continue and service levels may need to be adjusted to ensure Council's continued financial sustainability.

- Legal expenses for the YTD of \$246k show an unfavourable variance of \$77k (45%) against the budget.

Water Fund

- User Charges show an unfavourable variance due to the timing of the billing periods. The second water billing account will be sent out at the beginning of 2023, which will indicate whether water consumption continues to remain low. Revenue projections will be adjusted accordingly.
- Water Mains (51%) and Water Treatment Materials and Contracts (56%) are trending high and will continue to be monitored.

Sewer

- User Charges are showing an unfavourable result due to a delay in the commissioning of the Trade Waste Septage Receptacle services.
- Sewer Treatment chemical and maintenance costs are trending high and will be monitored.

Future Fund

- Overall, Future Fund costs are on track against the YTD projections.

Other Costs show an unfavourable variance (56%) due to rising Electricity costs and Insurance and Rates expenses paid in full at the beginning of the financial year.

**Capital Projects**

Projects will be continually monitored to prevent unnecessary carryovers at year end and expected grant funding to be reviewed to ensure monies are received in a timely manner.

Debtors

Current balances account for 39% of the total outstanding.

Debt recovery action was on hold due to COVID until recently but there is now a strong focus on recovering outstanding amounts. A proportion of the 120+ day balance is due to COVID-related deferrals on commercial property rental income, which will remain outstanding for some time, as well as outstanding grant funding.

CFO COMMENTS:

Council Officers are proactively seeking to identify savings across the organisation to ensure prudent fiscal management. In keeping with this approach, on the 22nd November, the Acting General Manager issued an all-staff communique that outlined the below measures, which were made with immediate effect:

1. A review of budgets is currently being carried out by Council's Finance team in consultation with Managers and Directors. Where there is potential to do so, consideration will be given to reducing some budgets by around two per cent in order to set aside sufficient funding to enable Council to pay its electricity bills.
2. Overtime should be minimised as much as possible, particularly from works that are funded by Council revenue. All overtime should be approved at the Manager level from now on, please. Managers should consult closely with their Director regarding the use of overtime.
3. All recruitment will be put on hold. Currently advertised positions will continue, however no further recruitment will be possible until a further review of Council's financial position is carried out following the December Quarterly Budget Review. Should there be a position that is considered to be absolutely necessary to recruit to, a report should be submitted to Manex for consideration, please. In the first instance, please consult with your Manager and Director.
4. Attendance at conferences will not be permitted. If it is considered to be essential that you attend a conference, a brief report should be submitted to Manex for consideration, please. In the first instance, please consult with your Manager and Director.
5. Non-mandatory training will not be permitted. However, mandatory training will continue to be permitted. If you consider it essential that you attend a non-mandatory training course, a brief report should be submitted to Manex, please. In the first instance, please consult with your Manager and Director.
6. Non-essential projects and purchases may need to be delayed. Please consult with your Manager and Director about this. A roundtable meeting will be conducted with our Project Managers tomorrow to discuss what projects may be deferred and what is achievable to 30 June 2023.
7. All discretionary spending should be reduced or eliminated, please.

Council Officers will be ensuring prudent and conservative approach to financial management.

Muswellbrook Shire Council

Financial Report - November 2022



Council Consolidated											
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	(\$2,507)	\$2,566,304	(\$2,568,811)	-100%	\$30,096,387	\$12,831,520	\$17,264,867	135%	\$30,795,649	98%	Most of the Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * Rates & Charges are at 98% of the FY Budget * Overall revenue is at 62% of the FY Budget.
User Charges and Fees	\$1,017,696	\$1,709,436	(\$691,740)	-40%	\$6,630,292	\$8,547,179	(\$1,916,887)	-22%	\$20,513,229	32%	
Interest and Investments Revenues	\$87,926	\$42,533	\$45,393	107%	\$302,598	\$212,664	\$89,934	42%	\$510,393	59%	
Other Revenues	\$235,236	\$213,864	\$21,372	10%	\$1,029,068	\$1,069,320	(\$40,252)	-4%	\$2,566,369	40%	
Operating Grants and Contributions	\$480,284	\$607,749	(\$127,465)	-21%	\$1,857,083	\$3,038,745	(\$1,181,662)	-39%	\$7,292,987	25%	See individual funds for commentary specific to that fund
Internal Revenue	\$295,371	\$343,687	(\$48,316)	-14%	\$1,596,855	\$1,718,437	(\$121,582)	-7%	\$4,124,249	39%	
Total Revenue	\$2,114,006	\$5,483,573	(\$3,369,567)	-61%	\$41,512,283	\$27,417,864	\$14,094,419	51%	\$65,802,874	62%	
Expenses											
Wages and Salaries	\$1,266,366	\$1,399,321	\$132,955	10%	\$6,855,393	\$6,996,607	\$141,214	2%	\$16,791,856	41%	Other costs are high from a YTD perspective - at 53% against FY budget. Rates and Insurances are paid at the start of the year. Higher Electricity charges are also included.
Materials and Contracts	\$1,649,274	\$1,609,922	(\$39,352)	-2%	\$7,643,402	\$8,049,612	\$406,210	5%	\$19,319,068	40%	
Other Costs	\$241,480	\$449,602	\$208,122	46%	\$2,857,994	\$2,248,009	(\$609,985)	-27%	\$5,395,222	53%	
Borrowing Costs	\$85,681	\$185,607	\$99,926	54%	\$525,896	\$928,035	\$402,139	43%	\$2,227,285	24%	
Overheads	\$321,028	\$379,510	\$58,482	15%	\$1,605,139	\$1,897,549	\$292,410	15%	\$4,554,118	35%	See individual funds for commentary specific to that fund
Depreciation	\$1,190,675	\$1,266,708	\$76,033	6%	\$5,953,375	\$6,333,541	\$380,166	6%	\$15,200,499	39%	
Total Expenses	\$4,754,504	\$5,290,671	\$536,167	10%	\$25,441,199	\$26,453,353	\$1,012,154	4%	\$63,488,048	39%	
Result	(\$2,640,498)	\$192,902	(\$2,833,400)		\$16,071,084	\$964,511	\$15,106,573		\$2,314,827		

Muswellbrook Shire Council

Financial Report - November 2022



General Fund											
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	(\$3,613)	\$1,964,382	(\$1,967,995)	-100%	\$23,317,753	\$9,821,910	\$13,495,843	137%	\$23,572,585	99%	Revenue commentary will focus on material exceptions and concerns * Most of the Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
User Charges and Fees	\$431,043	\$693,038	(\$261,995)	-38%	\$2,306,528	\$3,465,189	(\$1,158,661)	-33%	\$8,316,453	23%	
Interest and Investments Revenues	\$83,698	\$28,352	\$55,346	195%	\$267,475	\$141,760	\$125,715	89%	\$340,223	58%	
Other Revenues	\$235,236	\$213,864	\$21,372	10%	\$1,029,068	\$1,069,320	(\$40,252)	-4%	\$2,566,369	42%	
Operating Grants and Contributions	\$400,953	\$601,572	(\$200,619)	-33%	\$1,777,752	\$3,007,862	(\$1,230,110)	-41%	\$7,218,869	24%	
Internal Revenue	\$295,371	\$312,449	(\$17,078)	-5%	\$1,476,855	\$1,562,244	(\$85,389)	-5%	\$3,749,386	39%	
Total Revenue	\$1,442,688	\$3,813,657	(\$2,370,969)	-62%	\$30,175,431	\$19,068,285	\$11,107,146	58%	\$45,763,884	63%	
Expenses											
Wages and Salaries	\$1,076,224	\$1,196,667	\$120,443	10%	\$5,951,397	\$5,983,336	\$31,939	1%	\$14,360,006	43%	Wages and Salaries and Materials and Contracts are on track against budget from a YTD perspective. * Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year and high Electricity costs.
Materials and Contracts	\$1,343,650	\$1,224,712	(\$118,938)	-10%	\$5,760,490	\$6,123,558	\$363,068	6%	\$14,696,540	35%	
Other Costs	\$157,973	\$303,270	\$145,297	48%	\$1,919,790	\$1,516,348	(\$403,442)	-27%	\$3,639,235	48%	
Borrowing Costs	\$8,971	\$40,666	\$31,695	78%	\$53,566	\$203,329	\$149,763	74%	\$487,990	11%	
Overheads	\$134,251	\$192,732	\$58,481	30%	\$671,254	\$963,659	\$292,405	30%	\$2,312,783	29%	
Depreciation	\$790,168	\$855,611	\$65,443	8%	\$3,950,840	\$4,278,054	\$327,214	8%	\$10,267,330	38%	
Total Expenses	\$3,511,237	\$3,813,657	\$302,420	8%	\$18,307,337	\$19,068,285	\$760,948	4%	\$45,763,884	38%	
Result	(\$2,068,549)	(\$0)	(\$2,068,549)		\$11,868,094	(\$0)	\$11,868,094		(\$0)		

Muswellbrook Shire Council

Financial Report - November 2022



Water Fund											
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	\$0	\$157,663	(\$157,663)	-100%	\$1,893,837	\$788,315	\$1,105,522	140%	\$1,891,956	100%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
User Charges and Fees	\$21,604	\$368,246	(\$346,642)	-94%	\$887,986	\$1,841,229	(\$953,243)	-52%	\$4,418,950	20%	
Interest and Investments Revenues	\$2,787	\$9,919	(\$7,132)	-72%	\$21,791	\$49,597	(\$27,806)	-56%	\$119,033	18%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Operating Grants and Contributions	\$39,461	\$3,127	\$36,334	1162%	\$39,461	\$15,636	\$23,825	152%	\$37,526	105%	
Internal Revenue	\$0	\$20,939	(\$20,939)	-100%	\$0	\$104,693	(\$104,693)	-100%	\$251,263	0%	
Total Revenue	\$63,852	\$559,894	(\$496,042)	-89%	\$2,843,075	\$2,799,470	\$43,605	2%	\$6,718,728	42%	
Expenses											
Wages and Salaries	\$93,338	\$110,366	\$17,028	15%	\$464,160	\$551,828	\$87,668	16%	\$1,324,386	36%	Overall costs on track against YTD projections at 40%. * All cost categories are at or below expected levels for YTD except Materials and Contracts, that is sitting above YTD projections due to higher Water Main and Water Treatment expenses.
Materials and Contracts	\$159,017	\$161,839	\$2,822	2%	\$934,684	\$809,196	(\$125,488)	-16%	\$1,942,071	48%	
Other Costs	\$22,935	\$30,512	\$7,577	25%	\$134,279	\$152,561	\$18,282	12%	\$366,147	24%	
Borrowing Costs	\$3,558	\$7,122	\$3,564	50%	\$3,558	\$35,611	\$32,053	90%	\$85,467	4%	
Overheads	\$86,445	\$86,446	\$1	0%	\$432,225	\$432,228	\$3	0%	\$1,037,348	42%	
Depreciation	\$157,891	\$163,609	\$5,718	3%	\$789,455	\$818,046	\$28,591	3%	\$1,963,310	40%	
Total Expenses	\$523,184	\$559,894	\$36,710	7%	\$2,758,361	\$2,799,470	\$41,109	1%	\$6,718,728	40%	
Result	(\$459,332)	(\$0)	(\$459,332)		\$84,714	(\$0)	\$84,714		(\$0)		

