



### 10.4.3. Privacy Management Plan MSC037E and Data Breach Policy MSC038E for ADOPTION

<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Privacy Management Plan MS C 037 E [10.4.3.1 - 40 pages]</li><li>2. Data Breach Policy MSC038E [10.4.3.2 - 7 pages]</li><li>3. Privacy and Personal Information Protection Amendment Act 2022 ( NS W) [10.4.3.3 - 19 pages]</li></ol>
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Chloe Wuiske (Business Improvement Officer), Madeleine St John (Business Improvement Officer)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	6.2.5 - Implement a comprehensive and targeted business improvement program.

---

#### PURPOSE

To submit the attached *Privacy Management Plan* and the *Data Breach Policy* to Council for adoption following a 28 day period of public exhibition.

#### OFFICER'S RECOMMENDATION

Council ADOPTS the *Privacy Management Plan* and the *Data Breach Policy*.

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

#### BACKGROUND

Council's *Privacy Management Plan* (The Plan) sets out how Muswellbrook Shire Council upholds the principles and requirements of the *Privacy and Personal Information Protection Act 1998* (PPIPA) (The Act), the *Health Records and Information Privacy Act 2002* (HRIPA), and any other relevant legislation or Code of Practice made by the Attorney-General, in addition to directions issued by the New South Wales (NSW) Privacy Information Commission.

The Plan was developed in accordance with Section 33 of the PPIPA which requires all councils in NSW to prepare a Privacy Management Plan to address (please note: new changes marked in green text):

- i. compliance by Council with the requirements of the PPIPA and HRIPA;
- ii. the dissemination of those policies and practices to persons within the Council;
- iii. the procedures that Council proposes for internal review of privacy complaints;
- iv. on and from 28 November 2023, the procedures and practices of Council to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIPA for the mandatory notification of data breach scheme; and
- v. such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by Council.



From 28 November 2023, the NSW mandatory data breach scheme will take effect with the *Privacy and Personal Information Protection Amendment Act 2022 (NSW)* (the Amending Act) (Attachment 3).

Under the mandatory data breach scheme public agencies must notify affected individuals and the Privacy Commissioner when a data breach is likely to result in serious harm to an individual whose personal information has been compromised.

In addition, the Amending Act requires Council to prepare and publish a data breach policy and establish and maintain an internal register for eligible data breaches.

The *Privacy Management Plan* (Attachment 1) was previously adopted by Council in 2013. The Plan has been reviewed by Council Officers and amended to ensure Council's compliance with the obligations and responsibilities set out in Part 6A of the PPIPA for the mandatory notification of data breach scheme. Typographical amendments and Council position title updates were also completed as part of the review.

The *Data Breach Policy* (Attachment 2) is a new policy that has been developed in preparation for the legislative changes due to take effect from 28 November 2023.

The purpose of the *Privacy Management Plan* and the *Data Breach Policy* is to show Muswellbrook Shire Council's compliance with the amendments to the Act.

## CONSULTATION

Corporate Lawyer

Business Improvement Officer(s)

Manex

Audit, Risk & Improvement Committee

## REPORT

At the 28 March 2023 Ordinary Council Meeting, Council endorsed the *Privacy Management Plan* and the *Data Breach Policy* for Public Exhibition via Council's website for a period of 28 days.

The Plan and the Policy were exhibited on Council's website from 31 March 2023 to 28 April 2023.

No submissions were received by Council during the submission period.

## OPTIONS

Council may:

1. Resolve to adopt the *Privacy Management Plan* and the *Data Breach Policy*; or
2. Adopt the *Privacy Management Plan* and the *Data Breach Policy* with amendments.

## CONCLUSION

It is recommended that Council adopts the attached *Privacy Management Plan* and the *Data Breach Policy*.

## SOCIAL IMPLICATIONS

Nil known.



## **FINANCIAL IMPLICATIONS**

Nil known.

## **POLICY IMPLICATIONS**

The Policy was developed in anticipation of the legislative changes due to occur on 28 November 2023, which requires Council to prepare and publish a data breach policy.

## **STATUTORY IMPLICATIONS**

*Privacy and Personal Information Protection Amendment Act 2022 (NSW)*

*Privacy and Personal Information Protection Act 1998 (NSW)*

*Local Government Act 1993*

## **LEGAL IMPLICATIONS**

Nil known.

## **OPERATIONAL PLAN IMPLICATIONS**

6.2.5.2 - Review the policy management framework.

## **RISK MANAGEMENT IMPLICATIONS**

This policy mitigates the potential risk of Council not meeting statutory requirements.

## **WASTE MANAGEMENT IMPLICATIONS**

Nil known.

## **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Public exhibition via Council's website from 31 March 2023 to 28 April 2023 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



**muswellbrook  
shire council**

## Privacy Management Plan

MSC037E

### Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	4 years	<b>Review due date:</b>	
<b>Department:</b>	Office of the General Manager – Legal		
<b>Document Owner:</b>	Public Officer		
<b>Community Strategic Plan Goal</b>	6. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		

This document is a controlled document. Before using this document, check it is the latest version by referring to Council's ED RMS and ensuring you are using the Last Approved Version. Printed or downloaded versions of this document are uncontrolled.

☎ (02) 6549 3700   @ council@muswellbrook.nsw.gov.au   📍 Campbell's Corner 60–82 Bridge Street Muswellbrook NSW 2333

📮 PO Box 122 Muswellbrook 2333   🌐 muswellbrook.nsw.gov.au   📺 muswellbrook shire council   ABN 86 864 180 944



## Table of Contents

Part 1 - Introduction .....	3
Part 2 - Public Registers .....	6
Part 3 - The Information Protection Principles .....	9
Part 4 - The Health Privacy Principles .....	22
Part 6 - Internal Review and Complaints.....	28
Part 7 - Mandatory Notification of Data Breach.....	30
Part 8 - Other Relevant Matters .....	33
Version History.....	34
Appendices .....	35

## Part 1 - Introduction

This Privacy Management Plan sets out how the Muswellbrook Shire Council (Council) upholds the principles and requirements of the *Privacy and Personal Information Protection Act 1998* (PPIPA), the *Health Records and Information Privacy Act 2002* (HRIPA), any other relevant legislation or Code of Practice made by the Attorney-General in addition to directions issued by the New South Wales (NSW) Privacy Information Commission.

This plan has been developed in accordance with Section 33 of the PPIPA which requires all councils in NSW to prepare a Privacy Management Plan (the Plan) to address:

- i. compliance by Council with the requirements of the PPIPA and HRIPA;
- ii. the dissemination of those policies and practices to persons within the Council;
- iii. the procedures that Council proposes for internal review of privacy complaints;
- iv. on and from 16 November 2023, the procedures and practices of Council to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIPA for the mandatory notification of data breach scheme; and
- v. such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by Council.

Under PPIPA, there are 12 Information Protection Principles which describe the manner in which NSW government agencies must handle personal information. The principles cover the collection, storage, use and disclosure of personal information along with access to personal information.

Under HRIPA, there are also 15 Health Privacy Principles which describe the manner in which NSW government agencies must handle health information. The Health Privacy Principles include all the Information Protection Principles with the addition of Identifiers & Anonymity and Transferrals & Linkages that specifically relate to health information only.

The Attorney General has amended these principles specifically for local government, the Privacy Code of Practice for Local Government (the Code) details the changes made. The Code enables local government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the Act) in a manner that seeks to comply with the PPIPA and the HRIPA.

*This plan should be read in conjunction with the Code of Practice for Local Government, Information Protection Principles and the Health Privacy Principles.*

Where the Council has the benefit of an exemption from the Information Protection Principles, it will nevertheless describe procedures for compliance in this Plan. By doing so Council is not to be bound in a manner other than that prescribed by the Code.

Council collects, uses and stores a broad range of information, which a significant part of that information is personal. This Plan applies specifically to personal information including health information defined under section 6 of the HRIPA.

### ***What is Personal Information and Health Information.***

“Personal Information” under section 4 of the PPIPA is defined as information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

“Health Information” under section 6 of the HRIPA is defined as Personal information that is information or an opinion about the physical, mental health or disability of person. Express wishes about the future provision of health services; a health service provided or to be provided, or any other personal information collected to provide or in providing a health service.

### ***What is not Personal or Health Information***

Personal information does not include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA. Council considers the following to be publicly available:

- i. an advertisement containing personal information in a local, city or national newspaper;
- ii. personal information on the internet;
- iii. books or magazines that are printed and distributed broadly to the general public;
- iv. Council Business papers that are not confidential under Section 10A(2) of the *Local Government Act 1993* (Local Government Act); and
- v. Personal information that may be a part of a display on view to the general public.

Information published in this way ceases to be covered by the PPIPA. However, Council’s decision to publish in this way must be in accordance with PPIPA.

### ***Application of this Privacy Management Plan***

The PPIPA and this Plan apply, wherever practicable, to:

- i. councillors;
- ii. council employees;
- iii. consultants and contractors of the Council;
- iv. council owned businesses; and
- v. council committees (including committees established under section 355 of the *Local Government Act 1993*).

### ***Personal and Health Information held by Council:***

Council collects a range of personal and health information as part of its core business functions. The information and activities listed below is indicative of the main kinds of personal information and health information managed by the Council:

- i. recruitment material.
- ii. leave and payroll data.
- iii. personal contact information.
- iv. performance management plans.
- v. disciplinary matters.
- vi. pecuniary interest returns.
- vii. wages and salary entitlements.
- viii. rates records.
- ix. Development Application and objections.
- x. personal contact information.
- xi. complaints and disciplinary matters.
- xii. pecuniary interest returns. entitlements to fees, expenses and facilities.

### ***Applications for Access to Information not held in a Public Register.***

Council is bound by the provisions of the *Government Information (Public Access) Act 2009* (GIPA) that all applications for information should be made under this legislation. There are four ways in which government information is released, they are as follows;

i. Open access information

Council releases certain categories of information on Council's website as a normal procedure; this is known as Open Access Information. Open Access Information includes Council's policies, planning documents and agendas and minutes as well as many other categories of information.

ii. Proactive release

Council releases as much information other than Open Access as possible to the public free of charge predominately on Council's website and various Council owned locations.

iii. Informal release of information

Members of the public may contact Council and ask for information. This is known as an informal request.

iv. Formal access application for release of information

If information cannot be accessed through any of the above ways, members of the public may submit an access application.

*It should be noted that Section 14 subsection 3 of the GIPA allows government agencies to consider protection principles under the PPIPA and the HRIPA.*

### ***Unsolicited Information***

Where an individual, a group or committee, not established by Council, gives unsolicited personal information, then that information should still be treated in accordance with this Plan, the Code and the PPIPA or HRIPA.

**Note;** *That for the purposes of section 10 of the HRIPA, the Council is not considered to have "collected" health information if the receipt of the information by the Council is unsolicited. Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.*

## Part 2 - Public Registers

A distinction needs to be drawn between public registers within the meaning of Part 6 of the PPIPA and non public registers. A non public register is a register, although it is not a publicly accessible register for the purposes of the PPIPA or HRIPA. A Government agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Local Government Act under which the register is kept.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information and Health Privacy Principles and the Privacy Code of Practice for Local Government where it includes personal information that is not published.

### ***Public Registers***

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. Section 57 provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Local Government Act under which the register is kept.

Section 57 (2) requires Council to comply to ensure that any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration, attached as appendix A, as to the proposed use of that information.

### **Purposes of Public Registers under the Local Government Act\***

Section 53 - Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals – The primary purpose is to identify all approvals granted under the Local Government Area (LGA).

Section 450A - Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

**Purposes of Public Registers under the Environmental Planning and Assessment Act\***

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – The primary purpose is to identify all building certificates.

**Purposes of Public Registers under the Protection of the Environment (Operations) Act\***

Section 308 – Public register of licences held – The primary purpose is to identify all licences granted under the Act.

**Purposes of the Public Register under the Impounding Act\***

Section 30 & 31 – Record of impounding – The primary purpose is to identify any impounding action by Council.

\*These registers are purely indicative, Council may or may not, by virtue of its own practice hold other Public Registers, to which the PPIPA and the HRIPA apply.

***Applications for Suppression in Relation to a Public Register***

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than Section 739 of the Local Government Act.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under Section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. When in doubt, Council will err in favour of suppression.

(“Well-being” is defined in the Macquarie Dictionary as “the good or satisfactory condition of existence; welfare”.)

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

***Effect on Section 6 of the Government Information (Public Access) (GIPA)***

Section 57 of the PPIPA prevails over clause 1 (3) of Schedule 1 of the *Government Information (Public Access) Regulation 2009* (GIPA Regulation) to the extent of any inconsistency. Therefore:

- i. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
- ii. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
  - a) if it is allowed under section 57(1) of the PPIPA; and
  - b) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

## Part 3 - The Information Protection Principles

Each of the following organisations or groups will be required to comply with this Plan, any applicable Privacy Code of Practice and the PPIPA:

- i. Council owned businesses;
- ii. Council consultants;
- iii. Private contractors; and
- iv. Council committees.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with Section 18 to the use of the information for another purpose.

### ***Information Protection Principles 1 - 4 (Collection)***

#### **1. Collection of personal information for lawful purposes**

- (1) A public sector agency must not collect personal information unless:
  - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
  - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

#### Council Policy

Council collects personal information for a range of different activities and functions legislated under the *Local Government Act*. Examples which Council collects personal information for, although not limited to are;

- i. enquiries from the public;
- ii. complaints handling;
- iii. recruitment;
- iv. return to work programs;
- v. rating purposes; and
- vi. other core business such as regulatory functions or development matters.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information is bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

In order to ensure compliance with Information Protection Principles, internet contact forms, rates notices, various application forms, or written requests by which personal information is collected by Council; will be referred to the Council's Public Officer prior to adoption or use.

The Public Officer will also provide advice on:

- i. whether the personal information is collected for a lawful purpose;
- ii. if that lawful purpose is directly related to a function of Council; and
- iii. whether or not the collection of that personal information is reasonably necessary for the specified purpose.

#### **2. Collection of personal information directly from the individual**

A public sector agency must, in collecting personal information, collect the information directly



from the individual to whom the information relates unless:

- i. the individual has authorised collection of the information from someone else, or
- ii. in the case of information relating to a person who is under the age of 16 years the information has been provided by a parent or guardian of the person.

#### Council Policy

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections, certifications or applications in respect of tree preservation orders.

Council regards all information concerning its customers and employees as information protected by the PPIPA or the HRIPA. Council will therefore collect all personal information, where possible, directly from its customers or employee except as provided in section 9 of the PPIPA, under other statutory exemptions or Code of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

### **3. Requirements when collecting personal information**

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- i. the fact that the information is being collected;
- ii. the purposes for which the information is being collected;
- iii. the intended recipients of the information;
- iv. whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;
- v. the existence of any right of access to, and correction of, the information; and
- vi. the name and address of the agency that is collecting the information and the agency that is to hold the information.

#### The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

#### Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

In relation to privacy notifications that are to be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections; anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix B and Appendix C contain samples Privacy Notification Form that could be used for pre and post collection of personal information.

#### Privacy collection notice template

Muswellbrook Shire Council ("Council") is collecting your personal information in accordance with NSW privacy legislation in order to ... [describe the purpose of collection, in keeping with an authorised function of Council, e.g. provide a service, fulfil our functions as consent authority, etc.]. Any personal information you provide to us will be used and disclosed for this purpose, or a directly related purpose, unless you consent to another use or disclosure, in emergencies or as otherwise required or authorised by law. Your personal information will only be accessed by authorised staff of Council and ... [list any other persons or entities the information is usually disclosed to, such as agency A, contractor B, etc.]. Your personal information will not be given to any other person or agency unless it is authorised by law, or you provide your consent.

Providing us with your personal information is/is not required by law. However, if you do not provide the information, we will not be able to ... [describe the main consequence, e.g. process your application, respond to your complaint, etc.]. Council's Privacy Management Plan contains information about how you can access and seek correction of your personal information, how to submit a complaint about a breach of your privacy and how we will deal with such a complaint.

Should you wish to access or correct your personal information, please make a written request to Council by:

Post: PO Box 122, Muswellbrook NSW 2333

Email: [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

[OPTIONAL PARAGRAPH – cloud storage] When storing your personal information electronically, Council may disclose your personal information to overseas recipients due to its cloud computing arrangements. Our 'cloud' servers are located in [names of countries] and Council is reasonably satisfied that these countries have similar privacy protections to those under Australian law.

#### **4. Other requirements relating to collection of personal information**

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- i. the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete; and
- ii. the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

#### Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions. Council collects personal information through the various forms that customers complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the Public Officer or other suitable persons. Should Council have any residual doubts, the opinion of the Officer of

the Privacy Commissioner will be sought.

Council may use public place video surveillance in accordance with the provisions of the Work Place Surveillance Act.

### ***Statutory Exemptions for Information Protection Principles 1 - 4***

Compliance with Information Protection Principles is also subject to certain exemptions under the PPIPA. If one of these exemptions applies, Council need not comply.

The relevant statutory exemptions follow:

- i. Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
- ii. Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.
- iii. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principles 2 and 3 if:
  - (a) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - (b) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.
- iv. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 and 3 where the agency is lawfully authorised or required not to comply with the principle.
- v. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principles 2 and 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- vi. Section 26(1) of the PPIPA permits non-compliance with Information Protection Principles 2 and 3 if compliance would prejudice the interests of the individual concerned.
- vii. Where Council cannot collect personal information directly from the person, it will ensure one of the following:
  - a. Council has obtained authority from the person under section 9(a) of the PPIPA.
  - b. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
  - c. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
  - d. The collection of personal information indirectly where one of the above exemptions applies.
  - e. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- viii. Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

### ***Information Protection Principle 5 (Storage)***

#### **5. Retention and security of personal information**

A public sector agency that holds personal information must ensure:

- i. that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used;
- ii. that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information;
- iii. that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse; and
- iv. that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

#### Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- i. General Retention and Disposal Authority for Local Government Records (GA39);
- ii. The Council's Records Management Policy MSC07E;
- iii. Council's Information Technology Policy MSC30I; and
- iv. Council's Model Code of Conduct.

Council holds all personal information on a range of different electronic data management systems, which are password protected and subject to the terms and conditions stated in the policy documents mentioned above. The disposal of personal information will be administered by Council Officials in accordance with the General Retention and Disposal Authority (GA39).

### ***Information Protection Principles 6 – 8 (Access & Accuracy)***

#### **6. Information about personal information held by agencies**

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- i. whether the agency holds personal information;
- ii. whether the agency holds personal information relating to that person;
- iii. if the agency holds personal information relating to that person:
- iv. the nature of that information;
- v. the main purposes for which the information is used; and
- vi. that person's entitlement to gain access to the information.

#### Council Policy

Section 13 of the PPIPA requires Council to take reasonable steps to enable a person to determine whether Council holds personal information of an individual. If any information about a person, upon request is held by Council the individual will be advised of the nature of information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment. Depending on the circumstances of the information requested, the person seeking their personal information can be provided access.

Any person may make an application for Council to determine if any Council records contain

your personal information this form is attached as Appendix D.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA. However use of the GIPA is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA with the appropriate application form, attached as appendix E.

Information Protection Principle 6 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

## **7. Access to personal information held by agencies**

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

### Council Policy

Section 14 of the PPIPA requires a Council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to a third party is sought, the application must be made under the GIPA provisions unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the Public Officer, who will make a determination.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Public Officer, who will deal with the application.

## **8. Alteration of personal information**

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
  - (a) is accurate; and
  - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.

### Council Policy

Section 15 of the PPIPA allows a person to make an application to Council to amend personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose. Council may, if it deems necessary, take reasonable steps to verify the person's identity making the application, which could involve a statutory declaration in order to make the changes requested.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Coordinator Human Resources in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures" as per the current Local Government Award.

The Council's application form for alteration under Information Privacy Principle 8 is attached as Appendix F.

### ***Statutory Exemptions for Information Protection Principles 6 – 8***

Compliance with Information Protection Principles is also subject to certain exemptions under the PPIPA. If one of these exemptions applies, Council need not comply.

- i. Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 6, 7 and 8 where Council is lawfully authorised or required not to comply with the principle concerned.
- ii. Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 6, 7 and 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

### ***Information Protection Principles 9 – 10 (Use)***

#### **9. Agency must check accuracy of personal information before use**

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

### Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use. Information will be checked against other government agency databases or by direct verification with the individual, whose information is required.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

## **10. Limits on use of personal information**

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- i. the individual to whom the information relates has consented to the use of the information for that other purpose; or
- ii. the other purpose for which the information directly relates to the purpose for which the information was collected; or
- iii. the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

### The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- iv. where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- v. where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

### Explanatory Note

Council may use personal information obtained for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under Section 602 of the Local Government Act may also be used to:

- i. notify neighbours of a proposed development;
- ii. evaluate a road opening; or
- iii. evaluate a tree preservation order.

### Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

## ***Statutory Exemptions for Information Protection Principles 9 – 10***

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- i. Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue.
- ii. Section 24 (4) of the PPIPA permits non-compliance with Information Protection Principle 10 if:



- (a) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - (b) if the use is reasonably necessary in order to enable the Council to exercise its complaint handling or investigative functions.
- iii. Section 25 (a) of the PPIPA permits non-compliance with the Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.
  - iv. Section 25 (b) of the PPIPA permits non-compliance with section Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.
  - v. Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

### ***Information Protection Principles 11 – 12 (Disclosure)***

#### **11. Limits on disclosure of personal information**

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
  - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure; or
  - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body; or
  - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

#### **The Privacy Code of Practice for Local Government**

The Code makes provision for Council to depart from this principle in the circumstances described below:

- 1. Council may disclose personal information to public sector agencies or public utilities on condition that:
  - (i) the agency has approached Council in writing;
  - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency; and
  - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency’s function/s.



2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

#### Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected. Where the Council has no reason to believe that the individual concerned would object to the disclosure, the information would be provided.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

### Public Registers

Section 18 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

## **12. Special restrictions on disclosure of personal information**

1. A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
2. A public sector agency that holds personal information must not disclose the information to any person or body that is in a jurisdiction outside New South Wales unless:
  - (a) a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction, or
  - (b) the disclosure is permitted under a privacy code of practice.
3. For the purposes of subsection (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
4. The Privacy Commissioner is, within the year following the commencement of this section, to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales.
5. Subsection (2) does not apply:
  - (a) until after the first anniversary of the commencement of this section; or
  - (b) until a code referred to in subsection (4) is made, whichever is the later.

### The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

For the purposes of Section 19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

### Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

### Public Registers

Section 19 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

### **Statutory Exemptions Information Protection Principles 11 – 12**

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- i. Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *A Law enforcement purpose means* a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- ii. Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- iii. Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- iv. Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- v. Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
- vi. Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
- vii. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:
  - (a) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - (b) if the disclosure is to an investigative agency.
- viii. Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

- ix. Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.
- x. Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- xi. Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.
- xii. Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg. the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

## Part 4 - The Health Privacy Principles

Under the provisions of the *Health Records and Information Privacy Act 2002* (HRIPA) Council has a legal obligation in how it must collect, hold, use and disclose health information.

Health information includes personal information that is an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- i. a health service provided, or to be provided, to an individual;
- ii. an individual's express wishes about the future provision of health services to him or her;
- iii. other personal information collected in connection with the donation of human tissue; or
- iv. genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

In the same way as the Information Privacy Principles which have been outlined above, the provisions of the HRIPA allow for Health Privacy Principles. The meaning, intent and application of these principles are required when handling health information.

The Health Information Principles and the Information Privacy Principles are very similar with some principles overlapping in areas. There are some notable differences as the Local Government Privacy Code of Practice does not allow for exemptions to the Health Information Principles.

For this reason Council will in accordance with the relevant Information Privacy Principle apply those principles when using, storing and destroying health information. Unless an Information Privacy Principle including all exemptions departs from a Health Privacy Principle.

All health records received, created, used and stored in the day-to-day operation will be located on Council's Electronic Data Management System (EDMS). Health information access is restricted to the Human Resources Section; by restricting access to these specific files, Council can confidentially fulfil its obligations under the HRIPA.

### ***Health Privacy Principles Covered Under the Information Privacy Principles.***

#### ***Health Privacy Principle 1 - 4 (Collection)***

##### **1. Lawful**

Only collect health information for a lawful purpose that is directly related to the agency or organisation's activities and necessary for that purpose.

##### **2. Relevant**

Ensure the health information is relevant, accurate, not excessive, up-to-date and that the collection does not unreasonably intrude into the personal affairs of a person.

### 3. Direct

Only collect health information directly from a person concerned, unless it is unreasonable or impracticable to do so. See the handbook on Health Privacy for an explanation of “unreasonable” and “impracticable”.

Visit [www.privacy.nsw.gov.au](http://www.privacy.nsw.gov.au)

### 4. Open

Inform a person as to why you are collecting health information, what you will do with it, and who else may see it. Tell the person how they can view and correct their health information and any consequences that will occur if they decide not to provide their information to you. If you collect health information about a person from a third party you must still take reasonable steps to notify the person that this has occurred.

#### Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1).

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the individual how they can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 4).

#### ***Health Privacy Principle 5 (Storage)***

### 5. Secure

Ensure the health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Health information should be protected from unauthorised access, use or disclosure. (Note: private sector organisations should also refer to section 25 of the HRIPA for further provisions relating to retention).

#### Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

#### **Health Privacy Principle 6 - 9 (Access & Accuracy)**

##### **6. Transport**

Explain to the person what health information is being stored, the reasons it is being used and any rights they have to access it.

##### **7. Accessible**

Allow a person to access their health information without unreasonable delay or expense. (Note: private sector organisations should also refer to sections 26-32 of the HRIPA for further provisions relating to access).

##### **8. Correct**

Allow a person to update, correct or amend their personal information where necessary.

Note: *Private sector organisations should also refer to sections 33-37 of the HRIPA for further provisions relating to amendments.*

##### **9. Accurate**

Ensure that the health information is relevant and accurate before using it.

#### Council Policy

Council will provide details about what health information Council currently holds about an individual, along with information about why Council is storing that information. The person to which the information relates will be given sufficient rights of access to the records held by Council (HPP 6). Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8), and will make sure that the health information being used is relevant and accurate before use (HPP 9).

#### **Health Privacy Principle 10 (Use)**

##### **10. Limited**

Only use health information for the purpose for which it was collected or for a directly related purpose, which a person would expect. Otherwise, you would generally need their consent to use the health information for a secondary purpose.

#### Council policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

#### ***Health Privacy Principle 11 (Disclosure)***

##### **11. Limited**

Only disclose health information for the purpose for which it was collected, or for a directly related purpose that a person would expect. Otherwise, you would generally need their consent. (Note: see HPP 10).

#### Council Policy

Council will only disclose health information under the following circumstances:

- i. With the consent of the individual to whom the information relates; or
- ii. For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- iii. If an exemption applies (HPP 11).

#### ***Health Privacy Principle 12 - 13 (Identifiers & Anonymity)***

##### **12. Not identified**

Only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently.

#### Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

##### **13. Anonymous**

Give the person the option of receiving services from you anonymously, where this is lawful and practicable.

#### Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

#### ***Health Privacy Principle 14 - 15 (Transferrals & Linkage)***

##### **14. Controlled**

Only transfer health information outside New South Wales in accordance with HPP 14.



#### Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

#### **15. Authorised**

Only use health records linkage systems if the person has provided or expressed their consent.

#### Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

## Part 5 - Implementation of the Privacy Management Plan

### Training Seminars/Induction

Councillors, Council staff and members of Council committees should be acquainted with the general provisions of the PPIPA, and in particular, the Twelve (12) Information and fifteen (15) Health Privacy Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice. Staff undertakes a general induction within 2 months of commencement, in which, information management is incorporated.

### Responsibilities of the Privacy Contact Officer

The Public Officer will be assigned the role of the Privacy Contact Officer unless the General Manager directs otherwise.

In order to ensure compliance with PPIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, various application forms, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's Corporate Lawyer or Council's legal services panel.

The Privacy Contact Officer may assign designated officers as "Privacy Resource Officers" within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

### Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

### Accessibility

This Plan will be available to all Council staff, Councillors and members of the public via Council's website at the following address:

<https://www.muswellbrook.nsw.gov.au/policies/>

This Plan may also be provided to persons by way of email upon request.

## Part 6 - Internal Review and Complaints.

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of Council is entitled to a review of that conduct. An application for internal review is to be made within 6 months of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitably qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the Council's internal review report to enable the Privacy Commissioner to make a submission.

The Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

Under section 45 of the PPIPA a person (the applicant) who is aggrieved by the conduct of Council may submit a complaint to the Privacy Commissioner directly about the alleged violation of, or interference with, the privacy of the applicant.

Contact details for the Information and Privacy Commission NSW are as follows:

Website: <https://www.ipc.nsw.gov.au/>

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Phone: 1800 472 679

Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Postal: GPO Box 7011, Sydney NSW 2001

### What happens after an Internal Review?

If the complainant remains unsatisfied, the individual may appeal to the NSW Civil and Administrative Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an Information Protection Principle or a Health Privacy Principle.

Contact details for the NSW Civil and Administrative Tribunal are as follows:

Website: <http://www.ncat.nsw.gov.au/>

Phone: 1300 006 228

Visit/post: Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

### Other ways to resolve privacy concerns

The Council welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with the Council informally before lodging an internal review.

You can raise your concerns with the Council by contacting the Privacy Contact Officer.

Please keep in mind that you have **six months** from when you first became aware of the potential breach to seek an internal review. This six month time frame continues to apply even if attempts are being made to resolve privacy concerns informally. Please consider this time frame when deciding whether to make a formal request for internal review or continue with informal resolution.

## Part 7 - Mandatory Notification of Data Breach

On and from 16 November 2023, this Part 7 of the Plan will take effect.

Under section 59E of the PPIPA, if a Council Officer is aware that there are reasonable grounds to suspect there may have been an eligible data breach of the Council, the Council Officer must report the data breach to the General Manager.

If the General Manager receives a Council Officer report regarding a suspected eligible data breach of the Council, the General Manager must:

- (i) immediately make all reasonable efforts to contain the data breach, and
- (ii) within 30 days after the Council Officer becoming aware of the suspected eligible data breach carry out an assessment of whether the data breach is, or there are reasonable grounds to believe the data breach is, an eligible data breach (an assessment). Such assessment must be carried out in an expeditious way but is subject to an extension approved under section 59K of the PPIPA.

Section 59D of the PPIPA defines an eligible data breach to mean:

- (i) there is unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency and a reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates, or
- (ii) personal information held by a public sector agency is lost in circumstances where:
  - (a) unauthorised access to, or unauthorised disclosure of, the information is likely to occur, and
  - (b) if the unauthorised access to, or unauthorised disclosure of, the information were to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to an individual to whom the information relates.
- (iii) An individual specified in subsection (1)(a) or (1)(b)(ii) is an affected individual.

To avoid doubt, an eligible data breach may include the following—

- (i) a data breach that occurs within a public sector agency,
- (ii) a data breach that occurs between public sector agencies,
- (iii) a data breach that occurs by an external person or entity accessing data held by a public sector agency without authorisation.

### Assessments of suspected eligible data breach

During an assessment of a suspected eligible data breach, the General Manager must make all reasonable attempts to mitigate the harm done by the suspected breach.

The General Manager will determine the assessing officer in accordance with section 59G of the PPIPA.

Without limitation the assessor may consider the following when carrying out the assessment:

- (i) the types of personal information involved in the breach,
- (ii) the sensitivity of the personal information involved in the breach,
- (iii) whether the personal information is or was protected by security measures,
- (iv) the persons to whom the unauthorised access to, or unauthorised disclosure of, the personal information involved in the breach was, or could be, made or given,
- (v) the likelihood the persons specified in paragraph (iv)—
  - (a) have or had the intention of causing harm, or
  - (b) could or did circumvent security measures protecting the information,

- (vi) the nature of the harm that has occurred or may occur,
- (vii) other matters specified in guidelines issued by the Privacy Commissioner about whether the disclosure is likely to result in serious harm to an individual to whom the personal information relates.

The Privacy Commissioner is entitled to make directions and recommendation in relation to suspected eligible data breaches of the Council. The Privacy Commissioner may also investigate, monitor, audit, report and access Council premises to observe system, policies and procedures as they relate to suspected eligible data breaches.

#### Notification of eligible data breach to Privacy Commissioner

The General Manager must in the approved form, immediately notify the Privacy Commissioner of the eligible data breach.

#### Notification of eligible data breach to certain individuals

Under section 59N, as soon as practicable after the General Manager decides an eligible data breach occurred, the General Manager must, to the extent that it is reasonably practicable, take the steps that are reasonable in the circumstances to notify in accordance with section 59O:

- (i) each individual to whom the personal information the subject of the breach relates, or
- (ii) each affected individual.

However, if the General Manager is unable to notify, or if it is not reasonably practicable for the General Manager to notify, any or all of the individuals the General Manager must: publish a notification under section 59P and take reasonable steps to publicise the notification.

#### Collecting, using and disclosing information for notification

Council is not required to comply with an information protection principle, a Health Privacy Principle, a privacy code of practice or a health privacy code of practice in relation to the use, collection or disclosure of relevant personal information if information is being collected, used or disclosed by Council subject to an eligible data breach and only if it is reasonably necessary for the purpose of Council confirming the name and contact details of a notifiable individual or whether a notifiable individual is deceased.

Another public sector agency may disclose relevant personal information to Council if subject to an eligible data breach. Exemptions from certain requirements for an eligible data breach Council is exempt from certain requirements for an eligible data breach, including:

- (i) under section 59S, notification to certain individuals, if the head of another public sector agency involved in the same breach undertakes to notify the eligible data breach under Division 3 Subdivision 3;
- (ii) under section 59T, if the General Manager reasonably believes notification of the eligible data breach under Subdivision 3 would be likely to prejudice an investigation that could lead to prosecution, proceedings before a court of tribunal or another matter prescribed by the regulations;
- (iii) under subsection 59U(a), the Council takes action to mitigate harm done by the breach, action is taken before the access to or disclosure of the information results in serious harm to an individual and access or disclosure would not be likely to result in serious harm to an individual;
- (iv) under subsection 59U, the Council takes action to mitigate harm done by the breach, action is taken before unauthorised access or disclosure and because of the action taken there is no unauthorised access or disclosure;
- (v) under section 59V, if compliance with Subdivision 3 would be inconsistent with a

- (vi) secrecy provision;  
under section 59W, if the General Manager reasonably believes complying with Subdivision 3 would create a serious risk or harm to an individual's health or safety;  
and
- (vii) under section 59X, if the General Manager reasonably believes compliance with Subdivision 3 would worsen the Council's cyber security or lead to further data breaches.

## Part 8 - Other Relevant Matters

### Contact details of Public Officer and Privacy Contact Officer

Council's Public Officer and Privacy Contact Officer may be contacted as follows:

Attention: Public Officer/Privacy Contact Officer

Email: [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

Telephone: (02) 6549 3700

### Data Breach Policy

Separate from this Plan, the Council has a Data Breach Policy MSC038E that will commence on and from 16 November 2023 that sets out the Council's procedures for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

### Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

### Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to personal information to whom that information relates. An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

### Misuse of personal information

Section 664 of the *Local Government Act 1993* makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion on a case-by-case basis.

### Regular review of the collection, storage and use of personal information

The information practices relating to the collection, storage and use of personal information will be reviewed by the Council from time-to-time ensuring compliance with current standards. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

### Regular Review of Privacy Management Plan

The Privacy Management Plan will be reviewed at least once every 4 years or as required in accordance with legislative changes.

### Further Information

For assistance in understanding the processes under the PPIPA and HRIPA, please contact the Council on 6549 3700 or visit [www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au) alternately the Information and Privacy Commission can assist on 1800 472 679 or [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).



## Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	12/10/2009		Adopted by Council, minute number 254
2	8/7/2013		Adopted by Council, minute number 21
3	09/03/2023	Corporate Lawyer	Legislative update to ensure Council's compliance with the obligations and responsibilities set out in Part 6A of the PPIPA for the mandatory notification of data breach scheme. Typographical amendments and Council position title updates.



## Appendix B – Privacy Notification Form for Personal and Health Information (Pre-Collection)

*(Addressed to the person from whom information is about to be collected or has been collected)*

The personal information that Council is collecting from you is personal information for the purpose of the Privacy and Personal Information Protection Act 1998 (PPIPA)

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- \_\_\_\_\_ (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☐ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council

☐ maybe unable to process your application.

☐ will be unable to process your application.

Council is collecting this personal information from you in order to:

\_\_\_\_\_

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

\_\_\_\_\_  
(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

Signature: \_\_\_\_\_

Name to be printed: \_\_\_\_\_

Date signed: \_\_\_\_\_

## Appendix C – Privacy Notification Form for Personal and Health Information (Post-Collection)

*(Addressed to the person from whom information has been collected)*

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA)

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- \_\_\_\_\_ (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☐ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council may:

\_\_\_\_\_

Council has collected this personal information from you in order to:

\_\_\_\_\_

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

\_\_\_\_\_  
(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

Signature: \_\_\_\_\_

Name to be printed: \_\_\_\_\_

Date signed: \_\_\_\_\_

## Appendix D – Application to Determine Whether Council Hold Personal and Health Information.

### Personal information held by the Council

I, <sup>(1)</sup> \_\_\_\_\_ (1) insert full name  
of <sup>(2)</sup> \_\_\_\_\_ (2) insert address  
Hereby request the General Manager of <sup>(3)</sup> \_\_\_\_\_ (3) insert name of Council

Provide the following:

- Does the Council hold personal information about me? ☐ Yes ☐ No
- If so, what is the nature of that information?

---

---

---

- What is the main purpose for holding the information?