Muswellbrook Shire Council

Financial Report - November 2022



Sewer Fund											
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	\$1,106	\$444,259	(\$443,153)	-100%	\$4,884,797	\$2,221,295	\$2,663,502	120%	\$5,331,108	92%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
User Charges and Fees	\$40,488	\$48,065	(\$7,577)	-16%	\$178,350	\$240,324	(\$61,974)	-26%	\$576,776	31%	
Interest and Investments Revenues	\$1,441	\$4,261	(\$2,820)	-66%	\$13,332	\$21,307	(\$7,975)	-37%	\$51,136	26%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Operating Grants and Contributions	\$39,870	\$3,049	\$36,821	1207%	\$39,870	\$15,247	\$24,623	161%	\$36,593	109%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Total Revenue	\$82,905	\$499,634	(\$416,729)	-83%	\$5,116,349	\$2,498,172	\$2,618,177	105%	\$5,995,613	85%	
Expenses											
Wages and Salaries	\$63,895	\$72,138	\$8,243	11%	\$336,114	\$360,691	\$24,577	7%	\$865,658	39%	Overall costs are below YTD projections at 38%. * Other Costs show recognition of full-year insurance premium costs at the start of the year and high Electricity costs.
Materials and Contracts	\$68,524	\$90,153	\$21,629	24%	\$403,266	\$450,763	\$47,497	11%	\$1,081,830	38%	
Other Costs	\$41,080	\$37,612	(\$3,468)	-9%	\$263,603	\$188,060	(\$75,543)	-40%	\$451,344	35%	
Borrowing Costs	\$22,404	\$58,395	\$35,991	62%	\$208,081	\$291,976	\$83,895	29%	\$700,742	30%	
Overheads	\$59,008	\$59,008	\$0	0%	\$295,040	\$295,041	\$1	0%	\$708,099	42%	
Depreciation	\$177,456	\$182,328	\$4,872	3%	\$887,280	\$911,642	\$24,362	3%	\$2,187,940	41%	
Total Expenses	\$432,367	\$499,634	\$67,267	13%	\$2,393,384	\$2,498,172	\$104,788	4%	\$5,995,613	38%	
Result	(\$349,462)	(\$0)	(\$349,462)		\$2,722,965	(\$0)	\$2,722,965		(\$0)		

Muswellbrook Shire Council

Financial Report - November 2022



Future Fund											
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	* Overall income sits at 47%. User Charges include December rent.
User Charges and Fees	\$524,561	\$600,087	(\$75,526)	-13%	\$3,257,428	\$3,000,437	\$256,991	9%	\$7,201,050	47%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	0%	
Internal Revenue	\$0	\$10,300	(\$10,300)	-100%	\$120,000	\$51,500	\$68,500	133%	\$123,600	97%	
Total Revenue	\$524,561	\$610,387	(\$85,826)	-14%	\$3,377,428	\$3,051,937	\$325,491	11%	\$7,324,650	47%	
Expenses											
Wages and Salaries	\$32,909	\$20,151	(\$12,758)	-63%	\$103,722	\$100,753	(\$2,969)	-3%	\$241,807	43%	Overall costs are on track with YTD projections - with costs at 41% against FY budget. * Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year and high electricity expenses.
Materials and Contracts	\$78,083	\$133,219	\$55,136	41%	\$544,962	\$666,095	\$121,133	18%	\$1,598,627	40%	
Other Costs	\$19,492	\$78,208	\$58,716	75%	\$540,322	\$391,040	(\$149,282)	-38%	\$938,496	56%	
Borrowing Costs	\$50,748	\$79,424	\$28,676	36%	\$260,691	\$397,119	\$136,428	34%	\$953,086	27%	
Overheads	\$41,324	\$41,324	\$0	0%	\$206,620	\$206,620	\$0	0%	\$495,889	42%	
Depreciation	\$65,160	\$65,160	(\$0)	0%	\$325,800	\$325,799	(\$1)	0%	\$781,919	42%	
Total Expenses	\$287,716	\$417,485	\$129,769	31%	\$1,982,117	\$2,087,426	\$105,309	5%	\$5,009,823	41%	
Result	\$236,845	\$192,902	\$43,943		\$1,395,311	\$964,511	\$430,800		\$2,314,827		

Muswellbrook Shire Council

Financial Report - November 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
General Fund Projects						
Planning, Community and Corporate Services Projects						
Adventure Playground - Wollombi Road	11,496	480,000	480,000	2%		
Aquatic Centres program	40,221	-	110,000	37%		
Art Acquisitions	1,200	-	70,000	2%		
Buildings New and Replacement	38,596	1,009,696	1,562,566	2%		
Bushfire Assets	17,480	591,239	591,239	3%		
Capital Works Contingency	-	-	100,000	0%		
CBD Stage 7 (Town Centre)	1,642,543	1,000,345	1,630,345	101%	(12,198)	Budget has been increased as part of the December Review due to the allocation of the Resources for Regions Round 7 grant funding.
Civic Precinct (Town Square)	1,025,372	2,762,782	3,404,981	30%		
Contribution to Future Fund	-	-	880,000	0%		
COVID 19	60,587	-	121,711	50%		
Denman Childrens Centre - Expansion	51,506	521,402	521,402	10%		
Denman Heritage Village	260,834	876,394	1,809,525	14%		
Denman Netball Courts	8,047	206,286	311,451	3%		
Future Fund Contribution	-	-	1,120,000	0%		
General Design Program	8,075	25,707	25,707	31%		
General Projects - Loans	-	-	149,999	0%		
Hunter Beach	550,658	3,128,232	3,128,232	18%		
Information Technology Strategy	47,224	-	200,000	24%		
Investigation and Design - Aquatic Centre	54,394	151,553	151,553	36%		
Karoola Park Citizens Walk Pathway	12,778	30,000	30,000	43%		
Library Books General Capital Purchases	44,005	25,225	83,725	53%		
Library Subsidy Projects	16,261	65,649	65,649	25%		
Local Priority Grant	-	51,240	62,240	0%		
Major Landcare Projects	46,025	46,286	171,286	27%		
Mbk and Dnm Indoor Sports Centre Upgrades	-	261,462	261,462	0%		
MSC Depot	32,337	-	200,000	16%		
Muscle Creek Nature Trail and Revegetation	37,815	140,238	140,238	27%		
Olympic Park Project	87,231	2,909,650	3,409,650	3%		
Performance and Convention Centre	36,004	5,581,007	6,208,018	1%		
Companion Animal Impounding Facility	590,521	1,206,134	1,206,134	49%		
Recreation Capital Works	158,013	364,834	859,834	18%		
Renewable Energy Target Works	-	-	250,000	0%		
Sport and Rereation Small Capital Grants	-	-	25,000	0%		
Total Planning, Community and Corporate Services	4,879,223	21,435,361	29,341,947	17%	(12,198)	

Muswellbrook Shire Council

Financial Report - November 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects						
Bridge St Footpath	15,871	-	64,304	25%		
Bridges Renewal program	4,910	42,281	42,281	12%		
Carpark Renewal program	-	93,143	93,143	0%		
CPTIGS - Bus Shelter	5,668	48,400	278,400	2%		
Developer Coordinated Works program	-	-	-	0%		
Drainage	-	300,000	615,188	0%		
Drainage Devices program	-	-	150,000	0%		
Drainage Channel - Lorne Street	348,146	711,573	711,573	49%		
Emulsion Tank	-	-	-	0%		
Flood Warning Systems	-	-	50,000	0%		
Footpath and Cycleway Renewal program	23,477	-	150,000	16%		
Heavy Patching program	258,856	-	500,000	52%		
Ironbark Road Footpath	-	-	-	0%		
Kerb and Gutter Replacement program	150,000	-	150,000	100%		
Kirk and Peberdy Bridges	-	-	80,322	0%		
Large Plant Items	72,755	1,170,000	1,680,000	4%		
Leachate Dam	7,185	482,980	482,980	1%		
LED Fire Danger Warning Signs (BSBR)	-	152,304	152,304	0%		
LISF - Roads Infrastructure Backlog	184,192	-	371,478	50%		
Mangoola Road Upgrade	-	-	-	0%		
Natural Disaster - ARGN 987	275,074	-	410,891	67%		
Natural Disaster Event - Baerami Creek Causeway	-	-	-	0%		
Natural Disaster Event - Widden Creek Bank	-	-	-	0%		
New Footpath and Cycleway program	-	-	250,000	0%		
Oakleigh Bridge Replacement (BSBR)	-	543,988	543,988	0%		
Purchase of Vehicles	147,281	92,558	342,558	43%		
Regional Road Renewal program	47,273	-	307,000	15%		
Replace Failed Fence	-	-	-	0%		
Resources for Regions - Mine Affected Roads	-	-	-	0%		
Resources for Regions - Round 5	1,605,161	2,425,459	2,425,459	66%		
Resources for Regions - Round 6	400,660	521,282	521,282	77%		
Resources for Regions Road Program	-	-	-	0%		
Road Design Program	-	-	-	0%		
Road Resealing program	324,935	92,655	892,655	36%		
Roads Capital Contingency	-	-	100,000	0%		
Roads to Recovery Program	-	-	577,898	0%		
Road Safety Program-School Zone	180,454	213,498	213,498	85%		
Rosebrook Bridge	-	1,543,391	1,543,391	0%		
Rosemount Road Culvert	-	-	-	0%		
Rural Road Pavement and Rehabilitation	-	-	-	0%		
Rural Road Regravelling Program	156,991	-	329,628	48%		
Rural Road Renewal program	-	-	-	0%		
Safety Audit Ridgeland Road	-	-	-	0%		
Safety Device Renewal program	-	73,120	193,120	0%		
Sandy Creek Road Curve Improvement	-	167,484	167,484	0%		
Sandy Hollow Village Centre	-	-	-	0%		
Transport Vehicles	29,817	52,258	152,258	20%		
Urban Road Renewal Program	-	-	372,000	0%		
Waste Management Facility	-	-	-	0%		
Widden Creek Bank	4,711	223,569	223,569	2%		
Widden Valley Road Pavement Rehab	-	7,211	7,211	0%		
Wilkinson Bridge	45,389	-	109,398	41%		
Yarrawa Road (Fixing Local Roads)	452,391	1,027,801	1,027,801	44%		
Total Roads and Drainage	4,741,197	9,984,955	16,283,062	29%		
Total General Fund	9,620,420	31,420,316	45,625,009	21%	(12,198)	

Muswellbrook Shire Council

Financial Report - November 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects						
Donald Horne Building	-	-	150,000	0%		
Marketplace	1,785,442	-	3,768,747	47%		
Renewal of Existing Assets/New Acquisitions	233,357	-	657,999	35%		
Throsby ACT	216,666	-	520,000	42%		
Town Education Centre 2	580,613	580,613	580,613	100%		
Upgrade of Loxton House	275,000	-	275,000	100%		
Total Future Fund	3,091,078	580,613	5,952,359	52%		
Sewer Fund						
Access & Security Improvements RWTW	134,689	100,466	155,466	87%		
Asset Management Planning	-	-	-	0%		
Denman Treatment Plant Upgrade	-	-	-	0%		
Mains Renewal and Replacement	36,667	-	589,431	6%		
Muswellbrook Recycle Water Treatment Project	-	-	-	0%		
Operations Contingency Project	31,903	-	150,000	21%		
Sewer Plant and Equipment	-	-	-	0%		
Solar Array	17,932	-	1,800,000	1%		
System Plant Asset Renewals	183,985	-	650,000	28%		
Transportation System Improvement	37,576	81,939	81,939	46%		
Loan - Sewer RWTW	202,996	-	651,553	31%		
Skellatar Main	-	-	91,957	0%		
Total Sewer Fund	645,748	182,405	4,170,346	15%		
Water Fund						
Asbestos, Earthworks, Security	155,000	-	155,000	100%		
Depot - Investigation and Design	-	-	-	0%		
Laboratory Equipment	-	-	-	0%		
Mains Renewal and Replacement	741,296	448,278	748,278	99%		
Office Upgrade	-	-	-	0%		
Operations Contingency Project	38,518	-	117,686	33%		
Replacement of Water Meters program	19,067	-	65,000	29%		
Sandy Hollow Augmentation	12,288	-	25,427	48%		
South Muswellbrook Reservoir	44,951	-	350,197	13%		
System Plant Asset Renewals	232,239	191,376	891,376	26%		
Upgrade Fluoride Dosing System WTP	27,473	346,461	346,461	8%		
Vehicle Replacement	-	-	-	0%		
Vehicle-Equipment Replacement	-	78,684	78,684	0%		
Water Fund Environmental Grants	-	-	-	0%		
Water Stop Valve Replacement	34,434	35,627	285,627	12%		
Total Water Fund	1,305,266	1,100,426	3,063,736	43%		
Consolidated Total	14,662,512	33,283,760	58,811,450	25% -	12,198	

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	\$4,270,338	\$3,546,155	\$3,608,444	\$3,699,073	\$3,788,145	\$2,781,513	\$2,095,246	\$1,306,313	\$1,010,380
	Interest	\$1,196,886	\$964,183	\$839,494	\$994,087	\$999,404	\$955,814	\$892,420	\$798,502	\$442,438	\$380,663	\$336,230	\$270,629
	Total	\$6,018,956	\$6,080,833	\$6,286,672	\$5,264,425	\$4,545,559	\$4,564,258	\$4,591,493	\$4,586,647	\$3,223,952	\$2,475,910	\$1,642,544	\$1,281,009
\$69,260,789		\$8,640,872	\$8,743,355	\$9,037,522	\$8,016,763	\$6,984,940	\$6,512,431	\$6,556,509	\$6,436,294	\$5,073,533	\$4,325,312	\$3,491,652	\$3,031,318

Purpose	Original Amount	Interest Rate	Balance at 1/7/2022	2022/23 Principal Repayments	2022/23 Interest Repayments	2022/23 Total Payments	Year of Final Payment	Notes (if any)
Water - South Muswellbrook Reservoir	\$1,100,000	6.03%	\$91,947	\$91,947	\$1,109	\$93,056	2022/23	
Water - Sandy Hollow Augmentation	\$300,000	6.09%	\$25,427	\$25,426	\$325	\$25,751	2022/23	
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$538,522	\$258,250	\$22,382	\$280,632	2023/24	
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$406,758	\$91,957	\$21,805	\$113,762	2025/26	
General - Widden Bridge	\$1,750,000	6.00%	\$1,159,354	\$80,322	\$65,744	\$146,066	2034/35	
General - Smiths Bridge	\$1,573,967	4.28%	\$1,180,412	\$64,304	\$48,194	\$112,498	2024/25	
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$573,423	\$371,478	\$33,832	\$405,310	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,641,582	\$109,398	\$23,093	\$132,491	2025/26	
Future Fund	\$3,300,000	1.60%	\$2,970,000	\$165,000	\$46,310	\$211,310	2024/25	
Future Fund - Seven Hills, Campbell's Corn	\$7,980,502	4.35%	\$7,980,502	\$672,758	\$339,944	\$1,012,702	2026/27	
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$12,200,896	\$625,546	\$143,216	\$768,762	2023/24	
Future Fund - Muswellbrook Marketplace	\$5,000,000	3.43%	\$739,277	\$739,277	\$12,582	\$751,859	2022/23	
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$9,285,643	\$1,338,923	\$209,160	\$1,548,083	2024/25	
Future Fund - Donald Horne building	\$2,500,000	4.80%	\$2,500,000	\$208,834	\$117,534	\$326,368	2026/27	
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$6,074,062	\$263,628	\$267,344	\$530,972	2038/39	
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,428,794	\$387,925	\$371,432	\$759,357	2037/38	
Covid 19	\$2,000,000	1.77%	\$1,762,933	\$121,711	\$30,732	\$152,443	2022/23	
Throsby ACT	\$7,800,000	1.86%	\$6,976,667	\$520,000	\$125,341	\$645,341	2025/26	
TOTAL	\$85,365,969		\$64,536,199	\$6,136,684	\$1,880,079	\$8,016,763		

Reserves



		2022/2023 Original Budget		Carryovers	Projected Balance 30 June 2023
		Transfer to	Transfer From	Transfer From	
\$'000's	Balance as at 1 July 2022				
Externally Restricted					
General Fund					
Developer Contributions	1,299			(242)	1,057
Domestic Waste	881				881
Unexpended Grants (G)	4,098			(3,419)	679
Unexpended Loan	1,684			(1,684)	-
VPAs	3,725			(2,256)	1,469
General Fund Total	11,687			(7,601)	4,086
Water Fund					
Developer Contributions	7,671				7,671
Water	5,092			(1,100)	3,992
Water Fund Total	12,763			(1,100)	11,663
Sewer Fund					
Developer Contributions	3,520		(1,800)		1,720
Sewer	1,475			(182)	1,293
Sewer Fund Total	4,995		(1,800)	(182)	3,013
Externally Restricted Total	29,445		(1,800)	(8,883)	18,762
Internally Restricted					
Future Fund					
Future Fund	1,118				1,118
Future Fund Total	1,118				1,118
General Fund					
Asset Replacement	2,497			(417)	2,080
Carryover Works	2,917			(2,717)	200
Deposits, Retentions and Bonds	4,450				4,450
Drainage	143				143
Economic Development	1,910		(1,196)		714
Employee Leave Entitlements	1,132				1,132
Financial Assistance Grant	3,115		(3,115)		-
Insurances	33				33
Mine Affected Roads	2,353				2,353
Natural Disaster - Flood	1,000				1,000
Other	286			(114)	172
Other Legal	1,050				1,050
Plant Replacement	2,404		(350)	(793)	1,261
Risk Management	78				78
SRV	1,578			(820)	758
Stormwater	1,030				1,030
Waste Management	6,525	1,251		(1,125)	6,651
General Fund Total	32,501	1,251	(4,661)	(5,986)	23,105
Internally Restricted Total	33,619	1,251	(4,661)	(5,986)	24,223
Unrestricted					
General Fund					
Unrestricted	24				24
General Fund Total	24				24
Unrestricted Total	24				24
Total	63,088	1,251	(6,461)	(14,869)	43,009



Debtor Balances as at 30 November 2022

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$29,483	\$2,774	\$10,343	\$174,912	\$165,916	\$383,428
Inspection Fees	\$13,443	\$0	\$0	\$0	\$0	\$13,443
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$0	\$0
Council Properties - Future Fund *	\$206,047	\$47,571	\$48,518	\$86,797	\$168,218	\$557,151
Council Properties - Marketplace *	\$421,590	\$0	\$1,642	\$30,789	\$129,874	\$583,894
Council Properties - Education Fund	\$0	\$0	\$965	\$0	\$30,984	\$31,949
Recreation	\$0	\$82	\$78	\$333	\$993	\$1,486
Sundries	\$364,917	\$5,647	\$1,768	\$75,503	\$555,778	\$1,003,615
Water Tanker Sales	\$425	\$168	\$84	\$15,652	\$12,682	\$29,011
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$62,853	\$0	\$72,133	\$37,114	\$40,464	\$212,564
GST Tax Debtor	\$0	\$0	\$0	\$0	\$4,537	\$4,537
TOTAL	\$1,099,100	\$56,242	\$135,531	\$421,100	\$1,109,446	\$2,821,419

* Includes deferrals.

**9.4.7. Report on Investments Held as at 30 November 2022**

Attachments:	1. Portfolio Valuation Report - 30 November 2022 [9.4.7.1 - 5 pages]
	2. Trading Limit Report - 30 November 2022 [9.4.7.2 - 8 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Mandy Fitzgerald – Senior Financial Accountant
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

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

OFFICER'S RECOMMENDATION

Council notes the Council's Investments as at 30 November 2022.

Moved: _____ **Seconded:** _____

REPORT

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

Funds invested under Section 625 of the Local Government Act, as at 30 November 2022 are shown in the attachments.

COMMENT:

As at 30 November 2022, Council held \$62.96M in cash and investments with a weighted running yield is 3.23% for the month.

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

	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		7,217,823.15	1.00000000	7,217,823.15	100.000	0.000	7,217,823.15	11.43%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.16%	0.34%	
			7,317,823.15		7,317,823.15			7,317,823.15	11.59%		0.34%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	95.261	0.399	2,391,500.00	3.79%	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	0.506	2,010,120.00	3.18%	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	0.506	1,507,590.00	2.39%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	95.796	0.618	1,928,280.00	3.05%	1.80%	
			8,000,000.00		8,000,000.00			7,837,490.00	12.42%		1.46%
Floating Rate Note											
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.105	0.768	2,017,460.00	3.20%	3.89%	
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.660	0.637	1,504,455.00	2.38%	3.51%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.194	0.287	1,004,810.00	1.59%	4.56%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.087	0.304	501,955.00	0.80%	4.11%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.195	0.467	1,006,620.00	1.59%	3.96%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.248	0.344	502,960.00	0.80%	4.18%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.076	0.403	502,395.00	0.80%	4.08%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	98.451	0.694	2,974,350.00	4.71%	3.09%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.066	0.066	1,001,320.00	1.59%	4.03%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.314	0.709	3,000,690.00	4.75%	3.45%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	100.406	0.696	2,022,040.00	3.20%	3.93%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.137	0.281	502,090.00	0.80%	4.40%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.796	0.298	5,505,170.00	8.72%	4.18%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.002	0.862	2,017,280.00	3.20%	3.70%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.492	0.681	1,502,595.00	2.38%	3.66%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.773	0.325	1,651,617.00	2.62%	3.89%	
			27,150,000.00		27,150,000.00			27,217,807.00	43.11%		3.82%
Term Deposit											
	AMP 4.2 15 Jun 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.933	4,077,326.04	6.46%	4.20%	
	AMP 4.45 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.609	1,270,116.44	2.01%	4.45%	
	AMP 4.55 30 Nov 2023 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.58%	4.55%	
	AUBANK 4.2 01 Aug 2023 386DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	1.634	5,081,698.65	8.05%	4.20%	
	BOQ 4 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.447	1,268,082.19	2.01%	4.00%	
	JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.594	4,023,753.44	6.37%	4.25%	

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
NAB 4.05 13 Sep 2023 365DAY TD		4,000,000.00	1,00000000	4,000,000.00	100,000	0,865	4,034,619.16	6.39%	4.05%	
		20,500,000.00		20,500,000.00			20,755,595.92	32.88%		4.20%
Fixed Interest Total		62,967,823.15		62,967,823.15			63,128,716.07	100.00%		3.23%