---

---

---

- Am I entitled to access the information? ☐ Yes ☐ No

My address for response to this application is:

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

#### Note to applicants

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

## Appendix E – Application for Access to Applicants Personal and Health Information.

### Personal information held by the Council

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request that the <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

Provide me with:

- ☐ (a) access to all personal information held concerning myself; or
- ☐ (b) access to the following personal information only (LIST INFORMATION REQUIRED BELOW):

---

---

My address for response to this application is:

---

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

### Note to applicants

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

---

---

## Appendix F – Application for alteration of Applicants Personal and Health Information.

### Personal information held by the Council

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request that the <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

Alter personal information regarding myself in the following manner:

- I propose the following changes: \_\_\_\_\_  
\_\_\_\_\_
- The reasons for the changes are as follows: \_\_\_\_\_  
\_\_\_\_\_
- The documentary bases for those changes is as shown on the attached documents  
\_\_\_\_\_  
\_\_\_\_\_

### Note to applicants

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- a) is accurate, and
- b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: \_\_\_\_\_  
\_\_\_\_\_



# Data Breach Policy

MSC038E

## Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	Every 4 years or in accordance with legislative changes.	<b>Review due date:</b>	
<b>Department:</b>	Office of the General Manager - Legal		
<b>Document Owner:</b>	Public Officer		
<b>Community Strategic Plan Goal</b>	6. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		
<b>Delivery Program activity</b>	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves		

This document is a controlled document. Before using this document, check it is the latest version by referring to Council's EDRMS and ensuring you are using the Last Approved Version. Printed or downloaded versions of this document are uncontrolled.

(02) 6549 3700 @ council@muswellbrook.nsw.gov.au Campbell's Corner 60–82 Bridge Street Muswellbrook NSW 2333

P0 Box 122 Muswellbrook 2333 muswellbrook.nsw.gov.au muswellbrook shire council ABN 86 864 180 944



## Table of Contents

1. Policy Objective .....	3
2. Risks being addressed .....	3
3. Scope .....	3
4. Policy Statement.....	3
4.1 What is an eligible data breach? .....	5
4.2 Eligible data breach response process .....	5
4.3 Eligible data breach incident register .....	6
5. Delegations.....	6
6. Legislation .....	7
7. Associated Council Documentation.....	7
8. Version History .....	7

## 1. Policy Objective

In accordance with the *Privacy and Personal Information Protection Amendment Act 2022* (NSW) (the Amending Act) from 28 November 2023, the NSW mandatory data breach scheme will take effect under the *Privacy and Personal Information Protection Act 1998* (NSW) (the Act).

Under the mandatory data breach scheme public agencies must notify affected individuals and the Privacy Commissioner when a data breach is likely to result in serious harm to an individual whose personal information has been compromised.

In addition, the Amending Act requires Council to prepare and publish a data breach policy and establish and maintain an internal register for eligible data breaches.

The purpose of this policy is to facilitate Muswellbrook Shire Council's (Council) compliance with the amendments to the Act.

## 2. Risks being addressed

Council views the responsible handling of personal information to be a key cornerstone of sound corporate governance. Council is committed to full compliance with the obligations contained in the Act.

## 3. Scope

The scope of this policy applies to all data held by Council in either a paper based or electronic format and is applicable to all employees (including Councillors, contractors, students, volunteers and agency personnel) as well as external organisations and contractors who have been granted access to Council's infrastructure, services and data.

## 4. Policy Statement

Council governs the Muswellbrook Shire local government area by carrying out a variety of activities, functions and services to meet local community needs.

Council's functions are to be exercised by the following general principles prescribed in the *Local Government Act 1993* (NSW) (LG Act),:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.

- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council provides activities, functions and services including, but not limited to:

- arts and cultural programs;
- economic development;
- capital works and maintenance of Council assets and infrastructure (e.g. roads, footpaths, drainage, public spaces & community facilities);
- community health services;
- children and family services;
- customer service, governance and administration;
- local laws enforcement & regulation;
- waste & recycling management;
- management of parks, gardens, sportsgrounds and recreational spaces;
- financial planning, budgets, valuations, rates and credit control;
- environmental planning, stewardship and management programs;
- statutory planning and building regulation;
- community support and development;
- IT infrastructure;
- animal management;
- business and trade development;
- media, marketing and communications; and,
- strategic land use planning and heritage.

Depending on the circumstances and nature of your interaction with Council, the personal information Council typically collects includes, but is not limited to the following:

- name;
- address (residential, postal and/or email);
- telephone number (work, home or mobile);
- date of birth;
- signature;
- motor vehicle registration number; and/or,
- photograph and/or video footage.

Council must comply with the notification requirements relevant to an eligible data breach, as failure to do so may render Council liable for significant penalties.

## 4.1 What is an eligible data breach?

An eligible data breach is where:

- (i) there is unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency and a reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates, or
- (ii) personal information held by a public sector agency is lost in circumstances where:
  - (a) unauthorised access to, or unauthorised disclosure of, the information is likely to occur, and
  - (b) if the unauthorised access to, or unauthorised disclosure of, the information were to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to an individual to whom the information relates.

To avoid doubt, an eligible data breach may include the following:

- (i) a data breach that occurs within a public sector agency;
- (ii) a data breach that occurs between public sector agencies;
- (iii) a data breach that occurs by an external person or entity accessing, without authorisation, data held by a public sector agency.

## 4.2 Eligible data breach response process

### **Contain**

If a Council officer is aware that there are reasonable grounds to suspect there may have been an eligible data breach of the Council, the Council officer will report the data breach to the General Manager.

If the General Manager receives a Council officer report regarding a suspected eligible data breach of the Council, the General Manager will immediately make all reasonable efforts to contain the data breach (this may involve coordinating with the other members or staff to ensure necessary steps/measures are put in place).

### **Assess**

The General Manager, or assessing officer as determined by the General Manager in accordance with section 59G of the Act, will, within 30 days after the reporting Council officer first became aware of the suspected eligible data breach, carry out an assessment of whether the data breach is, or there are reasonable grounds to believe the data breach is, an eligible data breach (an assessment).

Such assessment must be carried out in an expeditious way but is subject to an extension approved under section 59K of the Act.

During an assessment of a suspected eligible data breach, the General Manager will make all reasonable attempts to mitigate the harm done by the suspected breach.

Without limitation the assessor may consider the following when carrying out the assessment:

- (i) the types of personal information involved in the breach,
- (ii) the sensitivity of the personal information involved in the breach,
- (iii) whether the personal information is or was protected by security measures,
- (iv) the persons to whom the unauthorised access to, or unauthorised disclosure of, the personal information involved in the breach was, or could be, made or given,
- (v) the likelihood the persons specified in paragraph (iv)—

- (a) have or had the intention of causing harm, or
- (b) could or did circumvent security measures protecting the information,
- (vi) the nature of the harm that has occurred or may occur,
- (vii) other matters specified in guidelines issued by the Privacy Commissioner about whether the disclosure is likely to result in serious harm to an individual to whom the personal information relates.

### **Notify**

The General Manager must in the approved form, immediately notify the Privacy Commissioner of the eligible data breach.

Subject to an exception in the Act, as soon as practicable after the General Manager decides an eligible data breach occurred, the General Manager will, to the extent that it is reasonably practicable, take the steps that are reasonable in the circumstances to notify in accordance with section 59O:

- (i) each individual to whom the personal information the subject of the breach relates, or
- (ii) each affected individual.

If the individuals affected are not known or can't be identified, then Council will publicise the notification more broadly.

Council's media/communications department will be notified in order to prepare a media statement if appropriate in relation to the data breach.

### **Review**

After the incident has been assessed and notification has taken place, Council's Public Officer should carry out a review within 14 days to identify any actions required to prevent further breaches to be tabled at a meeting of MANEX covering:

- (i) Recommended changes to system and physical security;
- (ii) Recommended changes to any Council policies or procedures;
- (iii) Revision or changes recommended to staff training or education.

## **4.3 Eligible data breach incident register**

The General Manager will establish and maintain an internal register for eligible data breaches. The register will include details of the following, where practicable, for all eligible data breaches:

- (i) who was notified of the breach,
- (ii) when the breach was notified,
- (iii) the type of breach,
- (iv) details of steps taken by the public sector agency to mitigate harm done by the breach,
- (v) details of the actions taken to prevent future breaches, and
- (vi) the estimated cost of the breach.

## **5. Delegations**

Council's Public Officer is to review and make any necessary amendments to this Policy every 4 years or otherwise in accordance with any changes to the legislation.

## 6. Legislation

*Privacy and Personal Information Protection Act 1998 (NSW)*

*Privacy and Personal Information Protection Regulation 2019 (NSW)*

*Local Government Act 1993 (NSW)*

*Local Government (General) Regulation 2021 (NSW)*

*Government Information (Public Access) Act 2009 (NSW)*

## 7. Associated Council Documentation

Privacy Management Plan

Privacy Statement

Model Code of Conduct

## 8. Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details



New South Wales

# Privacy and Personal Information Protection Amendment Act 2022 No 74

## Contents

	Page
1 Name of Act	2
2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Privacy and Personal Information Protection Act 1998 No 133</b>
	<b>3</b>
<b>Schedule 2</b>	<b>Amendment of other Acts</b>
	<b>18</b>



New South Wales

## **Privacy and Personal Information Protection Amendment Act 2022 No 74**

Act No 74, 2022

---

An Act to amend the *Privacy and Personal Information Protection Act 1998* to introduce a mandatory notification of data breach scheme; to extend the Act's application to State owned corporations that are not subject to the *Privacy Act 1988* of the Commonwealth; and for other purposes. [Assented to 28 November 2022]

---



**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Privacy and Personal Information Protection Amendment Act 2022*.

**2 Commencement**

This Act commences on the first anniversary of the date of assent.

## **Schedule 1      Amendment of Privacy and Personal Information Protection Act 1998 No 133**

### **[1]    Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*affected individual*, for Part 6A—see section 59D(2).

*approved form*, for Part 6A—see section 59A.

*assessment*, for Part 6A—see section 59E(2)(b).

*assessor*, for Part 6A—see section 59G(1).

*eligible data breach*, for Part 6A—see section 59D(1).

*head*, for Part 6A—see section 59A.

*health privacy code of practice*, for Part 6A—see section 59A.

*Health Privacy Principle*, for Part 6A—see section 59A.

*held*, in relation to personal information—

(a) for Part 6A—see section 59C, or

(b) otherwise—see section 4(4).

*mandatory notification of data breach scheme* means the scheme under Part 6A for assessing and notifying data breaches.

### **[2]    Section 3(1), definition of “public sector agency”**

Insert after paragraph (f)—

(f1) a State owned corporation that is not subject to the *Privacy Act 1988* of the Commonwealth,

### **[3]    Section 3(1), definition of “public sector agency”**

Omit “paragraph (a)–(f)” from paragraph (g)(i). Insert instead “paragraph (a)–(f1)”.

### **[4]    Section 3(1), definition of “public sector agency”**

Omit “but does not include a State owned corporation.”.

### **[5]    Section 4 Definition of “personal information”**

Omit “For the purposes of this Act, personal” from section 4(4). Insert instead “Personal”.

### **[6]    Section 33 Preparation and implementation of privacy management plans**

Omit “prepare and implement a privacy management plan within 12 months of the commencement of this section” from section 33(1).

Insert instead “have and implement a privacy management plan”.

### **[7]    Section 33(2)(c1)**

Insert after section 33(2)(c)—

(c1) the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the mandatory notification of data breach scheme,

### **[8]    Section 36 General functions**

Omit “and privacy codes of practice,” from section 36(2)(d). Insert instead—

, privacy codes of practice and the mandatory notification of data breach scheme,

**[9] Section 36(2)(e)**

Omit “implementing privacy management plans in accordance with section 33,”.

Insert instead—

implementing—

- (i) privacy management plans under section 33, and
- (ii) data breach policies under section 59ZD,

**[10] Section 36(2)(m)**

Insert after section 36(2)(l)—

- (m) to investigate, monitor, audit and report on a public sector agency’s compliance with Part 6A, including the agency’s data handling systems, policies and practices.

**[11] Part 6A**

Insert after Part 6—

## **Part 6A Mandatory notification of data breaches**

### **Division 1 Preliminary**

#### **59A Definitions**

In this Part—

***affected individual***—see section 59D(2).

***approved form*** means a form approved under section 59ZH.

***assessment***—see section 59E(2)(b).

***assessor***—see section 59G(1).

***eligible data breach***—see section 59D(1).

***head***, of a public sector agency, means—

- (a) for a Public Service agency—the person who is the head of the Public Service agency within the meaning of the *Government Sector Employment Act 2013*, or
- (b) otherwise—the person who is the chief executive officer, however described, of the agency or otherwise responsible for the agency’s day to day management.

***health privacy code of practice*** has the same meaning as in the *Health Records and Information Privacy Act 2002*.

***Health Privacy Principle*** has the same meaning as in the *Health Records and Information Privacy Act 2002* and a reference in this Part to a Health Privacy Principle by number is a reference to the clause of Schedule 1 of that Act with that number.

***held***, in relation to personal information—see section 59C.

#### **59B Personal information includes health information**

In this Part, ***personal information*** includes health information within the meaning of the *Health Records and Information Privacy Act 2002*.

**59C Meaning of information “held” by public sector agency for Part**

For the purposes of this Part, personal information is *held* by a public sector agency if—

- (a) the agency is in possession or control of the information, or
- (b) the information is contained in a State record in respect of which the agency is responsible under the *State Records Act 1998*.

**59D Meaning of eligible data breach and affected individual**

- (1) For the purposes of this Part, an *eligible data breach* means—
  - (a) there is unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency and a reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates, or
  - (b) personal information held by a public sector agency is lost in circumstances where—
    - (i) unauthorised access to, or unauthorised disclosure of, the information is likely to occur, and
    - (ii) if the unauthorised access to, or unauthorised disclosure of, the information were to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to an individual to whom the information relates.
- (2) An individual specified in subsection (1)(a) or (1)(b)(ii) is an *affected individual*.
- (3) To avoid doubt, an eligible data breach may include the following—
  - (a) a data breach that occurs within a public sector agency,
  - (b) a data breach that occurs between public sector agencies,
  - (c) a data breach that occurs by an external person or entity accessing data held by a public sector agency without authorisation.

**Division 2 Assessment of data breaches**

**59E Requirements for public sector agency**

- (1) This section applies if an officer or employee of a public sector agency is aware that there are reasonable grounds to suspect there may have been an eligible data breach of the agency.
- (2) The officer or employee must report the data breach to the head of the public sector agency and the head of the agency must—
  - (a) immediately make all reasonable efforts to contain the data breach, and
  - (b) within 30 days after the officer or employee of the agency becomes aware as mentioned in subsection (1)—carry out an assessment of whether the data breach is, or there are reasonable grounds to believe the data breach is, an eligible data breach (an *assessment*).
- (3) An assessment must be carried out in an expeditious way.
- (4) Subsection (2)(b) is subject to an extension approved under section 59K.

**59F Mitigation of harm**

During an assessment, the head of the public sector agency the subject of the suspected breach must make all reasonable attempts to mitigate the harm done by the suspected breach.

**59G Assessors**

- (1) The head of a public sector agency may direct one or more persons to carry out the assessment (each an *assessor*).
- (2) An assessor may be—
  - (a) an officer or employee of the agency the subject of the data breach, or
  - (b) an officer or employee of another public sector agency acting on behalf of the public sector agency the subject of the data breach, or
  - (c) a person acting on behalf of the public sector agency the subject of the data breach, or a person employed by that person.

**Example for paragraph (c)—**

An individual employed by a third party to carry out the assessment for the public sector agency the subject of the data breach.

- (3) However, a person who the head of the agency reasonably suspects was involved in an action or omission that led to the breach is not permitted to be an assessor.
- (4) An assessor must take all reasonable steps to ensure the assessment is completed within 30 days after the officer or employee of the agency becomes aware under section 59E(1).
- (5) In this section—  
*employee* includes an individual engaged by the public sector agency under a contract.

**59H Assessment of data breach—factors for consideration**

Without limiting the factors that may be considered by the assessor carrying out the assessment, the assessor may consider the following—

- (a) the types of personal information involved in the breach,
- (b) the sensitivity of the personal information involved in the breach,
- (c) whether the personal information is or was protected by security measures,
- (d) the persons to whom the unauthorised access to, or unauthorised disclosure of, the personal information involved in the breach was, or could be, made or given,
- (e) the likelihood the persons specified in paragraph (d)—
  - (i) have or had the intention of causing harm, or
  - (ii) could or did circumvent security measures protecting the information,
- (f) the nature of the harm that has occurred or may occur,
- (g) other matters specified in guidelines issued by the Privacy Commissioner about whether the disclosure is likely to result in serious harm to an individual to whom the personal information relates.

**59I Guidelines about process for assessing data breach**

An assessor must have regard to the guidelines, prepared by the Privacy Commissioner, about the process for carrying out an assessment.

**Note—** See section 59ZI in relation to guidelines made under this Part.

**59J Decision about data breach**

- (1) Following an assessment, the assessor must advise the head of the public sector agency whether the assessment found—
  - (a) the data breach is an eligible data breach, or
  - (b) there are reasonable grounds to believe the data breach is an eligible data breach.
- (2) After receiving the assessor's advice, the head of the agency must decide whether—
  - (a) the data breach is an eligible data breach, or
  - (b) there are reasonable grounds to believe the data breach is an eligible data breach.

**59K Extension of assessment period by head of public sector agency**

- (1) If the head of a public sector agency is satisfied an assessment cannot reasonably be conducted within 30 days, the head of the agency may approve an extension of the period to conduct the assessment.
- (2) The extension may be approved for an amount of time reasonably required for the assessment to be conducted (an *extension period*).
- (3) If an extension is approved, the head of the agency must, within the 30-day period referred to in section 59E(2)—
  - (a) start the assessment, and
  - (b) give written notice to the Privacy Commissioner—
    - (i) that the assessment has started, and
    - (ii) that the head of the agency has approved an extension of the period for the assessment, and
    - (iii) specifying the extension period.
- (4) If the assessment is not conducted within the extension period, the head of the agency must, before the end of the extension period, give written notice to the Privacy Commissioner—
  - (a) that the assessment is ongoing, and
  - (b) that the head of the agency has approved a new extension period for the assessment, and
  - (c) specifying the new extension period.
- (5) The Privacy Commissioner may ask the head of the agency for further information about the progress of the assessment.

### **Division 3 Notification of data breaches to Privacy Commissioner**

#### **Subdivision 1 Application**

##### **59L Application of Division**

- (1) This Division applies if the head of the public sector agency decides under Division 2 that an eligible data breach occurred.
- (2) For the purposes of subsection (1), an eligible data breach is taken to have occurred if the head of the agency decides under Division 2 there are reasonable grounds to believe the data breach is an eligible data breach.

#### **Subdivision 2 Immediate notification to Privacy Commissioner**

##### **59M Public sector agencies must immediately notify eligible data breach**

- (1) The head of a public sector agency must, in the approved form, immediately notify the Privacy Commissioner of the eligible data breach.
- (2) The approved form must request the following information be provided in relation to the eligible data breach—
  - (a) the information specified in section 59O, other than the information specified in section 59O(e),
  - (b) a description of the personal information that was the subject of the breach,
  - (c) whether the head of the agency is reporting on behalf of other agencies involved in the same breach,
  - (d) if the head of the agency is reporting on behalf of other agencies involved in the same breach—the details of the other agencies,
  - (e) whether the breach is a cyber incident,
  - (f) if the breach is a cyber incident—details of the cyber incident,
  - (g) the estimated cost of the breach to the agency,
  - (h) the total number, or estimated total number, of individuals—
    - (i) affected or likely to be affected by the breach, and
    - (ii) notified of the breach,
  - (i) whether the individuals notified under section 59N(1) have been advised of the complaints and internal review procedures under the Act.
- (3) The information requested by the approved form must be completed unless it is not reasonably practicable for the information to be provided.

#### **Subdivision 3 Notification of eligible data breach**

##### **59N Public sector agencies must notify certain individuals**

- (1) As soon as practicable after the head of a public sector agency decides an eligible data breach occurred, the head of the agency must, to the extent that it is reasonably practicable, take the steps that are reasonable in the circumstances to notify—
  - (a) each individual to whom the personal information the subject of the breach relates, or
  - (b) each affected individual.

- (2) However, if the head of the agency is unable to notify, or if it is not reasonably practicable for the head of the agency to notify, any or all of the individuals specified in subsection (1), the head of the agency must—
  - (a) publish a notification under section 59P, and
  - (b) take reasonable steps to publicise the notification.

**59O Information to be notified to certain individuals**

A notification given under section 59N(1) must, if it is reasonably practicable for the information to be provided, include the following information in relation to each eligible data breach—

- (a) the date the breach occurred,
- (b) a description of the breach,
- (c) how the breach occurred,
- (d) the type of breach that occurred,

**Examples of a type of eligible data breach—**

- 1 unauthorised disclosure
- 2 unauthorised access
- 3 loss of information
- (e) the personal information that was the subject of the breach,
- (f) the amount of time the personal information was disclosed for,
- (g) actions that have been taken or are planned to ensure the personal information is secure, or to control or mitigate the harm done to the individual,
- (h) recommendations about the steps the individual should take in response to the eligible data breach,
- (i) information about—
  - (i) the making of privacy related complaints under Part 4, Division 3, and
  - (ii) internal reviews of certain conduct of public sector agencies under Part 5,
- (j) the name of the public sector agency the subject of the breach,
- (k) if more than 1 public sector agency was the subject of the breach—the name of each other agency,
- (l) contact details for—
  - (i) the agency the subject of the breach, or
  - (ii) a person nominated by the agency for the individual to contact about the breach.

**59P Public notification**

- (1) This section applies if—
  - (a) a notification is required to be given under section 59N(2), or
  - (b) the head of an agency decides to give a notification under this section.
- (2) The head of a public sector agency must keep a register that is available on the public sector agency's website (a *public notification register*).
- (3) The notification must, if it is reasonably practicable for the information to be provided—



- (a) be published on the public notification register for at least 12 months after the date the notification is published, and
  - (b) include the information specified in section 59O, except to the extent the information—
    - (i) contains personal information, or
    - (ii) would prejudice the agency's functions.
  - (4) As soon as practicable after the notification is published, the agency must provide the Privacy Commissioner with information about how to access the notification on the public notification register.
  - (5) The Privacy Commissioner must publish on the Privacy Commissioner's website information about how to access the notification for at least 12 months after the date the notification is published.
- Example of information about how to access a notification—** A link to the website on which the notification is published.

#### **Subdivision 4 Other matters for notification**

##### **59Q Further information to be provided to the Privacy Commissioner**

- (1) The head of a public sector agency must, in the approved form, notify the Privacy Commissioner of the information that was not given to the Privacy Commissioner as part of the immediate notification under section 59M.
- (2) The further information must be given—
  - (a) following notification under section 59N(1) or (2), or
  - (b) if an exemption under Division 4 applies—following the head of the agency determining that an exemption applies.

##### **59R Collecting, using and disclosing information for notification**

- (1) A public sector agency the subject of an eligible data breach may do the following—
  - (a) use relevant personal information,
  - (b) collect relevant personal information from another public sector agency,
  - (c) disclose relevant personal information to another public sector agency.
- (2) Also, a public sector agency may disclose relevant personal information to a public sector agency the subject of an eligible data breach.
- (3) Information may be collected, used or disclosed under this section only if it is reasonably necessary for the purpose of confirming—
  - (a) the name and contact details of a notifiable individual, or
  - (b) whether a notifiable individual is deceased.
- (4) A public sector agency is not required to comply with an information protection principle, a Health Privacy Principle, a privacy code of practice or a health privacy code of practice in relation to the use, collection or disclosure of relevant personal information in accordance with subsection (1) or (2).
- (5) In this section, a reference to an eligible data breach extends to a suspected breach within the meaning of section 59Y(1), if the Privacy Commissioner makes a recommendation under the section.
- (6) This section applies despite any other provision of this Act.

(7) In this section—

**identifier** means an identifier, not being an identifier that consists only of the individual's name, which is usually, but need not be, a number, that is—

- (a) assigned to an individual in conjunction with or in relation to the individual's personal information by an organisation for the purpose of uniquely identifying that individual, whether or not it is subsequently used other than in conjunction with or in relation to personal information, or
- (b) adopted, used or disclosed in conjunction with or in relation to the individual's personal information by an organisation for the purpose of uniquely identifying the individual.

**notifiable individual**—

- (a) means an individual specified in section 59N(1), and
- (b) includes a notifiable individual within the meaning of section 59Y.

**relevant personal information** means the following—

- (a) the name of an individual,
- (b) the contact details of the individual,
- (c) the date of birth of the individual,
- (d) an identifier for the individual,
- (e) if the individual is deceased—the date of death of the individual.

#### **Division 4 Exemptions from certain requirements for an eligible data breach**

##### **59S Exemption for eligible data breaches of multiple public sector agencies**

- (1) This section applies if—
  - (a) the access, disclosure or loss that constituted an eligible data breach of the public sector agency is a breach of at least 1 other public sector agency, and
  - (b) an assessment has been carried out for each of the public sector agencies involved in the breach under Division 2, and
  - (c) the heads of each of the public sector agencies involved in the breach have notified the Privacy Commissioner under section 59M.
- (2) The head of a public sector agency is exempt from Division 3, Subdivision 3 if the head of another public sector agency involved in the same breach undertakes to notify the eligible data breach under the Subdivision.

##### **59T Exemption relating to ongoing investigations and certain proceedings**

The head of a public sector agency is exempt from Division 3, Subdivision 3 to the extent that the head of the agency reasonably believes notification of the eligible data breach under the Subdivision would be likely to prejudice—

- (a) an investigation that could lead to the prosecution of an offence, or
- (b) proceedings before a court or a tribunal, or
- (c) another matter prescribed by the regulations for the purposes of this section.

**59U Exemption if public sector agency has taken certain action**

The head of a public sector agency is exempt from Division 3, Subdivision 3 if—

- (a) for an eligible data breach involving unauthorised access to, or disclosure of, personal information held by the agency—
  - (i) the agency the subject of the breach takes action to mitigate the harm done by the breach, and
  - (ii) the action is taken before the access to or disclosure of information results in serious harm to an individual, and
  - (iii) because of the action taken, a reasonable person would conclude that the access or disclosure would not be likely to result in serious harm to an individual, or
- (b) for an eligible data breach involving the loss of personal information held by the agency—
  - (i) the agency the subject of the breach takes action to mitigate the loss, and
  - (ii) the action is taken before there is unauthorised access to, or unauthorised disclosure of, the information, and
  - (iii) because of the action taken, there is no unauthorised access to, or unauthorised disclosure of, the information.

**59V Exemption if inconsistent with secrecy provisions**

- (1) If compliance with Division 3, Subdivision 3 by the head of a public sector agency would be inconsistent with a secrecy provision, the head of the agency is exempt from Division 3, Subdivision 3 to the extent of the inconsistency.
- (2) In this section—  
*secrecy provision* means a provision—
  - (a) of an Act or statutory rule, other than this Act, and
  - (b) that prohibits or regulates the use or disclosure of information.

**59W Exemption if serious risk of harm to health and safety**

- (1) The head of a public sector agency may decide to exempt the agency from Division 3, Subdivision 3 for an eligible data breach to the extent that the head of the agency reasonably believes notification would create a serious risk of harm to an individual's health or safety.
- (2) In making a decision under subsection (1), the head of the agency—
  - (a) must consider the extent to which the harm of notifying the breach is greater than the harm of not notifying the breach, and
  - (b) must consider the currency of the information relied on in assessing the serious risk of harm to an individual, and
  - (c) must not search data held by the agency, or require or permit the search of data held by the agency, that was not affected by the breach, to assess the impact of notification, unless the head of the agency knows, or reasonably believes, there is information in the data relevant to whether an exemption under this section applies.
- (3) The head of the agency must have regard to the guidelines, prepared by the Privacy Commissioner, in making a decision to exempt the agency under this section.

- (4) The exemption may be—
  - (a) permanent, or
  - (b) for a specified period, or
  - (c) until the happening of a particular thing.
- (5) The head of the agency must, by written notice given to the Privacy Commissioner, notify the Privacy Commissioner—
  - (a) that the exemption under this section is relied on, and
  - (b) the details about whether the exemption is permanent or temporary, and
  - (c) if the exemption is temporary—of the specified or expected time the exemption is to be relied on.

**59X Exemption for compromised cyber security**

- (1) The head of a public sector agency may decide to exempt the agency from Division 3, Subdivision 3 for an eligible data breach if the head of the agency reasonably believes notification would—
  - (a) worsen the agency's cyber security, or
  - (b) lead to further data breaches.
- (2) The head of the agency must have regard to the guidelines, prepared by the Privacy Commissioner, in making a decision to exempt the agency under this section.
- (3) The head of the agency must, by written notice given to the Privacy Commissioner, notify the Privacy Commissioner—
  - (a) that the exemption under this section is relied on, and
  - (b) when the exemption is expected to end, and
  - (c) of the way in which the agency will review the exemption.
- (4) The head of the agency must—
  - (a) review the use of the exemption each month, and
  - (b) provide an update to the Privacy Commissioner on the review of the exemption.
- (5) The exemption applies only for the period of time the head of the agency reasonably believes the notification would—
  - (a) worsen the agency's cyber security, or
  - (b) lead to further data breaches.

**Division 5 Powers of Privacy Commissioner**

**59Y Privacy Commissioner may make directions and recommendations**

- (1) This section applies if there are reasonable grounds for the Privacy Commissioner to believe there has been an eligible data breach of a public sector agency (a *suspected breach*).
- (2) The Privacy Commissioner may, by written notice given to the head of the public sector agency, direct the head of the agency to—
  - (a) prepare a statement that includes the following—
    - (i) the name and contact details of the agency,
    - (ii) a description of the suspected breach,

- (iii) the kind of information involved in the suspected breach,
  - (iv) recommendations about the steps a notifiable individual should take in response to the breach,
  - (v) information, specified by the Privacy Commissioner, that relates to the suspected breach, and
- (b) give a copy of the statement to the Privacy Commissioner.
- (3) The Privacy Commissioner may recommend the head of the public sector agency notify notifiable individuals under section 59N(1), or publish a notification under section 59N(2), as if the suspected breach were an eligible data breach.

**Note—** See section 59R in relation to the collection, use and disclosure of information by public sector agencies for the purpose of confirming particular details of a notifiable individual.
- (4) Before making a direction or recommendation, the Privacy Commissioner must invite the head of the agency to make a submission to the Privacy Commissioner within a specified period.
- (5) In deciding whether to make a direction or recommendation, the Privacy Commissioner must have regard to the following—
  - (a) advice, if any, given to the Privacy Commissioner by a law enforcement agency,
  - (b) a submission, if any, made by the head of the agency within the period specified by the Privacy Commissioner in response to the invitation under subsection (4),
  - (c) other matters the Privacy Commissioner considers relevant.
- (6) Subsection (5)(a) does not limit the advice to which the Privacy Commissioner may have regard.
- (7) If the Privacy Commissioner is aware there are reasonable grounds to believe the access, disclosure or loss that constituted the suspected breach involved 1 or more other public sector agencies, a direction may also require the statement specified in subsection (2)(a) to include the name and contact details of the other agencies.
- (8) In this section—

**notifiable individual** means a person who, if the suspected breach were an eligible data breach—

  - (a) would be notified under section 59N(1), or
  - (b) may be notified by operation of section 59N(2).

#### **59Z Investigation and monitoring**

Without limiting sections 38 and 39, the Privacy Commissioner may investigate, monitor, audit and report on the exercise of a function of 1 or more public sector agencies, including the systems, policies and practices of an agency, that relate to this Part.

#### **59ZA Access to premises to observe systems, policies and procedures**

- (1) The Privacy Commissioner may, by written notice given to the head of a public sector agency, direct the head of the agency to provide access to premises occupied or used by the agency on the day and at the time stated in the notice for the purpose of monitoring and reporting on the agency's compliance with this Part.

- (2) The head of the agency must comply with the notice.
- (3) If the Privacy Commissioner gives a direction under subsection (1), the Privacy Commissioner may—
  - (a) enter the premises on the day and at the time stated in the notice, and
  - (b) observe a demonstration of the agency's data handling systems, policies and procedures, and
  - (c) inspect the following—
    - (i) a document that is part of the agency's data handling policies and procedures,
    - (ii) another document shown to the Privacy Commissioner by the agency.
- (4) The head of the agency or an officer or employee of the agency is not required to comply with an information protection principle, a Health Privacy Principle, a privacy code of practice or a health privacy code of practice if the head of the agency, officer or employee produces a document for inspection by the Privacy Commissioner under this section.
- (5) In this section—  
*premises* does not include residential premises.

**59ZB Reports**

The Privacy Commissioner may make a written report in relation to a function of the Privacy Commissioner under this Part.

**59ZC Process applying before publication of particular reports**

- (1) This section applies if the Privacy Commissioner considers there are grounds for making an adverse comment in a report about—
  - (a) a person, or
  - (b) a public sector agency, or
  - (c) both a person and a public sector agency.
- (2) As far as it is practicable before making an adverse comment in a report, the Privacy Commissioner must—
  - (a) inform the person or the head of the public sector agency, or both, of the substance of the grounds for the adverse comment, and
  - (b) if the grounds for adverse comment are about a person employed or engaged by a public sector agency—inform the public sector agency that employs or engages the person, and
  - (c) give the person or the head of the agency informed the opportunity to make a submission to the Privacy Commissioner.
- (3) The Privacy Commissioner may do the following—
  - (a) publish the report,
  - (b) give a copy of the report to the Minister,
  - (c) give a copy of the report to the head of the agency.
- (4) Before publishing a report that makes an adverse comment about a public sector agency, the Privacy Commissioner must—
  - (a) inform the Minister responsible for the agency that the Privacy Commissioner proposes to publish the report, and

- (b) if requested by the Minister—consult the Minister.

## **Division 6 Other requirements for public sector agencies**

### **59ZD Public sector agency to publish data breach policy**

- (1) The head of a public sector agency must prepare and publish a data breach policy.
- (2) The policy must be publicly available.

### **59ZE Eligible data breach incident register**

- (1) The head of a public sector agency must establish and maintain an internal register for eligible data breaches.
- (2) The register must include details of the following, where practicable, for all eligible data breaches—
  - (a) who was notified of the breach,
  - (b) when the breach was notified,
  - (c) the type of breach,
  - (d) details of steps taken by the public sector agency to mitigate harm done by the breach,
  - (e) details of the actions taken to prevent future breaches,
  - (f) the estimated cost of the breach.

## **Division 7 Miscellaneous**

### **59ZF Exemption for Privacy Commissioner from certain principles**

- (1) The Information and Privacy Commission is not required to comply with the information protection principles under section 9, 13, 14 or 17 or Health Privacy Principle 3, 6, 7 or 10 in relation to information disclosed by Cyber Security NSW to the Information and Privacy Commission for the purposes of this Part.
- (2) The Information and Privacy Commission is not required to comply with the information protection principles under section 18 or 19 or Health Privacy Principle 11 if the information is disclosed to Cyber Security NSW to enable Cyber Security NSW to exercise its functions.

### **59ZG Exemption for Cyber Security NSW from certain principles**

- (1) Cyber Security NSW is not required to comply with the information protection principles under section 9, 13, 14 or 17 or Health Privacy Principle 3, 6, 7 or 10 in relation to information disclosed by the Information and Privacy Commission to Cyber Security NSW for the purposes of this Part.
- (2) Cyber Security NSW is not required to comply with the information protection principles under section 18 or 19 or Health Privacy Principle 11 if the information is disclosed to the Information and Privacy Commission to enable the Privacy Commissioner to exercise the Privacy Commissioner's functions under this Part.

### **59ZH Approval of forms**

- (1) The Privacy Commissioner may approve forms for use under this Part.

- (2) The approved forms must be published on the Information and Privacy Commission's website.

**59ZI Privacy Commissioner may make guidelines**

- (1) The Privacy Commissioner may make guidelines for the purpose of exercising the Privacy Commissioner's functions under this Part.
- (2) Without limiting subsection (1), the Privacy Commissioner may make guidelines about the following—
  - (a) whether access, disclosure or loss that occurs as a result of a data breach would be likely, or would not be likely, to result in serious harm to an individual,
  - (b) deciding whether to exempt a public sector agency for the following—
    - (i) reasons relating to serious risk of harm to health or safety,
    - (ii) cyber security reasons.
- (3) The Privacy Commissioner must consult with the Minister responsible for this Act before publishing guidelines.
- (4) Guidelines must be published on the Information and Privacy Commission's website.

**59ZJ Delegation by head of public sector agency**

For the purposes of this Part, the head of a public sector agency may delegate the exercise of a function of the head of the agency, other than this power of delegation, to—

- (a) a person employed in or by the public sector agency, or
- (b) a person of a class prescribed by the regulations.

**[12] Schedule 4 Savings, transitional and other provisions**

Insert at the end of Schedule 4, with appropriate clause numbering—

**Provisions consequent on enactment of Privacy and Personal Information Protection Amendment Act 2022**

- (1) If an officer or employee of a public sector agency becomes aware, after the commencement of Part 6A, that there may be reasonable grounds to suspect there may have been an eligible data breach of the agency before the commencement of the Part, section 59E applies to the officer or employee in relation to the breach as if the breach had occurred after the commencement of the Part.
- (2) Sections 8–11 do not apply in relation to personal information collected by a relevant public sector agency before the commencement of the amending Act, Schedule 1[2].
- (3) To avoid doubt, Part 5 does not apply to the conduct of a relevant public sector agency that occurred before the commencement of the amending Act, Schedule 1[2].
- (4) In this clause—

***amending Act*** means the *Privacy and Personal Information Protection Amendment Act 2022*.

***relevant public sector agency*** means a public sector agency that is a State owned corporation that is not subject to the *Privacy Act 1988* of the Commonwealth.



## **Schedule 2 Amendment of other Acts**

### **2.1 Fines Act 1996 No 99**

#### **Section 117C Unlawful disclosure of personal information**

Omit the section.

### **2.2 Government Information (Public Access) Act 2009 No 52**

#### **[1] Schedule 1 Information for which there is conclusive presumption of overriding public interest against disclosure**

Insert in Schedule 1, with appropriate clause numbering—

##### **Information relating to cyber security and data breaches under the Privacy and Personal Information Protection Act 1998**

It is to be conclusively presumed that there is an overriding public interest against disclosure of information contained in a document prepared for the assessment of an eligible data breach under the *Privacy and Personal Information Protection Act 1998*, Part 6A, if the information could worsen a public sector agency's cyber security or lead to further data breaches.

#### **[2] Schedule 2 Excluded information of particular agencies**

Omit the matter relating to the office of the Privacy Commissioner from clause 2.

Insert instead—

The office of Privacy Commissioner—review, complaint handling, investigative, auditing, monitoring and reporting functions.

[Second reading speech made in—

Legislative Assembly on 9 November 2022

Legislative Council on 16 November 2022]

**10.4.4. Human Resources Policies Recommended for Rescission**

<b>Attachments:</b>	1. Attend Court Subpoena Policy S 25-4 [ <b>10.4.4.1</b> - 2 pages]
	2. Defence Force Reserves Policy S 25-3 [ <b>10.4.4.2</b> - 2 pages]
	3. Certificates of Service and References Protocol [ <b>10.4.4.3</b> - 1 page]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Michelle Cleary (Coordinator Human Resources), Madeleine St John (Business Improvement Officer), Chloe Wuiske (Business Improvement Officer)

---

**PURPOSE**

To recommend to Council the rescission of the three attached policies.

**OFFICER'S RECOMMENDATION**

Council RESCINDS the following policies:

1. Attend Court (Subpoena) S25/40;
2. Defence Force Reserves S25/3; and
3. Service Certificates and References Protocol.

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

**BACKGROUND**

A review of Human Resources policies has commenced, and a number of policies have been identified that are no longer required by Council.

**CONSULTATION**

Coordinator Human Resources  
Business Improvement Officer(s)  
Manex  
Staff Consultative Committee

**REPORT**

Three Human Resources policies have been identified that are no longer required:

1. Attend Court (Subpoena) S25/40;
2. Defence Force Reserves S25/3; and
3. Service Certificates and References Protocol.

The three policies were adopted by Council on 12 March 2001.

A review of the Local Government (State) Award 2020 (the Award) has determined that the three policies are no longer required, and the reasons are listed below.

On 11 April 2023, Manex endorsed the three policies to be recommended for rescission to



Council.

A report was submitted to the Staff Consultative Committee on 10 May 2023 informing the Committee of the intention to rescind the identified policies.

As the policies are brief, they have been included in the report below in blue italic and attached in full for reference.

#### **Attend Court (Subpoena) Policy No. S25/40**

*THAT where Council's staff is subpoenaed to attend Court as witnesses or produce Council's records, Council make good the employee's normal salary or wages provided that,*

*i) Any allowance paid by the court is paid to Council.*

*ii) The responsible Department head is satisfied that only reasonable time off work is taken. THAT where Council staff is subpoenaed to attend Court, in any private or personal matter, the employee be required to take either leave without pay or annual leave.*

A policy is not required to inform staff that if they need to attend court for a work-related matter that Council will pay wages as normal. If a staff member needs to attend court for a personal reason, other than domestic violence, then they will be required to take personal leave.

It is recommended to rescind the *Attend Court (Subpoena) Policy No. S25/4* (Attachment 1) as there is no reference in the Award related to attending Court (except in the case of domestic violence, and this is included in Council's *Domestic Violence Leave Procedure*).

#### **Defence Force Reserves Policy No. S25/3**

- i. Council encourages enlistment in the Defence Force Reserves. It recognises that Reserve service is of national importance, is an economical method of providing defence forces in peacetime and can be a valuable addition to employee development within the organisation.*
- ii. Leave not exceeding two weeks in any one year will be granted to Council employees who are members of the Defence Force Reserves for the purpose of undergoing training in camp or equivalent continuous duty. This leave will normally be in addition to annual holiday leave.*
- iii. During leave granted under ii) above, Council pay the difference between the Defence Force Reserve payment for such course and the applicants normal rate of pay.*
- iv. Employees granted Reserve training leave under this policy will be required to make up any missed contributions to superannuation pension schemes which fall due during their period of absence.*
- v. Periods of military leave do not extend the term of fixed-term or temporary employment contracts. This policy does not apply to casuals.*

*Employees occupying Council residences will pay normal rental during their absence.*

The Award covers special leave to attend to duties as a member of the Australian Defence Force under Part A, 22. Leave Provisions, L Special Leave:

#### **L. SPECIAL LEAVE**

*(i) The employer may grant special leave, either with pay or without pay to an employee for a period as determined by the employer to cover any specific matter approved by the employer, including but not limited to:*

*(a) leave for victims of family and domestic violence.*



- (b) leave for engaging in a voluntary emergency management activity;
- (c) compassionate leave for employees facing unforeseen circumstances such as injury or terminal illness; or
- (d) leave to attend to duties as a member of the Australian Defence Force.
- (ii) Periods of leave without pay shall not be regarded as service for the purpose of computing entitlements under this Award. Such periods of leave without pay shall not however, constitute a break in the employee's continuity of service.
- (iii) An employee shall not be entitled to any payment for public holidays during an absence on approved leave without pay.

It is recommended to rescind Council's *Defence Force Reserves Policy No. S25/3* (Attachment 2) as it goes above the requirements of the Award.

### **Service Certificates and References Protocol**

*Council reserves the right to review, vary, or revoke this protocol*

#### **1. OBJECTIVE**

*That employees and past employees are provided with:*

- *Evidence of their service with Council - Certificate of Service and/ or*
- *Recognition of their service with Council - Reference*

#### **2. CERTIFICATE OF SERVICE**

*A certificate of service is a document which attests to the employment of an employee with Council. It does not contain any direct indication or assessment of work performance. The certificate is issued on Council letterhead by the Human Resources Manager, Director or General Manager.*

*A certificate of service will be provided to any current or past employee upon written request. The certificate must state:*

- *the employee's full name, as it appears on Council records;*
- *the date the employee commenced work with Council (and the termination date, if appropriate);*
- *current position (or position held at termination, if appropriate);*
- *category of employment (full-time, part-time, casual, temporary etc).*

*At the employee's request the certificate may also include:*

- *remuneration;*
- *salary history by position;*
- *employment history of positions held.*

#### **3. REFERENCE**

*A written reference is a document which attests to the employment of an employee and contains an assessment of work performance and personal characteristics as they relate to the workplace. References on Council letterhead will only be issued by the General Manager or Director.*

*A written reference may be given to employees upon written request, subject to the following conditions:*

- *the employee has completed two years' continuous service with Council;*



- *the employee's performance is considered satisfactory by the General Manager or Director;*
- *the employee has completed less than two years' continuous service with Council, yet that service is considered meritorious by the General Manager or Director.*

#### 4. WITHHOLDING REFERENCES

*In recognising Council's obligations to its employees and past employees and to the maintenance of its own work performance standards and expectations, Council will not provide references where they are not justly deserved.*

The Award Part A, Section 42. TERMINATION OF EMPLOYMENT AND REDEPLOYMENT DUE TO REDUNDANCY states the following that is relevant to the protocol:

- (viii) *The employer shall, upon receipt of a request from an employee to show employment has been terminated, provide to the employee a written statement specifying the period of the employee's employment and the classification or the type of work performed by the employee.*
- (ix) *The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee an "Employment Separation Certificate" in the form required by the Department of Human Services.*

Certificates of Service are currently provided by payroll when requested. This is a standard form providing all the information outlined in the Service Certificates and References Protocol.

Council no longer provides written references. References are predominately provided over the phone, via an email or in an online meeting.

It is recommended to rescind the *Service Certificates and References Protocol* (Attachment 3) as the Award covers the Certificates of Service and Council no longer provides written references.

#### OPTIONS

Council may:

1. Rescind the three policies as recommended; or
2. Retain the three policies.

#### CONCLUSION

It is recommended that Council rescinds the three attached policies.

#### SOCIAL IMPLICATIONS

Nil known.

#### FINANCIAL IMPLICATIONS

There may be a saving to Council by rescission of the *Defence Force Reserves S25/3*, as the policy allows for 2 weeks paid leave, and this allowance is above the award requirements.

#### POLICY IMPLICATIONS

The three policies have been reviewed in line with Council's Policy Management Framework and are determined to be no longer required.

#### STATUTORY IMPLICATIONS

Nil known.



**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**

## **Guidelines re: Subpoena**

**Policy No. S25/4**

**Adopted By Council  
12/03/2001  
Minute No. 43**

## **Guidelines re: Subpoena**

Policy No. S25/4

THAT where Council's staff is subpoenaed to attend Court as witnesses or produce Council's records, Council make good the employee's normal salary or wages provided that,

- i) Any allowance paid by the court is paid to Council.
- ii) The responsible Department head is satisfied that only reasonable time off work is taken.

THAT where Council staff is subpoenaed to attend Court, in any private or personal matter, the employee be required to take either leave without pay or annual leave.

\*\*\*\*\*

### **REVIEW HISTORY:**

	<i><b>Current</b></i>	<i><b>Previous</b></i>	<i><b>Prior</b></i>	<i><b>Prior</b></i>
<i><b>Minute No:</b></i>	<b>43</b>	<b>268</b>	<b>511</b>	<b>762</b>
<i><b>Meeting Date:</b></i>	<b>12/03/01</b>	<b>16/6/97</b>	<b>1989</b>	<b>14/10/85</b>





# **muswellbrook shire council**

## **Defence Force Reserves**

**Policy No. S25/3**

**Adopted By Council  
12/03/2001  
Minute No. 43**

## Defence Force Reserves

Policy No. S25/3

**OBJECTIVE:** That Council as one of the major employers in the Shire and to provide a civic lead in support of the Defence Force Reserves Programme grant military leave.

(Council reserves the right to vary or revoke this policy)

---

### PROCEDURE:

- i. Council encourages enlistment in the Defence Force Reserves. It recognises that Reserve service is of national importance, is an economical method of providing defence forces in peacetime and can be a valuable addition to employee development within the organisation.
- ii. Leave not exceeding two weeks in any one year will be granted to Council employees who are members of the Defence Force Reserves for the purpose of undergoing training in camp or equivalent continuous duty. This leave will normally be in addition to annual holiday leave.
- iii. During leave granted under ii) above, Council pay the difference between the Defence Force Reserve payment for such course and the applicants normal rate of pay.
- iv. Employees granted Reserve training leave under this policy will be required to make up any missed contributions to superannuation pension schemes which fall due during their period of absence.
- v. Periods of military leave do not extend the term of fixed-term or temporary employment contracts. This policy does not apply to casuals.

Employees occupying Council residences will pay normal rental during their absence.

\*\*\*\*\*

### REVIEW HISTORY:

	<i><b>Current</b></i>	<i><b>Previous</b></i>	<i><b>Prior</b></i>	<i><b>Prior</b></i>
<i><b>Minute No:</b></i>	<b>43</b>	<b>268</b>		
<i><b>Meeting Date:</b></i>	<b>12/03/01</b>	<b>16/6/97</b>		



## **SERVICE CERTIFICATES & REFERENCES PROTOCOL**

Council reserves the right to review, vary, or revoke this protocol

### **1. OBJECTIVE**

That employees and past employees are provided with:

- Evidence of their service with Council - Certificate of Service and/ or
- Recognition of their service with Council - Reference

### **2. CERTIFICATE OF SERVICE**

A certificate of service is a document which attests to the employment of an employee with Council. It does not contain any direct indication or assessment of work performance. The certificate is issued on Council letterhead by the Human Resources Manager, Director or General Manager.

A certificate of service will be provided to any current or past employee upon written request. The certificate must state:

- the employee's full name, as it appears on Council records;
- the date the employee commenced work with Council (and the termination date, if appropriate);
- current position (or position held at termination, if appropriate);
- category of employment (full-time, part-time, casual, temporary etc).

At the employee's request the certificate may also include:

- remuneration;
- salary history by position;
- employment history of positions held.

### **3. REFERENCE**

A written reference is a document which attests to the employment of an employee and contains an assessment of work performance and personal characteristics as they relate to the workplace. References on Council letterhead will only be issued by the General Manager or Director.

A written reference may be given to employees upon written request, subject to the following conditions:

- the employee has completed two years' continuous service with Council;
- the employee's performance is considered satisfactory by the General Manager or Director;
- the employee has completed less than two years' continuous service with Council, yet that service is considered meritorious by the General Manager or Director.

### **4. WITHHOLDING REFERENCES**

In recognising Council's obligations to its employees and past employees and to the maintenance of its own work performance standards and expectations, Council will not provide references where they are not justly deserved.

<b>DOCUMENT CONTROL – MSCHR001</b>				
<b>MSCHR001</b>	<b>Current</b>	<b>Previous</b>	<b>Prior</b>	<b>Prior</b>
<b>Minute No:</b>	R. Esdaile – InfoXpert Task	43	268	511
<b>Meeting Date:</b>	12 April 2012	12/03/2001	16/06/1997	11/09/1989
<b>Review Date:</b>	12 April 2013			



#### 10.4.5. **DRAFT Management of Undetected Water Leaks Policy MSC044E for Public Exhibition**

<b>Attachments:</b>	1. DRAFT Management of Undetected Water Leaks Policy [10.4.5.1 - 6 pages]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Kylie Bates (Water Billing Officer), Chloe Wuiske (Business Improvement Officer), Madeleine St John (Business Improvement Officer)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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**

To seek endorsement from Council to place the attached *DRAFT Management of Undetected Water Leaks Policy* on public exhibition for a period of 28 days.

#### **OFFICER'S RECOMMENDATION**

1. Council endorses the attached *DRAFT Management of Undetected Water Leaks Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

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

#### **BACKGROUND**

Council's *Water Management Policy Undetected Water Leaks W5/4* aims to provide financial relief to the owner/occupier of a property, under specified circumstances. These are identified where high quarterly water consumption has been registered through the meter, due to circumstances judged to be beyond the reasonable control of the landowner/occupier to detect.

#### **CONSULTATION**

Water Billing Officer

General Manager

Finance Manager

Finance and Collections Officer

Rates Officer



Business Improvement Officer(s)

## **REPORT**

The *Water Management Policy Undetected Water Leaks W5/4* was previously adopted by Council in 2015. A review of the policy has been conducted and amendments are shown as tracked changes in attachment 1.

As part of the review, the title of the draft policy has been changed to *Management of Undetected Water Leaks Policy MSC044E*.

## **OPTIONS**

Council may:

1. Resolve to endorse the attached *DRAFT Management of Undetected Water Leaks Policy* for public exhibition; or
2. Request amendments to the attached *DRAFT Management of Undetected Water Leaks Policy* prior to public exhibition.

## **CONCLUSION**

It is recommended that Council endorses the attached *DRAFT Management of Undetected Water Leaks Policy* for public exhibition.

## **SOCIAL IMPLICATIONS**

Nil known.

## **FINANCIAL IMPLICATIONS**

Nil known.

## **POLICY IMPLICATIONS**

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

## **STATUTORY IMPLICATIONS**

Nil known.

## **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**

Public exhibition via Council's website will provide the Community with an opportunity to make submissions.



**muswellbrook  
shire council**

## DRAFT ~~Water~~ Management of Policy Undetected Water Leaks Policy

W5/4MSC044E

### Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Corporate & Community Services <u>Finance</u>		
Document Owner:	<u>Finance Manager</u> <u>Water Billing Officer</u>		
Community Strategic Plan Goal	6. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.2: Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		
Delivery Program activity	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves		

This document is a controlled document. Before using this document, check it is the latest version by referring to Council's ED RMS and ensuring you are using the Last Approved Version. Printed or downloaded versions of this document are uncontrolled.

☎ (02) 6549 3700   @council@muswellbrook.nsw.gov.au   📍 Campbell's Corner 60–82 Bridge Street Muswellbrook NSW 2333

📮 PO Box 122 Muswellbrook 2333   🌐 muswellbrook.nsw.gov.au   📺 📢 📱 muswellbrook shire council   ABN 86 864 180 944

## Table of Contents

1	Policy Objective .....	3
2	Policy Statement.....	3
2.1	Regarding Procedural Fairness.....	3
2.2	Criteria for Financial Relief Due to Concealed or Undetectable Water Leaks.....	3
3	Related Documents .....	5
4	Version History .....	6

DRAFT

# 1 Policy Objective

To provide financial relief under certain circumstances to the owner/occupier of a property, in situations where high quarterly water consumption has been registered through the meter, due to circumstances judged by Council to be beyond the control of the ~~land~~owner/occupier to detect.

## 2 Policy Statement

- There is no provision in the Local Government Act, 1993 to reduce water accounts due to water leaks in private water services. Once water has passed through any meter it becomes the responsibility of the land-owner.
- This Policy is intended to provide some financial relief for customers who have experienced a sudden increase in water consumption due to circumstances that were not reasonably foreseeable.
- Financial relief under this policy would only be available under certain circumstances where all the criteria as outlined in "2.2 Criteria for Financial Relief Due to Concealed or Undetectable Water Leaks" are met.
- The Policy is also intended to serve as a means of good public relations by providing "one off" assistance where a significantly higher quarterly usage account has been incurred through circumstances beyond the ~~land~~owner's/occupier's control.
- ~~The Policy only applies to the water usage component of the customers combined water and sewerage quarterly charge.~~

### 2.1 Regarding Procedural Fairness

It should be noted that this policy applies to a narrow set of criteria and should not be enacted in cases where an ~~an owner/occupier landholder~~ could reasonably have detected and repaired a water leak on premises before incurring an increased water charge.

Currently Council will notify customers in writing if there is a radical increase in consumption. ~~Water rates bills provide a comparison with the same period last year. Rates also inform Council's Water & Waste Department if there are high, low or nil meter readings. The meter reading is checked either by the water meter contractor or Water and Waste operators. If the reading is incorrect the bill is prepared to the corrected reading. The meter reading is verified with a photograph at the time of reading or is checked either by the water meter contractor or Water and Waste operators. If the reading is incorrect the account is issued using the corrected reading.~~ If a functional problem with the meter is suspected, it is replaced. Any customer can apply to have the meter tested at their cost, which if faulty is reimbursable.

### 2.2 Criteria for Financial Relief Due to Concealed or Undetectable Water Leaks

Council will only give consideration to adjusting the water and (where applicable) non-residential sewerage consumption account for a ~~20mm Council connected water service with an average annual water consumption of less than 500 KI for the previous three (3) years, property~~ due to a high quarterly water meter account under the following circumstances:

- a) The defect causing the associated high water meter reading must be such that ~~is it~~ is not readily visible or apparent, and could be reasonably judged by Council as not being detectable. If leakage is visible as ground surface moisture or water flow, it is detectable and ineligible for financial relief.



b) An undetectable leakage which is not visible to the owner/occupier, is defined as a pipeline or connection break in the ground or under concrete slabs, between a Council owned and operated meter and the main building. It does not include leaks from internal building service lines, appliances or irrigation systems.

c) The quarterly consumption is more than double the average consumption for the corresponding period over the previous three (3) years,

d) The applicant must be the owner, part owner or the person liable for the water charges for which the application applies,

e) The application for adjustment of the affected account must be received within 30 days of the issue of the water and where applicable, non-residential sewerage account;

f) Only one claim per property, per ownership will be considered where ownership is taken as being full or part ownership of that property;

g) In order to be eligible for the account adjustment, the property owner/occupier shall make best efforts to:

- Advise Council about the issue within five (5) days of the problem being identified;
- Provide documentary evidence within a further fourteen (14) days confirming that immediate and effective action has been taken to rectify the problem;
- Provide a written statement from a licenced plumber stating the reasons why the leak was not detected or could not have been detected;
- Complete the Undetected Leaks Application Form including supporting documentation as noted on the form.

h) The Water Management Policy – Concealed Water Leaks, Management of Undetected Water Leaks Policy does not apply to leaks from private water pipelines that occur outside the property boundary.

i) If Council notifies an owner/occupier about any leakage, such leakage is considered detectable and ineligible for financial relief under this Policy.

j) Claims will not be considered for assistance if:

- They are the result of a second occurrence at the same property and by the same owner(s) regardless of whether it is a related event or separate concealed leak.
- Involve loss of water from faulty fixtures or fittings such as appliances (e.g. for example but not limited to dishwashers, or plumbed fridges), pumps, hot water systems, pressure relief valve, float valves, solar panels, taps, cisterns and other water fittings).
- Involve a leak caused directly by way of accidental or wilful damage or human error.
- Do not contain documentation or meet the terms of an eligible claim.

The maximum adjustment allowed will be 50% of the difference between the usage on the affected account and the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period. The adjustment will only be made if all other water and sewerage charges have been paid in full at the time the determination is made. The minimum adjustment for water and non-residential sewerage charges (where applicable) combined shall be \$500-\$200 and the maximum adjustment \$5,000 \$2,000.

The ~~General Manager or Director of Community Infrastructure~~ Director of Corporate Services or Chief Financial Officer are authorised to approve applications for financial relief under the terms of this policy.

Where financial assistance is granted, the applicant will be advised that payment of the amended account is required within 30 days of the date of the advice.

If financial assistance is not granted the applicant will be advised in writing and be given a further 30 days from the date of the advice to pay the account. There are no grounds for appeal as financial relief is discretionary and subject to satisfying the above criteria.

If the concealed leak has caused the usage to exceed the 350 kilolitre first step tariff, all future accounts in that financial year will be charged at the higher kilolitre rate.

Council may allow customers that do not meet criteria and are ineligible for an adjustment to enter into a payment arrangement for payment of the high account. Any arrangement will require all future accounts to be paid in full by the due date. Council may consider waiving interest changes if the payment arrangement conditions are met.

### 3 Related Documents

Undetected Leaks Application Form (pending)

## 4 Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	9/2/2015	Council	Adopted by Council 9 February 2015, minute no 20
<u>2</u>	<u>24/4/2023</u>	<u>Water Billing Officer</u>	<u>Policy reviewed and updated and Policy title changed from "Water Management Policy Undetected Water Leaks" to "Management of Undetected Water Leaks Policy"</u>

**10.4.6. 2023/2024 Councillor Fees**

**Attachments:** 1. LGRT 2023 Annual Determination [**10.4.6.1** - 47 pages]

**Responsible Officer:** Derek Finnigan - General Manager

**Author:** {authors-names} – {position}

**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**

The Local Government Remuneration Tribunal has released its report and determination of Mayoral and Councillor fees for 2023-24.

**OFFICER'S RECOMMENDATION**

Council:

1. Notes the 2023 Annual Determination of the Local Government Remuneration Tribunal;
2. Approves the annual fee of \$17,680 for Councillors for 2023-24; and
3. Approves the additional annual fee of \$37,925 for the position of Mayor for 2023-24.

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

**BACKGROUND**

The Local Government Remuneration Tribunal makes an annual determination, setting fees for Councillors according to the category of council.

Under section 239 of the Local Government Act, the Tribunal is required to determine the remuneration categories of councils and Mayoral offices at least once every three years. The Tribunal undertook a review of the categories as part of its 2023 determination. The Tribunal has determined the creation of two new remuneration categories – “Metropolitan Major” and “Rural Large” and, as a result of the two new categories and changes to some of the criteria of some of the existing categories, 26 Councils have been re-categorised into a higher existing category or new category. Muswellbrook Shire Council has been re-categorised from “Rural” to “Rural Large.”



## CONSULTATION

Acting Chief Financial Officer

General Manager

## REPORT

The Local Government Remuneration Tribunal has made its determination under section 239 and 241 of the *Local Government Act* 1993, for the annual fees payable to Mayors and Councillors. The Tribunal has determined an increase of 3% to Mayoral and Councillor fees for the 2023-24 financial year, taking effect from 1 July 2023.

The Tribunal's recommendations for remuneration for council members in the rural large category for 2023-24 are listed below:

Council category	Councillor Annual Fee		Mayor Additional Fee	
	Minimum	Maximum	Minimum	Maximum
Rural	\$9,850	\$17,680	\$15,735	\$37,925

The fee set in 2022-23 for Muswellbrook Shire Council was \$12,160 for Councillors, with an additional fee of \$26,530 for the Mayor. These fees were set at the top of the recommended range, as Muswellbrook Shire is amongst the larger councils in the rural category.

## OPTIONS

Should Council not fix a fee, Council must pay the minimum fee determined by the Local Government Remuneration Tribunal.

Councillors could choose to receive:

1. The Minimum Fee of \$9,850;
2. The Maximum Fee of \$17,680; or
3. A fee that is placed within the range of the Minimum Fee and the Maximum Fee.

## CONCLUSION

Council has previously endorsed the payment of fees to the maximum allowable by the Local Government Remuneration Tribunal, which reflects the level of activity Councillors perform as members of one of the larger councils in the rural category.

## SOCIAL IMPLICATIONS

Not applicable.

## FINANCIAL IMPLICATIONS

The total amount budgeted for 2023-24 Councillor Fees is \$192,079 (including superannuation). The total amount required (for 12 Councillors) if Council elects the maximum allowable amounts, is \$277,594 (including superannuation). A budget increase of \$85,515 would be required.

## POLICY IMPLICATIONS

Not applicable.



### **STATUTORY IMPLICATIONS**

Sections 248 and 249 of the *Local Government Act* 1993 require councils to fix and pay an annual fee to councillors based on the determination of the Local Government Remuneration Tribunal.

### **LEGAL IMPLICATIONS**

Not applicable.

### **OPERATIONAL PLAN IMPLICATIONS**

Aligns with the 2022-23 Operational Plan Action 6.2.5.5 Provide governance support services for the elected Council and executive.

### **RISK MANAGEMENT IMPLICATIONS**

Not applicable.

### **WASTE MANAGEMENT IMPLICATIONS**

Not applicable.

### **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Not applicable.

**Local Government  
Remuneration Tribunal**

# Annual Determination

Report and determination under sections  
239 and 241 of the Local Government Act  
1993

27 April 2023



# Contents

<b>Executive Summary</b>	<b>3</b>
Categories	3
Fees	4
<b>Section 1 – Introduction</b>	<b>5</b>
<b>Section 2 – 2022 Determination</b>	<b>6</b>
<b>Section 3 – 2023 Review</b>	<b>7</b>
2023 Process	7
Categories	8
Submissions Received – Categorisation	12
Request for New Categories	12
Requests for Recategorisation	17
<b>Section 4 – 2023 Fees</b>	<b>21</b>
Time for Fresh Thinking	24
Conclusion	27
<b>Section 5 – Determinations</b>	<b>29</b>
Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023	29
Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023	33
<b>Appendices</b>	<b>36</b>
Appendix 1 Criteria that apply to categories	36



# Executive Summary

The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.

In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each category as part of this review.

Accordingly, the revised categories of general purposes councils are determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural



## Fees

The Tribunal determined a 3 per cent per annum increase in the minimum and maximum fees applicable to each category.

For the new categories, the Tribunal has determined fees having regard to the relevant factors and relativities of remuneration ranges for existing categories.

Twenty six (26) councils are recategorised into a higher existing category or placed in a new category.

# Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2020.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees without breaching the Government's Wages Policy as per section 242A (3) of the LG Act.
5. Natural disasters have a significant impact on the way mayors in particular work. There is an increase on time demands from the community, and media during these events as well as an increase in workloads. Whilst it is worth noting these issues, it is not within the Tribunal's authority to determine additional remuneration in recognition of the increasing demands on a mayor's time for these events.
6. The Tribunal's determination takes effect from 1 July each year.

## Section 2 – 2022 Determination

7. In 2022, the Tribunal received eight (8) submissions, which included five (5) requests for recategorisation. Three of these requests sought the creation of new categories.
8. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate but noted that some councils may have a case for recategorisation at the next major review of categories in 2023.
9. The Tribunal determined that fees would increase 2 per cent in the minimum and maximum fees applicable to each category from 1 July 2022.

# Section 3 – 2023 Review

## 2023 Process

10. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees, categorisation and any other general matters. The invitation noted that it is expected that submissions are endorsed by the respective council.
11. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
12. The Tribunal received 18 written submissions, of which 15 were from individual councils, 1 submission from LGNSW, 1 from Australian National University academic, Associate Professor Tanya Jakimow, and 1 from the United Services Union (USU).
13. The Tribunal notes that 12 of the 15 council submissions were endorsed by the representative councils.
14. The Tribunal acknowledges and thanks all parties for their submissions.
15. Noting its comments in its reports of 2021 and 2022, the Tribunal met Central NSW Joint Organisation member representatives in Orange, and Far South West Joint Organisation member representatives in Broken Hill. The Tribunal also gave an overview of its work to a meeting of the Country Mayors' Association in Newcastle. While in Broken Hill the Tribunal met with LGNSW representatives.
16. The Tribunal and Assessors met as required to discuss submissions, review category criteria and allocation of councils

## Categories

17. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last reviewed the categories in 2020.
18. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in Section 240 of the LG Act:
- *the size of areas;*
  - *the physical terrain of areas;*
  - *the population of areas and the distribution of the population;*
  - *the nature and volume of business dealt with by each council;*
  - *the nature and extent of the development of areas;*
  - *the diversity of communities served;*
  - *the regional, national and international significance of the council;*
  - *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
  - *such other matters as may be prescribed by the regulations.*
19. The 2020 Determination established the following categories:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Large	Regional Strategic Area
Metropolitan Medium	Regional Centre

Metropolitan Small      Regional Rural

Rural
-------

20. For its 2023 review, the Tribunal undertook an extensive examination of the categories, criteria and allocation of councils into each of the categories.
21. The Tribunal examined statistical and demographical data, with population data sourced from Australian Bureau of Statistics (ABS) 2021 Census (the latest available data).
22. Having regard to section 239 of the LG Act, information examined and provided through submissions, the Tribunal has determined the categories of general purpose councils as follows:


Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

23. In reviewing the current model, the Tribunal sought to improve consistency of criteria.
24. In examining the criteria for each of the categories, the Tribunal is of the view that non-resident population criteria should also be included for consistency in the following categories:

- 
- Major Strategic Area
  - Regional Strategic Area
  - Regional Centre
  - Regional Rural

25. Three (3) councils will be reclassified as a result of meeting criteria thresholds into an existing category.
26. The Tribunal has determined the creation of two (2) new categories, being Metropolitan Major and Rural Large.
27. In determining the 2 new categories the Tribunal gave significant consideration to section 239 of the LG Act, statistical data, the existing categories and relativities between each category.
28. It was determined that the existing Rural category did not differentiate between large and small rural councils, in population, size, and terrain. Evidence demonstrated that a number of Rural councils are large in geographic area, requiring great distances to be covered. The Tribunal also examined a range of data that it believes goes to the delivery of efficient and effective local government.
29. Hence a new category Rural Large is created. The determination is amended to reflect the new category and criteria that includes a population greater than ten thousand, and a councillor to resident ratio of 1 to 1200. The Tribunal notes there are a number of Rural councils on the cusp of this new category.
30. The revised category also shows more clearly the differences for large rural and remote councils. It is becoming apparent these councils require





different considerations regarding the role Mayors and Councillors in servicing the community across such large distances.

31. Evidence reviewed established the need to differentiate between some Large Metropolitan councils. Comparison data reviewed included population, operating revenue, and submission evidence relevant to section 239 of the LG Act. This examination further exposed the gap between Metropolitan Large and Major CBD categories, thus resulting in the Tribunal establishing a new category to bridge the gap.
32. The determination is amended to reflect a new category, Metropolitan Major, with a population criteria threshold of 400,000 (including non-resident).
33. Accordingly, the Tribunal has identified a number of councils that will be recategorised into these new categories.
34. Given the relativities in population threshold criteria, the Tribunal is of the view that the population criteria for Regional Strategic Area be adjusted from 200,00 down to 100,000.
35. As a result, three (3) councils will be reclassified as Regional Strategic.
36. Whilst the Tribunal did explore additional criteria points that may go to efficient and effective local government, within the bounds of statutory provisions no further changes to the criteria could be determined in this review.
37. The category County Councils remain unchanged, retaining the categories of Water and Other.

38. **Appendix 1 Criteria that apply to categories** has been amended to reflect changes outlined above.

## Submissions Received – Categorisation


39. Nine (9) submissions received from councils requested recategorisation and five (5) of these requested the creation of new categories.
40. A summary of matters raised in submissions and the Tribunal's consideration of those matters is outlined below

## Request for New Categories

41. Requests were received for the creation of new categories namely, Metropolitan Large Growth Area, Metropolitan Major, Metropolitan Medium Growth and Regional Growth.
42. Blacktown City Council again requested the creation of a new category, Metropolitan Large - Growth Area. Council stated its current categorisation in Metropolitan Large “*does not reflect the complexities of servicing their rapid rate of growth and economic influence*”.
43. Blacktown City Council contends that a new category would allow a criteria to be set that reflects:
- Size
  - Rate of growth
  - Economic influence
  - Operational budget


- Complexities of remaining financially sustainable whilst maintaining services and providing new infrastructure

44. Penrith Council reiterated previous submissions, again requesting the creation of a new category, Metropolitan Large Growth Centre. Council argues they are unique compared to other similar sized councils, providing significant regional services to Greater Western Sydney.
45. Penrith Council contends its claim for creation and inclusion in a new category is enhanced through their leading role in the region demonstrating the exponential growth that will occur in the Penrith Local Government area. Council submits they are playing a leading role in several significant city-shaping projects and initiatives such as:
  - Western Sydney Airport
  - Western Sydney Priority Growth Area
  - Penrith Health and Education Precinct
  - The Greater Sydney Commission District planning process
  - National Growth Areas Alliance
  - Sydney Science Park
  - Defence Industries Precinct and
  - South Creek Corridor
46. While the Tribunal understands that areas of Western Sydney are developing rapidly, not least with the new airport and associated infrastructure it is not persuaded to create a new category, Metropolitan Large - Growth Area/Centre. These councils are experiencing growth and will in the future have populations of residents and non-residents that meet the thresholds for recategorisation. It is not within the Tribunal's legislative



remit to anticipate growth. However as dealt with earlier in this determination, the Tribunal acknowledges the need for a new Metropolitan category to reflect increasing population and bridge gap between current categories, Metropolitan Large and Major CBD.

47. Canterbury Bankstown Council proposed the creation of a new category, Metropolitan Major, that would sit in between current category of Metropolitan Large and Major CBD.
48. Council based its argument for a new category on the following grounds:
  - Categories need to have consistent criteria
  - A new category of Metropolitan Major would capture increased population and workloads post amalgamation process
  - New criteria should be based on population size and councillor to resident ratio
  - Councils size, with a current population of 372,322 across five wards
  - Population and distribution of population
  - Councils' area and physical terrain
  - Diversity of communities served
  - Nature and volume of business dealt with by Council
49. Council proposed a new criteria could include population threshold and councillor to resident ratio, with thresholds being 350,000 and 1 to 24,000.
50. The Tribunal considered the suggested criteria of a councillor to resident ratio for all categories. Whilst the Tribunal has included this criteria for



Rural Large category, it has not included it for all categories. It may warrant further consideration for other categories in future reviews.


51. The Tribunal is persuaded to include a new category, Metropolitan Major, with a population criteria threshold of 400,000 in the determination.
52. Camden Council's submission requests the creation of a growth category for Metropolitan Medium councils. They argue the proposed new category would allow criteria to be established to better reflect their growth rate, economic influence and complexities involved in servicing growth.
53. Council proposes the new category be called Metropolitan Medium – Growth Area. Council submits that its inclusion into this new category is based on the following:
  - Population growth
  - Development corridors
  - Growing assets and major infrastructure
  - Major services and institutions
54. The Tribunal has already determined a new metropolitan category, taking into account population and relatives in population between existing categories. It is not persuaded to include another new metropolitan category.
55. Maitland City Council requested the creation of a new category, Regional Growth Area to bridge the gap between Regional Centre and Regional Strategic.
56. Council based its argument for a new category on the following grounds:

- Maitland is the fastest growing regional city in NSW
- significant role in accommodation growth
- Council being an emerging health centre, with the \$470 million investment in the new Maitland Hospital
- Significant role in delivery of state goals, including Greater Newcastle Metropolitan Plan 2036 and a state partner in infrastructure delivery including roads and facilities

57. Council also contends the current categorisation model for non-metropolitan is inadequate. It argues that the application of the population criteria is flawed as increments initially rise by 20,000 before leaping up by 160,000.
58. The current population criteria thresholds for non-metropolitan councils are outlined in the table below:

Category	Population Criteria
Rural	<20,000
Regional Rural	>20,000
Regional Centre	>40,000
Regional Strategic Area	>200,000
Major Strategic Area	>300,000

59. The Tribunal has considered the issues raised in Council's submission but is not persuaded for reasons noted earlier for anticipation of growth versus actual population, to create a new category, Regional Growth Area.

- 
- 
60. The Tribunal acknowledges the point made in Council's submission regarding incremental increases for non-metropolitan categories population criteria.
61. As outlined earlier the Tribunal has determined to change the population criteria for Regional Strategic from 200,000 to 100,000. This will result in Maitland Council being reclassified.

## Requests for Recategorisation

62. The Tribunal received four (4) requests for recategorisation. Liverpool, Byron, Tweed and Burwood Councils put forward individual cases for recategorisation for the Tribunal's consideration.
63. A summary of council's requests and the Tribunal's findings are outlined in the paragraphs below.
64. Liverpool Council requested to be reclassified from their current classification of Metro Large to Major CBD category. Liverpool Council's case to be included in Major CBD category is based on the following grounds:
- Population forecast to grow by 59.23% in the next 20 years from 242,817 to 386,646
  - A GDP estimated at \$13.03 billion, with 91,000 jobs in the LGA
  - Significant development in the LGA that includes new council offices and chambers, new city library, childcare facility, and the \$106 million Liverpool Quarter development consisting of retail, commercial, food and beverage spaces

- Liverpool being an integral part of Western Sydney Deal to deliver transformative change
- Liverpool being home to several significant infrastructure projects, including Western Sydney Airport, Western Sydney Infrastructure plan, Holsworthy Barracks and Liverpool Hospital upgrades
- Diversity of population

65. The Tribunal notes that the current criteria for Major CBD remains unchanged. It includes being a major provider of business and government services, and secondary CBD to metropolitan Sydney.
66. Having regard to section 239 of the LG Act, the criteria, the submission put forward, and for reasons outlined earlier in regard to anticipated growth versus actual growth, the Tribunal is not persuaded to include Liverpool Council in Major CBD category.
67. Byron Shire Council requested to be reclassified from their current category of Regional Rural into Regional Centre.
68. Council noted, based on ABS 2021 census data, with a population of 36,077, it is on the cusp of reaching the population threshold of 40,000 residents.
69. Council believes they meet several other additional criteria that supports their case for reclassification. Council's request is based on the following grounds:
- Non-resident population of 4,817 travel from surrounding locations to work in the LGA



- A population growth increase of 7.2% over the last 5 years, which is above the state increase of 5.3%
- Proximity to Gold Coast and Ballina/Byron airports
- Byron being home to internationally renowned Hinterland region
- Byron being home to a large number of festivals and events

70. As outlined earlier in this determination, the criteria for Regional Centre has been amended to include non-resident population as a criteria point.