Section 2: FI Portfolio Valuation With Associated Latest Deal Information

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
At Call Deposit												
Westpac Bus Prem At Call		30 Nov 2022	31 Dec 3020	7,217,823.15	1.00000000	7,217,823.15	100.000	0.000	7,217,823.15	11.43%	LC158655	
Westpac Muswellbrook Trading Acct At Call		31 Oct 2018	31 Dec 3020	100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.16%	LC64506	
				7,317,823.15		7,317,823.15			7,317,823.15	11.59%		
Fixed Rate Bond												
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	9 Jun 2020	6 Sep 2024	2,500,000.00	1.00000000	2,500,000.00	95.261	0.399	2,391,500.00	3.79%	LC88979	
NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		31 Aug 2021	15 Dec 2025	2,000,000.00	1.00000000	2,000,000.00	100.000	0.506	2,010,120.00	3.18%	LC111825	
NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		6 Sep 2021	15 Dec 2025	1,500,000.00	1.00000000	1,500,000.00	100.000	0.506	1,507,590.00	2.39%	LC112238	
SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	29 Sep 2021	30 Jul 2024	2,000,000.00	1.00000000	2,000,000.00	95.796	0.618	1,928,280.00	3.05%	LC112956	
				8,000,000.00		8,000,000.00			7,837,490.00	12.42%		
Floating Rate Note												
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	17 Mar 2020	17 Mar 2023	2,000,000.00	1.00000000	2,000,000.00	100.105	0.768	2,017,460.00	3.20%	LC84611	
Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.660	0.637	1,504,455.00	2.38%	LC103798	
Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	7 Nov 2022	7 Nov 2025	1,000,000.00	1.00000000	1,000,000.00	100.194	0.287	1,004,810.00	1.59%	LC156236	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	5 Feb 2018	3 Feb 2023	500,000.00	1.00000000	500,000.00	100.087	0.304	501,955.00	0.80%	LX55025	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	18 Jul 2019	18 Jul 2024	1,000,000.00	1.00000000	1,000,000.00	100.195	0.467	1,006,620.00	1.59%	LC74377	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	2 Jun 2020	30 Oct 2024	500,000.00	1.00000000	500,000.00	100.248	0.344	502,960.00	0.80%	LX88585	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	25 Jan 2018	25 Jan 2023	500,000.00	1.00000000	500,000.00	100.076	0.403	502,395.00	0.80%	LX54945	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	8 Mar 2021	9 Dec 2025	3,000,000.00	1.00000000	3,000,000.00	98.451	0.694	2,974,350.00	4.71%	LC103387	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	24 Feb 2020	24 Feb 2023	1,000,000.00	1.00000000	1,000,000.00	100.066	0.066	1,001,320.00	1.59%	LX83602	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	16 Jun 2021	16 Jun 2025	3,000,000.00	1.00000000	3,000,000.00	99.314	0.709	3,000,690.00	4.75%	LC107737	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	18 Mar 2020	26 Sep 2023	2,000,000.00	1.00000000	2,000,000.00	100.406	0.696	2,022,040.00	3.20%	LX84919	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	21 Nov 2019	6 Feb 2023	500,000.00	1.00000000	500,000.00	100.137	0.281	502,090.00	0.80%	LC79854	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	12 Oct 2022	4 Feb 2025	5,500,000.00	1.00000000	5,500,000.00	99.796	0.298	5,505,170.00	8.72%	LC155163	
Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	6 Dec 2019	6 Dec 2022	2,000,000.00	1.00000000	2,000,000.00	100.002	0.862	2,017,280.00	3.20%	LC80115	
Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.492	0.681	1,502,595.00	2.38%	LC103942	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	10 Mar 2021	30 Jul 2025	1,650,000.00	1.00000000	1,650,000.00	99.773	0.325	1,651,617.00	2.62%	LC103504	
				27,150,000.00		27,150,000.00			27,217,807.00	43.11%		
Term Deposit												
AMP 4.2 15 Jun 2023 365DAY TD		15 Jun 2022	15 Jun 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	1.933	4,077,326.04	6.46%	LC145780	
AMP 4.45 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	1.609	1,270,116.44	2.01%	LC147777	
AMP 4.55 30 Nov 2023 365DAY TD		30 Nov 2022	30 Nov 2023	1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.58%	LC158134	
AUBANK 4.2 01 Aug 2023 386DAY TD		11 Jul 2022	1 Aug 2023	5,000,000.00	1.00000000	5,000,000.00	100.000	1.634	5,081,698.65	8.05%	LC147411	
BOQ 4 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	1.447	1,268,082.19	2.01%	LX147775	

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
JUDO 4.25 10 Jan 2024 457DAY TD		10 Oct 2022	10 Jan 2024	4,000,000.00	1.00000000	4,000,000.00	100.000	0.594	4,023,753.44	6.37%	LC155160	
NAB 4.05 13 Sep 2023 365DAY TD		13 Sep 2022	13 Sep 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	0.865	4,034,619.16	6.39%	LX153816	
				20,500,000.00		20,500,000.00			20,755,595.92	32.88%		
Fixed Interest Total				62,967,823.15		62,967,823.15			63,128,716.07	100.00%		

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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

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 (\$)
AMP Bank Ltd	BBB+ to BBB-		6,250,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	99.00	1.00	46,782	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 62,967,823.15	18,890,346.95	0.00	100.00	18,890,347	0.00	0
Australian Unity Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	79.00	21.00	1,296,782	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	72.00	28.00	1,796,782	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	7,317,823.15	Book	30.00	% of 62,967,823.15	18,890,346.95	39.00	61.00	11,572,524	0.00	0
Bank of Queensland Ltd	A+ to A-		3,250,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	52.00	48.00	3,046,782	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	7,317,823.15	Book	30.00	% of 62,967,823.15	18,890,346.95	39.00	61.00	11,572,524	0.00	0
BankVic	BBB+ to BBB-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 62,967,823.15	18,890,346.95	0.00	100.00	18,890,347	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	48.00	52.00	3,296,782	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 62,967,823.15	18,890,346.95	0.00	100.00	18,890,347	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 62,967,823.15	12,593,564.63	0.00	100.00	12,593,565	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
Greater Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
Heritage Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
Judo Bank	BBB+ to BBB-		4,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	64.00	36.00	2,296,782	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 62,967,823.15	12,593,564.63	24.00	76.00	9,593,565	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	16.00	84.00	5,296,782	0.00	0
Members Equity Bank Ltd	A+ to A-	Bank of Queensland Ltd	3,250,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	52.00	48.00	3,046,782	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	48.00	52.00	3,296,782	0.00	0
National Australia Bank Ltd	AA+ to AA-		6,000,000.00	Book	30.00	% of 62,967,823.15	18,890,346.95	32.00	68.00	12,890,347	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	95.00	5.00	296,782	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 62,967,823.15	18,890,346.95	19.00	81.00	15,390,347	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 62,967,823.15	62,967,823.15	0.00	100.00	62,967,823	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		3,500,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	56.00	44.00	2,796,782	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 62,967,823.15	12,593,564.63	0.00	100.00	12,593,565	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 62,967,823.15	12,593,564.63	0.00	100.00	12,593,565	0.00	0

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 (\$)
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 62,967,823.15	3,148,391.16	0.00	100.00	3,148,391	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	3,000,000.00	Book	10.00	% of 62,967,823.15	6,296,782.32	48.00	52.00	3,296,782	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	7,317,823.15	Book	30.00	% of 62,967,823.15	18,890,346.95	39.00	61.00	11,572,524	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 62,967,823.15	12,593,564.63	16.00	84.00	10,593,565	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 62,967,823.15	12,593,564.63	13.00	87.00	10,943,565	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		7,317,823.15	Book	30.00	% of 62,967,823.15	18,890,346.95	39.00	61.00	11,572,524	0.00	0
			91,171,292.60				431,329,588.58			340,158,293		0
			(Excluding Parent Group Duplicates)									
			62,967,823.15									

2 Security Rating Group Trading Limits

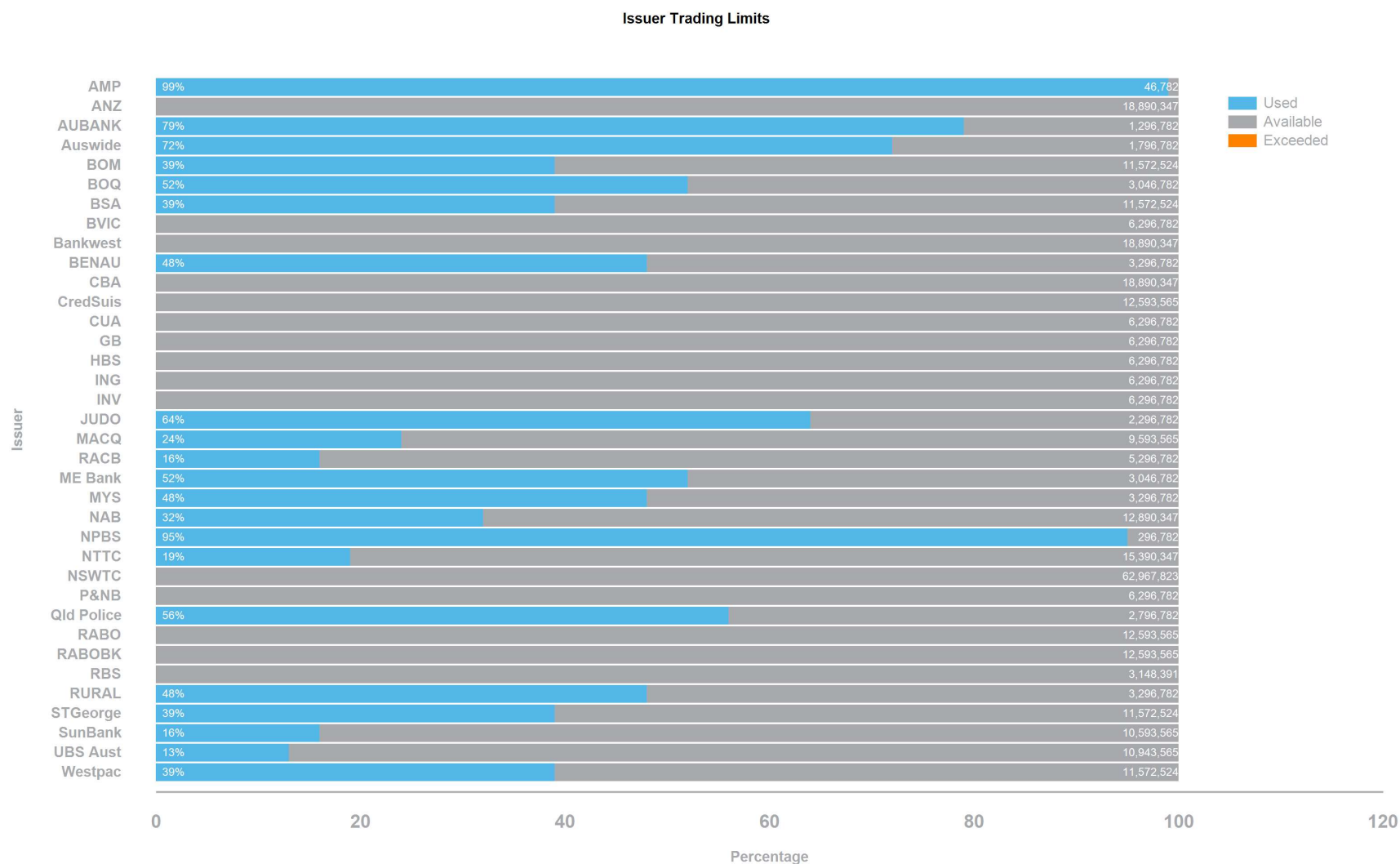
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 62,967,823.15	62,967,823.15	0.00	100.00	62,967,823	0.00	0
AA+ to AA-	5,500,000.00	Book	100.00	% of 62,967,823.15	62,967,823.15	9.00	91.00	57,467,823	0.00	0
A+ to A-	8,650,000.00	Book	70.00	% of 62,967,823.15	44,077,476.21	20.00	80.00	35,427,476	0.00	0
A1+	13,317,823.15	Book	100.00	% of 62,967,823.15	62,967,823.15	21.00	79.00	49,650,000	0.00	0
A1	0.00	Book	100.00	% of 62,967,823.15	62,967,823.15	0.00	100.00	62,967,823	0.00	0
A2	17,000,000.00	Book	70.00	% of 62,967,823.15	44,077,476.21	39.00	61.00	27,077,476	0.00	0
A3	2,000,000.00	Book	60.00	% of 62,967,823.15	37,780,693.89	5.00	95.00	35,780,694	0.00	0
BBB+ to BBB-	16,500,000.00	Book	60.00	% of 62,967,823.15	37,780,693.89	44.00	56.00	21,280,694	0.00	0
	62,967,823.15				415,587,632.79			352,619,809		0