71. This result is Byron Shire Council will be reclassified to Regional Centre.

72. Tweed Shire Council once again requested reclassification from Regional Centre to Regional Strategic Area on the following grounds:

- Proximity to Sydney via Gold Coast airport
- Proximity to Brisbane and Gold Coast
- Tweed being a major city centre and population centre for Northern Rivers Joint Organisation
- Tweed being the largest employer and strongest growth area in the Northern Rivers
- The construction of new state of the art Tweed Valley Hospital due to open in late 2023

73. Tweed Shire Council will be reclassified as a result of changes to Regional Strategic Area criteria outlined earlier in this determination.

74. Burwood Council requested to be reclassified from their current classification of Metropolitan Small to Metropolitan Medium. Council acknowledged that they do not currently meet the population criteria to be




placed into the requested category. The criteria as outlined in the 2022 Determination, Appendix 1 of the criteria that apply to categories states

“Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.”

75. If Burwood Council’s non-resident working population was included, the total population would be 53,435 well short of exceeding the population threshold for Metropolitan Medium.
76. Further examination demonstrates that Burwood council does not meet the broader criteria for Metropolitan Medium. Accordingly, Burwood Council will remain in current classification of Metropolitan Small.
77. The matters raised generally in submissions of Berrigan, Cowra, Inner West, Kur-ring-gai, Singleton and Temora Councils are outside of the scope of the Tribunal statutory functions, but in the view of the Tribunal are worthy of further consideration. These matters relate to the current remuneration principles and structures that apply to mayors and councillors in NSW and the potential impacts of these constraints. These are discussed further below.

# Section 4 – 2023 Fees

78. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required by section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
79. Pursuant to section 146C (1) (a) of the IR Act, the current government policy on wages is expressed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (IR Regulation). The IR Regulation provides that public sector wages cannot increase by more than 3 per cent per annum and the tribunal therefore has the discretion to determine an increase of up to 3 per cent per annum.
80. Four (4) submissions received addressed the issue of the fees quantum increase. These submissions sought an increase of 2.5% or greater.
81. The LGNSW submission requested that the Tribunal increase fees by the maximum 3 per cent, but further argued that the maximum increase is *“inadequate and does not address the historic undervaluation of work performed by elected representatives and the substantial responsibility associated with local government.”*
82. LGNSW used economic and wage data to support their argument, that included:
- Consumer Price Index (CPI)
  - National and State Wage cases
  - Market comparability

- 
83. LGNSW in their meeting with The Tribunal and Assessors, further emphasised that remuneration for Councillors and Mayors has been reduced in real terms due to impacts of inflation and capping of remuneration increases.
84. The Tribunal received a late submission from the USU, advocating for the maximum increase to be applied. The USU argued that all work carried out in local government needed to be fairly remunerated and reflect the rise in cost of living.
85. Whilst only five of the eighteen submissions received addressed the issue of quantum increase of fees, more than half of the submissions provided commentary on a range of remuneration issues.
86. Submissions suggested that the current remuneration structure is inadequate and requires further review. It has been suggested that the current remuneration structure does not adequately reflect:
- Role, responsibilities, and commitment required to perform functions successfully
  - Workloads
  - Complexity of role
  - Commitment and skills required
  - Fairness
87. Furthermore, it has been suggested that the low level of remuneration is a barrier to encouraging participation and diversity of candidates that reflects communities.

88. Associate Professor Jakimow of the Australian National University provided a detailed submission outlining the negative impacts of inadequate remuneration. The substance of the submission is that current remuneration levels do not adequately reflect the hours and complexity of work. Furthermore, low remuneration is a barrier to participation and diversity.

89. Associate Professor Jakimow argues that:


*“inadequate pay has significant negative consequences: low quality local democracy, an unacceptable burden on councillors and their families, and poor councillor diversity.”*

90. A number of submissions provided comparison data to demonstrate that the current remuneration principles and structure are not reflective of time, skills and competencies required to effectively perform the roles of councillor and mayor.

91. Comparisons were made to State and Federal parliamentary members, councillors and mayors in the Queensland and Victorian local government jurisdictions, average remuneration of a chairperson of a board, not for profit organisations and national minimum wage. The basis of the argument is that NSW mayor and councillors are paid below these organisations.

92. One submission noted that legislative change would be required to change remuneration model.

93. The Tribunal acknowledges issues raised in submissions regarding remuneration principles, structure and potential impacts. Many of these issues are worth serious consideration, they are however not currently




within the Tribunal's remit. The Tribunal concludes these matters should be given further investigation and consideration.

94. The Tribunal has considered key economic indicators, including the Consumer Price Index and Wage Price Index, and has determined that the full 3 per cent increase will apply to the minimum and maximum fees applicable to existing categories.
95. As an initial determination, the ranges for new categories are not subject to the wages policy. Future increases in those categories, as is the case for existing categories, will be subject to wages policy in accordance with section 242A(4) of the LG Act.
96. The minimum and maximum fees for the new categories have been determined having regard to the relativities of existing categories

## Time for Fresh Thinking

97. Submissions made to the 2023 review and the Tribunal's own conclusions from evidence it has examined, suggest that there are significant issues underlying the concerns raised about mayor and councillor remuneration. It is apparent to the Tribunal that those issues which include a lack of diversity in representation, changing nature of work required to be undertaken and changed community expectations cannot be easily resolved under the existing framework. In the Tribunal's view, there would be merit in a comprehensive review of the framework for mayor and councillor remuneration.
98. The criteria under which the Tribunal makes these determinations has




been in existence since 1994 and at that time NSW had 177 Councils. Much has changed over the past 30 years, but the criteria has not.

99. As noted earlier in this determination the Tribunal and Assessors met with two Joint Organisation member representatives. While much of what was discussed has been dealt with in this determination it is worthy for the record to restate the view of LGNSW of the *“need for major reform”*.
100. Key themes and issues raised during discussions by mayors, councillors and general managers with the Tribunal and Assessors include:
- Changes to ways of working including expectations of increased use of social media and online platforms (“always on” expectations from constituents)
  - Impacts of future development
  - Impact of changes to legislation and regulation on workload
  - Serving constituents in regional centres, country areas regional areas, rural and remote areas
  - Remuneration principles
  - Natural Disasters including floods, fires, mice, locusts and tragedies generally
  - Confusion in roles and responsibilities – need for compulsory and consistent training of candidates prior to election and induction of those elected

- Popularly elected mayors and two-year mayoral terms and the role of the Deputy Mayor when a mayor is absent, as distinct from temporarily unavailable
- Questioning whether the guidelines by the Office of Local Government for the payment of expenses and the provision of facilities for mayors and councillors that were issued in 2009 are still fit for purpose. There appears to be significant variation in the interpretation of the guidelines and subsequent council policies
- The optional payment of superannuation being used for political purposes
- Paid parental leave for councillors
- Is remuneration holding back quality candidates or are behavioural issues – both in and out of meeting environment
- Parity in the payment differential in existing categories between councillors and mayors
- A possible alignment in categories of councillor to resident and ratepayer ratios and rateable property ratios
- Clarity in the payment of fees for chairpersons and voting members of Joint Organisations for additional workloads

101. Diversity was a strong theme heard by the Tribunal, both diversity of communities served and diversity of representation. We heard that






younger people, women, Aboriginal and Torres Strait Islander people and members of culturally and linguistically diverse communities among others, are underrepresented in many councils.

102. The Tribunal acknowledges that it is not within its authority to address many of the issues that were raised in submissions.
103. The Tribunal is not suggesting a fundamental review of the role of councillors and notes that people enter local government representation from a sense of civic service rather than for remuneration.

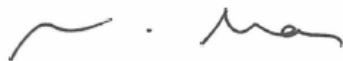
## Conclusion

104. The Tribunal is of the view that a broader consideration is required of the matters raised in this determination. If the Minister decided to refer these matters under section 238 (2) of the LG Act the Tribunal would be willing to assist noting that it would require considerable consultation with the sector and access to suitable resources from Government.
105. The Tribunal's determinations have been made with the assistance of the Assessors Ms Kylie Yates, Gail Connolly PSM (in her role as Acting Deputy Secretary) and Mr Brett Whitworth.
106. It is the requirement of the Tribunal that in the future all submissions have council endorsement.
107. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.
108. Determination 2 outlines the maximum and minimum fees paid to



councillors and mayors and members and chairpersons of county councils  
as per section 241 of the LG Act.

109. The Tribunal acknowledges and thanks the secretariat for their excellent  
research and support in completing the 2023 determination.



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 27 April 2023

# Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023

## General Purpose Councils – Metropolitan

### Principal CBD (1)

- Sydney

### Major CBD (1)

- Parramatta

### Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

### Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

### Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

### Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

## General Purpose Councils - Non-Metropolitan

### Major Regional City (2)

- Newcastle
- Wollongong

### Major Strategic Area (1)

- Central Coast

### Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

### Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

### **Regional Rural (12)**

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

### **Rural Large (18)**

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Hilltops
- Inverell
- Leeton
- Moree Plains
- Murray River
- Muswellbrook
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

### **Rural (38)**

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

## County Councils

### Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

### Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

## Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2023 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

### General Purpose Councils – Metropolitan

#### Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	29,610	43,440
Major CBD	19,760	36,590
Metropolitan Major	19,760	34,590
Metropolitan Large	19,760	32,590
Metropolitan Medium	14,810	27,650
Metropolitan Small	9,850	21,730

#### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	181,210	238,450
Major CBD	41,960	118,210
Metropolitan Major	41,960	106,960
Metropolitan Large	41,960	94,950
Metropolitan Medium	31,470	73,440
Metropolitan Small	20,980	47,390

## General Purpose Councils - Non-Metropolitan

### Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	19,760	34,330
Major Strategic Area	19,760	34,330
Regional Strategic Area	19,760	32,590
Regional Centre	14,810	26,070
Regional Rural	9,850	21,730
Rural Large	9,850	17,680
Rural	9,850	13,030

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	41,960	106,960
Major Strategic Area	41,960	106,960
Regional Strategic Area	41,960	94,950
Regional Centre	30,820	64,390
Regional Rural	20,980	47,420
Rural Large	15,735	37,925
Rural	10,490	28,430



## County Councils


### Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	1,960	10,870
Other	1,960	6,490

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	4,200	17,850
Other	4,200	11,860

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2))



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 27 April 2023

# Appendices

## Appendix 1 Criteria that apply to categories

### **Principal CBD**

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

## Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## **Metropolitan Major**

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## **Metropolitan Large**

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## **Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## **Metropolitan Small**

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:


- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## **Major Regional City**

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development

- 
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
  - have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
  - have significant natural and man-made assets to support diverse economic activity, trade and future investment
  - typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### **Major Strategic Area**

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum



- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### **Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

## **Regional Centre**

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.


Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

### **Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.



Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

### **Rural Large**

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.



## **Rural**

Councils categorised as Rural will typically have a residential population less than 10,000.

## **County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

## **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

**10.4.7. Sponsorship - Young Endeavour Youth Scheme**

<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Young Endeavor Youth Scheme request for sponsorship - Charlise Anderson Redacted [10.4.7.1 - 3 pages]</li><li>2. Financial Assistance and Sponsorship Policy - MS C 05 E [10.4.7.2 - 8 pages]</li></ol>
---------------------	--

**Responsible Officer:** Derek Finnigan - General Manager

**Author:** {authors-names} – {position}

**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 submit for Council's consideration a request for sponsorship from Ms Charlise Anderson to participate in the Young Endeavour Youth Scheme.

**OFFICER'S RECOMMENDATION**

Council approves the request received from Ms Charlise Anderson for sponsorship of \$500 for participation in the 2023 Young Endeavour Youth Scheme.

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

**BACKGROUND**

Ms Charlise Anderson has been successful in her application to be a part of the 2023 Young Endeavour Youth Scheme and has requested Council's financial assistance to participate in the Scheme.

**CONSULTATION**

Mayor

General Manager

**REPORT**

Council has received a request from Ms Charlise Anderson for sponsorship to participate in the 2023 Young Endeavour Youth Scheme (included as Attachment 1).

The Young Endeavour Youth Scheme aims to provide young Australians with a unique, challenging and inspirational experience that increases their self-awareness, develops their teamwork and leadership skills, and creates a strong sense of community responsibility, on



the Young Endeavour, which is the Bicentenary gift from the United Kingdom to the Government and people of Australia. Since 1988, the Young Endeavour Scheme, in partnership with the Royal Australian Navy, has offered outstanding training opportunities for over 11,000 young people.

The cost of participating in the programme is \$1,950 per person.

Council has received requests of this nature in the past, but has not provided sponsorship as they do not fall within the guidelines of MSC05E – Financial Assistance & Sponsorship Policy (Attachment 2):

Clause 1.1.9 of the policy states that *Generally Council does not provide financial assistance to any individual for recreational and/or cultural pursuits. Any application received and considered worthy of support will be assessed in accordance with section 356 (2) and (3) of the Local Government Act 1993 (the Act).*

The Mayor has requested that Council considers the request for financial assistance.

Please note that Upper Hunter Shire Council supports the scheme Young Endeavour Scheme through advocating for the assistance of community and commercial sponsors. Council may wish to consider implementing this type of scholarship in the future.

## OPTIONS

Council has a number of options available:

1. approve the sponsorship request of \$1950 per person;
2. decline the sponsorship request;
3. approve a different amount; and/or
4. Develop a Scholarship for the Young Endeavour Youth Scheme and seek community/organisation sponsorship.

## CONCLUSION

It is recommended that Council provides \$500 per person towards the Young Endeavour Youth Scheme, and that Council considers setting up an advocacy programme similar to that carried out by Upper Hunter Shire Council

## SOCIAL IMPLICATIONS

The recommendation will have positive implications for the recipients by providing a unique, challenging and inspirational experience that increases their self-awareness, develops their teamwork and leadership skills, and creates a strong sense of community responsibility.

## FINANCIAL IMPLICATIONS

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

## POLICY IMPLICATIONS

The request is not consistent with Council's Financial Assistance and Sponsorship Policy.

By approving the request, Council's sponsorship budget will be reduced by \$500 - \$1295 (depending on Council's resolution).

## STATUTORY IMPLICATIONS

No known statutory implications.



**LEGAL IMPLICATIONS**

No known legal implications.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

No known implications.

**WASTE MANAGEMENT IMPLICATIONS**

No known implications.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

No known implications.



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Endeavor Youth Scheme - Charlise Anderson

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Finnigan,

My name is Charlise Anderson and I am a year 11 student at St Joesph's High School Aberdeen and have been a Muswellbrook resident all of my 16 years  
I have recently been awarded a berth on the Young Endeavour tall ship , part of a youth development Scheme for ten days disembarking Brisbane on the 26<sup>th</sup> of September 2023.

This correspondence to you is an outcome of a conversation between my father ( Luke Anderson ) and the Mayor Mr Steven Renyolds, regarding a request for financial assistance from the council to assist me cover the expense incurred with participating on the voyage

From my academic achievements with schooling at a state level and extensive volunteering work, such as recently attending the National Student Leadership Summit in Adelaide representing the Where There's A Will organisation and representing all the Upper Hunter School's in the Civics and Citizenship Program in NSW Parliament in Sydney last year.

These are only some of the achievements that I am very proud of.

My Teachers at St Joesph's Aberdeen recently submitted an application to Scone shire unbeknownst to me, as Scone council had a sponsorship scheme for six positions on this voyage and thought I would be a great representative , but unfortunately I was ineligible due to being a resident of the Muswellbrook shire. The great teachers at St Joseph's encouraged me to re-apply with an individual application, so I submitted my resume and qualified for a position on my own merit, to which I was successful.

Mr Renyolds asked for me to contact you regarding the possibility of accessing any funding, donations or sponsorship programs to assist with this great experience, as Scone has provided numerous students with a full scholarship on the past voyages.  
Below I have attached the links to the young endeavour experience and the Scone council sponsorship program.

I would love to have the opportunity to discuss this request in person or with a committee at any time convenient to you.


Please feel free to contact my parents or myself.

Kelly Anderson (Mother) [REDACTED] Luke Anderson (Father) [REDACTED] Charlise Anderson

[REDACTED]

<https://youngendeavour.gov.au/about/about-the-scheme>

---

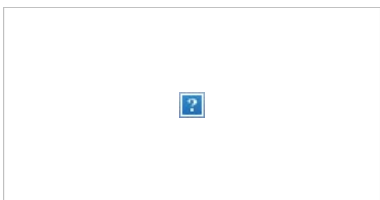


[About our Youth Development Program| Young Endeavour Youth Scheme](#)

Learn about the Young Endeavour Youth Scheme's mission and core values.

[youngendeavour.gov.au](http://youngendeavour.gov.au)

<https://www.upperhunter.nsw.gov.au/Residents/Community-Support/Youth/Upper-Hunter-Shire-Young-Endeavour-Scheme>



[Upper Hunter Shire Young Endeavour Scheme](#)

Council's Young Endeavour Scheme gives young people from a rural area the unique experience of an ocean voyage on a tall ship.

[www.upperhunter.nsw.gov.au](http://www.upperhunter.nsw.gov.au)

Yours Kindly,

Charlise Anderson





# **muswellbrook shire council**

## **Financial Assistance and Sponsorship Policy MSC05E**

**Adopted by Council:**

Date: 11/06/2019

Minute No. 325

This document is a controlled document. Before using this document, check it is the latest version by referring to Council's EDRMS and ensuring you are using the Last Approved Version. Printed or downloaded versions of this document are uncontrolled.

## Table of Contents

Policy Objective.....	3
Risks being addressed.....	3
Scope .....	3
Definitions.....	3
Policy Statement .....	3
1. Financial Assistance .....	3
2. Sponsorship .....	6
Delegations .....	7
Legislation .....	7
References .....	7
Dispute Resolution .....	7
Associated Council Documentation .....	7
Authorisation Details .....	8
Details History .....	8

## Policy Objective

The objective of this policy is to ensure that the administration of financial assistance and sponsorship activities follow best practice principles of corporate governance. This policy aims:

1. To regulate the process for providing financial assistance to local not-for-profit community groups, organisations and sporting groups who are interested in working towards enhancing the social, cultural and recreational well-being of the communities of the Muswellbrook Shire.
2. To provide Councillors, staff and community groups or committees with guidelines to be used when seeking, negotiating, securing and maintaining corporate sponsorship agreements.

## Risks being addressed

This policy outlines principles on the allocation of funds thereby mitigating the risk of misappropriation of Council resources. At the same time, the policy supports the implementation of the Council's Community Strategic Plan, as well as other goals outlined in Council's Delivery Plan and Operational Plan.

## Scope

This policy regulates the entire financial assistance given by Council to third parties. Council departments that provide any type of grants from their operational budgets also must comply with the principles outlined here. Also regulated with this policy is any sponsorship received by a third party for any Council activity, function or event. The policy applies to all Council staff and Councillors.

## Definitions

**Financial Assistance** – official help given to a third party in the form of money (e.g donations, grants) or waiving of fees. Council does not provide in-kind assistance. All requests for Council works and services are costed through the Financial Assistance Program

**Sponsorship** - means a contribution in money or kind, generally by the corporate sector or private individuals, in support of a Council activity, function or event. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the Council does not extend beyond the acknowledgment and terms of the agreement.

## Policy Statement

### 1. Financial Assistance

#### 1.1. General

- 1.1.1. This policy outlines the administration for financial assistance applications and memberships to community groups, organisations, sporting groups and incorporated bodies.
- 1.1.2. Council's allocation of funding for financial assistance is reviewed annually as part of Council's budgeting preparation; therefore allocations may vary from year to year according to the priorities adopted by Council.
- 1.1.3. Council approves financial assistance to eligible applicants: not-for-profit, volunteer organisations, hall committees and sporting and community groups.
- 1.1.4. A written request must be received by Council for consideration of an allocation for financial assistance. All application must address the selection criteria outlined in clause 1.6 in this policy and follow any additional guidelines related to the call for applications.

- 1.1.5. Part of its budget process Council adopts a list of groups and organisations to provide financial assistance each year. This list of groups and organisations is subject to change by Council in the process of adopting each annual budget.
- 1.1.6. Applications for financial assistance will be assessed against the following criteria:
  - a. **Economic:** Delivers significant economic benefits to the Muswellbrook Shire.
  - b. **Local Identity:** Delivers identity, brand and reputational benefits to the Muswellbrook Shire.
  - c. **Smart:** Delivers on innovation and leadership benefits for the Muswellbrook Shire.
  - d. **Community:** Delivers on significant social and community benefits for the Muswellbrook Shire.
  - e. **Liveability:** Delivers on enhanced liveability for Muswellbrook Shire residents, workers and visitors.
  - f. **Environmental:** Delivers on sustainability benefits to the Muswellbrook Shire.
- 1.1.7. Applications for financial assistance over the value of \$350 are assessed during regular funding rounds throughout the year and a recommendation on selected applicants is referred to Council for approval. Where applicable, Council will give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so, in accordance to Section 356 of the Act.
- 1.1.8. The General Manager, at a recommendation of a committee of at least three Council officers (or, where relevant, a combination of Council officers and community members) may approve requests for financial assistance received which comply with the principles of this policy up to the value \$350. All decisions should be in line with this policy and subject to availability of funds.
- 1.1.9. Generally Council does not provide financial assistance to any individual for recreational and/or cultural pursuits. Any application received and considered worthy of support will be assessed in accordance with section 356 (2) and (3) of the Local Government Act 1993 (the Act).

*Note: An exception to this clause is the support of the Youth Awards in conjunction with Australia Day awards.*
- 1.1.10. Financial assistance requests will not be funded retrospectively. An application for financial assistance must be received prior to the event.
- 1.1.11. Only one successful application for financial assistance per community group, organisation or sporting group will be considered each year.
- 1.1.12. The total amount of financial assistance made in accordance with this policy will be listed in Council's Annual Report.
- 1.1.13. Council does not support requests for financial assistance from outside the Muswellbrook Shire unless it can be demonstrated there is a significant benefit or contribution to the Muswellbrook Shire community.
- 1.1.14. Following Council's consideration of applications successful and non-successful applicants will be advised. Payment to successful organisations will be made as soon as practicable after the request has been approved.

## **1.2. Acknowledgement of Council's financial assistance**

- 1.2.1. All third parties receiving financial assistance from Council must acknowledge Council's financial assistance in all media and promotional material, and meet any other obligations prescribed in the agreement. Failure to do so may result in:
  - a. Early termination of the agreement, and/or
  - b. Excluding the third party from future consideration for financial assistance from Council.

## **1.3. Acquittal process**

- 1.3.1. Successful applicants must provide an acquittal of the monies received with evidence of expenses and other evidence of the project's completion, such as before and after photos, testimonials, newspaper articles, etc. This must be submitted to Council's General Manager within 1 month of project completion.
- 1.3.2. Successful applicants must follow all other requirements stipulated in the guidelines for each financial assistance program at Council, such as the guidelines listed in the *Associated Council Documentation* section in this policy.

## **1.4. Specific Financial Assistance Recipients**

- 1.4.1. Council recognises that community halls are an important part of the social and cultural sphere in Muswellbrook Shire and provide significant benefits to the community.
- 1.4.2. Subject to the rate assessment in respect of the rural community halls being paid in full during the current rating period, Council may provide financial assistance to the relevant Hall Committee of an amount equivalent to 75% of the General Rate for that year.
- 1.4.3. Council will make an annual allocation for the maintenance of the following rural community halls, upon application from the hall committee outlining the need and feasibility of the project for which the money will be used and subject to existing budgetary allocations:
  - a. Baerami Creek Hall
  - b. Wybong Hall
  - c. McCullys Gap Hall
  - d. Sandy Hollow Hall

*Note: The relevant hall committees are eligible to apply, however Council is not obliged to provide assistance to all hall committees each year. Council does not levy rates on Martindale Hall and it is therefore not included in the list.*
- 1.4.4. Council requires that all applications under clause 1.3 of this policy be accompanied by a statement from the committees outlining all benefits provided to the community in the year for which the rates were paid for.



## 2. Sponsorship

- 2.1.1. Council maintains an open approach to seeking sponsorship. Expressions of interest will be advertised, where appropriate, for a specific event, activity or purpose. The expressions of interest advertised would in general terms, describe certain selection criteria required for sponsorship agreement.
- 2.1.2. If after fourteen days from the publication of Council's advertisement there has been no response, or only non-complying responses (ie responses which do not comply with a set of predetermined criteria), individual organisations or persons may be approached with the approval of the General Manager or their designated senior officer.
- 2.1.3. All sponsorship agreements are to be approved by the General Manager or their designated senior officer. No formal agreement will be entered into without this approval.
- 2.1.4. Unsolicited proposals may arise by a potential sponsor without any action that Council has taken. In this situation, the sponsorship offer will be considered by the General Manager and delegates of their choosing. This is to ensure that no conflict of interest exists and that the proposal is consistent with the market value of a similar agreement.

*Note: In the case Council is seeking large, high profile sponsorship agreements, methods not limited to tendering or expression of interest will be considered.*

### 2.2. Assessment of Sponsorship Proposals

- 2.2.1. Sponsorship proposals are to be assessed against predetermined criteria which have been published in advance or which are circulated to organisations or persons who have submitted an expression of interest. The assessment shall be undertaken by persons who have relevant qualifications and can act, and be seen to act, impartially. Each proposal shall be assessed on the individual merits of the proposed sponsor and the products or services that are supplied or provided by that sponsor. Any consideration given by Council to the establishment of a sponsorship agreement shall give regard to the following:
  - a. ensuring that sufficient resources are available to enable the promised sponsor benefits to be delivered.
  - b. each sponsorship agreement will include an early termination clause if the sponsor is found to be in breach of the Council's Code of Conduct. If a breach is suspected, a preliminary investigation will be undertaken to establish the merits of the allegation.
  - c. that agreements be entered into only with reputable organisations or persons whose public image, products and services are consistent with the values, goals, objectives and specific policies of this Council.

### 2.3. Conflict with Council's Regulatory or Inspectorial Responsibilities

- 2.3.1. No sponsorship arrangements will be entered into which impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially.
- 2.3.2. If a sponsorship agreement is entered into with an organisation or person who is, or is likely to be, subject to regulation or inspection by Council during the life of the agreement, the sponsor is to be informed in writing that their sponsorship will have no bearing on Council's regulatory or inspectorial responsibilities.

- 2.3.3. The sponsor is also to be informed in writing that should the sponsor engage in any activity that contravenes Council's regulations the sponsorship agreement will be terminated immediately.

#### **2.4. Prohibition of Personal Benefits to Councillors and Employees**

- 2.4.1. No Councillor or employee, or members of their families, are to receive a personal benefit from a sponsorship. Should a Councillor or employee perceive a potential conflict of interest in dealing with a sponsor on Council's behalf, that potential conflict of interest is to be declared to the General Manager at the first opportunity.

#### **2.5. Non-Endorsement of Sponsor or Sponsor's Product or Service**

- 2.5.1. Sponsorship of Council activities will not involve explicit endorsement of the sponsor or the sponsor's product or service. Any sponsorship agreement which involves the exchange of products will be evaluated against the predetermined criteria. Council will accept the products only if deemed to be appropriate in the terms of the agreement.

#### **2.6. Inclusion in Council's Annual Report**

- 2.6.1. All sponsorship arrangements will be listed in Council's Annual Report. This listing will contain the name of the sponsor, the activity sponsored, the amount and the duration of the sponsorship.

### **Delegations**

The General Manager has delegated authority to approve requests for financial assistance received which comply with the principles of this policy up to the value \$350.

### **Legislation**

Local Government Act 1993

Local Government (General) Regulation 2005

Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector May 2006

### **References**

Revenue Policy

### **Dispute Resolution**

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this Policy.

### **Associated Council Documentation**

Community Grants Guidelines

Sport and Recreation Large Capital Grants Program Guidelines

Sport and Recreation Small Capital Grants Program Guidelines

Community Strategic Plan

Delivery Plan

Operational Plan

#### Authorisation Details

<b>Authorised by:</b>	Council
<b>Minute No:</b>	325
<b>Date:</b>	11/06/2019
<b>Review timeframe:</b>	4 years
<b>Department:</b>	Corporate Services
<b>Document Owner:</b>	Finance Manager
<b>Policy Type</b>	External

#### Details History

<b>Version No.</b>	<b>Date changed</b>	<b>Modified by</b>	<b>Amendments made</b>
V1	8/03/2004		
V2	11/10/2004		
V3	14/11/2005		
V4	13/05/2013		Waiving User Hire Fees and Development Application Fees for Charitable organisations
V5	14/02/2017		
V6	11/06/2019	Joshua Brown	Significant rewrite

**10.4.8. 2022/2023 Operational Plan - 31 March, Quarterly Review**

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Amy Cox (Corporate Planning and Reporting Officer)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.

---

**PURPOSE**

The adopted 2022/2023 Operational Plan has been reviewed over the months of 1 January 2023 to 31 March 2023.

**OFFICER'S RECOMMENDATION**

Council notes the 2022/2023 Operational Plan Review dated 31 March 2023.

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

**BACKGROUND**

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

**CONSULTATION**

Manex,

Managers and Coordinators

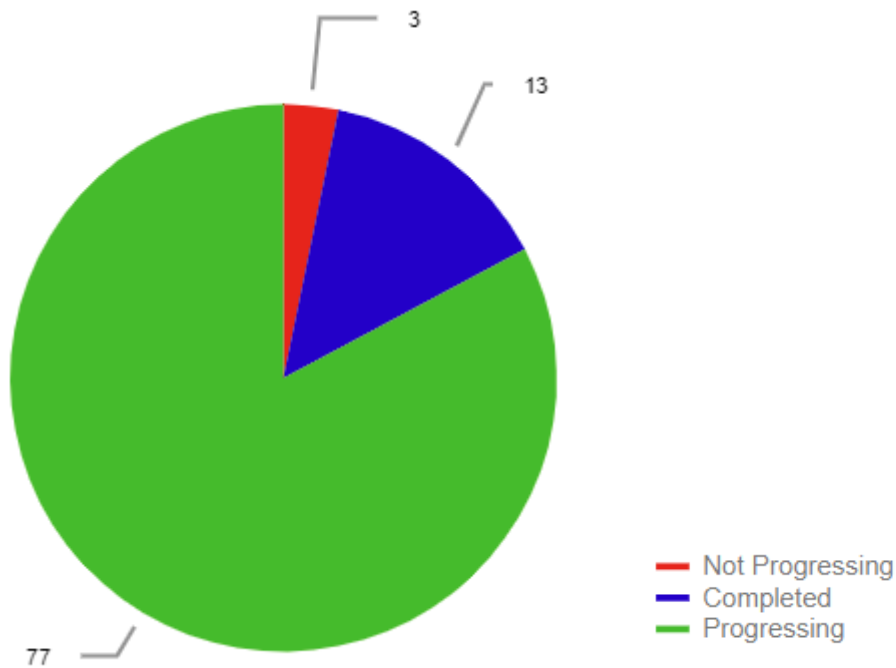
**REPORT**

Please refer to the Q3 2022/2023 Council Review (attached under separate cover) for the full Operational Plan review for the 31 March 2023 period.

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

**Overall** - of the 93 activities:

3%	are not progressing;
0%	are not due to start;
83%	are progressing;
14%	have been completed on or ahead of schedule.



The actions reported as **completed** during Q3 2022/2023 are as follows:

ACTION	STATUS
1.2.1.2 Establish Community and Economy Directorate at Council	A Community and Economy Directorate has been established at Muswellbrook Shire Council. Ms Shaelee Welchman is Council's Director Community and Economy.
2.1.1.1 Report a list of prioritised capital sport and recreation projects	The General Recreation Programme for 2022-23 was endorsed by Council at the 27 September 2022 Ordinary Council meeting.
2.1.2.2 Continue matched funding Sport and Recreation Grants Programmes	The 2022 Sport and Recreation Grants Programme for small and large matched funding applications have been awarded.



ACTION	STATUS
2.5.2.1 Muswellbrook Common project design and concept plan brief is developed	The Community Gathering Place: Aboriginal & Torres Strait Islander Cultural Centre project design and brief was completed in May 2022, the document has been used to promote and discuss the concept with relevant stakeholders.
3.2.1.2 Liaise with Local Land Services to advocate for projects in the Shire	Staff have provided comments to Local Land Services on their proposed grants program for 2022-23.
3.3.1.1 Construction of the funded portions of Hunter Beach	All components of the Hunter Beach project have now reached Practical Completion, and the site has been opened for the enjoyment of the community.
3.5.1.1 Council's energy contractor supplies energy from renewable sources	Council participated in a tender process conducted by Local Government Procurement (LGP) with the view to entering a long term renewable power purchase agreement (PPA), and leveraging aggregated electricity consumption on commercially advantageous terms. Due to the dynamic situation in the market, LGP decided to engage suppliers on short term agreements which did not require usage of renewable electricity until 31 December 2024. This was done to ensure electricity supply at an acceptable cost to participating councils.
4.1.1.1 Make Local Heritage Grants available for owners of heritage listed properties	Successful applicants have completed their nominated projects. Council's Heritage Advisor has inspected the works, and a report has been forwarded to the Department of Planning and Environment seeking approval to reimburse applicants.
5.3.1.1 Carry out Best Practice audit of water and wastewater services	The Final Review Report for 2020-21 was submitted to the 20 December 2022 Ordinary Council Meeting to note the information and recommendations submitted by the Auditor. The final review confirms that Council's Best Practice Management of Water Supply and Sewer Services for 2020-21 was substantially compliant with best practice.



ACTION	STATUS
6.1.1.2 Develop and implement a community panel engagement process to establish agreed levels of service between Council and the community	A Community Panel was recruited with two face-to-face meetings held at Denman and Muswellbrook (20 August 2022 and 24 September 2022), and a series of seven video presentations were distributed to Panel Members in place of the scheduled 10 September 2022 face-to-face session. The final report on the outcomes of the 2022 Community Panel was submitted to the 20 December 2022 Ordinary Council Meeting for the information of Councillors and the community. Feedback received from the Panel will inform Council's service review program in the 2023-24 Operational Plan, as outlined in the 2022-2026 Delivery Program.
6.1.2.1 Develop and implement a Community Engagement Strategy	The Muswellbrook Shire Council Community Engagement Strategy 2022 (CES) was adopted by Council at the 22 November 2022 Ordinary Council Meeting following 28 days public exhibition, with graphic design undertaken by an external contractor during the public exhibition period. The next steps will be to implement the CES and ensure that cross Council community engagement complies with the adopted Strategy and develop the Children and Youth Engagement Program in consultation with all Directorates.
6.2.4.1 The Local Orders Policy is reviewed	The revised Local Orders Policy was adopted by Council at the 20 December 2022 Ordinary Council Meeting.
6.2.5.6 Facilitate Council's participation in the Local Government Professionals/ Price Waterhouse Coopers Performance Excellence Program	Council's participation in the Local Government Professionals/ Price Waterhouse Coopers Performance Excellence Program (PEP) has concluded for 2022-23, with all required data collected and submitted in compliance with PEP deadlines. The final report will be submitted for the consideration of Council at the 27 April 2023 Ordinary Council Meeting.

No actions were reported as **not due to start** during Q3 2022/2023.



The actions reported as **not progressing** during Q3 2022/2023 are as follows:

ACTION	STATUS
1.2.3.2 Prepare a Local Approvals Policy for adoption by Council	Progress has been temporarily suspended, as staff have been diverted to new projects commenced by Regional NSW for a Regional Housing Strategy. Once this essential work has been completed, work will recommence on developing a Local Approvals Policy.
1.2.5.1 Prepare a scope of works and background paper for a Rural and Environmental Land Strategy.	Progress has been temporarily suspended, as staff have been diverted to projects that involve the update of Contributions Plans and preparation of a Planning Agreement Policy and Community and Economic Development Fund Policy. Once these essential projects have been completed, work will recommence on preparing a scope of works and background paper for a Rural and Environmental Land Strategy.
3.4.2.1 Provide guidance material on Council's website to help applicants for new development to prepare and submit improved Statements of Environmental Effect with their applications.	Staff have been reallocated to work on the review of conditions of consent to load on to the eplanning portal for the introduction of Notices of Determination being issued via the eplanning portal by 30 May 2023 (initiative mandated by the Department of Planning and Environment). Staff are also working on a "Conflict with Development Applications" Policy that must be finalised by April 2023 (initiative mandated by the Department of Planning and Environment). Once this work is completed, work will recommence on providing guidance material on Council's website to help applicants for new development to prepare and submit improved Statements of Environmental Effects with their applications.



**10.4.9. Monthly Financial Report - April 2023**

<b>Attachments:</b>	1. Monthly Financial Report - April 2023 [10.4.9.1 - 14 pages]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Josh Hogan (Finance Manager), Mandy Fitzgerald (Senior Financial Accountant)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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 for the month ending 30 April 2023.

**OFFICER'S RECOMMENDATION**

Council NOTES the Financial Reports for the month ending 30 April 2023.

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

**REPORT**

Please refer to the attachment for the April 2023 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 and December Quarterly Budget Reviews, management has 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.

Council Officers are proactively seeking to identify savings across the organisation and ensuring prudent fiscal management.

**Material Exceptions:****General Fund****• Revenue:**

- YTD Mixed Waste Fees actuals of \$1.36M show an unfavourable variance of \$238k (15%) against the YTD December Review Budget of \$1.60M. This will continue to be monitored and updated accordingly in the March Quarterly Budget Review. This is offset to an extent by an increase in Environment and Planning revenue.
- Aquatic Centre YTD actual income of \$425k shows an unfavourable variance of \$151k against the YTD December Review Budget of \$576k. The Aquatic Centre Manager is currently developing and implementing strategies to increase income. The impact of this will be ascertained over the coming months but it's likely there will be a structural shortfall in the Aquatic Centre revenue for the foreseeable future. Any adjustments to be made will be made as part of the March Quarterly Budget Review process.
- Investment Income shows a favourable variance due to higher interest rates.

**• 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.
- Legal expenses YTD actuals are \$845k - 75% of the December Review Budget of \$1.13M (increased by \$725k in the December Quarterly Budget Review; offsets have been identified).

**Water Fund**

- User Charges show an unfavourable variance. The second water billing account was sent out in February. Budgets will be adjusted accordingly after the third water bill has been calculated in May 2023.
- Water Mains and Water Treatment costs are trending high and will continue to be monitored. It is estimated a further \$150k will be required for Water Chemical expenses for this financial year. Savings will be found within the fund, and adjustments made as part of the March Quarterly Budget Review.

**Sewer**

- Sewer Treatment chemical and maintenance costs are trending high. The budget for these areas will be increased as part of the March Quarterly Budget Review with savings found within the fund.

**Future Fund**

- Other Costs show an unfavourable variance for the YTD due to the recognition of the full-year insurance and rates expenses at the beginning of the financial year.

**Capital Projects**

YTD capital spend of \$29.7M is 51% of the full-year capital budget, including carryovers. 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.

# Muswellbrook Shire Council

Financial Report - April 2023



Council Consolidated								
Account Group	YTD Actuals	YTD Dec Review Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>					Full Year			
Rates and Charges	\$30,447,400	\$25,663,041	\$4,784,359	19%	\$30,795,649	\$30,795,649	99%	Most of the Rates Revenue is levied and recognised at the start of the year. Due to this, a favourable year-to-date result will show for much of the year. * Rates & Charges are at 99% of the FY Budget * Overall revenue is at 83% of the FY Budget.
User Charges and Fees	\$14,986,629	\$17,431,936	(\$2,445,307)	-14%	\$20,513,229	\$20,918,324	72%	
Interest and Investments Revenues	\$980,241	\$822,633	\$157,609	19%	\$510,393	\$987,159	99%	
Other Revenues	\$2,329,021	\$2,238,123	\$90,898	4%	\$2,566,369	\$2,685,748	87%	
Operating Grants and Contributions	\$4,602,281	\$7,391,196	(\$2,788,915)	-38%	\$7,292,987	\$8,869,435	52%	See individual funds for commentary specific to that fund
Internal Revenue	\$3,077,310	\$3,342,730	(\$265,420)	-8%	\$4,124,249	\$4,011,276	77%	
<b>Total Revenue</b>	<b>\$56,422,882</b>	<b>\$56,889,658</b>	<b>(\$466,776)</b>	<b>-1%</b>	<b>\$65,802,874</b>	<b>\$68,267,589</b>	<b>83%</b>	
<b>Expenses</b>								
Wages and Salaries	\$12,505,300	\$13,411,939	\$906,639	7%	\$16,791,856	\$16,094,327	78%	Other costs are at 79% against FY budget. Rates and Insurances are paid at the start of the year. Higher Electricity charges are also included in this area.
Materials and Contracts	\$16,077,720	\$18,296,094	\$2,218,374	12%	\$19,319,068	\$21,955,313	73%	
Other Costs	\$5,305,681	\$5,622,346	\$316,665	6%	\$5,395,222	\$6,746,815	79%	
Borrowing Costs	\$1,320,812	\$1,890,238	\$569,426	30%	\$2,227,285	\$2,268,286	58%	
Overheads	\$3,210,278	\$3,795,098	\$584,820	15%	\$4,554,118	\$4,554,118	70%	See individual funds for commentary specific to that fund
Depreciation	\$12,276,781	\$12,330,118	\$53,337	0%	\$15,200,499	\$14,796,142	83%	
<b>Total Expenses</b>	<b>\$50,696,572</b>	<b>\$55,345,834</b>	<b>\$4,649,262</b>	<b>8%</b>	<b>\$63,488,048</b>	<b>\$66,415,000</b>	<b>76%</b>	
<b>Result</b>	<b>\$5,726,310</b>	<b>\$1,543,824</b>	<b>\$4,182,486</b>		<b>\$2,314,827</b>	<b>\$1,852,589</b>		

# Muswellbrook Shire Council

Financial Report - April 2023



General Fund								
Account Group	YTD Actuals	YTD Dec Review Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$23,368,630	\$19,643,821	\$3,724,809	19%	\$23,572,585	\$23,572,585	99%	Revenue commentary will focus on material exceptions and concerns
User Charges and Fees	\$6,507,561	\$7,519,000	(\$1,011,439)	-13%	\$8,316,453	\$9,022,801	72%	* 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.
Interest and Investments Revenues	\$729,718	\$593,325	\$136,393	23%	\$340,223	\$711,989	102%	* Investment Interest is showing a favourable variance for the YTD (23%), with the budget to be increased in the March Quarterly Budget Review.
Other Revenues	\$2,329,021	\$2,238,123	\$90,898	4%	\$2,566,369	\$2,685,748	87%	* Operating Grants & Contributions show an unfavourable variance for the YTD of 38%.
Operating Grants and Contributions	\$4,522,950	\$7,329,430	(\$2,806,480)	-38%	\$7,218,869	\$8,795,317	51%	
Internal Revenue	\$2,953,710	\$3,030,344	(\$76,634)	-3%	\$3,749,386	\$3,636,413	81%	
<b>Total Revenue</b>	<b>\$40,411,590</b>	<b>\$40,354,043</b>	<b>\$57,547</b>	<b>0%</b>	<b>\$45,763,884</b>	<b>\$48,424,852</b>	<b>83%</b>	
<b>Expenses</b>								
Wages and Salaries	\$10,687,503	\$11,439,064	\$751,561	7%	\$14,360,006	\$13,726,877	78%	* Overall, YTD expenses are at 75% of full-year budget.
Materials and Contracts	\$12,555,941	\$14,634,076	\$2,078,135	14%	\$14,696,540	\$17,560,892	71%	
Other Costs	\$3,588,851	\$3,721,758	\$132,907	4%	\$3,639,235	\$4,466,110	80%	
Borrowing Costs	\$91,676	\$406,658	\$314,982	77%	\$487,990	\$487,990	19%	
Overheads	\$1,342,508	\$1,927,319	\$584,811	30%	\$2,312,783	\$2,312,783	58%	
Depreciation	\$8,183,731	\$8,225,167	\$41,436	1%	\$10,267,330	\$9,870,200	83%	
<b>Total Expenses</b>	<b>\$36,450,210</b>	<b>\$40,354,043</b>	<b>\$3,903,833</b>	<b>10%</b>	<b>\$45,763,884</b>	<b>\$48,424,851</b>	<b>75%</b>	
<b>Result</b>	<b>\$3,961,380</b>	<b>\$0</b>	<b>\$3,961,380</b>		<b>(\$0)</b>	<b>\$0</b>		

# Muswellbrook Shire Council

Financial Report - April 2023



Water Fund								
Account Group	YTD Actuals	YTD Dec Review Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$1,896,476	\$1,576,630	\$319,846	20%	\$1,891,956	\$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	\$2,238,166	\$3,692,458	(\$1,454,292)	-39%	\$4,418,950	\$4,430,950	51%	* User Charges and Fees show an unfavourable variance of \$1.4M (-39%) against YTD Budget. This is partly due to lower-than-budgeted water consumption in the first two billing periods of the year and partly due to the levying and recognition of this revenue in line with the billing periods throughout the year. The third and final bills for the year will be raised in May.
Interest and Investments Revenues	\$171,064	\$157,528	\$13,536	9%	\$119,033	\$189,033	90%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$39,461	\$31,272	\$8,190	26%	\$37,526	\$37,526	105%	
Internal Revenue	\$0	\$209,386	(\$209,386)	-100%	\$251,263	\$251,263	0%	
<b>Total Revenue</b>	<b>\$4,345,167</b>	<b>\$5,667,274</b>	<b>(\$1,322,107)</b>	<b>-23%</b>	<b>\$6,718,728</b>	<b>\$6,800,728</b>	<b>64%</b>	
<b>Expenses</b>								
Wages and Salaries	\$977,831	\$1,083,322	\$105,491	10%	\$1,324,386	\$1,299,986	75%	* Overall, costs are on track against YTD December Review Budget. * Materials and Contracts show an unfavourable variance of \$101k (6%) against YTD December Review Budget due to higher chemical costs.
Materials and Contracts	\$1,803,012	\$1,702,015	(\$100,997)	-6%	\$1,942,071	\$2,042,418	88%	
Other Costs	\$366,783	\$461,011	\$94,228	20%	\$366,147	\$553,213	66%	
Borrowing Costs	\$21,338	\$71,222	\$49,884	70%	\$85,467	\$85,467	25%	
Overheads	\$864,450	\$864,456	\$6	0%	\$1,037,348	\$1,037,348	83%	
Depreciation	\$1,704,182	\$1,715,031	\$10,849	1%	\$1,963,310	\$2,058,037	83%	
<b>Total Expenses</b>	<b>\$5,737,596</b>	<b>\$5,897,057</b>	<b>\$159,461</b>	<b>3%</b>	<b>\$6,718,728</b>	<b>\$7,076,468</b>	<b>81%</b>	
<b>Result</b>	<b>(\$1,392,429)</b>	<b>(\$229,784)</b>	<b>(\$1,162,645)</b>		<b>(\$0)</b>	<b>(\$275,740)</b>		

# Muswellbrook Shire Council

Financial Report - April 2023



Sewer Fund								
Account Group	YTD Actuals	YTD Dec Review Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$5,182,294	\$4,442,590	\$739,704	17%	\$5,331,108	\$5,331,108	97%	* 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	\$358,256	\$397,314	(\$39,058)	-10%	\$576,776	\$476,776	75%	
Interest and Investments Revenues	\$79,459	\$71,780	\$7,679	11%	\$51,136	\$86,136	92%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$39,870	\$30,494	\$9,376	31%	\$36,593	\$36,593	109%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
<b>Total Revenue</b>	<b>\$5,659,879</b>	<b>\$4,942,177</b>	<b>\$717,702</b>	<b>15%</b>	<b>\$5,995,613</b>	<b>\$5,930,613</b>	<b>95%</b>	
<b>Expenses</b>								
Wages and Salaries	\$632,883	\$688,048	\$55,165	8%	\$865,658	\$825,658	77%	* Overall, YTD costs show a favourable (6%) variance against YTD December Review Budget.
Materials and Contracts	\$764,085	\$869,915	\$105,830	12%	\$1,081,830	\$1,043,898	73%	
Other Costs	\$527,587	\$627,274	\$99,687	16%	\$451,344	\$752,728	70%	
Borrowing Costs	\$516,270	\$583,952	\$67,682	12%	\$700,742	\$700,742	74%	
Overheads	\$590,080	\$590,082	\$2	0%	\$708,099	\$708,099	83%	
Depreciation	\$1,877,005	\$1,878,055	\$1,050	0%	\$2,187,940	\$2,253,666	83%	
<b>Total Expenses</b>	<b>\$4,907,910</b>	<b>\$5,237,326</b>	<b>\$329,416</b>	<b>6%</b>	<b>\$5,995,613</b>	<b>\$6,284,791</b>	<b>78%</b>	
<b>Result</b>	<b>\$751,969</b>	<b>(\$295,148)</b>	<b>\$1,047,117</b>		<b>(\$0)</b>	<b>(\$354,178)</b>		

# Muswellbrook Shire Council

Financial Report - April 2023



Future Fund								
Account Group	YTD Actuals	YTD Dec Review Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$5,882,646	\$5,823,164	\$59,482	1%	\$7,201,050	\$6,987,797	84%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	* User Charges and Fees show a \$59k (1%) favourable variance against YTD December Review Budget.
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$123,600	\$103,000	\$20,600	20%	\$123,600	\$123,600	100%	
<b>Total Revenue</b>	<b>\$6,006,246</b>	<b>\$5,926,164</b>	<b>\$80,082</b>	<b>1%</b>	<b>\$7,324,650</b>	<b>\$7,111,397</b>	<b>84%</b>	
<b>Expenses</b>								
Wages and Salaries	\$207,083	\$201,506	(\$5,577)	-3%	\$241,807	\$241,807	86%	
Materials and Contracts	\$954,682	\$1,090,088	\$135,406	12%	\$1,598,627	\$1,308,105	73%	
Other Costs	\$822,460	\$812,303	(\$10,157)	-1%	\$938,496	\$974,764	84%	* Overall, YTD expenses show a 7% favourable variance against the YTD December Review Budget.
Borrowing Costs	\$691,528	\$828,406	\$136,878	17%	\$953,086	\$994,087	70%	
Overheads	\$413,240	\$413,241	\$1	0%	\$495,889	\$495,889	83%	
Depreciation	\$511,863	\$511,866	\$2	0%	\$781,919	\$614,239	83%	
<b>Total Expenses</b>	<b>\$3,600,856</b>	<b>\$3,857,408</b>	<b>\$256,552</b>	<b>7%</b>	<b>\$5,009,823</b>	<b>\$4,628,890</b>	<b>78%</b>	
<b>Result</b>	<b>\$2,405,390</b>	<b>\$2,068,756</b>	<b>\$336,634</b>		<b>\$2,314,827</b>	<b>\$2,482,507</b>		

**Muswellbrook Shire Council**  
**Financial Report - April 2023**  
**Capital Costs (Incl. Loan Repayments & excl. Revenue)**



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	December Review Budget	YTD % Spend	Over Budget	Comments
<b>General Fund Projects</b>								
<b>Planning, Community and Corporate Services Projects</b>								
Adventure Playground - Wollombi Road	27,590	480,000	480,000	480,000	480,000	6%		
Aquatic Centres program	86,974	-	110,000	110,000	110,000	79%		
Art Acquisitions	72,304	-	70,000	71,200	71,200	102%	(1,104)	Budget increased, included in the March Quarterly Budget Review.
Buildings New and Replacement	80,825	1,009,696	1,562,566	1,562,566	1,612,566	5%		
Bushfire Assets	24,574	591,239	591,239	591,239	591,239	4%		
Capital Works Contingency	-	-	100,000	100,000	-	0%		
CBD Stage 7 (Town Centre)	2,016,343	1,000,345	1,630,345	1,630,345	2,330,345	87%		
Civic Precinct (Town Square)	1,823,476	2,762,782	3,404,981	3,404,981	3,404,981	54%		
Contribution to Future Fund	-	-	880,000	880,000	880,000	0%		
COVID 19	60,587	-	121,711	121,711	121,711	50%		
Denman Childrens Centre - Expansion	80,241	521,402	521,402	521,402	521,402	15%		
Denman Heritage Village	1,034,722	876,394	1,809,525	1,809,525	1,809,525	57%		
Denman Netball Courts	27,813	206,286	311,451	311,451	311,451	9%		
Future Fund Contribution	-	-	1,120,000	1,120,000	972,869	0%		
General Design Program	16,150	25,707	25,707	25,707	25,707	63%		
General Projects - Loans	-	-	149,999	149,999	-	0%		
Hunter Beach	2,922,956	3,128,232	3,128,232	3,128,232	3,128,232	93%		
Information Technology Strategy	84,831	-	200,000	200,000	200,000	42%		
Investigation and Design - Aquatic Centre	155,382	151,553	151,553	151,553	151,553	103%	(3,829)	Budget increased, included in the March Quarterly Budget Review.
Karoola Park Citizens Walk Pathway	12,778	30,000	30,000	30,000	30,000	43%		
Library Books General Capital Purchases	55,054	25,225	83,725	83,725	83,725	66%		
Library Subsidy Projects	22,411	65,649	65,649	65,649	65,649	34%		
Local Priority Grant	25,496	51,240	62,240	62,240	62,240	41%		
Major Landcare Projects	108,326	46,286	171,286	171,286	171,286	63%		
Mbk and Dnm Indoor Sports Centre Upgrades	9,196	261,462	261,462	261,462	261,462	4%		
MSC Depot	55,450	-	200,000	200,000	200,000	28%		
Muscle Creek Nature Trail and Revegetation	139,617	140,238	140,238	140,238	140,238	100%		
Olympic Park Project	466,703	2,909,650	3,409,650	3,409,650	3,409,650	14%		
Performance and Convention Centre	84,392	5,581,007	6,208,018	6,208,018	6,208,018	1%		
Companion Animal Impounding Facility	930,027	1,206,134	1,206,134	1,206,134	1,206,134	77%		
Recreation Capital Works	383,696	364,834	859,834	859,834	809,834	47%		
Renewable Energy Target Works	-	-	250,000	250,000	250,000	0%		
STEM Equipment Replacement	-	-	-	-	102,500	0%		
Sport and Rereation Small Capital Grants	2,907	-	25,000	25,000	25,000	12%		
<b>Total Planning, Community and Corporate Services</b>	<b>10,810,821</b>	<b>21,435,361</b>	<b>29,341,947</b>	<b>29,343,147</b>	<b>29,748,517</b>	<b>37%</b>		



**Muswellbrook Shire Council**  
**Financial Report - April 2023**  
**Capital Costs (Incl. Loan Repayments & excl. Revenue)**



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	December Review Budget	YTD % Spend	Over Budget	Comments
<b>Roads and Drainage Projects</b>								
Bridge St Footpath	48,124	-	64,304	64,304	64,304	75%		
Bridges Renewal program	39,495	42,281	42,281	42,281	42,281	93%		
Carpark Renewal program	-	93,143	93,143	93,143	-	0%		
CPTIGS - Bus Shelter	5,668	48,400	278,400	278,400	343,527	2%		
Drainage	-	300,000	615,188	615,188	615,188	0%		
Drainage Devices program	-	-	150,000	150,000	-	0%		
Drainage Channel - Lorne Street	810,485	711,573	711,573	711,573	811,573	100%		
Flood Warning Systems	-	-	50,000	50,000	50,000	0%		
Footpath and Cycleway Renewal program	54,081	-	150,000	150,000	150,000	36%		
Heavy Patching program	429,001	-	500,000	500,000	500,000	86%		
Kerb and Gutter Replacement program	149,999	-	150,000	150,000	150,000	100%		
Kirk and Peberdy Bridges	-	-	80,322	80,322	80,322	0%		
Large Plant Items	72,755	1,170,000	1,680,000	1,680,000	1,680,000	4%		
Leachate Dam	15,185	482,980	482,980	482,980	482,980	3%		
LED Fire Danger Warning Signs (BSBR)	46,731	152,304	152,304	152,304	152,304	31%		
LISF - Roads Infrastructure Backlog	278,309	-	371,478	371,478	371,478	75%		
Natural Disaster - ARGN 987	318,089	-	-	410,891	410,891	77%		
Natural Disaster Event - Baerami Creek Causeway	20	-	-	689,674	689,674	0%		
New Footpath and Cycleway program	93,934	-	250,000	250,000	250,000	38%		
Oakleigh Bridge Replacement (BSBR)	543,986	543,988	543,988	543,988	543,988	100%		
Purchase of Vehicles	300,134	92,558	342,558	342,558	342,558	88%		
Rainbow Creek Bridge	8,858	-	-	-	294,906	3%		
Regional Road Renewal program	117,757	-	307,000	307,000	614,000	19%		
Resources for Regions - Round 5	3,575,493	2,425,459	2,425,459	2,425,459	3,127,101	114%	(448,392)	Budget increased, included in the March Quarterly Budget Review.
Resources for Regions - Round 6	521,282	521,282	521,282	521,282	521,282	100%		
Resources for Regions- Round 7	11,050	-	-	-	1,643,461	1%		
Road Resealing program	770,291	92,655	892,655	892,655	892,655	86%		
Roads Capital Contingency	-	-	100,000	100,000	-	0%		
Roads to Recovery Program	-	-	577,898	577,898	577,898	0%		
Road Safety Program-School Zone	196,249	213,498	213,498	213,498	213,498	92%		
Rosebrook Bridge	461,019	1,543,391	1,543,391	1,543,391	1,543,391	30%		
Rural Road Regravelling Program	291,191	-	329,628	300,628	300,628	97%		
Safety Device Renewal program	57,594	73,120	193,120	193,120	193,120	30%		
Sandy Creek Road Curve Improvement	-	167,484	167,484	167,484	167,484	0%		
Transport Vehicles	128,991	52,258	152,258	152,258	152,258	85%		
Urban Road Renewal Program	-	-	372,000	372,000	-	0%		
Widden Creek Bank	274,249	223,569	274,249	274,249	274,249	100%		
Widden Creek Stabilisation Works	67,109	-	-	-	-	0%		
Widden Valley Road Pavement Rehab	-	7,211	7,211	7,211	7,211	0%		
Wilkinson Bridge	81,899	-	109,398	109,398	109,398	75%		
Yarrawa Road (Fixing Local Roads)	1,027,798	1,027,801	1,027,801	1,027,801	1,027,801	100%		
<b>Total Roads and Drainage</b>	<b>10,796,826</b>	<b>9,984,955</b>	<b>15,872,171</b>	<b>16,994,416</b>	<b>19,391,409</b>	<b>68%</b>	<b>(448,392)</b>	
<b>Total General Fund</b>	<b>21,607,647</b>	<b>31,420,316</b>	<b>45,214,118</b>	<b>46,337,563</b>	<b>49,139,926</b>	<b>48%</b>	<b>(448,392)</b>	

**Muswellbrook Shire Council**  
**Financial Report - April 2023**  
**Capital Costs (Incl. Loan Repayments & excl. Revenue)**



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	December Review Budget	YTD % Spend	Over Budget	Comments
<b>Future Fund Projects</b>								
Donald Horne Building	103,019	-	150,000	150,000	208,834	49%		
Marketplace	3,016,071	-	3,768,747	3,768,747	3,562,782	85%		
Renewal of Existing Assets/New Acquisitions	359,241	-	657,999	657,999	657,999	55%		
Throsby ACT	389,999	-	520,000	520,000	520,000	75%		
Town Education Centre 2	573,009	580,613	580,613	580,613	580,613	99%		
Upgrade of Loxton House	281,690	-	275,000	275,000	875,000	32%		
<b>Total Future Fund</b>	<b>4,723,029</b>	<b>580,613</b>	<b>5,952,359</b>	<b>5,952,359</b>	<b>6,405,228</b>	<b>79%</b>		
<b>Sewer Fund</b>								
Access & Security Improvements RWTW	136,877	100,466	155,466	155,466	155,466	88%		
Mains Renewal and Replacement	218,849	-	589,431	300,979	300,979	73%		
Operations Contingency Project	82,124	-	150,000	150,000	150,000	55%		
Solar Array	49,233	-	1,800,000	1,800,000	1,800,000	3%		
System Plant Asset Renewals	316,490	-	650,000	650,000	650,000	49%		
Transportation System Improvement	40,111	81,939	81,939	81,939	81,939	49%		
Loan - Sewer RWTW	508,910	-	651,553	651,553	651,553	78%		
Skellatar Main	45,384	-	91,957	91,957	91,957	49%		
<b>Total Sewer Fund</b>	<b>1,397,978</b>	<b>182,405</b>	<b>4,170,346</b>	<b>3,881,894</b>	<b>3,881,894</b>	<b>34%</b>		

**Muswellbrook Shire Council**  
**Financial Report - April 2023**  
**Capital Costs (Incl. Loan Repayments & excl. Revenue)**



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	December Review Budget	YTD % Spend	Over Budget	Comments
<b>Water Fund</b>								
Asbestos, Earthworks, Security	155,964	-	155,000	155,000	155,000	101%	(964)	Transactions to be reviewed.
Mains Renewal and Replacement	741,325	448,278	748,278	748,278	748,278	99%		
Operations Contingency Project	117,283	-	117,686	117,686	117,686	100%		
Replacement of Water Meters program	37,004	-	65,000	65,000	65,000	57%		
Sandy Hollow Augmentation	12,288	-	25,427	25,427	25,427	48%		
South Muswellbrook Reservoir	164,600	-	350,197	350,197	350,197	47%		
System Plant Asset Renewals	561,183	191,376	891,376	791,376	791,376	71%		
Upgrade Fluoride Dosing System WTP	44,201	346,461	346,461	346,461	346,461	13%		
Vehicle-Equipment Replacement	34,288	78,684	78,684	78,684	78,684	44%		
Water Stop Valve Replacement	99,942	35,627	285,627	204,614	204,614	49%		
<b>Total Water Fund</b>	<b>1,976,054</b>	<b>1,100,426</b>	<b>3,063,736</b>	<b>2,882,723</b>	<b>2,882,723</b>	<b>64%</b>		
<b>Consolidated Total</b>	<b>29,704,708</b>	<b>33,283,760</b>	<b>58,400,559</b>	<b>59,054,539</b>	<b>62,309,771</b>	<b>51%</b>	<b>(448,392)</b>	

## 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
<b>Water Fund</b>													
\$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
	<b>Total</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$399,439</b>	<b>\$285,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Sewer Fund</b>													
\$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
	<b>Total</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,405,581</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>
<b>General Fund</b>													
\$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
	<b>Total</b>	<b>\$819,874</b>	<b>\$860,481</b>	<b>\$948,808</b>	<b>\$948,808</b>	<b>\$750,041</b>	<b>\$544,083</b>	<b>\$559,435</b>	<b>\$559,318</b>	<b>\$559,252</b>	<b>\$559,073</b>	<b>\$558,780</b>	<b>\$459,980</b>
<b>Future Fund</b>													
\$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
	<b>Total</b>	<b>\$6,018,956</b>	<b>\$6,080,833</b>	<b>\$6,286,672</b>	<b>\$5,264,425</b>	<b>\$4,545,559</b>	<b>\$4,564,258</b>	<b>\$4,591,493</b>	<b>\$4,586,647</b>	<b>\$3,223,952</b>	<b>\$2,475,910</b>	<b>\$1,642,544</b>	<b>\$1,281,009</b>
<b>\$69,260,789</b>		<b>\$8,640,872</b>	<b>\$8,743,355</b>	<b>\$9,037,522</b>	<b>\$8,016,763</b>	<b>\$6,984,940</b>	<b>\$6,512,431</b>	<b>\$6,556,509</b>	<b>\$6,436,294</b>	<b>\$5,073,533</b>	<b>\$4,325,312</b>	<b>\$3,491,652</b>	<b>\$3,031,318</b>

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	
Aquatic Centre	\$2,000,000	4.30%	\$1,762,933	\$121,711	\$30,732	\$152,443	2024/25	
Throsby ACT	\$7,800,000	1.86%	\$6,976,667	\$520,000	\$125,341	\$645,341	2025/26	
<b>TOTAL</b>	<b>\$85,365,969</b>		<b>\$64,536,199</b>	<b>\$6,136,684</b>	<b>\$1,880,079</b>	<b>\$8,016,763</b>		

## Reserves

		2022/2023 Original Budget		Carryovers	September 2023 Review		December 2023 Review		Projected Balance 30 June 2023
		Transfer to	Transfer From	Transfer From	Transfer to	Transfer From	Transfer to	Transfer From	
	\$'000's								
<b>Externally Restricted</b>									
<b>General Fund</b>									
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
<b>General Fund Total</b>	<b>11,687</b>			<b>(7,601)</b>					<b>4,086</b>
<b>Water Fund</b>									
Developer Contributions	7,671								7,671
Water	5,092			(1,100)					3,992
<b>Water Fund Total</b>	<b>12,763</b>			<b>(1,100)</b>					<b>11,663</b>
<b>Sewer Fund</b>									
Developer Contributions	3,520		(1,800)						1,720
Sewer	1,475			(182)	-				1,293
<b>Sewer Fund Total</b>	<b>4,995</b>		<b>(1,800)</b>	<b>(182)</b>	<b>-</b>				<b>3,013</b>
<b>Externally Restricted Total</b>	<b>29,445</b>		<b>(1,800)</b>	<b>(8,883)</b>	<b>-</b>				<b>18,762</b>

## Reserves

		2022/2023 Original Budget		Carryovers	September 2023 Review		December 2023 Review		Projected
	Balance as at 1 July 2022	Transfer to	Transfer From	Transfer From	Transfer to	Transfer From	Transfer to	Transfer From	Balance 30 June 2023
\$'000's									
<b>Internally Restricted</b>									
<b>Future Fund</b>									
Future Fund	1,118								1,118
<b>Future Fund Total</b>	<b>1,118</b>								<b>1,118</b>
<b>General Fund</b>									
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
Projects							430		430
Renewable Energy							113		113
Risk Management	78								78
SRV	1,578			(820)					758
Stormwater	1,030								1,030
Waste Management	6,525	1,251		(1,125)					6,651
<b>General Fund Total</b>	<b>32,501</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>			<b>543</b>		<b>23,648</b>
<b>Internally Restricted Total</b>	<b>33,619</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>			<b>543</b>		<b>24,766</b>
<b>Unrestricted</b>									
<b>General Fund</b>									
Unrestricted	24								24
<b>General Fund Total</b>	<b>24</b>								<b>24</b>
<b>Unrestricted Total</b>	<b>24</b>								<b>24</b>
<b>Total</b>	<b>63,088</b>	<b>1,251</b>	<b>(6,461)</b>	<b>(14,869)</b>	<b>-</b>		<b>543</b>		<b>43,552</b>

## Debtor Balances as at 30 April 2023

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$33,192	\$3,430	\$142,570	\$171,215	\$187,687	\$538,094
Inspection Fees	\$11,572	\$2,106	\$900	\$2,006	\$3,812	\$20,396
Sam Adams College Rent	\$0	\$0	\$41	\$0	\$31,595	\$31,636
Council Properties - Future Fund *	\$107,042	\$0	\$4,297	\$74,010	\$161,085	\$346,434
Council Properties - Marketplace *	\$235,743	\$204,157	\$26,824	\$42,200	\$128,370	\$637,294
Council Properties - Education Fund	\$0	\$0	\$0	\$12,175	\$19,774	\$31,949
Recreation	\$0	\$0	\$17,685	\$1,111	\$322	\$19,118
Sundries**	\$451,721	\$406,942	\$48,478	\$154,117	\$717,411	\$1,778,669
Water Tanker Sales	\$18,659	\$84	\$431	\$22,414	\$335	\$41,923
Trade Waste Charges	\$684	\$0	\$0	\$0	\$0	\$684
Muswellbrook Sewer	\$245,484	\$23,785	\$0	\$28,304	\$0	\$297,573
GST Tax Debtor	\$0	\$0	\$0	\$0	\$307,947	\$307,947
<b>TOTAL</b>	<b>\$1,104,096</b>	<b>\$640,504</b>	<b>\$241,227</b>	<b>\$507,552</b>	<b>\$1,558,337</b>	<b>\$4,051,717</b>

\* Balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services.

\*\* Includes \$1.50M in Grants.

## Voluntary Planning Agreement Overview



Mt Pleasant			Mt Arthur			Bengalla			Mangoola		
Funds Received			Funds Received			Funds Received			Funds Received		
16/17	\$	324,950	10/11	\$	41,666	11/12	\$	400,000	11/12	\$	235,000
17/18	\$	568,755	11/12	\$	500,000	12/13	\$	409,200	12/13	\$	241,110
18/19	\$	579,562	12/13	\$	508,243	13/14	\$	417,793	13/14	\$	347,861
19/20	\$	587,096	13/14	\$	522,912	14/15	\$	426,985	14/15	\$	353,426
20/21	\$	598,838	14/15	\$	538,231	15/16	\$	436,378	15/16	\$	358,732
21/22	\$	604,227	15/16	\$	546,844	16/17	\$	442,051	16/17	\$	367,312
22/23	\$	630,813	16/17	\$	553,953	17/18	\$	451,334	17/18	\$	374,291
			17/18	\$	565,586	18/19	\$	459,910	18/19	\$	382,151
			18/19	\$	576,332	19/20	\$	465,888	19/20	\$	388,266
			19/20	\$	583,824	20/21	\$	471,945	20/21	\$	395,255
			20/21	\$	595,500	21/22	\$	483,706	21/22	\$	405,925
			21/22	\$	600,860	21/22 Additional Tonnage	\$	180,165	22/23 (Est)	\$	417,674
			22/23	\$	627,297	22/23	\$	509,343			
<b>Total Receipts</b>	<b>\$</b>	<b>3,894,241</b>	<b>Total Receipts</b>	<b>\$</b>	<b>6,761,248</b>	<b>Total Receipts</b>	<b>\$</b>	<b>5,554,698</b>	<b>Total Receipts</b>	<b>\$</b>	<b>4,267,003</b>
<b>Less Allocated Projects</b>			<b>Less Allocated Projects</b>			<b>Less Allocated Projects</b>			<b>Less Allocated Projects</b>		
18/19 Entertainment Centre	\$	500,000	13/14 Sam Adams College	\$	500,000	13/14 Sam Adams College	\$	800,000	13/14 Denman Rec Area Amenity Building	\$	554,000
18/19 Denman Business Precinct Masterplan	\$	450,000	13/14 Highbrook Park Playground	\$	500,000	14/15 Town Education Campus	\$	800,000	14/15 Denman Gateway Project	\$	700,000
18/19 Animal Shelter	\$	350,000	14/15 Campbell's Corner	\$	500,000	17/18 Olympic Park Masterplan & Carpark	\$	710,000	17/18 Denman Hall Investigation and Design	\$	100,000
18/19 Aquatic Centre	\$	155,000	16/17 Streetscape Upgrade - Muswellbrook CBD Stage 6	\$	750,000	18/19 Tertiary Education Centre - stage 2	\$	1,100,000	17/18 Sandy Hollow CBD	\$	40,000
19/20 Denman Business Precinct Masterplan	\$	605,000	16/17 Cycleway Ramrod Creek To Industrial Estate	\$	12,120	19/20 Bylong Valley Way	\$	200,000	17/18 Denman Tourist Park & Thermal Baths	\$	100,000
20/21 Tertiary Education Centre 2	\$	250,000	17/18 Town Education Campus Stage 2	\$	700,000	19/20 Hunter Beach	\$	298,000	17/18 Denman Main St	\$	100,000
20/21 Upper Hunter Economic Development Corporation	\$	250,000	17/18 Community Choir	\$	66,000	20/21 Tertiary Education Centre - stage 2	\$	223,000	18/19 Denman Hall	\$	500,000
20/21 Outdoor Pool	\$	95,000	17/18 Race Club Expansion	\$	400,000	20/21 Economic Development	\$	250,000	18/19 Denman Business Precinct	\$	300,000
21/22 Town Square	\$	350,000	18/19 Performance Centre	\$	434,000	21/22 Economic Development	\$	250,000	19/20 Denman Business Precinct	\$	300,000
21/22 Upper Hunter Economic Development Corporation	\$	250,000	18/19 Aquatic Centre	\$	480,000	21/22 Olympic Park upgrade of sporting facilities	\$	226,193	19/20 Wybong Rd upgrade	\$	110,000
22/23 Proposed - Town Centre	\$	320,000	19/20 Resources for Regions 6	\$	598,000	22/23 Denman Heritage Shed	\$	210,717	20/21 Animal Shelter	\$	439,407
22/23 Proposed - Denman Heritage Village	\$	304,740	20/21 Town Education Campus Stage 2	\$	388,407	22/23 Loxton House	\$	275,000	20/21 Tertiary Education Centre - Stage 2	\$	199,593
			20/21 Citizens Walk	\$	20,000	22/23 Denman Netball Courts	\$	105,165	21/22 Denman Heritage Village	\$	398,813
			20/21 Outdoor Pool	\$	179,593	22/23 Liberty Swing - Simpson Park	\$	75,000	22/23 Denman Heritage Village	\$	417,674
			21/22 Civic Precinct/Town Square	\$	300,000						
			21/22 Muswellbrook Youth Centre & Indoor Sports Centre	\$	300,860						
			22/23 Civic Precinct/Town Square	\$	310,000						
			22/23 Muswellbrook Youth Centre & Indoor Sports Centre - r	\$	302,870						
<b>Total allocated projects</b>	<b>\$</b>	<b>3,879,740</b>	<b>Total allocated projects</b>	<b>\$</b>	<b>6,741,850</b>	<b>Total allocated projects</b>	<b>\$</b>	<b>5,523,075</b>	<b>Total allocated projects</b>	<b>\$</b>	<b>4,259,487</b>
<b>Remaining Funds</b>	<b>\$</b>	<b>14,501</b>	<b>Remaining Funds</b>	<b>\$</b>	<b>19,398</b>	<b>Remaining Funds</b>	<b>\$</b>	<b>31,623</b>	<b>Remaining Funds</b>	<b>\$</b>	<b>7,516</b>



**10.4.10. Report on Investments held as at 30 April 2023**

<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Portfolio Valuation Report - 30 April 2023 [<b>10.4.10.1</b> - 5 pages]</li><li>2. Trading Limit Report - 30 April 2023 [<b>10.4.10.2</b> - 8 pages]</li></ol>
---------------------	---

**Responsible Officer:** Derek Finnigan - General Manager

**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 Council's Investments as at 30 April 2023.

**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 April 2023, are shown in the attachments.

**COMMENT:**

As at 30 April 2023, Council held \$68.46M in cash and investments with a weighted running yield of 3.64%.