Notes

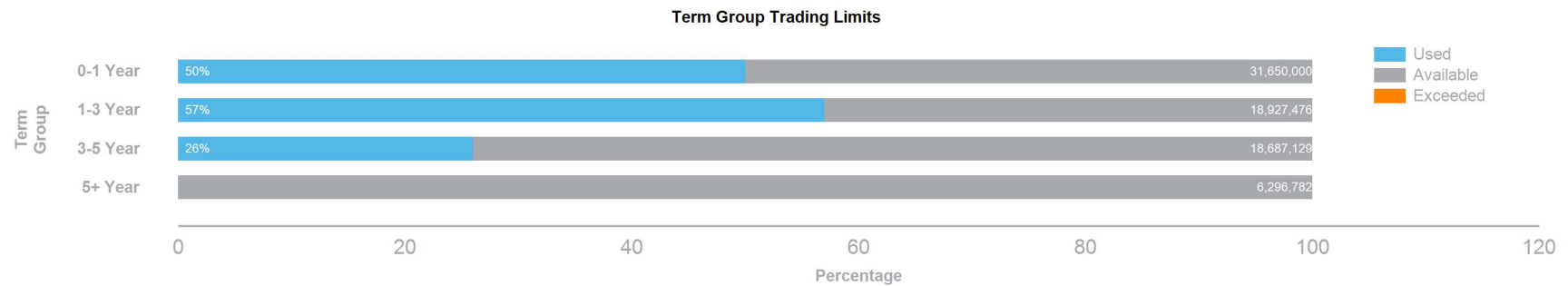
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

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	31,317,823.15	Book	100.00	% of 62,967,823.15	62,967,823.15	50.00	50.00	31,650,000	0.00	0
1-3 Year	25,150,000.00	Book	70.00	% of 62,967,823.15	44,077,476.21	57.00	43.00	18,927,476	0.00	0
3-5 Year	6,500,000.00	Book	40.00	% of 62,967,823.15	25,187,129.26	26.00	74.00	18,687,129	0.00	0
5+ Year	0.00	Book	10.00	% of 62,967,823.15	6,296,782.32	0.00	100.00	6,296,782	0.00	0
	62,967,823.15				138,529,210.93			75,561,387		0







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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: 30 November 2022
Balance Date: 5 December 2022 (but 30 Nov 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



9.4.8. Grants Review Committee - Terms of Reference

Attachments:	1. Grants Review Committee Terms of Reference [9.4.8.1 - 4 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Ivan Skaines – Grants and Community Engagement Officer
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide Council with a report of the Grants Review Committee.

OFFICER'S RECOMMENDATION

The Terms of Reference for the Grants Advisory Committee be ENDORSED.

Moved: _____ **Seconded:** _____

BACKGROUND

The State and Federal government grants environment is complex, dynamic and fast paced, with brief timeframes required for the submission of some grant applications. So that Councillors are appropriately consulted and informed, the Grants Review Committee has been established, comprised of Councillors and senior staff, to consider upcoming opportunities and to review the status of proposed and submitted grant applications, and to ensure Council's grant application efforts are aligned with the Community Strategic Plan goals and Council's priorities articulated in the Delivery Program

CONSULTATION

Mayor Cr Steve Reynolds

Grants Advisory Committee members.

REPORT

The Grants Review Committee has been established and has considered draft Terms of Reference for the Committee. Meetings were held on 16 November 2022 and 7 December 2022.

OPTIONS

Council may decide to accept or revise the Terms of Reference.



CONCLUSION

The Terms of Reference for the Grants Review Committee are attached, along with Minutes from the 6 November 2022 and 7 December 2022 meetings of the Committee.

SOCIAL IMPLICATIONS

The objective of seeking and securing grant funding is to provide ongoing physical and social benefit to the community.

FINANCIAL IMPLICATIONS

The formation and operation of the Grants Review Committee will be carried out within existing budgets.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1993.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

The Terms of Reference align in principle with item 5.1.4.1 of the Operational Plan: 'Capital works programmes prioritised to demonstrate continual improvement in community infrastructure'.

RISK MANAGEMENT IMPLICATIONS

Having Terms of Reference for the Grants Review Committee will assist to ensure Council demonstrates sound governance and financial oversight.

WASTE MANAGEMENT IMPLICATIONS

Nil

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.



muswellbrook shire council

Grants Review Committee Terms of Reference

Authorisation Details:

Authorised by:	Muswellbrook Shire Council
Minute No:	
Date:	22 December 2022
Review timeframe:	
Department:	Corporate Services
Document Owner:	Grants and Community Engagement Advisor

Review History:

Version No.	Date changed	Modified by	Amendments made

1. Objective

The objectives of the Grants Review Committee (the Committee) are:

- to provide an enhanced level of Councillor engagement in the grant submission and review process;
- to enable Councillors and Senior staff to consider upcoming grant opportunities and to review the status of proposed and submitted grant application; and
- to ensure Council's grant application efforts are aligned with the Community Strategic Plan goals and Council's priorities, as articulated in the Delivery Program.

In fulfilling its objective, the ability of the Committee to maintain strategic and objective judgement is vital.

The Committee will report to Council and provide advice and recommendations on matters relevant to Grants.

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);
- Request information from employees (with approval of the General Manager) or Councillors. The Committee may request these persons to present information at 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); and
- Make recommendations regarding the submission of projects under grant programs submitted for the consideration of the Committee.

3. Composition and Tenure

The members of the Committee shall be three Councillors.

3.1 Members (voting)

All appointed members of the Committee are entitled to one vote.

3.2 Attendees (non-voting)

The following Councillor officers will act as liaison officers to the Committee:

- General Manager
- Director Corporate Services & Chief Financial Officer
- Grants and Community Engagement Advisor
- Director Community and Economy

- Director Property and Place
- Manager Roads, Drainage and Technical Services
- Technical Officer, Recreation & Property
- Innovation Co-ordinator

3.3 Invitees (non-voting) for specific Agenda items

Other officers or Councillors may attend by invitation as requested by the Committee.

3.4 Responsibilities of Members

Members of the Committee are expected to:

- Agree that they are bound by Council's Code of Conduct in the same way that a Councillor would be bound;
- Understand the relevant legislative and regulatory requirements appropriate to Muswellbrook Shire Council;
- Contribute the time needed to study and understand the papers provided;
- Apply sound analytical skills, objectivity and judgement;
- Express opinions frankly, ask questions that go to the fundamental core of the issues, and pursue independent lines of enquiry;
- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of Council's Code of Conduct;
- Act in good faith and fidelity in the interests of Council and the community;

4. Reporting

Following each meeting the Committee shall provide a report to Council.

5. Administrative Arrangements

5.1 Meetings

The Committee will meet at least four times per year.

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. The forward meeting plan will cover all Committee responsibilities as detailed in this Terms of Reference.

The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.

5.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members. Meetings can be held in person, by telephone or by video conference.

5.3 Voting

The Committee is expected to make decisions by consensus, however 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.

5.4 Secretariat

The General Manager 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 one week of the meeting and filed in accordance with Council's Records Management Policy.

5.5 Conflicts of Interest

Members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out their 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.

5.6 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

5.7 Review of Committee Terms of Reference

At least once every two years the Committee will review this Committee Terms of Reference and make recommendations on any changes to Council for its determination.

Any changes to the Committee Terms of Reference must be approved by Council.



9.4.9. Report on Council Grant Funding and Community Engagement

Attachments:	Nil
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Ivan Skaines – Grants and Community Engagement Officer
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

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 and community engagement activities.

OFFICER'S RECOMMENDATION

The information contained in the report be noted.

Moved: _____ **Seconded:** _____

BACKGROUND

For some time, Muswellbrook Shire Council has been 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 Council is required to nominate appropriate projects for funding.

CONSULTATION

Grant applications are aligned to projects identified by Council's Delivery Program and prepared in consultation with the Mayor, Council's senior managers and key staff in relevant sections. Councillors are regularly updated about grant applications via the Grants Advisory Committee.

REPORT

Grant applications recently submitted

- The design and construction of Stage 1 of a shared pathway to Hunter Beach under the **Places to Swim Program**.
- Lighting upgrades at Weeraman Fields and Highbrook Park under the **Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program**.
- The betterment of Wybong Road, Bell Street (Muscle Creek) Bridge abutment and



Kayuga Road flood resilience under the **Regional Roads and Transport Recovery Package**.

Upcoming Grant and Funding Opportunities

- The **Essential Community Sport Assets Program (ECSAP)** is a NSW Government program under the \$207 million Community Local Infrastructure Recovery Package. ECSAP is a key recovery measure of the Sport Infrastructure Recovery Fund to help communities assess, repair, reconstruct and build flood resilience into sport facilities enabling normal activities to return sooner. **Applications close Friday, 9 December 2022.**

Under Stream one, project grant requests need to be a minimum of \$150,000 and not exceed \$1,000,000. Council's Grants Advisory Committee has approved resilience works at Karoola Park including improvements to the stormwater channel as the focus of this application.

- **Places to Play** offers \$16.7 million to provide more public open spaces for adventure and play, and will focus on the creation of inclusive water, nature and adventure play for people of all ages and abilities in NSW. There is \$5 million grant funding available this round and **applications close Thursday, 15 December 2022.**

Council's Grants Advisory Committee has approved the unfunded aspects of the development of the Civic Pocket Park in Muswellbrook as the focus of this application. Council has received funding for the demolition of the buildings on the site from the current round of Resources for Regions and has submitted an application for funding for the playground equipment under the current round of the Stronger Country Communities Fund.

- The **Get NSW Active Program** provides Councils with funding for projects that create safe, easy and enjoyable walking and cycling trips. These trips help to relieve pressure on roads and public transport networks and are part of a healthy lifestyle for NSW communities. The 2023-24 program is now open with \$50 million available in the current grant round with **applications closing Friday, 6 January 2023.**

The highest priority on the list of Council approved priority footpath projects is Turtle Street, Denman, and Council's Grants Advisory Committee has confirmed that this project should be the focus of Council's application. The estimated cost and design for the work is approximately \$300,000 and construction of this path supports the objectives of active transport in Denman by providing connection to the Denman CBD, and to the passive recreation area of Denman Creek and Hyde Park with Merton Court and associated aged care facilities. The project also aligns with the aims of Denman's streetscape upgrades and new Memorial Park facilities to create an all-inclusive and independent town centre which allows individuals of all abilities to access services, shops, cafes and recreational facilities.

- As a result of the widespread flooding from February to April 2022 up to \$75 million in funding has been announced by the NSW and Commonwealth Government under the joint **NSW Flood Recovery and Resilience - Emergency Response Fund** initiative. This initiative supports improved flood warning services, improved information on flood impacts, flood risk management and community awareness needs, additional flood mitigation works, and flood levee repair and improvement.

The program is to be delivered by the Department of Planning and Environment (DPE) in partnership with other agencies including Resilience NSW, the NSW State Emergency Service (NSW SES), the Bureau of Meteorology (the Bureau), the Department of Regional NSW (DRNSW) and eligible councils including Muswellbrook Shire Council. The main objectives of the projects under the program are outlined below.