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
<b>At Call Deposit</b>											
	Westpac Bus Prem At Call		7,212,774.42	1.00000000	7,212,774.42	100.000	0.000	<b>7,212,774.42</b>	10.43%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	<b>100,000.00</b>	0.14%	0.34%	
			<b>7,312,774.42</b>		<b>7,312,774.42</b>			<b>7,312,774.42</b>	10.57%		0.34%
<b>Fixed Rate Bond</b>											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	96.515	0.254	<b>2,419,225.00</b>	3.50%	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	0.410	<b>2,008,200.00</b>	2.90%	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	0.410	<b>1,506,150.00</b>	2.18%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	96.947	0.460	<b>1,948,140.00</b>	2.82%	1.80%	
			<b>8,000,000.00</b>		<b>8,000,000.00</b>			<b>7,881,715.00</b>	11.40%		1.46%
<b>Floating Rate Note</b>											
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.846	0.458	<b>1,504,560.00</b>	2.18%	4.29%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.502	1.096	<b>1,015,980.00</b>	1.47%	4.88%	
	Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.176	0.625	<b>2,016,020.00</b>	2.91%	5.19%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.232	0.154	<b>1,003,860.00</b>	1.45%	4.68%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.316	0.026	<b>501,710.00</b>	0.73%	4.77%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.016	0.586	<b>2,988,060.00</b>	4.32%	4.12%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.112	0.532	<b>2,989,320.00</b>	4.32%	4.31%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	100.229	0.431	<b>2,013,200.00</b>	2.91%	4.65%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.846	1.020	<b>5,547,630.00</b>	8.02%	4.48%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.829	0.474	<b>1,504,545.00</b>	2.18%	4.44%	
	Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.336	0.811	<b>2,022,940.00</b>	2.92%	5.38%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.405	0.025	<b>1,640,595.00</b>	2.37%	4.48%	
			<b>24,650,000.00</b>		<b>24,650,000.00</b>			<b>24,748,420.00</b>	35.78%		4.58%
<b>Term Deposit</b>											

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
AMP 4.2 15 Jun 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	3.671	<b>4,146,827.40</b>	6.00%	4.20%	
AMP 4.45 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	3.450	<b>1,293,128.43</b>	1.87%	4.45%	
AMP 4.55 30 Nov 2023 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.882	<b>1,018,823.29</b>	1.47%	4.55%	
AUBANK 4.2 01 Aug 2023 386DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	3.372	<b>5,168,575.35</b>	7.47%	4.20%	
BOQ 4 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	3.101	<b>1,288,767.13</b>	1.86%	4.00%	
BVIC 4.6 11 Oct 2023 273DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.374	<b>2,027,473.98</b>	2.93%	4.60%	
BVIC 4.65 11 Jan 2024 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.389	<b>4,055,545.20</b>	5.86%	4.65%	
BBA 4.5 12 Jul 2023 182DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.344	<b>2,026,876.72</b>	2.93%	4.50%	
JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.352	<b>4,094,082.20</b>	5.92%	4.25%	
NAB 4.05 13 Sep 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.541	<b>4,101,638.36</b>	5.93%	4.05%	
		28,500,000.00		28,500,000.00			<b>29,221,738.05</b>	42.25%		4.31%
Fixed Interest Total		68,462,774.42		68,462,774.42			<b>69,164,647.47</b>	100.00%		3.64%

## 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
<b>At Call Deposit</b>												
Westpac Bus Prem At Call		28 Apr 2023	31 Dec 3020	7,212,774.42	1.00000000	7,212,774.42	100.000	0.000	<b>7,212,774.42</b>	10.43%	LC167108	
Westpac Muswellbrook Trading Acct At Call		31 Oct 2018	31 Dec 3020	100,000.00	1.00000000	100,000.00	100.000	0.000	<b>100,000.00</b>	0.14%	LC64506	
				<b>7,312,774.42</b>		<b>7,312,774.42</b>			<b>7,312,774.42</b>	10.57%		
<b>Fixed Rate Bond</b>												
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	9 Jun 2020	6 Sep 2024	2,500,000.00	1.00000000	2,500,000.00	96.515	0.254	<b>2,419,225.00</b>	3.50%	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	0.410	<b>2,008,200.00</b>	2.90%	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	0.410	<b>1,506,150.00</b>	2.18%	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	96.947	0.460	<b>1,948,140.00</b>	2.82%	LC112956	
				<b>8,000,000.00</b>		<b>8,000,000.00</b>			<b>7,881,715.00</b>	11.40%		
<b>Floating Rate Note</b>												
Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.846	0.458	<b>1,504,560.00</b>	2.18%	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	100.502	1.096	<b>1,015,980.00</b>	1.47%	LC156236	
Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	17 Mar 2023	17 Mar 2026	2,000,000.00	1.00000000	2,000,000.00	100.176	0.625	<b>2,016,020.00</b>	2.91%	LC164286	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	18 Jul 2019	18 Jul 2024	1,000,000.00	1.00000000	1,000,000.00	100.232	0.154	<b>1,003,860.00</b>	1.45%	LC74377	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	2 Jun 2020	30 Oct 2024	500,000.00	1.00000000	500,000.00	100.316	0.026	<b>501,710.00</b>	0.73%	LX88585	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	8 Mar 2021	9 Dec 2025	3,000,000.00	1.00000000	3,000,000.00	99.016	0.586	<b>2,988,060.00</b>	4.32%	LC103387	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	16 Jun 2021	16 Jun 2025	3,000,000.00	1.00000000	3,000,000.00	99.112	0.532	<b>2,989,320.00</b>	4.32%	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	100.229	0.431	<b>2,013,200.00</b>	2.91%	LX84919	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	12 Oct 2022	4 Feb 2025	5,500,000.00	1.00000000	5,500,000.00	99.846	1.020	<b>5,547,630.00</b>	8.02%	LC155163	
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	99.829	0.474	<b>1,504,545.00</b>	2.18%	LC103942	
Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	6 Dec 2022	6 Dec 2025	2,000,000.00	1.00000000	2,000,000.00	100.336	0.811	<b>2,022,940.00</b>	2.92%	LC157907	
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	99.405	0.025	<b>1,640,595.00</b>	2.37%	LC103504	
				<b>24,650,000.00</b>		<b>24,650,000.00</b>			<b>24,748,420.00</b>	35.78%		
<b>Term Deposit</b>												
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	3.671	<b>4,146,827.40</b>	6.00%	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	3.450	<b>1,293,128.43</b>	1.87%	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	1.882	<b>1,018,823.29</b>	1.47%	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	3.372	<b>5,168,575.35</b>	7.47%	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	3.101	<b>1,288,767.13</b>	1.86%	LX147775	
BVIC 4.6 11 Oct 2023 273DAY TD		11 Jan 2023	11 Oct 2023	2,000,000.00	1.00000000	2,000,000.00	100.000	1.374	<b>2,027,473.98</b>	2.93%	LC159958	
BVIC 4.65 11 Jan 2024 365DAY TD		11 Jan 2023	11 Jan 2024	4,000,000.00	1.00000000	4,000,000.00	100.000	1.389	<b>4,055,545.20</b>	5.86%	LC159887	
BBA 4.5 12 Jul 2023 182DAY TD		11 Jan 2023	12 Jul 2023	2,000,000.00	1.00000000	2,000,000.00	100.000	1.344	<b>2,026,876.72</b>	2.93%	LC159977	
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	2.352	<b>4,094,082.20</b>	5.92%	LC155160	

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	% Latest Total FI Deal Value	Latest FI Deal Code	Notes of Latest FI Deal
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	2.541	<b>4,101,638.36</b>	5.93%	LX153816	
				28,500,000.00		28,500,000.00			<b>29,221,738.05</b>	42.25%		
Fixed Interest Total				68,462,774.42		68,462,774.42			<b>69,164,647.47</b>	100.00%		

**Disclaimer:**

Laminar Capital Pty Ltd ABN 33 134 784 740 (AFSL 476686), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use by that person of, or their reliance on, any information contained in this document or any error or defect in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from Issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD  
ACN 134 784 740  
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933  
SYDNEY OFFICE: LEVEL 18 ANGEL PLACE, 123 PITT STREET, SYDNEY NSW, 2000 T 61 2 8094 1230  
BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

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 68,462,774.42	6,846,277.44	91.00	9.00	596,277	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 68,462,774.42	20,538,832.33	0.00	100.00	20,538,832	0.00	0
Australian Unity Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	73.00	27.00	1,846,277	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	66.00	34.00	2,346,277	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	7,312,774.42	Book	30.00	% of 68,462,774.42	20,538,832.33	36.00	64.00	13,226,058	0.00	0
Bank of Queensland Ltd	A+ to A-		2,750,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	40.00	60.00	4,096,277	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	7,312,774.42	Book	30.00	% of 68,462,774.42	20,538,832.33	36.00	64.00	13,226,058	0.00	0
BankVic	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	88.00	12.00	846,277	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 68,462,774.42	20,538,832.33	0.00	100.00	20,538,832	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		2,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	37.00	63.00	4,346,277	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	29.00	71.00	4,846,277	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 68,462,774.42	20,538,832.33	0.00	100.00	20,538,832	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 68,462,774.42	13,692,554.88	0.00	100.00	13,692,555	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
Greater Bank - a division of Newcastle Greater Mutual Group Limited	BBB+ to BBB-	Newcastle Greater Mutual Group Ltd	5,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	80.00	20.00	1,346,277	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
Judo Bank	BBB+ to BBB-		4,000,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	58.00	42.00	2,846,277	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 68,462,774.42	13,692,554.88	22.00	78.00	10,692,555	0.00	0
ME Bank - a division of Bank of Queensland Ltd	A+ to A-	Bank of Queensland Ltd	2,750,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	40.00	60.00	4,096,277	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	44.00	56.00	3,846,277	0.00	0
National Australia Bank Ltd	AA+ to AA-		6,000,000.00	Book	30.00	% of 68,462,774.42	20,538,832.33	29.00	71.00	14,538,832	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	80.00	20.00	1,346,277	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 68,462,774.42	20,538,832.33	17.00	83.00	17,038,832	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 68,462,774.42	68,462,774.42	0.00	100.00	68,462,774	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		3,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	51.00	49.00	3,346,277	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 68,462,774.42	13,692,554.88	0.00	100.00	13,692,555	0.00	0

Laminar Capital Confidential / Printed 5 May 2023 / Page 1 of 8

## 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 (\$)
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 68,462,774.42	13,692,554.88	0.00	100.00	13,692,555	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 68,462,774.42	3,423,138.72	0.00	100.00	3,423,139	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	2,500,000.00	Book	10.00	% of 68,462,774.42	6,846,277.44	37.00	63.00	4,346,277	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	7,312,774.42	Book	30.00	% of 68,462,774.42	20,538,832.33	36.00	64.00	13,226,058	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 68,462,774.42	13,692,554.88	15.00	85.00	11,692,555	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 68,462,774.42	13,692,554.88	12.00	88.00	12,042,555	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		7,312,774.42	Book	30.00	% of 68,462,774.42	20,538,832.33	36.00	64.00	13,226,058	0.00	0
			101,151,097.68				475,816,282.22			374,665,175		0
			(Excluding Parent Group Duplicates)									



## 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 68,462,774.42	68,462,774.42	0.00	100.00	68,462,774	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 68,462,774.42	68,462,774.42	5.00	95.00	64,962,774	0.00	0
A+ to A-	10,650,000.00	Book	70.00	% of 68,462,774.42	47,923,942.09	22.00	78.00	37,273,942	0.00	0
A1+	13,312,774.42	Book	100.00	% of 68,462,774.42	68,462,774.42	19.00	81.00	55,150,000	0.00	0
A1	0.00	Book	100.00	% of 68,462,774.42	68,462,774.42	0.00	100.00	68,462,774	0.00	0
A2	22,000,000.00	Book	70.00	% of 68,462,774.42	47,923,942.09	46.00	54.00	25,923,942	0.00	0
A3	5,500,000.00	Book	60.00	% of 68,462,774.42	41,077,664.65	13.00	87.00	35,577,665	0.00	0
BBB+ to BBB-	13,500,000.00	Book	60.00	% of 68,462,774.42	41,077,664.65	33.00	67.00	27,577,665	0.00	0
	68,462,774.42				451,854,311.17			383,391,536		0

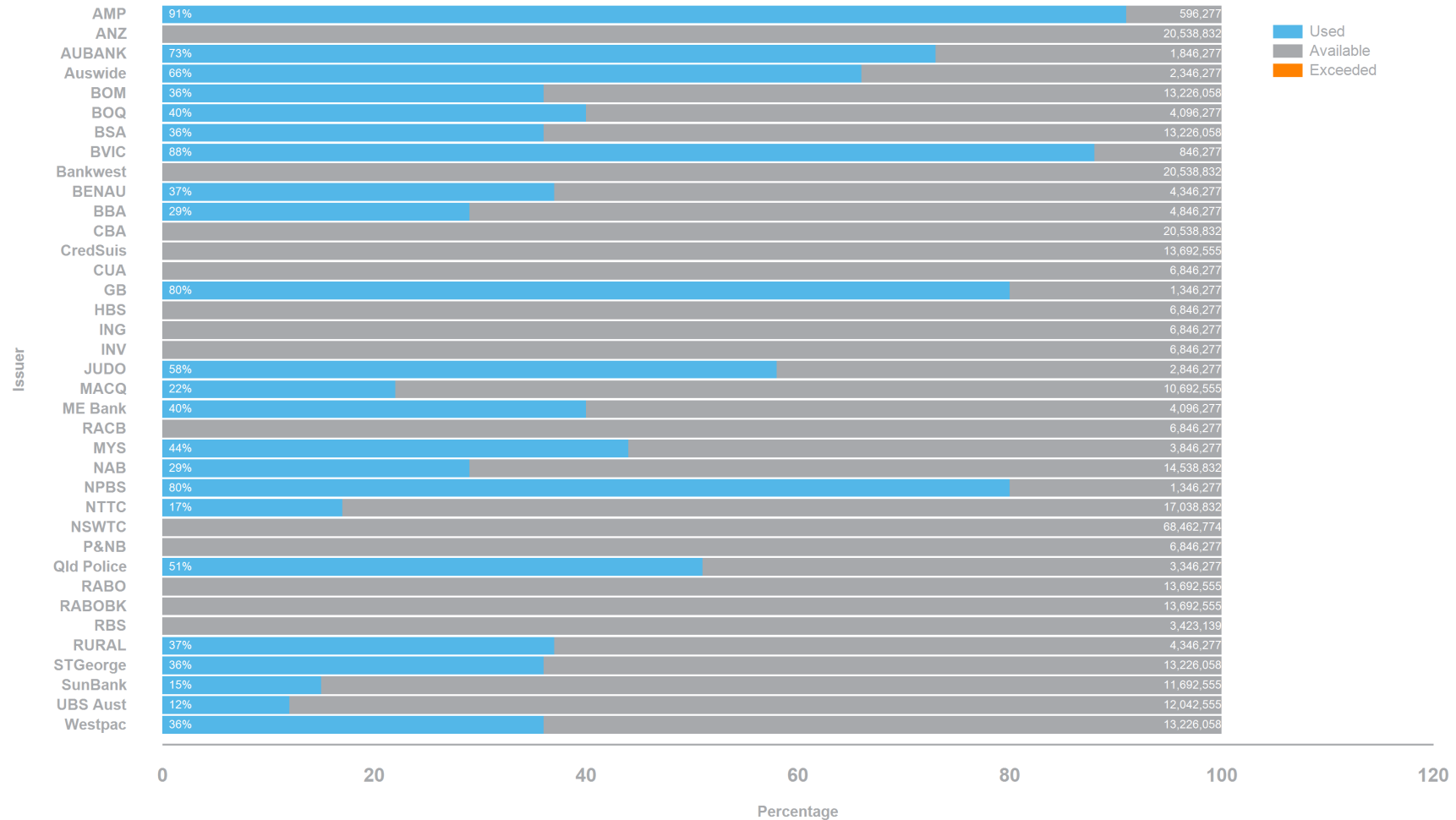
### Notes

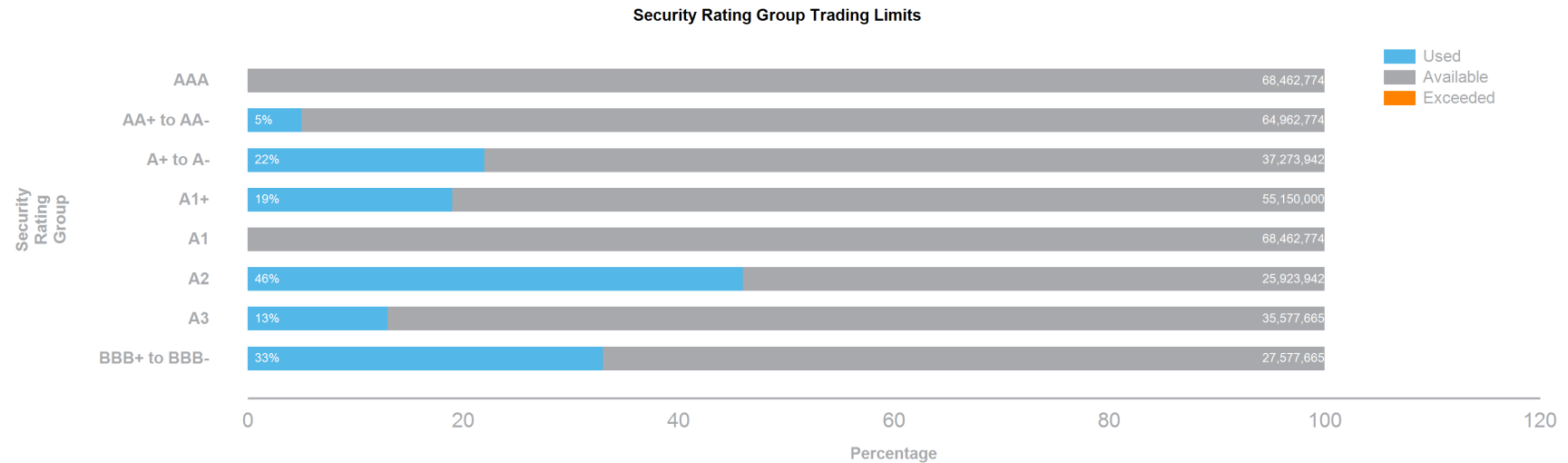
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

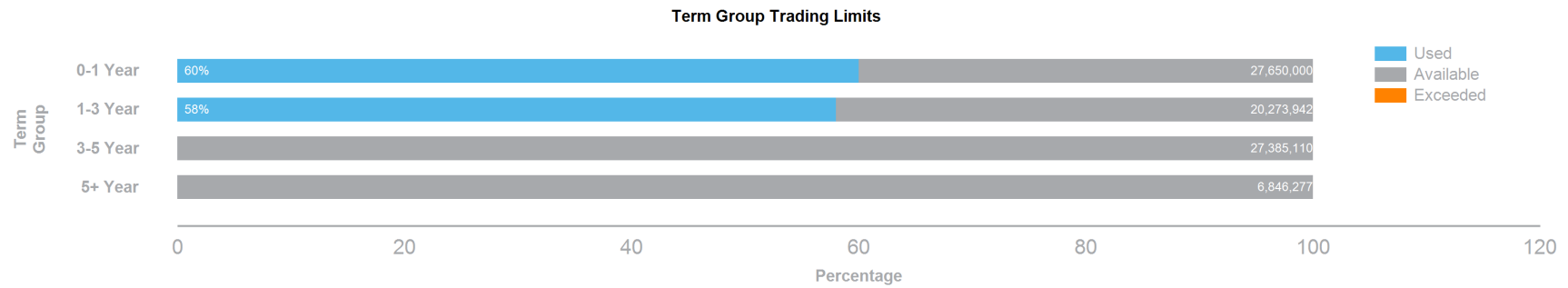
### 3 Term Group Trading Limits

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	40,812,774.42	Book	100.00	% of 68,462,774.42	68,462,774.42	60.00	40.00	27,650,000	0.00	0
1-3 Year	27,650,000.00	Book	70.00	% of 68,462,774.42	47,923,942.09	58.00	42.00	20,273,942	0.00	0
3-5 Year	0.00	Book	40.00	% of 68,462,774.42	27,385,109.77	0.00	100.00	27,385,110	0.00	0
5+ Year	0.00	Book	10.00	% of 68,462,774.42	6,846,277.44	0.00	100.00	6,846,277	0.00	0
	68,462,774.42				150,618,103.72			82,155,329		0

Issuer Trading Limits







**Disclaimer:**

Laminar Capital Pty Ltd ABN 33 134 784 740 (AFSL 476686), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use by that person of, or their reliance on, any information contained in this document or any error or defect in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from Issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD  
ACN 134 784 740  
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933  
SYDNEY OFFICE: LEVEL 18 ANGEL PLACE, 123 PITT STREET, SYDNEY NSW, 2000 T 61 2 8094 1230  
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 April 2023  
Balance Date: 4 May 2023 (but 30 Apr 2023 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

**10.4.11. March 2023 Quarterly Budget Review Update**

<b>Attachments:</b>	1. 2022-23 March QBR - Final [ <b>10.4.11.1</b> - 10 pages]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	{authors-names} – {position}
<b>Community Plan Issue:</b>	6 - <i>Community Leadership</i>
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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**

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

The aim of these reviews is to:

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

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

**OFFICER'S RECOMMENDATION**

Council ADOPTS the proposed changes in the March 2023 Quarterly Budget Review.

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

**CONSULTATION**

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



## RESPONSIBLE ACCOUNTING OFFICER'S STATEMENT

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

It is my opinion that the March Budget Review Statement for Muswellbrook Shire Council for the quarter ended 31 March 2023 indicates that Council's projected financial position will be satisfactory at year end, having regard to the projected estimates of income and expenditure (including identified savings) and the original budgeted income and expenditure.

Josh Hogan 13/05/2023

Responsible Accounting Officer, Muswellbrook Shire Council

## REPORT

### Financial Performance Overview

The Muswellbrook Shire Council consolidated result for the March 2023 Quarterly Budget Review operating result shows no net change from the December Review and includes no net changes in any of the separate Funds of Council. Offsets have been identified for any unfavourable variances.

Electricity price increases, the cost of materials and other inflationary impacts continue to put pressure on the budget across the organisation. Council teams are cognisant of the budgetary pressures and are ensuring a prudent and conservative approach to financial management.

### General Fund

General Fund break-even original budget result shows no net change in the March Quarterly Budget Review, but this is due to the introduction of significant expenditure cuts across the fund to offset projected increases in legal costs and reductions in waste management income, and aquatic centre fee revenue. Investment income projections have improved, however, slightly alleviating some of the pressure.

March QBR revenue projections of \$49.5M show a favourable variance of \$1.1M against the December QBR (\$48.4M). This is primarily the net effect of additional roads contract work with Transport for NSW (725k, offset by additional expenses) and economic development grant funding (Welcome Experience, offset by expenses) and additional investment income, partially offset by reduced Waste Management and Aquatic Centre revenue.

Conversely, March QBR General Fund expense projections of \$49.5M show an unfavourable variance of \$1.1M against the December QBR of \$48.4M due to the net effect of additional roads contract work with Transport for NSW and Economic Development Welcome Experience project costs (both offset by additional income), and reduced waste management costs.

To help ensure financial sustainability, Council staff are investigating strategies to increase energy efficiency further and increase efficiencies in processes across the organisation.

### Water Fund

Water Fund shows no net change from the \$276k deficit shown in the December QBR. Significant increases in water treatment and other costs have been offset by savings in staffing costs due to vacancies and some small increases in water tanker load revenue and investment income.

Water consumption across the region is again this year trending low, however indications suggest it has increased mildly in recent months. The third and final water billing process for





the year is underway and a final result will be known in early June. Estimates indicate there will be a revenue shortfall of around \$1M for the full year.

**Sewer Fund**

The Sewer Fund also shows no net change from the deficit of \$354k shown in the December QBR. Increases in sewer treatment costs have been offset by savings in staffing costs due to vacancies.

Treatment, operating, and maintenance costs in the Water and Sewer Funds have been increasing significantly in recent times. The proposed increases in charges for the Water and Sewer services for next year are necessary for the viability of these services into the future.

**Future Fund**

The Future Fund March QBR \$2.5M surplus shows no net change compared to the December QBR. Only minor adjustments between budget items were necessary in the March Review.

**Budget Review for the Quarter Ended 31 March 2023**  
**Income & Expenses - Consolidated**



	ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	REVISED Budget	Recommended changes for Council Resolution	PROJECTED year end result 2022/23	ACTUAL* YTD
<b>All figures are in \$000's</b>	<b>2022/23</b>							
<b>Income</b>								
<i>Rates and Annual Charges</i>	30,796	-	-	-	30,796	-	30,796	30,447
<i>User Charges and Fees</i>	20,513	-	1,619	(1,214)	20,918	588	21,506	14,987
<i>Interest and Investment Revenue</i>	510	-	120	357	987	143	1,130	980
<i>Other Revenues</i>	2,566	-	(103)	151	2,614	57	2,671	2,329
<i>Grants &amp; Contributions - Operating</i>	7,023	270	44	1,599	8,936	345	9,281	4,602
<i>Internal Revenue**</i>	2,778	1,346	-	(113)	4,011	-	4,011	3,077
<b>Total Income from continuing operations</b>	<b>64,187</b>	<b>1,616</b>	<b>1,680</b>	<b>780</b>	<b>68,263</b>	<b>1,133</b>	<b>69,395</b>	<b>56,423</b>
<b>Expenses</b>								
<i>Employee costs</i>	16,792	-	(397)	(301)	16,094	(167)	15,927	12,505
<i>Materials &amp; Contracts</i>	17,783	1,536	1,689	902	21,910	1,146	23,056	16,078
<i>Borrowing Costs</i>	2,227	-	-	41	2,268	(50)	2,218	1,321
<i>Depreciation</i>	15,200	-	-	(404)	14,796	-	14,796	12,277
<i>Overheads</i>	4,554	-	-	-	4,554	-	4,554	3,210
<i>Other Expenses</i>	5,315	80	857	535	6,787	204	6,991	5,306
<b>Total Expenses from continuing operations</b>	<b>61,872</b>	<b>1,616</b>	<b>2,150</b>	<b>772</b>	<b>66,410</b>	<b>1,133</b>	<b>67,543</b>	<b>50,697</b>
<b>Net Operating Result from continuing operations</b>	<b>2,315</b>	<b>-</b>	<b>(469)</b>	<b>7</b>	<b>1,853</b>	<b>-</b>	<b>1,853</b>	<b>5,726</b>

Note: Immaterial rounding differences may be present

**Budget Review for the Quarter Ended 31 March 2023**  
**Income & Expenses - Consolidated**



	ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	REVISED Budget	Recommended changes for Council Resolution	PROJECTED year end result 2022/23
All figures are in \$000's							
Reconciliation to Cash Budget							
Net Operating Result, excluding depreciation	17,515	-	(469)	(397)	16,649	-	16,649
Minus Budget Items not Included in Income Statement:							
Capital Expenditure and Purchases	16,662	33,284	(469)	91	49,567	1,032	50,600
Contribution from General Fund to Future Fund	2,000	-	-	(147)	1,853	-	1,853
Loan Principal Repayments	6,455	-	-	(297)	6,158	-	6,158
Sub-Total	25,117	33,284	(469)	(353)	57,578	1,032	58,610
Plus:							
Grants and Contributions - Capital	2,830	17,891	-	518	21,240	1,500	22,740
Cash Surplus/(Deficit)	(4,772)	(15,392)	(0)	475	(19,690)	468	(19,222)
Funded by:							
Borrowings	-	2,619	-	-	2,619	-	2,619
Transfers from Reserves	3,772	12,774	-	103	16,648	(468)	16,181
General Fund Contribution to Future Fund	2,000	-	-	(147)	1,853	-	1,853
Sub-Total	5,772	15,392	-	(45)	21,120	(468)	20,652
Cash Surplus/(Deficit)	1,001	-	-	430	1,431	-	1,431
Transfers to Reserves	1,001	-	-	430	1,431	-	1,431

Provisional and contingent items identified but not yet Included in the figures above.

Legal cost liabilities

Capital project variations

**Notes:**

\* Year to Date at 30 April 2023

\*\* Internal Revenue includes internal recoveries and transfers from reserves

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

### General Fund

	2022/23 ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	2022/23 REVISED Budget	Recommended changes for Council Resolution	2022/23 PROJECTED Year-End Result
<b>All figures are in \$000's</b>							
<b>Revenue</b>							
Rates and Charges	23,574	-	-	-	23,574	-	23,574
User Charges and Fees	8,316	-	1,820	(1,114)	9,022	519	9,541
Operating Grants and Contributions	6,949	270	44	1,599	8,862	345	9,207
Interest and Investments Revenues	340	-	120	252	712	118	830
Other Revenues	2,566	-	(103)	151	2,614	57	2,671
Internal Revenue	2,654	1,095	-	(113)	3,636	-	3,636
<b>Revenue Total</b>	<b>44,399</b>	<b>1,365</b>	<b>1,881</b>	<b>775</b>	<b>48,420</b>	<b>1,039</b>	<b>49,459</b>
<b>Expenses</b>							
Wages and Salaries	14,360	-	(372)	(261)	13,727	8	13,735
Materials and Contracts	13,412	1,285	1,924	935	17,556	862	18,418
Other Costs	3,559	80	329	498	4,466	219	4,685
Depreciation	10,267	-	-	(397)	9,870	-	9,870
Borrowing Costs	488	-	-	-	488	(50)	438
Overheads	2,313	-	-	-	2,313	-	2,313
<b>Expenses Total</b>	<b>44,399</b>	<b>1,365</b>	<b>1,881</b>	<b>775</b>	<b>48,420</b>	<b>1,039</b>	<b>49,459</b>
<b>Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

### Water Fund

	2022/23 ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	2022/23 REVISED Budget	Recommended changes for Council Resolution	2022/23 PROJECTED Year-End Result
<b>All figures are in \$000's</b>							
<b>Revenue</b>							
Rates and Charges	1,892	-	-	-	1,892	-	1,892
User Charges and Fees	4,419	-	12	-	4,431	53	4,484
Operating Grants and Contributions	38	-	-	-	38	-	38
Interest and Investments Revenues	119	-	-	70	189	20	209
Internal Revenue	-	251	-	-	251	-	251
<b>Revenue Total</b>	<b>6,468</b>	<b>251</b>	<b>12</b>	<b>70</b>	<b>6,801</b>	<b>73</b>	<b>6,874</b>
<b>Expenses</b>							
Wages and Salaries	1,324	-	(24)	-	1,300	(135)	1,165
Materials and Contracts	1,691	251	25	75	2,042	212	2,254
Other Costs	366	-	192	(5)	553	(4)	549
Depreciation	1,963	-	-	95	2,058	-	2,058
Borrowing Costs	85	-	-	-	85	-	85
Overheads	1,037	-	-	-	1,037	-	1,037
<b>Expenses Total</b>	<b>6,466</b>	<b>251</b>	<b>193</b>	<b>165</b>	<b>7,075</b>	<b>73</b>	<b>7,148</b>
<b>Surplus/(Deficit)</b>	<b>2</b>	<b>-</b>	<b>(181)</b>	<b>(95)</b>	<b>(274)</b>	<b>-</b>	<b>(274)</b>

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

### Sewer Fund

	2022/23 ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	2022/23 REVISED Budget	Recommended changes for Council Resolution	2022/23 PROJECTED Year-End Result
All figures are in \$000's							
<b>Revenue</b>							
Rates and Charges	5,331	-	-	-	5,331	-	5,331
User Charges and Fees	577	-	-	(100)	477	(15)	462
Operating Grants and Contributions	37	-	-	-	37	-	37
Interest and Investments Revenues	51	-	-	35	86	5	91
<b>Revenue Total</b>	<b>5,996</b>	<b>-</b>	<b>-</b>	<b>(65)</b>	<b>5,931</b>	<b>(10)</b>	<b>5,921</b>
<b>Expenses</b>							
Wages and Salaries	866	-	-	(40)	826	(40)	786
Materials and Contracts	1,082	-	(13)	(25)	1,044	29	1,073
Other Costs	451	-	301	-	752	1	753
Depreciation	2,188	-	-	66	2,254	-	2,254
Borrowing Costs	701	-	-	-	701	-	701
Overheads	708	-	-	-	708	-	708
<b>Expenses Total</b>	<b>5,996</b>	<b>-</b>	<b>288</b>	<b>1</b>	<b>6,285</b>	<b>(10)</b>	<b>6,275</b>
<b>Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>(288)</b>	<b>(66)</b>	<b>(354)</b>	<b>-</b>	<b>(354)</b>

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

### Future Fund

All figures are in \$000's	2022/23 ORIGINAL Budget	Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	2022/23 REVISED Budget	Recommended changes for Council Resolution	2022/23 PROJECTED Year-End Result
<b>Revenue</b>							
User Charges and Fees	7,201	-	(213)	-	6,988	30	7,018
Other Revenues	-	-	-	-	-	-	-
Internal Revenue	124	-	-	-	124	-	124
<b>Revenue Total</b>	<b>7,325</b>	<b>-</b>	<b>(213)</b>	<b>-</b>	<b>7,112</b>	<b>30</b>	<b>7,142</b>
<b>Expenses</b>							
Wages and Salaries	242	-	-	-	242	-	242
Materials and Contracts	1,599	-	(248)	(83)	1,268	43	1,311
Other Costs	938	-	35	42	1,015	(13)	1,002
Depreciation	782	-	-	(168)	614	-	614
Borrowing Costs	953	-	-	41	994	-	994
Overheads	496	-	-	-	496	-	496
<b>Expenses Total</b>	<b>5,010</b>	<b>-</b>	<b>(213)</b>	<b>(168)</b>	<b>4,629</b>	<b>30</b>	<b>4,659</b>
<b>Surplus/(Deficit)</b>	<b>2,315</b>	<b>-</b>	<b>-</b>	<b>168</b>	<b>2,483</b>	<b>-</b>	<b>2,483</b>

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023



### Details of Council Loans

Balance at 01/07/2022	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
<b>Water Fund</b>													
\$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
	<b>Total</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$399,439</b>	<b>\$285,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Sewer Fund</b>													
\$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
	<b>Total</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,405,581</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>
<b>General Fund</b>													
\$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
	<b>Total</b>	<b>\$819,874</b>	<b>\$860,481</b>	<b>\$948,808</b>	<b>\$948,808</b>	<b>\$750,041</b>	<b>\$544,083</b>	<b>\$559,435</b>	<b>\$559,318</b>	<b>\$559,252</b>	<b>\$559,073</b>	<b>\$558,780</b>	<b>\$459,980</b>
<b>Future Fund</b>													
\$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
	<b>Total</b>	<b>\$6,018,956</b>	<b>\$6,080,833</b>	<b>\$6,286,672</b>	<b>\$5,264,425</b>	<b>\$4,545,559</b>	<b>\$4,564,258</b>	<b>\$4,591,493</b>	<b>\$4,586,647</b>	<b>\$3,223,952</b>	<b>\$2,475,910</b>	<b>\$1,642,544</b>	<b>\$1,281,009</b>
<b>\$69,260,789</b>		<b>\$8,640,872</b>	<b>\$8,743,355</b>	<b>\$9,037,522</b>	<b>\$8,016,763</b>	<b>\$6,984,940</b>	<b>\$6,512,431</b>	<b>\$6,556,509</b>	<b>\$6,436,294</b>	<b>\$5,073,533</b>	<b>\$4,325,312</b>	<b>\$3,491,652</b>	<b>\$3,031,318</b>

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 Corne	\$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	
<b>TOTAL</b>	<b>\$85,365,969</b>		<b>\$64,536,199</b>	<b>\$6,136,684</b>	<b>\$1,880,079</b>	<b>\$8,016,763</b>		

Note: Immaterial rounding differences may be present



## Budget Review for the Quarter Ended 31 March 2023

### Movements in Reserves



		2022/2023 Original Budget		Carryovers	September 22 Review Changes		December 22 Review Changes		
	Balance as at 1 July 2022 \$'000's	Transfer to	Transfer From	Transfer From	Transfer to	Transfer From	Transfer to	Transfer From	Projected Balance 30 June 2023
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

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

### Movements in Reserves



	Balance as at 1 July 2022	2022/2023 Original Budget		Carryovers	September 22 Review Changes		December 22 Review Changes		Projected Balance 30 June 2023
		Transfer to	Transfer From		Transfer to	Transfer From	Transfer to	Transfer From	
\$'000's									
<b>Internally Restricted</b>									
<b>Future Fund</b>									
Future Fund	1,118								1,118
<b>Future Fund Total</b>	<b>1,118</b>								<b>1,118</b>
<b>General Fund</b>									
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
Projects							430		430
Renewable Energy							113		113
Risk Management	78								78
SRV	1,578			(820)					758
Stormwater	1,030								1,030
Waste Management	6,525	1,251		(1,125)					6,651
<b>General Fund Total</b>	<b>32,501</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>			<b>543</b>		<b>23,648</b>
<b>Internally Restricted Total</b>	<b>33,619</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>			<b>543</b>		<b>24,766</b>
<b>Unrestricted</b>									
<b>General Fund</b>									
Unrestricted	24								24
<b>General Fund Total</b>	<b>24</b>								<b>24</b>
<b>Unrestricted Total</b>	<b>24</b>								<b>24</b>
<b>Total</b>	<b>63,088</b>	<b>1,251</b>	<b>(6,461)</b>	<b>(14,869)</b>	<b>-</b>		<b>543</b>		<b>43,552</b>

Note: Immaterial rounding differences may be present

## Budget Review for the Quarter Ended 31 March 2023

Contract, Consultancy and Legal Disclosures



Contractor	Contract detail & purpose	Contracts			
		Contract value	Commencement date	Duration of contract	Budgeted (Y/N)
Double R Machinery	Supply and Deliver of Tractor	\$ 310,469.00	TBC	Until goods are delivered	Y
CleanPeak Pty Ltd	Cleaning Services	\$ 213,457.00	17/04/2023	end 16/04/2026	Y
KCE Pty Ltd	Hill Street Road Works and Car Parking Upgrade	\$ 425,900.00	11/04/2023	16/05/2023	Y
Hunter Wide Civil Pty Ltd	Bylong Valley Way Road and Drainage Upgrade	\$ 501,195.00	26/04/2023	5/07/2023	Y

### Notes

1. Minimum reporting level is 1% of estimated income from continuing operations or \$50,000 whichever is the lesser.
2. Contracts to be listed are those entered into during the quarter and have yet to be fully performed, excluding contractors that are on Council's Preferred supplier list'.
3. Contracts for employment are not required to be included.
4. Where a contract for services etc was not included in the budget, an explanation is to be given (or reference made to an explanation in another Budget Review Statement).