1. Flood impact and risk management measures report;
2. Levee Assessment and improvement program;
3. Valley flood risk management assessments;
4. Flood warning infrastructure and systems and associated community awareness;
5. Flood mitigation infrastructure and voluntary house raising.

The NSW Flood Recovery and Resilience - Emergency Response Fund Program is in the planning phase and the Department of Planning and Environment acknowledge that coordination and input from councils, as the primary manager of flood risk in their service area, is critical to program success.

Grant funding recently announced

- Council has received confirmation the following projects have been successful (valued at \$10,250,953) under Round 9 of the **Resources for Regions Program**:
 - Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for Muswellbrook - \$4,838,247
 - Denman Recreation Reserve Works for Denman - \$2,249,301
 - Merton Street drainage for Denman - \$1,412,582
 - Reactivation of Campbells Corner Retail Space for Muswellbrook - \$974,686
 - Demolition prior to development of the Civic Pocket Park for Muswellbrook - \$425,000
 - Relocation of Sustainability Hub for Muswellbrook - \$351,137
- Council has been successful in receiving funding of close to \$30,000 under the 2023 **Australia Day Community Grant Program** including our Awards and Citizenship Ceremony at Denman and Family Days at Muswellbrook and Denman Aquatic Centres.
- Council has received funding of \$219,432 under the **Fixing Local Roads Pothole Repair Round** to assist with pothole repair work on our local and regional roads.

Unsuccessful applications

- Council has received notification that the application for funding for the Denman Tourist Park under the **Regional Tourism Activation Fund** has been unsuccessful.

Muswellbrook Shire Council Grants Portal

The report for data from May 2022 to November 2022 for Council's grant finding portal at <https://muswellbrook.grantguru.com.au/> is listed in the table below:

Indicator	Nov	Oct	Sep	Aug	Jul	Jun	May
Total unique portal visitors ^[1]	40	97	43	59	38	63	63
Number of page views ^[2]	165	250	134	242	242	248	190
Total cumulative registrations to the portal (via the sign-up form) ^[3]	82	81	79	76	71	63	56
Grant alerts sent per month to registered users	784	680	630	653	542	490	463

^[1] A visitor is someone who has viewed your portal, but may or may not be registered - the same person is not double counted.

^[2] Page views are the total number of a visitor's 'clicks' within your portal, and includes viewing grant information. Repeated views of a single page are counted.



^[3] Registrations are people that have registered to your portal via the signup form and are still active.

Community interaction with the grant finding portal is generally positive. The number of registered users is continuing to increase.

Community Engagement

Muswellbrook Shire Council is seeking community input for the 2022 Recreation Needs and Management Study. The study, to be compiled by Access Environmental Planning, is an update of previous studies undertaken by Muswellbrook Shire Council in 2011 and 2016.

Engagement with the community is vital to the success of the study. To undertake a comprehensive assessment and to develop recommendations, the project team has developed several surveys for community, individual and club/organisation stakeholders. The purpose of the surveys is to gather the information required to assess the current level of services and facilities against community expectations, identify barriers to participation, and to highlight activities that may be of interest in the future.

The project team also conducted a 'Drop-in N Chat' session at Muswellbrook Marketplace on Wednesday 7 December 2022 from 3pm to 7pm. This session gave people the opportunity to talk with the project team directly to find out more about the study and share their thoughts on how Muswellbrook Shire Council can improve facilities and provide an enhanced level of service to the community.

CONCLUSION

Council notes recent grant applications submitted, grant funding recently announced or to be announced shortly, upcoming grant opportunities and other grants and community engagement activities.

SOCIAL IMPLICATIONS

Applications for funding submitted by Council address priority issues in the community.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council will need to maintain any assets for which funding is obtained according to Policy A40-1 - Asset Management Policy.

STATUTORY IMPLICATIONS

Council's grant applications align with the goals contained in the Muswellbrook Shire Community Strategic Plan and with a range of Federal and State strategy documents.

LEGAL IMPLICATIONS

Where grant applications are successful, Muswellbrook Shire Council will be required to enter into a grant agreement with the funding body.

OPERATIONAL PLAN IMPLICATIONS

The projects funded by these grants are in line with the Community Strategic Plan and Council's Delivery Program.

RISK MANAGEMENT IMPLICATIONS

Council is required to identify risks and associated risk management strategies for each



project in preparing the grant application.

WASTE MANAGEMENT IMPLICATIONS

Nil

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

All grant funding announcements contained in this report are no longer under embargo.



9.5. Community and Economy

9.5.1. Visitor Information Centre - Muswellbrook

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Susanne Tobin – Administration Officer
Community Plan Issue:	2 - Social Equity and Inclusion
Community Plan Goal:	An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Strategy:	4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors 4.3.1.1 - Council works in partnership with community groups to deliver a minimum of six events a year.

PURPOSE

To provide an update to Council on the preferred location of the Muswellbrook Visitor Information Centre.

OFFICER'S RECOMMENDATION

The information contained in the report be noted.

Moved: _____ **Seconded:** _____

BACKGROUND

At the May 2022 Council Meeting Councillors endorsed the establishment of a Visitor Information Centre in Muswellbrook. A potential site identified in the report was the ground floor of Market House, Market Street Muswellbrook.

CONSULTATION

Director Economy & Community, Director of Property & Place, Manager Community Services, Coordinator of Commercial Property, Community Services Officer – Partnerships, Muswellbrook Shire Libraries Head Librarian, MANEX.

REPORT

The Visitor Information Centre (VIC) has not had a physical presence in Muswellbrook since 2020, previously the VIC was co-located with the Muswellbrook Regional Arts Centre, due to the incorporation of the Gallery Café at this site the VIC was relocated to Denman.

The Denman VIC has established itself with a steady flow of tourist that are accessing Denman off the Golden Highway. The VIC office is staffed by volunteers and provides tourist and visitor information, access to toilet facilities and sells local souvenirs.

The Muswellbrook Regional Arts Centre, and the Muswellbrook Library continued to provide tourist and visitor information to people in Muswellbrook through the provision of brochures



and maps, for example.

Further investigation of potential VIC sites in Muswellbrook has identified Weidman Cottage, Bridge St, Muswellbrook as a more suitable location. This site aligns with the development of the Donald Horne Building, the main street improvement plans and has good proximity to the Muswellbrook Library for access to toilet facilities and other council services.

The site offers high visibility for tourists navigating the township of Muswellbrook and attracting them to stop and find out more about our Shire. Weidman Cottage could provide street parking for caravans and motorhomes and traffic arrangements will be further improved with the refurbishment of Hill Street. Long vehicle parking options will be settled prior to proceeding.

The VIC is proposed to be initially available Monday to Friday 10am to 2pm and extend hours and coverage as the Centre re-establishes itself and an adequate number of volunteers are attracted to staff the operations.

CONCLUSION

The establishment of a VIC in Muswellbrook will provide an ideal opportunity to assist in the provision of information to tourists and visitors alike. Weidman Cottage is ideally located for the VIC and provides linkages to the Donald Horne Building, Muswellbrook Library and business houses located in the main street.

SOCIAL IMPLICATIONS

The establishment of the Muswellbrook VIC will provide a sense of pride for community members as it will provide a convenient place for the distribution of local information about places to visit, events and activities for tourists and local tourist to participate in and enjoy.

FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

No capital cost as office equipment has already been purchased and is in storage.

2. Financial Implications – Operational

The Tourism and Events Program budget has a small allocation of funds for storage rental that can be allocated towards the outgoings of the building. G/L 0833.0843.500 has a total of \$3,215.00. Other items to fit out the VIC have previously been purchased.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

In line with Councils Operational Plan.



RISK MANAGEMENT IMPLICATIONS

Risk Management Assessment will be carried out.

WASTE MANAGEMENT IMPLICATIONS

Not application

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Inform Community through advertising and promotion through Council's social media networks.



9.5.2. Community Services

Attachments:	Nil
Responsible Officer:	Shaelee Welchman – Director Community and Economy
Author:	Kim Manwarring – Manager Community Services
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

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

The Muswellbrook and Denman Branches were attended by **2,078 customers** during November. During the month of November, the library hosted the Drug and Alcohol Info Pop Up, celebrated National Pollinators Week and hosted a Remembrance Day military exhibit courtesy of local collector Terry Gill. During November the library also launched its Summer Reading Program with registrations opened from 1 December, 2022. This year's program theme is 'Make A Splash' and is being run in collaboration with the Muswellbrook Shire Aquatic Centres.

Increasing and maintaining library memberships

Muswellbrook and Denman libraries registered **52 new members**.

Providing opportunities that increase community literacy, both physical and digital

Home Library:

The Muswellbrook Shire Libraries currently delivers personally selected books, DVDs and Audio books to homebound customers each fortnight. During the month of November this service conducted **3 deliveries** and delivered **302 items**.

Online Engagement:

Over the past month the library has had **2,464** post views on Facebook. Throughout the month the library promoted our current new and recommended items, upcoming events and exhibits.

Collections:

During November the library added **164 new items** to the physical collections Over the month the library loaned **5,884 physical items** and there have been **244 eAudio loans, 323 eBook Loans and 77 Digital magazine loans.**

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

Program Type		
Type	No. of Programs	Attendance
Literacy and lifelong learning	15	171
Informed and connected citizens	2	51
Digital Inclusion	1	1
Personal development and wellbeing	6	45
Stronger and more creative communities	2	18
Economic and workforce development	0	0
TOTAL	26	286

Children's Programs

The library celebrated Pollinators week during November and themed children's programs around bees and the importance of our local pollinators. The library hosted 8 Story Time and Baby Rhyme sessions throughout November which were attended by **89 children.**

LEGO Club sessions are now hosted twice monthly at Muswellbrook Branch and monthly at Denman Branch. LEGO club was attended by **34 children** across both branches.

The Library visited the students at a local Early Learning centre this month and presented literacy programming to **20 children.**

Adults Programs:

This month the library hosted a travelling pop up Drug and Alcohol Information Hub courtesy of the State Library NSW. This hub aims to raise awareness for responsible consumption of alcohol through the 'Know your standards' content, promote non-alcoholic alternatives and provide information about drugs and the law. The library hosted two events in collaboration with the local Community Drug Action Team (CDAT) including a Make it Mocktail – Know Your Standards event at the Muswellbrook Library and a Pop Up stand in the Muswellbrook Marketplace.

- **Brain Training** was hosted during the month with **3 attendees.**
- The **Adult Craft Group** meets fortnightly at the Muswellbrook Branch and was attended by **14 attendees** during November. This social groups shares crafts projects and



provides important adult social connections to members of the Muswellbrook Community.

- The **Bookclub** groups were hosted at Muswellbrook and Denman Branch and **was** attended by **11 attendees**. These groups meet monthly. The Library also promotes a new online bookclub 'Ben's Bookclub' with simultaneous use books available through our Libby App.
- The **Writers Group** was attended by **7 attendees**.

Exhibitions:

- The Muswellbrook Library hosted an exhibition of military memorabilia for Remembrance Day courtesy of shire local Terry Gill.

COMMUNITY PARTNERSHIPS & ENGAGEMENT

Partnerships and Engagement Officers have commenced the initial Planning for the **2023 10th Anniversary Blue Heeler Film Festival**; attended the first meeting of the **Great Cattle dog Muster Committee**; Support has been provided the **Denman Chamber of Commerce Christmas Markets**; support has also been provided to the **2023 Denman Diesel, Rust and Dust Truck and Machinery Show**; facilitation and planning of **Australia Day Nominations and Australia Day 2023 Celebrations**.