### PART B - Consultancy and Legal expenses

#### Consultancy and Legal expenses

Expense	Expenditure YTD	Budgeted (Y/N)
Consultancies	\$113,307	Y
Legal Fees	\$831,542	Y

#### Definition of consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

#### NOTE:

This document forms part of Muswellbrook Shire Council's Quarterly Budget Review Statement for the quarter ended 31/12/22 and should be read in conjunction with other documents in the QBRs.

Note: Immaterial rounding differences may be present



### 10.4.12. Report on Council Grant Funding and Community Engagement

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Ivan Skaines (Grants and Community Engagement Officer)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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

Council NOTES the information contained in this report.

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

#### BACKGROUND

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 the Muswellbrook Shire 2022-2026 Delivery Program and prepared in consultation with the Mayor, Council's senior managers and key staff in relevant sections. Councillors are regularly consulted regarding grant applications via the Grants Advisory Committee.

#### REPORT

##### Grant applications recently submitted

- Council has submitted an application for funding under the **Regional Leakage Reduction Program**, which provides grants to local water utilities to help reduce non-revenue water levels. The program will co-fund selected projects with local water utilities in the areas of capacity building, pressure management, leakage control and metering.

**Upcoming Grant and Funding Opportunities**

- The **Community Local Infrastructure Recovery Package – Arts and Cultural Assets Program** supports the medium-long term recovery of the arts and cultural sector by providing funding for the restoration, replacement and betterment of directly damaged arts and cultural infrastructure most impacted by the severe weather and flood events of February and June 2022. The funding supports arts and cultural organisations to rebuild and recover, while at the same time providing arts and cultural experiences that are crucial to community wellbeing. **Applications closed 22 May 2023 and Council has applied for funding for works at the Muswellbrook Regional Arts Centre.**
- The NSW Rural Fire Service **Bush Fire Risk Mitigation and Resilience Grant Program** assists public land managers/owners to undertake bush fire mitigation works, to provide access for firefighting, and deliver projects that increase the resilience of NSW communities to the risks of bush fire. The funding is available to supplement the resources of public land managers/owners and to enable additional works to be implemented. Local councils, State Government agencies and the Forestry Corporation of NSW are all eligible to apply for grants under this program. **A potential project for Muswellbrook Shire Council involves fire risk mitigation works around the Denman Water Treatment Works and Denman Waste Transfer Station.**
- Transport for NSW is challenging innovators to come up with digital solutions to help people (including those with vision impairment, wheelchair users, the elderly, and those with reduced mobility) who need boarding assistance to easily hail a bus from a mobile device. Seed funding of up to \$50,000 is available via the **Bus Boarding Assistant Innovation Challenge**. Applications close Wednesday 24 May 2023. Following an assessment process, the best ideas will be selected for the incubation phase which will run over July/September 2023.
- **The Regional Drought Resilience Planning Program** has two rounds of funding over the 2022-23 and 2023-24 financial years. The first round of funding occurred in December 2022 for the 2022-23 financial year and **the second round will occur in June 2023 for the 2023-2024 financial year**. Upper Hunter and Muswellbrook Shires are jointly included in this next round. The initiative needs to be Council led, and \$200,000 is available for the development of a drought plan that covers the drought resilience needs of the consortia's regions.

**Grant funding recently announced**

- No grant funding has been announced since the last report to Council.

**Muswellbrook Shire Council Grants Portal**

The report for data from October 2022 to April 2023 for Council's grant finding portal at <https://muswellbrook.grantguru.com.au/> is listed in the table below:

Indicator	Apr	Mar	Feb	Jan	Dec	Nov	Oct
Total unique portal visitors <sup>[1]</sup>	35	45	60	27	44	40	97
Number of page views <sup>[2]</sup>	147	151	182	108	128	165	250
Total cumulative registrations to the portal (via the sign-up form) <sup>[3]</sup>	91	90	87	84	83	82	81
Grant alerts sent per month to registered users	612	730	716	564	485	784	680



- [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, and the number is now at 91 users.**

### 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 identified in the Muswellbrook Shire 2022-2032 Community Strategic Plan and with a range of Federal, State and regional strategies and plans.

### LEGAL IMPLICATIONS

Where grant applications are successful, 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 Muswellbrook Shire 2022-2032 Community Strategic Plan and the Muswellbrook Shire 2022-2026 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.



## 10.5. Community and Economy

### 10.5.1. Rock'n the Brook Post Event Report 2023

<b>Attachments:</b>	1. Survey Results Report [10.5.1.1 - 24 pages]
	2. Rock n the Brook Financial Report [10.5.1.2 - 2 pages]
	3. Hunter Events Group Post Event Report [10.5.1.3 - 31 pages]
	4. REMPLAN Economic Modelling Report [10.5.1.4 - 3 pages]
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Fiona Wilton – Economic Development Officer
<b>Community Plan Issue:</b>	1 - <i>Economic Prosperity</i>
	4 - <i>Cultural Vitality</i>
<b>Community Plan Goal:</b>	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
	A culturally rich and diverse Community with strong identities, history and sense of belonging.
<b>Community Plan Strategy:</b>	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise
	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 Council with post event information regarding the Rock'n the Brook event held at Olympic Park, Muswellbrook, on Saturday, 4 March 2023.

#### OFFICER'S RECOMMENDATION

Council:

1. NOTES the information contained in the report;
2. APPROVES the reallocation of \$7,500 from Economic Development General Ledger 0833.2989.500 to Rock'n the Brook General Ledger 0833.2996.500; and
3. REQUESTS planning to commence for the 2024 Rock'n the Brook event, and for a detailed event plan and budget to be presented to the Event Steering Committee subject to sufficient resources and funding being allocated through the 2023-24 Budget.

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

#### BACKGROUND

Council received \$258,651 to deliver three events in Muswellbrook Shire from 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 to the entire community.

The funding allocated to the events included New Years Eve \$65,301, conducted 31 December 2022, Karoola Park Colour Run \$1,850, conducted 11 February 2023, and \$172,500.00 funding towards the Rock'n the Brook event, conducted on 4 March 2023.

## CONSULTATION

Consultation has occurred with Hunter Events Group, Police, Transport NSW, Muswellbrook Shire Council General Manager, Acting Chief Financial Officer, and various other areas of Council.

## REPORT

### Event Wrap Up

The Rock'n the Brook event was held at Olympic Park, Muswellbrook, on Saturday 4 March 2023 from 3pm to 10pm, and was attended by approximately 4,500 people.

The event was a free family friendly music event, featuring headline act James Reyne, supported by James Blundell and local artists, The Collective, Katie Jayne, Shyanne Irwin, and Imogen Hall. Local development artists Slay Valley and Ben Martin/Miles Chapman performed a 20-minute set each on the main stage.

The event opened with the spectacular Indigenous smoking ceremony, didgeridoo performance, and dancing by the Waagan Galga Dance Group. The Collective commenced their set by performing the Great Southern Land, with Waylon Boney playing the didgeridoo and dancing by the Waagan Galga Dance Group. <https://fb.watch/jH8GJ547no/>

[Hunter Events Group](#) was contracted to plan, deliver and manage the event on 30<sup>th</sup> November 2022, and Council had a short 6-week lead in time once they were engaged, with the two other grant funded events to be delivered during that time.

The planning and management of the event was undertaken by Council's Economic Development team, as other areas had no spare capacity to allocate resources to the event. Almost every part of the organisation had a role to play in delivering the event, and many areas went above and beyond to ensure the event was successful.

The following comprehensive plans were developed in consultation with key stakeholders:

- Alcohol Management Plan;
- Event Management Plan; and
- Traffic Management Plan.

The following approvals and licences were obtained:

- Liquor Licence;
- Road Occupancy Licences;
- Section 138 Road Opening/Activity Permit; and
- Section 68 approval.

An eclectic range of food, beverage, and market vendors were engaged by Hunter Events Group:

### Community

- Muswellbrook Junior Rugby League (Canteen);
- Muswellbrook Netball Association (BBQ Stall); and
- Muswellbrook Senior Rugby League (Alcohol Stall).





### Food & Beverage

- Hunter and Lake Macquarie Ice Cream;
- Floss N Snow;
- Double Picc Espresso;
- Lightbulb Lemonade;
- Wood Fired Pizza Buddy;
- Vamonos Paella;
- Delicious Deals;
- Crosdales BBQ;
- Yummy Time Dumpling;
- Pants off Distillery;
- Kombi Keg Newcastle; and
- Royal Hotel Scone.

### Markets

- Young@Heart Face Painting; and
- MJ Clothing.

Event Sponsors, BHP, and Malabar Resources, established an activation space at the event.

### Sustainability Initiatives

As part of the event, Council worked in partnership with the Sustainability Unit to ensure that the Sustainable Event Management Procedures were implemented. Expressions of interest were sought from community groups to collect and redeem “return and earn containers” at the event.

The Muswellbrook Netball Association expressed their interest and were appointed to collect and redeem “return and earn containers” as a strategy to reduce waste and recycle, and to provide an opportunity for a community group to fundraise.

### Security

In preparation for the event, the event team considered security measures and police presence at the event.

Hunter Events Group engaged CVEM Security Group, who provided 39 security personnel (1 x Event Manager, 1 x Security Supervisor, 1 x RSA Manager, 1 x Comms Guard, 5 x RSA, 30 x Security Guards). In addition to CVEM Security Group, three user paid police were in attendance as well as a strong police presence at the venue and in town.

Additional security measures were put in place, including restricting public access to the venue to one location, conducting bag checks on entry, condition of entry regulatory signs and refusing access to persons under the age of 18 without being accompanied by an adult. These measures were promoted heavily through Council facebook posts. FAQs were developed and published on the [Muswellbrook Shire Council Website](#). The conditions of entry were published under the Terms and Conditions for the event on [Rock'n the Brook Tickets \(123tix.com.au\)](#).

CVEM Security personnel received positive feedback from the community on their presence.

**Sponsorship**

The event attracted sponsorship totalling \$112,000 ex GST as follows:

BHP	Platinum Sponsorship	\$45,000
Bengalla	Gold Sponsorship	\$35,000
AGL	Silver Sponsorship	\$10,000
Malabar	Silver Sponsorship	\$10,000
MACH Energy	Bronze Sponsorship	\$4,000
Coolmore	Bronze Sponsorship	\$4,000
Muswellbrook Coal	Bronze Sponsorship	\$4,000

The sponsors were recognised in accordance with the Rock'n the Brook Sponsorship Prospectus and all sponsor logos were printed on tickets.

Due to the success of the event and overwhelming positive community feedback, comments have been received from sponsors regarding continued and increased sponsorship for a 2024 event.

**Ticket Sales**

Tickets were released to locals only, first through the promotion of twenty-five (16 Muswellbrook and 7 in Denman) local businesses via a QR code within the premises, and at Council facilities for a 10 day period.

Council's customer service team assisted people who did not have access to computers to be able to register for tickets and print.

In total, 4,450 tickets were obtained through the free 123TIX website. The majority of people who bought tickets were from within the Muswellbrook Shire LGA at 75%, but the event also captured an audience from the surrounding region, including Cessnock, Maitland, Newcastle, Lake Macquarie, and Tamworth. There were also a few national and international attendees.

**Adult 18+**  
3031 Registered

**Child 17 & under**  
1419 Registered

**Total Attendees**  
4450 Registered

**Traffic Management**

An extensive traffic and pedestrian management plan and Traffic Guidance Scheme were developed in accordance with Transport for NSW, NSW Police, and Council requirements, which led to additional event expenses ex GST as follows:

- Muswellbrook Shuttle Bus Service - \$4,145.45
- Denman Shuttle Bus Service - \$1,000.00
- Lighting Towers - \$1,092.89
- Crowd Barrier Fencing for Maitland Street - \$800.00
- Traffic Management over and above scope of works and allowance - \$10,624.42
- Council Works Staff Labour Costs to install pedestrian barriers - \$2,539.17



Detailed "Transport and Parking – Plan your Trip Guidelines" were developed and promoted heavily through Council facebook posts, published on the [Muswellbrook Shire Council Website](#), and emailed to all ticket holders via the 123tix.com.au ticketing platform.

Osborn's Transport were engaged to run a continuous, free, hail and ride shuttle bus service in Muswellbrook, as per the Muswellbrook Town Bus Service. Osborn's Transport Rock'n the Brook Shuttle Bus Service Timetable was developed and promoted in conjunction with the "Transport and Parking – Plan your Trip Guidelines."

Osborn's transported a total of 512 passengers (Shuttle 1: 262 passengers, Shuttle 2: 93 passengers, Shuttle 3: 157 passengers).

Cowan's Bus Service were engaged to run a free shuttle bus service for Sandy Hollow and Denman residents. Cowan's Bus Service Rock'n the Brook Shuttle Bus Service Timetable was developed and promoted in conjunction with the "Transport and Parking – Plan your Trip Guidelines." The addition of the Denman bus was added in response to community feedback and was outside the initial transport plan. Cowan's transported a total of 18 people.

Bowman Park was converted to allow for 403 temporary carparks, and the TAFE carpark provided 121 carparks within walking distance to the event. Both carparks were used to capacity.

The final approved Traffic Management Plan was prepared in response to stakeholder input. There were no traffic or pedestrian issues on the night. The extensive traffic requirements were in response to a planned maximum capacity of 8,000 people, high alcohol related crime in Muswellbrook, high vehicle traffic on the New England Highway, as well as Muswellbrook not delivering an event of this scale before.

The Traffic Management Plan will be reviewed and refined to assist in the planning and approval of the Olympic Park redevelopment which will be a cost saving to Council.

### **Merchandise**

The following merchandise was ordered from local supplier Comprint Solutions for the Rock'n the Brook Event:

- 500 Caps;
- 800 Stubby Holders; and
- 500 T-Shirts.

The total cost of the merchandise was \$17,560.

To date, revenue totalling \$4,148 has been received for merchandise. The caps and stubby holders have been designed to be used for future events.

### **Marketing & Communications**

A comprehensive event Marketing and Communication Plan was developed for the event, including paid and unpaid advertising and media.

The social media campaign ran from 2 January to 7 March 2023. Council had a total reach of 151,401, 1525 likes, 2,331 link clicks, 265 shares and 488 comments from Council generated posts. A total of 36 posts were generated for the event, and the majority of people heard about the event through social media.

James Fox Creative was engaged to provide videography and photography for the event. Refer to the following links for event photographs and event video.

### **Photographs**

<https://www.dropbox.com/scl/fo/stmxcjfg3soifzf2w7v5o/h?dl=0&rlkey=a5ej3bu9pdifirnu8fhedec3t>

**Video**

<https://www.dropbox.com/s/hcn15crwe0a1gy0/ROCK%27N%20THE%20BROOK%20DRAFT%20%204K%20NEW%20SONG.mp4?dl=0>

**Community Feedback**

An event survey was conducted at the event and was also available for 3 weeks post the event via an email to all ticket holders and via facebook. Three hundred and thirty-three (333) responses to the survey were received and the key feedback was as follows:

- Nearly 95% of respondents were satisfied (18.92%) or very satisfied with the event (75.38%).
- 223 of the 333 respondents were from postcode 2333.
- 17 of the 333 respondents were staying at a local accommodation provider, eg, Motel.
- 5 of the 333 respondents were staying at a local caravan park or camping ground.
- Over 50% of people heard about the event through social media.
- Over 90% attended with a family member or a child or teenager.
- Over 60% of respondents expected to spend between \$20 to \$100 at the event.
- Over 75% of people felt the event helped them to feel more connected to the Muswellbrook community.

A copy of the Rock'n the Brook 2023 Survey Results Report is provided in **Attachment 10.5.1.1 – Survey Results Report**.

**Event Cost**

The total cost of the event ex GST was \$474,048.45 including \$172,500 from Regional NSW, \$178,185 from Economic Development, \$112,000 from Sponsorship, and \$4,148 from Merchandise.

Overall, the Economic Development Budget was overspent by \$7,215.45. The total event cost includes internal labour costs attributed to the planning and delivery of the event.

Additional costs incurred, which were outside the initial scope of the event. The majority of these additional costs were in response to police, security, and traffic management requirements to manage the maximum crowd numbers, and due to the fact that there had not been a large-scale music event with alcohol delivered in Muswellbrook before. These costs were all last-minute requirements due to the short event planning timeframes, and were all critical to the event proceeding. The other major unidentified costs related to the stage and production requirements of the entertainment and insurance.

Further breakdown of the event costs is provided in the **Attachment 10.5.1.2 - Financial Report**.

**Economic Benefit**

Event impact modelling was prepared for the event based on an average per person spend of \$80 obtained from the survey data: refer **Attachment 10.5.1.3 – REMPLAN Economic Modelling Report**.

The total economic impact of the event is estimated at an additional \$1.16M in economic activity and an additional 4 jobs.

As a result of the modelling, the Gross Regional Product is estimated to have increased by \$303,076. Contributing to this is a direct increase in output of \$364,000, 3 additional jobs, \$113,397 more in wages and salaries and a boost in value-added of \$154,153 dollars.



From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$165,884 dollars, \$32,458 more paid in wages and salaries, and a gain of \$65,143 in terms of value-added to the local economy.

The increases in direct and indirect output in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption, and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$152,772, employment by 1 job, wages and salaries by \$34,647, and value-added by \$83,780.

Under this scenario, total output is expected to rise by \$682,656. Corresponding to this are anticipated increases in employment of 4 jobs, \$180,502 wages and salaries, and \$303,076 in terms of value-added.

### **Hunter Events Group Post Event Report**

Hunter Events Group were contracted to deliver the event and provide a post event report: refer **Attachment 10.5.1.4 – Hunter Events Group Post Event Report**.

### **VIP Tent**

The purpose of the VIP marquee was to provide a space to thank sponsors for their contribution to the event and to give an opportunity for Council and Councillors to build relationships with industry and government to advocate for the economic and social objectives of the Shire.

Event sponsors were provided with a wristband for beverages, other guests were able to purchase beverages within the VIP area, and a small number of platters were provided in accordance with liquor licensing requirements.

**Table 1 – list of VIP invitees Rock'n the Brook 4 March 2023**

<b>Tickets allocated</b>	<b>Company</b>	<b>Status</b>
2	2NM	Company
2	ABC Radio	Company
10	AGL	Sponsor
4	ARTC	Company
12	Bengalla	Sponsor
18	BHP	Sponsor
2	Business Hunter	Company
2	Committee for the Hunter	Company
6	Coolmore	Sponsor
2	Fundraiser	Individual
2	Deputy Premier	Government
4	Destination Sydney Surrounds North	Government
4	Federal Member Hunter	Government
2	Hunter Alliance	Company
2	Hunter JO	Government
2	Hunter River Times	Company
6	Mach Energy	Sponsor
10	Malabar	Sponsor



Tickets allocated	Company	Status
4	Mining NSW	Company
6	Muswellbrook Chamber of Commerce and Industry	Company
6	Muswellbrook Coal	Sponsor
4	Muswellbrook Police	Government
2	Muswellbrook Shire Council	Government
24	Muswellbrook Shire Councillors	Government
2	Newcastle Herald	Company
2	Power FM	Company
2	Regional NSW	Government
4	Singleton Council	Government
5	State Member for Upper Hunter	Government
4	University of Newcastle	Institution
4	Upper Hunter Shire	Government
2	Westpac Helicopter	Company
2	Where there's a Will	Company
<b>165</b>	<b>TOTAL</b>	

Of the 165 invitees, 105 invitations were accepted.

### **Event Steering Committee**

The Event Steering Committee has been instrumental in providing advice and direction on the planning of the event in accordance with the Terms of Reference.

A summary of meeting dates, attendance and information presented on the event is provided in table 2 below.

**Table 2 – Summary of Event Steering Committee**

Meeting	Meeting Date	Summary	Councillors in Attendance
Event Steering Committee Initiation Meeting	13/09/2022	Presentation Delivered - RTB Event planned, delivered and managed by Event Management Services - Further funding via sponsorship (ie sponsorship prospectus) - Event will feature – James Reyne & James Blundell, Live Local Music, Roving Entertainment, Food Trucks, Local Produce	Cr S Reynolds, Cr D Douglas, Cr J Drayton, Cr D Marshall
Events Steering Committee	21/09/2022	RTB not on Agenda, however logos presented to committee	Cr S Reynolds, Cr D Douglas, Cr J Drayton, Cr D Marshall
Events Steering Committee	18/10/2022	- Event Management Services - Logo - Sponsorship recommendations for prospectus - Bengalla Community Development Fund - Merchandise options	Cr S Reynolds, Cr D Marshall



Meeting	Meeting Date	Summary	Councillors in Attendance
Events Steering Committee	17/11/2022	<ul style="list-style-type: none"> <li>- Overview (Be a free community event; designated licensed alcohol area; designated licensed alcohol VIP area; local based artists; headline acts James Reyne and James Blundell; variety of popular, interesting and affordable food and beverage vans)</li> <li>- Event Management Services</li> <li>- Local Based Artists</li> <li>- Headline Acts (James Reyne &amp; James Blundell)</li> <li>- Budget</li> <li>- Sponsorship Prospectus</li> <li>- Logo &amp; Concept</li> </ul>	Cr S Reynolds, Cr D Douglas, Cr D Marshall, Cr G McNeill
Events Steering Committee	13/12/2022	<ul style="list-style-type: none"> <li>- Indigenous Dance Group</li> <li>- Event Management Services</li> <li>- Sponsorship Prospectus</li> <li>- Community Development Fund</li> <li>- Marketing &amp; Communications Plan</li> </ul>	Cr S Reynolds, Cr D Douglas, Cr D Marshall
Events Steering Committee	17/01/2023	<ul style="list-style-type: none"> <li>- Ticketing</li> <li>- Pre-Sale Tickets</li> <li>- Sponsorship</li> <li>- Event Management Services</li> <li>- Venue Booking</li> <li>- Section 68</li> <li>- Additional Stage</li> <li>- Indigenous Dance Group</li> <li>- Local Artists</li> <li>- Vendors</li> </ul>	Cr S Reynolds, Cr D Douglas, Cr D Marshall, Cr J Lecky
Events Steering Committee	31/01/2023	<ul style="list-style-type: none"> <li>- Event Program</li> <li>- EOI for Local Development Artists</li> <li>- Local Artist Development Stage</li> <li>- Merchandise</li> </ul>	Cr S Reynolds, Cr D Douglas, Cr J Drayton, Cr D Marshall, Cr J Lecky

### **Learnings**

As this is the first event of this scale delivered in Muswellbrook Shire, there are many learnings from the event which will ensure financial savings and improved operations for future events:

- Earlier planning and engagement with key stakeholders and the establishment of a stakeholder event working group is required.
- Traffic management plan response can be scaled back for future events, depending on event capacity.
- Setting realistic crowd numbers for future event planning based on the free event.
- Cost savings can be made on entertainment.
- Local artist development concept was well received and could be grown to support the lead up to the event.
- Bulk service bins to be used to decant rubbish.
- Stage location could be reviewed in terms of heat and sun.





- Pass out should be issued.
- The March timing worked well.

## OPTIONS

Council notes the report.

## CONCLUSION

Rock'n the Brook was well received by the community, and the security measures put in place ensured that the event was safe and family friendly for the entire community. The headline act and the local support acts were an effective, well supported draw card.

There are a number of learnings from running the event the first time and for the future use of Olympic Park. Additional costs were incurred for traffic management, security, insurance, and stage costs which were outside the initial scope of the project.

Rock'n the Brook was a successful event, which provided a great social and economic benefit for the community.

## SOCIAL IMPLICATIONS

The event provided an accessible, family friendly free event that successfully showcased the operation of the Olympic Park Precinct as a regional event facility.

## FINANCIAL IMPLICATIONS

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

#### 1. Financial Implications – Capital

Nil

#### 2. Financial Implications – Operational

The total cost of the event ex GST was \$474,048.45 including \$172,500 from Regional NSW, \$178,185 from Council's existing Economic Development budget, \$112,000 from Sponsorship, and \$4,148 from Merchandise. Expenses were allocated in GL 0833.2996.500.

Overall, the Economic Development Budget was overspent by \$7,215.45. The total event cost includes internal labour costs attributed to the planning and delivery of the event. The \$7,215.45 amount may be funded by a reallocation of funding from Council's Economic Development budget (GL 0833.2989.500). Sufficient funding exists in this account to enable funding of the \$7,215.45 amount.

There were costs that were outside the initial scope of the project, which meant that Council was not able to reduce Council's allocated budget as a result of the sponsorship received. Significant cost savings are anticipated for future events as well as the opportunity to charge for tickets.

## POLICY IMPLICATIONS

Nil known.

## STATUTORY IMPLICATIONS

Nil known.





**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

Nil known.

**RISK MANAGEMENT IMPLICATIONS**

Nil known.

**WASTE MANAGEMENT IMPLICATIONS**

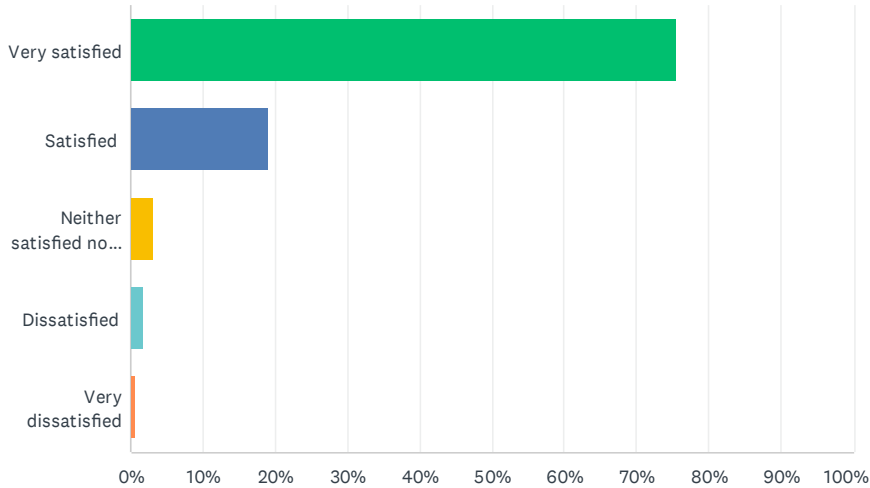
Nil known.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil known.

## Q1 So far, how satisfied are you with your experience at Rock'n the Brook?

Answered: 333 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very satisfied	75.38%	251
Satisfied	18.92%	63
Neither satisfied nor dissatisfied	3.30%	11
Dissatisfied	1.80%	6
Very dissatisfied	0.60%	2
<b>TOTAL</b>		<b>333</b>

## Q2 Where do you live?

Answered: 333 Skipped: 0

# Rock'n the Brook 2023

ANSWER CHOICES	RESPONSES	
Name	0.00%	0
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
Postcode	100.00%	333
Country	0.00%	0
Email Address	0.00%	0
Phone Number	0.00%	0

#	NAME	DATE
	There are no responses.	
#	COMPANY	DATE
	There are no responses.	
#	ADDRESS	DATE
	There are no responses.	
#	ADDRESS 2	DATE
	There are no responses.	
#	CITY/TOWN	DATE
	There are no responses.	
#	STATE/PROVINCE	DATE
	There are no responses.	
#	POSTCODE	DATE
1	2330	3/12/2023 11:38 AM
2	2333	3/11/2023 7:28 PM
3	2333	3/11/2023 12:46 PM
4	2320	3/10/2023 8:58 PM
5	2280	3/10/2023 8:56 PM
6	4380	3/10/2023 8:53 PM
7	4370	3/10/2023 8:46 PM
8	2100	3/10/2023 8:44 PM
9	2100	3/10/2023 8:44 PM
10	2262	3/10/2023 5:30 PM
11	2333	3/10/2023 8:45 AM
12	2333	3/9/2023 7:40 PM
13	2428	3/9/2023 4:23 PM
14	2000	3/9/2023 4:22 PM
15	2000	3/9/2023 3:43 PM

# Rock'n the Brook 2023

16	2333	3/8/2023 7:54 PM
17	2330	3/8/2023 7:53 PM
18	2333	3/8/2023 6:00 PM
19	2140	3/8/2023 5:59 PM
20	2100	3/8/2023 5:58 PM
21	2333	3/8/2023 5:56 PM
22	2282	3/8/2023 1:55 PM
23	2280	3/8/2023 10:54 AM
24	2333	3/7/2023 7:30 PM
25	2326	3/7/2023 6:30 PM
26	2264	3/7/2023 5:34 PM
27	2328	3/7/2023 3:55 PM
28	2333	3/7/2023 3:15 PM
29	2333	3/7/2023 2:54 PM
30	2320	3/7/2023 2:12 PM
31	2337	3/7/2023 11:29 AM
32	2333	3/7/2023 8:17 AM
33	2324	3/6/2023 10:16 PM
34	2333	3/6/2023 8:36 PM
35	2262	3/6/2023 8:28 PM
36	2340	3/6/2023 6:59 PM
37	2333	3/6/2023 6:42 PM
38	2333	3/6/2023 6:40 PM
39	2283	3/6/2023 6:06 PM
40	2320	3/6/2023 5:20 PM
41	2333	3/6/2023 5:19 PM
42	2333	3/6/2023 5:15 PM
43	2333	3/6/2023 5:04 PM
44	2333	3/6/2023 4:11 PM
45	2330	3/6/2023 4:10 PM
46	2333	3/6/2023 3:25 PM
47	2333	3/6/2023 3:10 PM
48	2336	3/6/2023 2:33 PM
49	2337	3/6/2023 2:18 PM
50	2330	3/6/2023 2:11 PM
51	2333	3/6/2023 1:59 PM
52	2333	3/6/2023 1:29 PM
53	2333	3/6/2023 12:37 PM
54	2329	3/6/2023 12:17 PM
55	2333	3/6/2023 12:11 PM
56	Hollydeen	3/6/2023 10:57 AM

# Rock'n the Brook 2023

57	2328	3/6/2023 10:52 AM
58	2333	3/6/2023 10:42 AM
59	2337	3/6/2023 10:37 AM
60	2333	3/6/2023 10:20 AM
61	2333	3/6/2023 10:09 AM
62	2300	3/6/2023 9:54 AM
63	2540	3/6/2023 9:39 AM
64	2336	3/6/2023 9:29 AM
65	2333	3/6/2023 9:14 AM
66	2330	3/6/2023 9:12 AM
67	2333	3/6/2023 8:52 AM
68	2333	3/6/2023 8:42 AM
69	2333	3/6/2023 8:22 AM
70	2289	3/6/2023 8:19 AM
71	2320	3/6/2023 5:03 AM
72	2333	3/6/2023 4:02 AM
73	2333	3/6/2023 2:42 AM
74	2000	3/6/2023 1:05 AM
75	3000	3/5/2023 10:02 PM
76	2030	3/5/2023 10:01 PM
77	4305	3/5/2023 9:59 PM
78	4305	3/5/2023 9:58 PM
79	2333	3/5/2023 9:54 PM
80	2333	3/5/2023 9:32 PM
81	2300	3/5/2023 9:31 PM
82	2333	3/5/2023 9:16 PM
83	2336	3/5/2023 9:14 PM
84	2333	3/5/2023 9:07 PM
85	2333	3/5/2023 9:02 PM
86	2333	3/5/2023 9:00 PM
87	2393	3/5/2023 8:57 PM
88	2336	3/5/2023 8:41 PM
89	2319	3/5/2023 8:40 PM
90	2337	3/5/2023 8:21 PM
91	2333	3/5/2023 8:06 PM
92	2333	3/5/2023 7:38 PM
93	2333	3/5/2023 7:36 PM
94	2333	3/5/2023 7:04 PM
95	2333	3/5/2023 6:43 PM
96	2280	3/5/2023 6:41 PM
97	2320	3/5/2023 6:18 PM

# Rock'n the Brook 2023

98	2333	3/5/2023 6:14 PM
99	2333	3/5/2023 6:11 PM
100	2333	3/5/2023 6:02 PM
101	2261	3/5/2023 5:43 PM
102	2333	3/5/2023 5:38 PM
103	2333	3/5/2023 5:26 PM
104	2328	3/5/2023 5:16 PM
105	2333	3/5/2023 5:14 PM
106	2335	3/5/2023 4:56 PM
107	2333	3/5/2023 4:51 PM
108	2250	3/5/2023 4:32 PM
109	2333	3/5/2023 4:32 PM
110	2333	3/5/2023 4:06 PM
111	2333	3/5/2023 4:06 PM
112	2333	3/5/2023 3:59 PM
113	2333	3/5/2023 3:55 PM
114	2333	3/5/2023 3:48 PM
115	2333	3/5/2023 3:39 PM
116	2333	3/5/2023 3:27 PM
117	2333	3/5/2023 3:26 PM
118	2336	3/5/2023 3:21 PM
119	2336	3/5/2023 3:20 PM
120	2333	3/5/2023 3:18 PM
121	2316	3/5/2023 3:15 PM
122	2333	3/5/2023 3:06 PM
123	2333	3/5/2023 3:01 PM
124	2340	3/5/2023 2:53 PM
125	2333	3/5/2023 2:45 PM
126	2338	3/5/2023 2:43 PM
127	2333	3/5/2023 2:24 PM
128	2333	3/5/2023 2:23 PM
129	2334	3/5/2023 2:07 PM
130	2333	3/5/2023 2:02 PM
131	2333	3/5/2023 2:02 PM
132	2333	3/5/2023 1:56 PM
133	2333	3/5/2023 1:47 PM
134	2333	3/5/2023 1:47 PM
135	2328	3/5/2023 1:46 PM
136	2333	3/5/2023 1:38 PM
137	2336	3/5/2023 1:34 PM
138	2333	3/5/2023 1:33 PM

# Rock'n the Brook 2023

139	2333	3/5/2023 1:31 PM
140	2333	3/5/2023 1:28 PM
141	2333	3/5/2023 1:26 PM
142	2328	3/5/2023 1:02 PM
143	2333	3/5/2023 12:38 PM
144	2333	3/5/2023 12:06 PM
145	2333	3/5/2023 11:55 AM
146	2333	3/5/2023 11:53 AM
147	2333	3/5/2023 11:51 AM
148	2328	3/5/2023 11:50 AM
149	2333	3/5/2023 11:48 AM
150	2333	3/5/2023 11:39 AM
151	2333	3/5/2023 11:37 AM
152	2333	3/5/2023 11:37 AM
153	2333	3/5/2023 11:23 AM
154	2333	3/5/2023 11:15 AM
155	2337	3/5/2023 11:14 AM
156	2333	3/5/2023 11:08 AM
157	2333	3/5/2023 11:06 AM
158	2333	3/5/2023 11:02 AM
159	2333	3/5/2023 10:56 AM
160	2285	3/5/2023 10:50 AM
161	2333	3/5/2023 10:47 AM
162	2333	3/5/2023 10:45 AM
163	2328	3/5/2023 10:39 AM
164	2333	3/5/2023 10:38 AM
165	2306	3/5/2023 10:37 AM
166	2333	3/5/2023 10:36 AM
167	2333	3/5/2023 10:33 AM
168	2333	3/5/2023 10:30 AM
169	2333	3/5/2023 10:29 AM
170	2333	3/5/2023 10:26 AM
171	2333	3/5/2023 10:23 AM
172	2333	3/5/2023 10:23 AM
173	2333	3/5/2023 10:19 AM
174	2333	3/5/2023 10:15 AM
175	2333	3/5/2023 10:15 AM
176	2333	3/5/2023 10:14 AM
177	2333	3/5/2023 10:05 AM
178	2296	3/5/2023 10:00 AM
179	2333	3/5/2023 10:00 AM

# Rock'n the Brook 2023

180	2333	3/5/2023 9:58 AM
181	2330	3/5/2023 9:57 AM
182	2333	3/5/2023 9:56 AM
183	2333	3/5/2023 9:56 AM
184	2333	3/5/2023 9:55 AM
185	2333	3/5/2023 9:55 AM
186	2333	3/5/2023 9:54 AM
187	2333	3/5/2023 9:53 AM
188	2335	3/5/2023 9:51 AM
189	2333	3/5/2023 9:48 AM
190	2333	3/5/2023 9:47 AM
191	2333	3/5/2023 9:46 AM
192	2333	3/5/2023 9:46 AM
193	2333	3/5/2023 9:42 AM
194	2333	3/5/2023 9:40 AM
195	2333	3/5/2023 9:35 AM
196	2333	3/5/2023 9:34 AM
197	2333	3/5/2023 9:31 AM
198	2333	3/5/2023 9:30 AM
199	2337	3/5/2023 9:30 AM
200	2333	3/5/2023 9:30 AM
201	2333	3/5/2023 9:29 AM
202	2333	3/5/2023 9:28 AM
203	2333	3/5/2023 9:26 AM
204	2334	3/5/2023 9:26 AM
205	2333	3/5/2023 9:23 AM
206	2333	3/5/2023 9:22 AM
207	2337	3/5/2023 9:22 AM
208	2333	3/5/2023 9:14 AM
209	2333	3/5/2023 9:11 AM
210	2333	3/5/2023 9:08 AM
211	2320	3/5/2023 9:06 AM
212	2333	3/5/2023 9:04 AM
213	2328	3/5/2023 9:02 AM
214	2336	3/5/2023 8:58 AM
215	2333	3/5/2023 8:56 AM
216	2333	3/5/2023 8:52 AM
217	2333	3/5/2023 8:46 AM
218	2336	3/5/2023 8:46 AM
219	2333	3/5/2023 8:44 AM
220	2333	3/5/2023 8:44 AM