Visitor Information Centre – Denman, The Denman VIC has seen a reduction of Volunteers, the Community Services Engagement Officer backfills these days to keep the doors open. Liaison work has occurred with Joblink to connect participants to volunteering opportunities as well as Facebook posts on social media outlets.

November visitor statistics as below:

November 2022	
Visitors from:	Number of visitors
NSW Other	185
Muswellbrook LGA	16
Queensland	12
Western Australia	6
Victoria	7
Northern Territory	0
Tasmania	0
South Australia	0
International	11
Total Visitors	237

Wonnarua/Wanaruah/Wanarruwa Aboriginal Language Course, The first two groups will complete the language program at the end of December. The Community Partnerships Officer will commence preparations for next year's workshops which will commence in



January/February.

Facilitation of the **Upper Hutner Community Services Interagency**, resourcing and support has been provided to **Upper Hunter Youth Services, Upper Hunter Homeless Support and Drug & Alcohol Health Services**.

Preparation and distribution of the **Muswellbrook Shire Network** – Meal Calendar and Contact List.

A meeting was held this month with 2 Rivers Pty Ltd to discuss the Treaty/Reconciliation Project final report. This Project was initiated by the last Council and has been severely impacted by the COVID Health restrictions. The final report will be presented to the **Muswellbrook Shire Council Aboriginal Cultural Inclusion Committee** when the wider Committee is formed.

The **Muswellbrook Shire Council Aboriginal Cultural Inclusion Committee** Aboriginal Community Members expression of interest is being developed and will advertised early 2023.

MUSWELLBROOK REGIONAL ARTS CENTRE

The exhibition of the Viola Bromley Art Prize continues to the 17 December, drop by and experience the art of our region, and the winners of the acquisitive local art competition:

- Painting: Marie Lunney, 'Days in the Sun (after Blue House)'
- Works on Paper: Gail Southwell, 'Accidentally Kelly Street'
- Sculpture: Joanne Van Hees, 'Deep Dark Claze'
- Photography: Michael Rayner, 'Garden'

These four works join the Muswellbrook Shire Art Collection alongside key local artists including Max Watters, James Clifford and Viola Bromley herself.

MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN

- The Muswellbrook Aquatic Indoor Pool facilities continue to be well utilised by community members. Entry to the Centre is in excess of 700 patrons per week. As the weather warms up patrons are making use of the Muswellbrook Outdoor Pool, Muswellbrook Swimming Club have returned to their weekly club nights and local schools have returned post COVID utilising both Muswellbrook and Denman Outdoor Pools to deliver school programs such as learn to swim, bronze medallions and school swimming carnivals.
- Muswellbrook Learn to Swim Program will be finish prior to the Christmas break, since August, 200 plus children have completed a 10-week LTS program and will resume mid-January.
- Aqua Aerobics has been extremely popular since we opened in August, in consultation with the participants and the availability of instructors this program will recommence in February 2023.



10. Minutes of Committee Meetings

10.1. Industrial Closures Committee Minutes - 3 November, 2022

Attachments:	1. Minutes - Industrial Closures Committee - 3/11/2022 [10.1.1 - 3 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Michelle Sandell-Hay – Governance Officer
Community Plan Issue:	1 - <i>Economic Prosperity</i>
Community Plan Goal:	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Strategy:	1.1.1 - Facilitate the expansion of and establishment of new industries and business.

PURPOSE

To inform Council of a meeting of the Industrial Closures Committee Meeting held on 3 November, 2022.

OFFICER'S RECOMMENDATION

The minutes for the Industrial Closures Committee Meeting held on 3 November, 2022 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Governance Officer reports that the Industrial Closures Committee met on 3 November, 2022.

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

**MINUTES OF THE INDUSTRIAL CLOSURES COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON
THURSDAY 3 NOVEMBER 2022 COMMENCING AT 4.05PM**

PRESENT: Cr S. Reynolds (Chair), Cr J. Drayton, Mr W. Jordan (VC), Mr M. Kelly (Mbk Chamber of Commerce), Mr A. Lancey (Mt Arthur (VC)), Mr D. Finnigan (Acting General Manager), Ms S. Welchman (Director - Community & Economy) and Ms S. Pope (Director - Planning & Environment).

IN ATTENDANCE: Mrs M. Sandell-Hay

1 Apologies

RECOMMENDED on the motion of Cr J. Drayton and Cr S. Reynolds that:

The apologies for inability to attend the meeting submitted by Cr R. Scholes, Mr D. Layzell, Mr R. Cooper, Mr B.O'Kane be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr M. Kelly and Cr S. Reynolds that:

The Minutes of the Industrial Closures Advisory Committee Meetings held on 21 April, 2022 and 18 August, 2022, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil.

4 Business Arising

Nil

5 Business

5.1 DA 2002-205 Muswellbrook Coal Extension to Haulage Timeframe

A report was submitted to the Committee advising of the modification currently on exhibition, to extend the timeframe for coal haulage from Muswellbrook Coal Mine until the end of March 2023.

Ms Pope advised the Committee that Muswellbrook Coal have requested an extension of time for coal haulage of stockpiled coal.

RECOMMENDED on the motion of Mr M. Kelly and Cr J. Drayton that:

The information contained in this report be noted.



5.2 Upper Hunter Region Employment Land Strategy

A report was submitted to the Committee providing an update the Committee on the appointment of Hill PDA Consulting to complete the Upper Hunter Region Employment Land Strategy by April 2023.

Ms Welchman advised the Committee that this is a co-ordinated approach for the whole of the Upper Hunter Region which includes Muswellbrook, Upper Hunter, Singleton and Dungog Shire Councils. Ms Welchman also advised the Committee that a working group has been established which includes Regional NSW, the Department of Planning and Mining NSW. Ms Welchman also advised the Committee that the State Government have reviewed their guidelines in July with new guidelines being released and that Councils were working collaboratively to develop a new strategy under these new guidelines and trying to understand what employment generating land Council has within the region, understand what the demand is for future employment and what future employment needs might be and then what the competitive/position will be not only in Muswellbrook but in the Upper Hunter.

The Committee suggested that the report identify a range of options/possibilities rather than solutions.

RECOMMENDED on the motion of Mr M. Kelly and Cr J. Drayton that:

The information contained in this report be noted.

5.3 Hunter Regional Plan 2041

A report was submitted to the Committee providing an update on the Hunter Regional Plan 2041.

Ms Pope provided a brief update on the Hunter Regional Plan 2041.

RECOMMENDED on the motion of Cr J. Drayton and Mr M. Kelly that:

The information contained in this report be noted.

6 Member Updates

6.1 Member Updates

Working Groups

Mr Jordan advised the Committee that he attended events held in Singleton and Lake Macquarie with representatives from Collie, WA, that described their approach regarding making industrial land easily accessible, having substantial government funding to attract investment, locally-lead approaches, and engagement with superannuation funds.

Mt Arthur

Mr Lancey advised the Committee work was being undertaken with university students regarding the Props and Pathways Program.

Mr Lancey also advised the meeting that BHP had announced an upgrade which would involve engagement with various government departments.



7 Date of Next Meeting

19 January, 2022

8 Closure

The meeting was declared closed at 5.20pm

.....
Mr D. Finnigan
Acting General Manager

.....
Cr S Reynolds
Chairperson



10.2. State Significant Development Committee - 21 November 2022

Attachments:	1. Minutes - State Significant Development - 21/11/2022 [10.2.1 - 2 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Michelle Sandell-Hay – Governance Officer
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To inform Council of a meeting of the State Significant Development Committee Meeting held on 21 November, 2022.

OFFICER'S RECOMMENDATION

The minutes for the State Significant Development Committee meeting held on 21 November, 2022 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Governance Officer reports that the State Significant Development Committee Meeting held on 21 November, 2022.

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

**MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF
THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON MONDAY
MONDAY 21 NOVEMBER, 2022 COMMENCING AT 4.07PM.**

PRESENT: Cr B. Woodruff (Chair), Cr J. Lecky and Cr R. Scholes.

IN ATTENDANCE: Cr M. Bowditch (VC), Cr L. Dunn, Cr D. Marshall (VC),
Mr D. Finnigan (Acting General Manager), Ms S. Pope (Director –
Planning & Environment), Mrs S. Welchman (Director - Community &
Economy (VC)), Ms T. Folpp (Development Compliance Officer),
Ms A. Hathway (Corporate Lawyer) and Mrs M Sandell-Hay
(Governance Officer), Ms K. McCann (EA to the Mayor), Mr D. Holm
(Square Peg Consulting), Ms A. Walker (BHP), Mr D. Layzell,
Mr M. Sprott (EnergyCo (VC)), Mr P. Youman (GHD (VC)), Ms M.
Crawford (VC).

1 Apologies

RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The apologies for inability to attend the meeting submitted by Cr S. Reynolds
and Cr G. McNeill be ACCEPTED

In Favour: Cr J. Lecky, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

2 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

The Minutes of the State Significant Development Committee Meeting held
on **10 October, 2022**, a copy of which has been distributed to all members, be
taken as read and confirmed as a true record.

In Favour: Cr J. Lecky, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil.

4 Business Arising

PRESENTATIONS

Mr D. Horn from Square Peg Consulting provided the Committee with a brief
presentation on the social impact assessment on the proposed Mt Arthur modification.

Mr Chambers arrived at the meeting at 4.28pm

Mr Sprott, Mr Youman and Mr Layzell arrived at 4.30pm

Mr Holm and Ms Walker left the meeting at 4.39pm.

Mr Sprott, Director - Planning and Policy - Energy Corporation, provided a brief
presentation to the Committee on the renewable Energy Zones - Energyco.

Mr Sprott and Mr Youman left the meeting at 5.16pm



Mr Layzell left the meeting at 5.21pm.

5 Business

5.1 Mount Arthur MOD2 - Social Impact Assessment Presentation

RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The information contained in this report be noted.

In Favour: Cr J. Lecky, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

5.2 Renewable Energy Zones - Energyco Briefing

Cr Reynolds arrived at 5.32pm

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

5.3 State Significant Development - Activities Summary

A report was submitted to the committee providing an update on significant development activities.

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

7 Date of Next Meeting

26 November, 2022

8 Closure

The meeting was declared closed at 5.35PM.

.....
Mr D. Finnigan
Acting General Manager

.....
Cr B. Woodruff
Chairperson



10.3. Events Steering Committee Meeting - 17 November, 2022

Attachments:	1. 20221117 Events Steering Committee Minutes [10.3.1 - 2 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Fiona Wilton – Economic Development Officer
Community Plan Issue:	2 - <i>Social Equity and Inclusion</i>
Community Plan Goal:	An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Strategy:	4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors

PURPOSE

To submit for Council's information the minutes of the Events Steering Committee meeting held on 17 November 2022.

OFFICER'S RECOMMENDATION

The minutes for the Events Steering Committee meeting held on 17 November 2022 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Economic Development Officer reports that the Events Steering Committee met on 17 November 2022.

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

**MINUTES OF THE EVENTS STEERING COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON
THURSDAY 17 NOVEMBER, 2022 COMMENCING AT 5.00PM.**

PRESENT: Cr S. Reynolds (Chair), Cr D. Douglas and Cr D. Marshall.

IN ATTENDANCE: Cr G. McNeill, Ms S. Welchman (Director - Community & Economy),
Ms K. Manwarring (Manager - Community Services), Ms C.
Middleton (Communication & Media - Co-Ordinator), Mrs F. Wilton
(Economic Development Officer) and Ms M. Sandell-Hay
(Governance Officer)

1 Apologies

RECOMMENDED on the motion of Cr D. Douglas and Cr D. Marshall that:

The apologies for inability to attend the meeting submitted by Cr J. Drayton and Mr D. Finnigan be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Cr S. Reynolds and Cr D. Douglas that:

The Minutes of the Events Management Steering Committee Meeting held on **21 September 2022 and 18 October 2022**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

4 Business Arising

Nil

5 Business

5.1 Action List

A report was submitted to the Committee providing an update on the Action List.

RECOMMENDED on the motion of Cr D. Douglas and Cr D. Marshall that:

The information contained in the report be noted.

5.2 Australia Day 2023 - Citizenship & Community Award Ceremony

A report was submitted to the Committee providing an update on the 2023 Australia Day Citizenship and Community Awards Ceremonies and to determine the Australia Day Nomination Committee.

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

The Committee:

1. Notes the report; and



2. Establishes an Australia Day Nominations Committee to consider the Citizens of the Year recipients. The Australia Day Nominations Committee will comprise all Councillors.

5.3 New Year's Eve Event 2022

A report was submitted to the Committee providing an update on the Reconnecting our Community New Year's Eve Event is a community event part funded under the Reconnecting Regional NSW – Community Events Program, as part of a \$25 million commitment by the NSW Government to promote economic and social recovery across all regional NSW through the delivery of COVID-Safe community events and festivals that are open for the entire community to attend for free.

RECOMMENDED on the motion of Cr S. Reynolds and Cr D. Douglas that:

The committee notes the report.

5.4 Rock'n the Brook Event 2023

A report was submitted to the Committee providing an update on the Reconnecting our Community Rock'n the Brook Event is a community event part funded under the Reconnecting Regional NSW – Community Events Program, as part of a \$25 million commitment by the NSW Government to promote economic and social recovery across all regional NSW through the delivery of COVID-Safe community events and festivals that are open for the entire community to attend for free.

RECOMMENDED on the motion of Cr D. Douglas and Cr D. Marshall that:

The Committee notes the report.

6 Date of Next Meeting

Tuesday 13 December, 2022

7 Closure

The meeting was declared closed at 5.41pm.

.....
Ms S. Welchman
Director - Community & Economy

.....
Cr S. Reynolds
Chair

**10.4. Grants Review Committee - 16 November 2022 and 7 December 2022**

Attachments:	1. Minutes - Grants Review Committee - 16/11/2022 [10.4.1 - 3 pages] 2. Minutes - Grants Review Committee - 7/12/2022 [10.4.2 - 2 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Ivan Skaines – Grants and Community Engagement Officer
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To inform Council of meetings of the Grants Review Advisory Committee Meeting held on 16 November 2022 and 7 December, 2022.

OFFICER'S RECOMMENDATION

The minutes for the following meetings be NOTED:

1. Grants Review Advisory Committee Meeting held on 16 November 2022
2. Grants Review Advisory Committee Meeting held on 7 December 2022.

Moved: _____ **Seconded:** _____

REPORT

The Grants and Community Engagement Advisor reports that the following meetings were held:

1. Grants Review Advisory Committee Meeting held on 16 November 2022
2. Grants Review Advisory Committee Meeting held on 7 December 2022

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

**MINUTES OF THE GRANTS REVIEW COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON 16
NOVEMBER, 2022 COMMENCING AT 5.00PM**

PRESENT:

Cr S. Reynolds (Chair), Cr D. Douglas, Cr L. Dunn, Mr D. Finnigan (Acting General Manager), Mr D. Walsh (Director - Corporate Services), Mr M. Laysaught (Director - Property & Place), Ms S. Welchman (Director - Community & Economy), Ms K. Scholes (Manager - Roads, Drainage & Technical Services), Ivan Skaines (Grants & Community Engagement Officer)

IN ATTENDANCE:

Cr D. Marshall (VC), Ms E. Lane (Coordinator Customer Service & Administration) (VC)

1 Apologies

Nil

2 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

3 Business Arising

Nil

4 Business

4.1 Draft Terms of Reference - Grants Review Committee

Discussion took place surrounding point 3.2 of the Terms of Reference (Attendees (non-voting)). Cr S Reynolds requested that the "Deputy General Manager" be removed from the list of Council Officers and that the "Innovation Coordinator" and "Technical Officer - Recreational Property" be added to this list.

RECOMMENDED on the motion of Cr L. Dunn and Cr D. Douglas that:

The Committee notes the information contained in the report.

4.2 Report on Council Grant Funding

Places to Swim Grant Program - Mr I. Skaines spoke to Places to Swim and grant opportunities around helping/building places to swim. Council staff are recommending the construction of the shared pathway from Wilkins Street to Hunter Beach as well as a side path from Aberdeen Street back to the New England Highway to facilitate access to swim. Ms Scholes confirmed there will be a minimum of 2m width of a shared path.

Female friendly community sports facilities and lighting upgrade -

recommendation from staff is some lighting at Weeraman Field as priority one and Highbrook Park as priority two. Investigation into lighting at Olympic Park is supported however, due to current works taking place, it is not a top priority.

Regional Roads and Transport Recovery package - recommendation from staff that Merton St and Palace Street be added as a prioritised project under the Regional



Roads and Transport Recovery package with the understanding that it may not meet the criteria of the grant and ultimately be unsuccessful.

Summer Holiday Break Program - Mr I. Skaines advised that Council received approval for this funding.

Safe and Secure Water Program - Cr S. Reynolds advised that council would be applying for this to help support funding for the GLE Pipeline.

Go FOGO - Mr I. Skaines advised that council's application has been submitted.

NSW Infrastructure Betterment Fund - Cr S. Reynolds requested the collection of priorities of this funding through council staff.

RECOMMENDED on the motion of Cr D. Douglas and Cr L. Dunn that:

The Committee notes the information contained in the report and endorses the following grant applications to be submitted on Council's behalf:

1. The design and construction of a shared pathway from Hunter Beach to Keegan Street under the Places to Swim program;
2. The installation of new lighting and poles at Weeraman Fields under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program; and
3. The prioritised projects listed below under the Regional Roads and Transport Recovery package:
 - (i) Wybong Road and Kayuga Road (improve flood resilience) – both roads act as alternative transport routes during flood or emergency events;
 - (ii) Upgrade of roads that provide access for bushfire vulnerable communities, for example, Martindale Road, Baerami Creek Rd, Widden Rd;
 - (iii) Thomas Mitchell Drive; and
 - (iv) Bell Street Muscle Creek Bridge repairs/replacement.

5 General Business

Upcoming Grant and Funding Opportunities

Regional Youth Radio Program - Cr. S Reynolds suggested this as a great program for youth in the community over the Christmas holidays period. Cr D. Douglas further mentioned an Aboriginal youth worker currently funded to the Wanaruah Lands Council 2 days a week and Singleton PCYC 3 days a week. He runs podcasting classes and Cr D. Douglas would be happy to liase with him to get involved and support the program.

Graffiti Management Grant - Mr I. Skaines mentioned this grant. After discussion about the success of previous and current management programs for graffiti in the community, no further action was taken.

Places to Play - Mr I. Skaines advised that there is already funding from this grant for Simpson Park playground and equipment redevelopment and that there is still funding available until 15 December 2022.

6 Date of Next Meeting

To be confirmed



7 Closure

The meeting was declared closed at 5:44pm.

.....
Mr D. Finnigan
Acting General Manager

.....
Cr S Reynolds
Chairperson

**MINUTES OF THE GRANTS REVIEW COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON
WEDNESDAY, 7 DECEMBER 2022 COMMENCING AT 4:30PM.**

PRESENT: Cr S. Reynolds (Chair), Cr L. Dunn, Mr D. Finnigan (Acting General Manager), Mr M. Lysaught (Director - Property & Place), Ms K. Scholes (Manager - Roads, Drainage & Technical Services), Mr I. Skaines (Grants & Community Engagement Advisor) and Mr M. Leman (Innovation Coordinator).

IN ATTENDANCE: Cr J. Lecky, Cr D. Marshall, Cr R. Scholes and Ms E. Lane (Coordinator - Customer Services & Administration).

1 Apologies

RECOMMENDED on the motion of Cr L. Dunn and Cr S. Reynolds that:

The apologies for inability to attend the meeting submitted by Cr D. Douglas, Mr D. Walsh, Ms S. Welchman and Mr P. Chandler be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Cr L. Dunn and Cr S. Reynolds that:

The Minutes of the Grants Review Committee Meeting held on **16 November, 2022** a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 5.1.1. Cr S. Reynolds advised the Committee that his property backs onto Karoola Park.

4 Business Arising

Nil

5 Business

5.1 Report on Council Grant Funding

Mr Finnigan advised that the report provided in the agenda for Turtle Street, Denman footpath under the Get NSW Active Program is a company appointed progress report to Council.

Questions

Cr Marshall asked a question relating to the report provided in the agenda and what size the proposed pathway would be.

Cr Reynolds advised that the proposal is moving to a shared pathway with a minimum width of 2 meters.



Cr Reynolds inquired whether there was anything that could be done at the next Council meeting to formally advise of moving forward with shared pathways in the community.

Mr Finnigan advised that once the Walk and Cycle Plan is finalised, a copy would be sent out for final views to Councillors.

Cr Marshall asked for an explanation on the unfunded aspects of the development of the Civic Pocket Park in Muswellbrook under the Places to Play Program.

Mr Lysaught advised the Committee that Council had already been offsetting funds for future loans and that there is money for the Pocket Park and the demolition already. However, there are still items within the scope that the grant can fund.

Mr Skaines added that the Places to Play grant is due the same day as the Infrastructure Betterment Fund and that the river intake at Denman and the sand filter for Muswellbrook under the Infrastructure Betterment Fund are more important projects. He believes that chances of receiving the grant are slim due to Council already receiving funding for the Everyone Can Play grant for Simpson Park and Nature Play at Wollemi Park.

RECOMMENDED on the motion of Cr L. Dunn and Cr S. Reynolds that:

The Committee notes the information contained in the report and endorses the following grant applications to be submitted on Council's behalf:

1. Resilience works at Karoola Park, Muswellbrook including improvements to the stormwater drain and the construction of a detention basin, under the Essential Community Sport Assets Program;
2. Unfunded aspects of the development of the of the Civic Pocket Park in Muswellbrook under the Places to Play Program; and
3. Turtle Street, Denman footpath under the Get NSW Active Program.

7 Date of Next Meeting

1 February, 2023

8 Closure

The meeting was declared closed at 4:41pm.

.....
Mr D. Finnigan
Acting General Manager

.....
Cr S. Reynolds
Chairperson



11. Notices of Motion

Nil

12. Councillors Reports

13. Written Questions

Nil

14. Questions for Next Meeting

15. Adjournment into Closed Council

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

16. Closed Council

RECOMMENDATION

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

Moved: _____ **Seconded:** _____

16.1. **Regional Procurement Tender T162223HUN Supply & Delivery of Hardware**

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting



(or proposes to conduct) business.

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

16.2. Regional Procurement Tender T202223HUN Provision of Road Stabilising

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.3. Northview Water Main Easement

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.4. Rate of Pay - Regional Planning Panel Community Member

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.5. Denman District Heritage Village - Variation for Amenities

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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



16.6. Disaster Funding Arrangements - Option

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.7. Denman Swimming Club - Request to waiver Councils Fees & Charges

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.8. Future Fund Schedule Financial Information

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

16.9. DRAFT Upper Hunter Conservatorium of Music Lease

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

17. Resumption of Open Council

18. Closure

Date of Next Meeting: 24 January, 2023