# Rock'n the Brook 2023

221	2333	3/5/2023 8:43 AM
222	2333	3/5/2023 8:41 AM
223	2333	3/5/2023 8:40 AM
224	2333	3/5/2023 8:38 AM
225	2337	3/5/2023 8:35 AM
226	2333	3/5/2023 8:28 AM
227	2333	3/5/2023 8:21 AM
228	2333	3/5/2023 8:18 AM
229	2333	3/5/2023 8:17 AM
230	2333	3/5/2023 8:15 AM
231	2333	3/5/2023 8:14 AM
232	2333	3/5/2023 8:06 AM
233	2287	3/5/2023 8:02 AM
234	2336	3/5/2023 7:58 AM
235	2333	3/5/2023 7:57 AM
236	2280	3/5/2023 7:55 AM
237	2330	3/5/2023 7:53 AM
238	2327	3/5/2023 7:49 AM
239	2333	3/5/2023 7:42 AM
240	2335	3/5/2023 7:41 AM
241	2443	3/5/2023 7:35 AM
242	2333	3/5/2023 7:29 AM
243	2333	3/5/2023 7:26 AM
244	2333	3/5/2023 7:25 AM
245	2333	3/5/2023 7:25 AM
246	2333	3/5/2023 7:22 AM
247	2330	3/5/2023 7:14 AM
248	2333	3/5/2023 7:11 AM
249	2333	3/5/2023 7:06 AM
250	2328	3/5/2023 7:06 AM
251	2333	3/5/2023 7:04 AM
252	2747	3/5/2023 6:59 AM
253	2747	3/5/2023 6:59 AM
254	2333	3/5/2023 6:58 AM
255	2333	3/5/2023 6:52 AM
256	2333	3/5/2023 6:48 AM
257	2330	3/5/2023 6:27 AM
258	2333	3/5/2023 6:17 AM
259	2333	3/5/2023 5:59 AM
260	2333	3/5/2023 5:28 AM
261	2336	3/5/2023 4:59 AM

# Rock'n the Brook 2023

262	2333	3/5/2023 4:30 AM
263	2333	3/5/2023 4:22 AM
264	2333	3/5/2023 4:22 AM
265	2333	3/5/2023 3:59 AM
266	2333	3/5/2023 3:58 AM
267	2336	3/5/2023 3:35 AM
268	2333	3/5/2023 3:16 AM
269	2337	3/5/2023 2:46 AM
270	2333	3/5/2023 2:17 AM
271	2333	3/5/2023 2:17 AM
272	2333	3/5/2023 2:09 AM
273	2336	3/5/2023 1:42 AM
274	2325	3/5/2023 1:35 AM
275	2259	3/5/2023 1:26 AM
276	2333	3/5/2023 1:11 AM
277	2335	3/5/2023 12:59 AM
278	2333	3/5/2023 12:52 AM
279	2333	3/5/2023 12:44 AM
280	2333	3/5/2023 12:19 AM
281	2333	3/5/2023 12:15 AM
282	2333	3/5/2023 12:14 AM
283	2333	3/5/2023 12:12 AM
284	2333	3/5/2023 12:10 AM
285	2333	3/5/2023 12:08 AM
286	2333	3/5/2023 12:07 AM
287	2333	3/5/2023 12:07 AM
288	2333	3/5/2023 12:07 AM
289	2333	3/5/2023 12:04 AM
290	2328	3/5/2023 12:04 AM
291	2333	3/5/2023 12:04 AM
292	2333	3/5/2023 12:04 AM
293	2333	3/4/2023 11:58 PM
294	2333	3/4/2023 11:56 PM
295	2333	3/4/2023 11:53 PM
296	2333	3/4/2023 11:49 PM
297	2337	3/4/2023 11:46 PM
298	2336	3/4/2023 11:45 PM
299	2333	3/4/2023 11:44 PM
300	2333	3/4/2023 11:43 PM
301	2333	3/4/2023 11:43 PM
302	2328	3/4/2023 11:41 PM

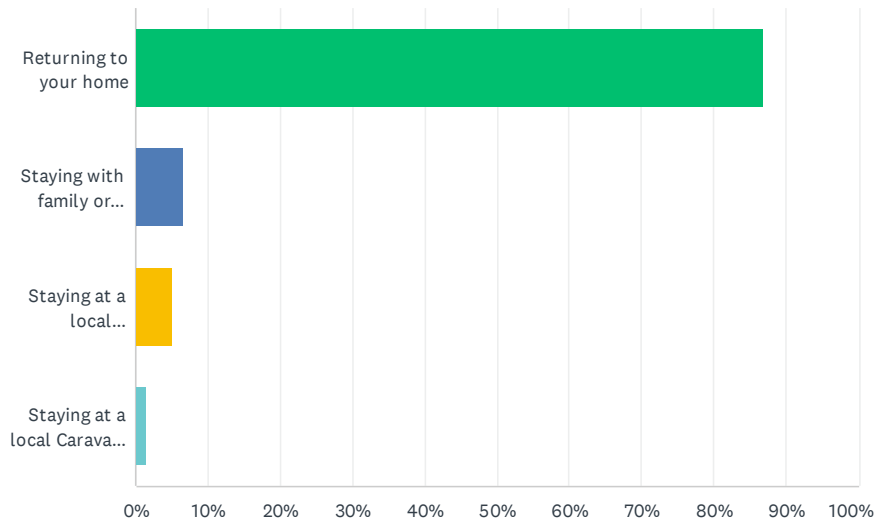
### Rock'n the Brook 2023

303	2333	3/4/2023 11:41 PM
304	2333	3/4/2023 11:39 PM
305	2333	3/4/2023 11:38 PM
306	2333	3/4/2023 11:38 PM
307	2333	3/4/2023 11:37 PM
308	2333	3/4/2023 11:36 PM
309	2333	3/4/2023 11:36 PM
310	2333	3/4/2023 11:34 PM
311	2333	3/4/2023 11:33 PM
312	2299	3/4/2023 11:33 PM
313	2333	3/4/2023 11:33 PM
314	2333	3/4/2023 11:33 PM
315	2333	3/4/2023 11:32 PM
316	2333	3/4/2023 11:31 PM
317	2336	3/4/2023 11:28 PM
318	2333	3/4/2023 11:26 PM
319	2333	3/4/2023 11:26 PM
320	2318	3/4/2023 11:24 PM
321	2333	3/4/2023 11:24 PM
322	2337	3/4/2023 11:24 PM
323	2333	3/4/2023 11:24 PM
324	2333	3/4/2023 11:23 PM
325	2333	3/4/2023 11:23 PM
326	2333	3/4/2023 11:22 PM
327	2333	3/4/2023 11:20 PM
328	2333	3/4/2023 11:19 PM
329	2333	3/4/2023 11:16 PM
330	2333	3/4/2023 11:16 PM
331	2330	3/4/2023 4:40 PM
332	2333	3/4/2023 4:17 PM
333	2333	3/4/2023 3:59 PM
#	COUNTRY	DATE
There are no responses.		
#	EMAIL ADDRESS	DATE
There are no responses.		
#	PHONE NUMBER	DATE
There are no responses.		

### Q3 What are your accommodation plans once you leave the event?

Answered: 333 Skipped: 0

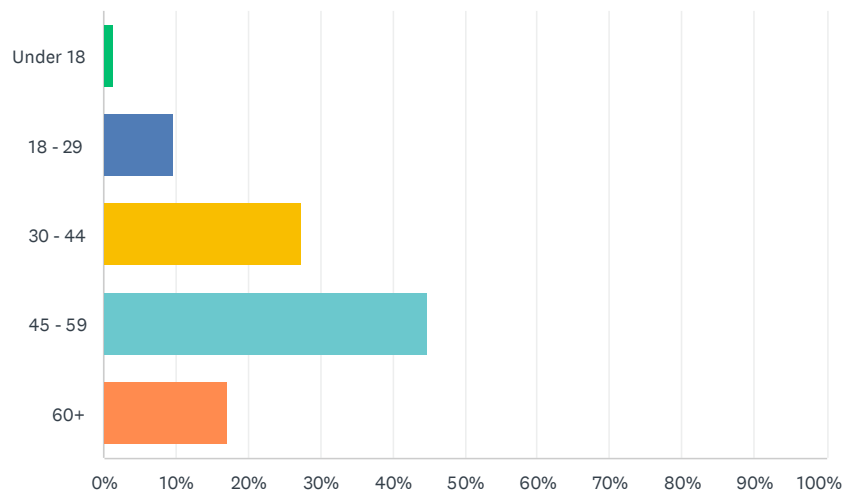
### Rock'n the Brook 2023



ANSWER CHOICES	RESPONSES	
Returning to your home	86.79%	289
Staying with family or friends	6.61%	22
Staying at a local Accommodation Provider (e.g. Motel, AirBnB)	5.11%	17
Staying at a local Caravan or Camping Ground	1.50%	5
TOTAL		333

### Q4 What is your age?

Answered: 333 Skipped: 0

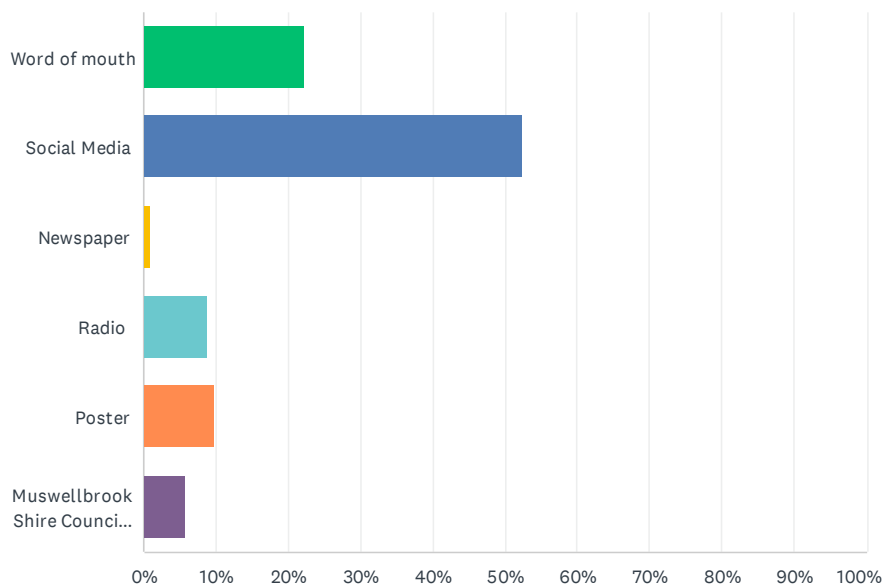


## Rock'n the Brook 2023

ANSWER CHOICES	RESPONSES
Under 18	1.20% 4
18 - 29	9.61% 32
30 - 44	27.33% 91
45 - 59	44.74% 149
60+	17.12% 57
TOTAL	333

### Q5 How did you first hear about the event?

Answered: 333 Skipped: 0

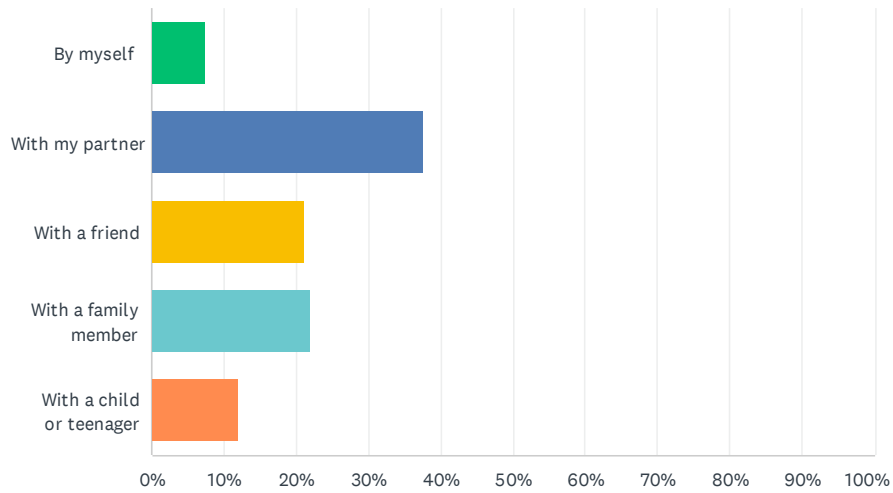


ANSWER CHOICES	RESPONSES
Word of mouth	22.22% 74
Social Media	52.55% 175
Newspaper	0.90% 3
Radio	8.71% 29
Poster	9.91% 33
Muswellbrook Shire Council's Website	5.71% 19
TOTAL	333

### Q6 Who did you attend this event with?

Answered: 333 Skipped: 0

### Rock'n the Brook 2023

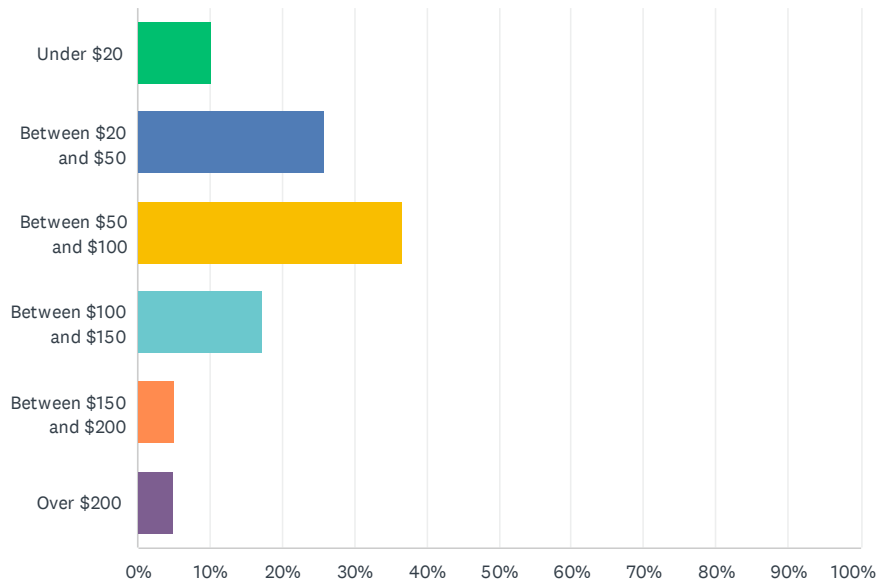


ANSWER CHOICES	RESPONSES	
By myself	7.51%	25
With my partner	37.54%	125
With a friend	21.02%	70
With a family member	21.92%	73
With a child or teenager	12.01%	40
TOTAL		333

### Q7 About how much money do you plan to spend at this event?

Answered: 332 Skipped: 1

### Rock'n the Brook 2023



ANSWER CHOICES	RESPONSES	
Under \$20	10.24%	34
Between \$20 and \$50	25.90%	86
Between \$50 and \$100	36.75%	122
Between \$100 and \$150	17.17%	57
Between \$150 and \$200	5.12%	17
Over \$200	4.82%	16
TOTAL		332

**Q8 With out our Sponsors, we would be unable to host this great event.  
Can you name one of the Sponsors for this event?**

Answered: 321 Skipped: 12

#	RESPONSES	DATE
1	Muswellbrook Council	3/12/2023 11:38 AM
2	Bengalla	3/11/2023 7:28 PM
3	Bengalla	3/11/2023 12:46 PM
4	AGL	3/10/2023 8:58 PM
5	Malabar	3/10/2023 8:56 PM
6	AGL	3/10/2023 8:53 PM
7	BHP	3/10/2023 8:46 PM
8	BHP	3/10/2023 8:44 PM
9	Bengalla	3/10/2023 8:44 PM

# Rock'n the Brook 2023

10	Coolmore	3/10/2023 5:30 PM
11	AGL	3/10/2023 8:45 AM
12	Bengalla, BHP	3/9/2023 7:40 PM
13	Bengalla	3/9/2023 4:23 PM
14	Bengalla	3/9/2023 4:22 PM
15	Bengalla	3/9/2023 3:43 PM
16	Muswellbrook Shire	3/8/2023 7:54 PM
17	Bengalla	3/8/2023 7:53 PM
18	Bengalla	3/8/2023 6:00 PM
19	Muswellbrook Shire Council	3/8/2023 5:59 PM
20	Bengalla	3/8/2023 5:58 PM
21	Bengalla	3/8/2023 5:56 PM
22	muswellbrook coal company/Coolmore	3/8/2023 1:55 PM
23	AGL	3/8/2023 10:54 AM
24	AGL	3/7/2023 7:30 PM
25	Bengalla Mining Company	3/7/2023 6:30 PM
26	AGL	3/7/2023 5:34 PM
27	AGL	3/7/2023 3:55 PM
28	Agl	3/7/2023 3:15 PM
29	Muswellbrook Shire	3/7/2023 2:54 PM
30	AGL	3/7/2023 2:12 PM
31	?	3/7/2023 11:29 AM
32	Muswellbrook Council	3/7/2023 8:17 AM
33	No, sorry	3/6/2023 10:16 PM
34	Bengalla	3/6/2023 8:36 PM
35	AGL	3/6/2023 8:28 PM
36	Bhp	3/6/2023 6:59 PM
37	BHP	3/6/2023 6:42 PM
38	BHP, Bengalla, AGL	3/6/2023 6:40 PM
39	Bengalla	3/6/2023 6:06 PM
40	Agl	3/6/2023 5:20 PM
41	Muswellbrook coal	3/6/2023 5:19 PM
42	BHP	3/6/2023 5:15 PM
43	Bengalla	3/6/2023 5:04 PM
44	Bengalla	3/6/2023 4:11 PM
45	Coolmore	3/6/2023 4:10 PM
46	Government	3/6/2023 3:25 PM
47	coolmore	3/6/2023 3:10 PM
48	BHP	3/6/2023 2:33 PM
49	AGL	3/6/2023 2:18 PM
50	Bengalla mine	3/6/2023 2:11 PM



## Rock'n the Brook 2023

51	Bengalla	3/6/2023 1:59 PM
52	AGL, BHP, Benalla,	3/6/2023 1:29 PM
53	Bengalla	3/6/2023 12:37 PM
54	Muswellbrook Shire, NSW Government, Be Galla, AGL, Coolmore, MachEnergy, Malabar, Muswellbrook Coal	3/6/2023 12:17 PM
55	Bengalla	3/6/2023 12:11 PM
56	Muswellbrook Shire Council, Bengalla	3/6/2023 10:57 AM
57	Bengalla Mine	3/6/2023 10:52 AM
58	Mbk council	3/6/2023 10:42 AM
59	Bhp	3/6/2023 10:37 AM
60	AGL	3/6/2023 10:09 AM
61	Bengalla	3/6/2023 9:54 AM
62	AGL	3/6/2023 9:39 AM
63	Bengalla	3/6/2023 9:29 AM
64	Bhp	3/6/2023 9:14 AM
65	Coal mines	3/6/2023 9:12 AM
66	BHP	3/6/2023 8:52 AM
67	Muswellbrook Coal, Mac Energy, Muswellbrook Council, AGL	3/6/2023 8:42 AM
68	No	3/6/2023 8:22 AM
69	Bengalla	3/6/2023 8:19 AM
70	BHP	3/6/2023 5:03 AM
71	AGL	3/6/2023 4:02 AM
72	muswellbrook shire council	3/6/2023 2:42 AM
73	Muswellbrook Council	3/6/2023 1:05 AM
74	Muswellbrook Shire Council	3/5/2023 10:02 PM
75	Muswellbrook Shire	3/5/2023 10:01 PM
76	Muswellbrook Coal	3/5/2023 9:59 PM
77	AGL	3/5/2023 9:58 PM
78	BHP	3/5/2023 9:54 PM
79	BHP	3/5/2023 9:32 PM
80	Bengalla	3/5/2023 9:31 PM
81	Malabar	3/5/2023 9:16 PM
82	AGL	3/5/2023 9:14 PM
83	Bengalla	3/5/2023 9:07 PM
84	Muswellbrook Council	3/5/2023 9:02 PM
85	BHP	3/5/2023 9:00 PM
86	Bhp	3/5/2023 8:57 PM
87	Bengalla	3/5/2023 8:41 PM
88	Liddell	3/5/2023 8:40 PM
89	Bengalla, BHP, Mac energy	3/5/2023 8:21 PM
90	Bengalla	3/5/2023 8:06 PM
91	Bengalla	3/5/2023 7:38 PM

## Rock'n the Brook 2023

92	AGL? I am aware that there was a regional grant.	3/5/2023 7:36 PM
93	No	3/5/2023 7:04 PM
94	Mangoola	3/5/2023 6:43 PM
95	Regional NSW	3/5/2023 6:41 PM
96	Power Station	3/5/2023 6:18 PM
97	Mach energy	3/5/2023 6:14 PM
98	BHP	3/5/2023 6:11 PM
99	Bengalla	3/5/2023 6:02 PM
100	Bengala	3/5/2023 5:43 PM
101	Muswellbrook Shire Council	3/5/2023 5:38 PM
102	BHP	3/5/2023 5:26 PM
103	BHP	3/5/2023 5:16 PM
104	Muswellbrook Shire Council	3/5/2023 5:14 PM
105	agl	3/5/2023 4:56 PM
106	Bengalla	3/5/2023 4:51 PM
107	BHP	3/5/2023 4:32 PM
108	BHP	3/5/2023 4:32 PM
109	Bhp	3/5/2023 4:06 PM
110	BHP	3/5/2023 4:06 PM
111	Bengalla	3/5/2023 3:59 PM
112	Sorry no I can't but I know one of the mines helped	3/5/2023 3:48 PM
113	Bengalla	3/5/2023 3:39 PM
114	Bengalla Mining	3/5/2023 3:27 PM
115	Mallabar cial	3/5/2023 3:26 PM
116	Muswellbrook council	3/5/2023 3:21 PM
117	Bengalla	3/5/2023 3:20 PM
118	Agl	3/5/2023 3:18 PM
119	AGL	3/5/2023 3:15 PM
120	Bengalla	3/5/2023 3:06 PM
121	BHP	3/5/2023 3:01 PM
122	Cocktail couple	3/5/2023 2:53 PM
123	AGL	3/5/2023 2:45 PM
124	Could NOT get my tix. Error when processing and could not resolve it, hence didn't go. Maybe phone translation of ticketing could iron out glitchiness before any similar big music events that I would definitely travel the 90 mins to see. Also, disabled parking....more proximate to gates into event? May have been a real issue - am managing a permanent workplace injury, pain so mobility and walking distance limits. Thank you.	3/5/2023 2:43 PM
125	BHP	3/5/2023 2:24 PM
126	BHP	3/5/2023 2:23 PM
127	No	3/5/2023 2:07 PM
128	Bengalla	3/5/2023 2:02 PM
129	BHP	3/5/2023 2:02 PM

## Rock'n the Brook 2023

130	Muswellbrook Shire Council and AGL	3/5/2023 1:56 PM
131	Bengalla, BHP, MBK Shire	3/5/2023 1:47 PM
132	Bengalla	3/5/2023 1:47 PM
133	No sorry, didn't really see that advertised. Possibly the mines.	3/5/2023 1:46 PM
134	MBK Shire	3/5/2023 1:38 PM
135	Bengalla	3/5/2023 1:34 PM
136	Bhp	3/5/2023 1:33 PM
137	AGL	3/5/2023 1:31 PM
138	Bengalla	3/5/2023 1:28 PM
139	Bhp	3/5/2023 1:26 PM
140	Malabar Resources	3/5/2023 1:02 PM
141	Bengalla	3/5/2023 12:38 PM
142	BHP	3/5/2023 11:55 AM
143	AGL	3/5/2023 11:53 AM
144	My Aurther	3/5/2023 11:51 AM
145	Mbk shire council	3/5/2023 11:50 AM
146	Bengalla	3/5/2023 11:48 AM
147	Various mines, state gov	3/5/2023 11:39 AM
148	BHP , bangalla	3/5/2023 11:37 AM
149	Bengalla	3/5/2023 11:37 AM
150	NSW government	3/5/2023 11:23 AM
151	Bengalla	3/5/2023 11:15 AM
152	Agl mining	3/5/2023 11:14 AM
153	BHP	3/5/2023 11:08 AM
154	Bengalla	3/5/2023 11:06 AM
155	Muswellbrook coal company	3/5/2023 11:02 AM
156	Bangalla	3/5/2023 10:56 AM
157	BHP, local council, bengala, nsw gov	3/5/2023 10:50 AM
158	AGL	3/5/2023 10:47 AM
159	Mj	3/5/2023 10:45 AM
160	Bengalla	3/5/2023 10:39 AM
161	AGL	3/5/2023 10:38 AM
162	Muswellbrook coal, agl	3/5/2023 10:37 AM
163	Bhp	3/5/2023 10:36 AM
164	Council	3/5/2023 10:33 AM
165	Muswellbrook shire council	3/5/2023 10:30 AM
166	BHP	3/5/2023 10:29 AM
167	BHP	3/5/2023 10:26 AM
168	solahart	3/5/2023 10:23 AM
169	AGL	3/5/2023 10:23 AM
170	BHP/ Muswellbrook Shire Council	3/5/2023 10:19 AM

## Rock'n the Brook 2023

171	Muswellbrook Shire Council	3/5/2023 10:15 AM
172	Muswellbrook Coal	3/5/2023 10:15 AM
173	Bengalla	3/5/2023 10:14 AM
174	BHP	3/5/2023 10:05 AM
175	Muswellbrook Shire Council	3/5/2023 10:00 AM
176	Bhp	3/5/2023 10:00 AM
177	Bengalla	3/5/2023 9:58 AM
178	Bhp	3/5/2023 9:57 AM
179	AGL	3/5/2023 9:56 AM
180	Bhp	3/5/2023 9:55 AM
181	AGL	3/5/2023 9:55 AM
182	BHP	3/5/2023 9:54 AM
183	BHP	3/5/2023 9:53 AM
184	Muswellbrook Coal Company	3/5/2023 9:51 AM
185	AGL	3/5/2023 9:48 AM
186	Agl	3/5/2023 9:47 AM
187	Bengalla,AGL,	3/5/2023 9:46 AM
188	Agl	3/5/2023 9:46 AM
189	Agl	3/5/2023 9:42 AM
190	BHP	3/5/2023 9:40 AM
191	BHP	3/5/2023 9:35 AM
192	AGL	3/5/2023 9:34 AM
193	Bengalla	3/5/2023 9:31 AM
194	Bengalla	3/5/2023 9:30 AM
195	AGL	3/5/2023 9:30 AM
196	BHP	3/5/2023 9:30 AM
197	Bengalla	3/5/2023 9:29 AM
198	Bengalla	3/5/2023 9:28 AM
199	Bengalla	3/5/2023 9:26 AM
200	AGL	3/5/2023 9:26 AM
201	Bengalla	3/5/2023 9:23 AM
202	Council	3/5/2023 9:22 AM
203	Bhp	3/5/2023 9:22 AM
204	BHP	3/5/2023 9:14 AM
205	BHP	3/5/2023 9:11 AM
206	BHP	3/5/2023 9:08 AM
207	Muswellbrook Shire	3/5/2023 9:06 AM
208	Muswellbrook Shire council	3/5/2023 9:04 AM
209	No	3/5/2023 9:02 AM
210	BHP	3/5/2023 8:58 AM
211	Bhp	3/5/2023 8:56 AM

## Rock'n the Brook 2023

212	BP	3/5/2023 8:52 AM
213	Muswellbrook Shire Council	3/5/2023 8:46 AM
214	BHP	3/5/2023 8:46 AM
215	Agl	3/5/2023 8:44 AM
216	Muswellbrook council	3/5/2023 8:44 AM
217	Bengalla	3/5/2023 8:43 AM
218	Benalla BHP Hunter Coal	3/5/2023 8:41 AM
219	Muswellbrook Shire Council, Bengala	3/5/2023 8:40 AM
220	Bhp	3/5/2023 8:38 AM
221	MAC energy	3/5/2023 8:35 AM
222	Bhp	3/5/2023 8:28 AM
223	AGL	3/5/2023 8:21 AM
224	Whoopsy	3/5/2023 8:18 AM
225	Bengalla	3/5/2023 8:17 AM
226	BHP, Bengalla	3/5/2023 8:15 AM
227	Bho	3/5/2023 8:14 AM
228	Bhp	3/5/2023 8:06 AM
229	BHP	3/5/2023 8:02 AM
230	BHP	3/5/2023 7:58 AM
231	Bengalla	3/5/2023 7:57 AM
232	Muswellbrook Shire Council, AGL, BHP	3/5/2023 7:55 AM
233	Bengalla	3/5/2023 7:53 AM
234	Bengalla	3/5/2023 7:42 AM
235	BHP	3/5/2023 7:41 AM
236	Malabar	3/5/2023 7:35 AM
237	Bengalla	3/5/2023 7:29 AM
238	Bengalla mining	3/5/2023 7:26 AM
239	Malabar	3/5/2023 7:25 AM
240	BHP and Malabar	3/5/2023 7:25 AM
241	BHP, AGL	3/5/2023 7:22 AM
242	Bengalla mines	3/5/2023 7:11 AM
243	Rams FC	3/5/2023 7:06 AM
244	AGL	3/5/2023 7:06 AM
245	Bengalla	3/5/2023 7:04 AM
246	Agl	3/5/2023 6:59 AM
247	Agl	3/5/2023 6:59 AM
248	AGL	3/5/2023 6:58 AM
249	BHP	3/5/2023 6:52 AM
250	Bengalla BHP	3/5/2023 6:48 AM
251	Bengarlal	3/5/2023 6:27 AM
252	Agl	3/5/2023 6:17 AM

# Rock'n the Brook 2023

253	Pritex	3/5/2023 5:59 AM
254	Coolmore	3/5/2023 5:28 AM
255	AGL	3/5/2023 4:22 AM
256	Muswellbrook Coal	3/5/2023 3:59 AM
257	Muswellbrook council	3/5/2023 3:58 AM
258	Muswellbrook Coal	3/5/2023 3:35 AM
259	Rates payers	3/5/2023 3:16 AM
260	Bengalla	3/5/2023 2:46 AM
261	AGL	3/5/2023 2:17 AM
262	AGL	3/5/2023 2:09 AM
263	BHP	3/5/2023 1:42 AM
264	bhp	3/5/2023 1:35 AM
265	AGL. bHP	3/5/2023 1:26 AM
266	Bengalla	3/5/2023 1:11 AM
267	council	3/5/2023 12:59 AM
268	BHP	3/5/2023 12:52 AM
269	BHP	3/5/2023 12:44 AM
270	Bengalla	3/5/2023 12:19 AM
271	bhp	3/5/2023 12:15 AM
272	AGL	3/5/2023 12:14 AM
273	Bengarla	3/5/2023 12:12 AM
274	AGL	3/5/2023 12:08 AM
275	BHP	3/5/2023 12:07 AM
276	Agl	3/5/2023 12:07 AM
277	BHP	3/5/2023 12:07 AM
278	AGL	3/5/2023 12:04 AM
279	Council	3/5/2023 12:04 AM
280	Bengalla	3/5/2023 12:04 AM
281	Agl	3/5/2023 12:04 AM
282	AGL	3/4/2023 11:58 PM
283	Shire Council/Coal mine	3/4/2023 11:56 PM
284	BHP. BENGALLA	3/4/2023 11:53 PM
285	muswellbrook shire council	3/4/2023 11:49 PM
286	No idea	3/4/2023 11:46 PM
287	Bengalla mine	3/4/2023 11:45 PM
288	.	3/4/2023 11:44 PM
289	Mach energy	3/4/2023 11:43 PM
290	Liddel power station	3/4/2023 11:43 PM
291	Malabar	3/4/2023 11:41 PM
292	Bengalla Mining Company	3/4/2023 11:41 PM
293	BHP	3/4/2023 11:39 PM

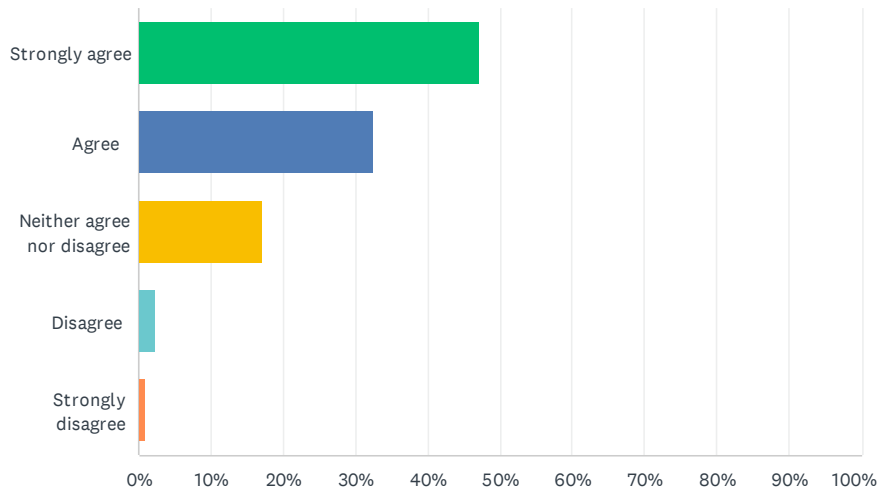
### Rock'n the Brook 2023

294	Bengalla	3/4/2023 11:38 PM
295	Bengalla mine.	3/4/2023 11:38 PM
296	Bengalla, Mt Arthur, AGL	3/4/2023 11:37 PM
297	Muswellbrook council	3/4/2023 11:36 PM
298	AGL	3/4/2023 11:36 PM
299	Bhp	3/4/2023 11:34 PM
300	Council	3/4/2023 11:33 PM
301	bengalla	3/4/2023 11:33 PM
302	Bhp	3/4/2023 11:33 PM
303	Coolmoore	3/4/2023 11:32 PM
304	AGL	3/4/2023 11:31 PM
305	Kellys pub	3/4/2023 11:28 PM
306	Bengalla	3/4/2023 11:26 PM
307	Bengalla	3/4/2023 11:26 PM
308	BHP	3/4/2023 11:24 PM
309	BHP	3/4/2023 11:24 PM
310	Mach	3/4/2023 11:24 PM
311	BHP	3/4/2023 11:24 PM
312	BHP	3/4/2023 11:23 PM
313	Bhp	3/4/2023 11:23 PM
314	Bhp	3/4/2023 11:22 PM
315	Bengalla	3/4/2023 11:20 PM
316	Bengalla, BHP, AGL, MACH Energy, Malabar, Muswellbrook Coal, NSW Govt.	3/4/2023 11:19 PM
317	Bengalla	3/4/2023 11:16 PM
318	Bengalla	3/4/2023 11:16 PM
319	Muswellbrook Shire Council	3/4/2023 4:40 PM
320	Malabar	3/4/2023 4:17 PM
321	BHP	3/4/2023 3:59 PM

### Q9 Has this event helped you feel connected to people in the Muswellbrook community?

Answered: 333 Skipped: 0

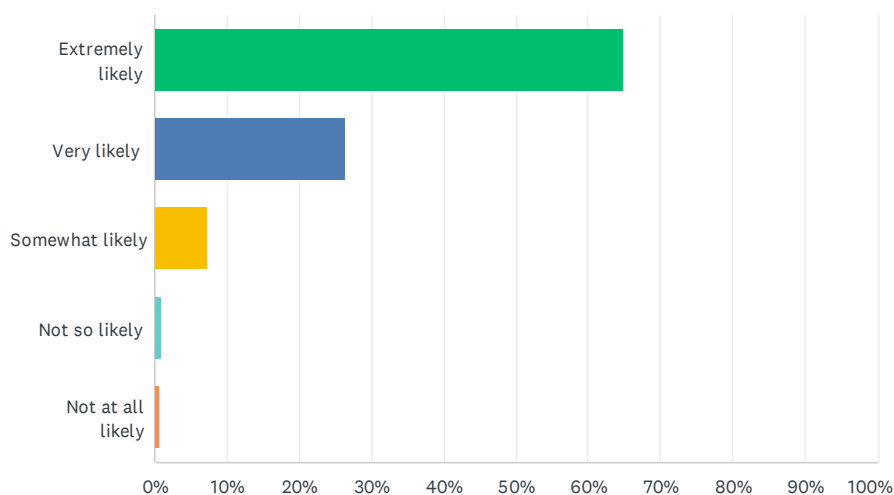
### Rock'n the Brook 2023



ANSWER CHOICES	RESPONSES	
Strongly agree	47.15%	157
Agree	32.43%	108
Neither agree nor disagree	17.12%	57
Disagree	2.40%	8
Strongly disagree	0.90%	3
TOTAL		333

### Q10 How likely are you to recommend future Muswellbrook Shire Council Events to family or friends?

Answered: 333 Skipped: 0





# Rock'n the Brook 2023

ANSWER CHOICES	RESPONSES	
Extremely likely	64.86%	216
Very likely	26.43%	88
Somewhat likely	7.21%	24
Not so likely	0.90%	3
Not at all likely	0.60%	2
TOTAL		333

# Rock'n the Brook Event 04/03/2023

## Financial Summary (ex GST)

Description	Revenue	Expenditure
<b>Revenue</b>		
Reconnecting Regional NSW – Community Events Program Funding	\$172,500.00	
Economic Development Budget	\$178,185.00	
Sponsorship	\$112,000.00	
Merchandise Sales to-date	\$4,148.00	
<b>Allocated Budget</b>	<b>\$466,833.00</b>	
<b>Expenditure</b>		
Description	Revenue	Expenditure
Hunter Events Group (HEG) RFQ - Event Management Services		\$210,185.00
Entertainment		\$123,500
Accommodation as per Booking Agreement & Contract of Engagement		\$935.00
Marketing & Advertising		\$4,542.99
Hire of TAFE Muswellbrook Carpark		\$450.00
Special Event Bins		\$2,638.46
Videography & Photography		\$4,250.00
Non-Alcoholic Beverages for MSC Event Staff, EI Productions, and Local Performers (32)		\$199.25
Cleaning Consumables for Olympic Park Facility		\$239.80
Lunch for EI Production Crew		\$46.21
Cleaning of Olympic Park Facilities		\$143.82
User Pays Police		\$2,945.09
<b>Expenditure</b>		<b>\$350,075.62</b>
<b>Additional expenses</b>		
Merchandise		\$17,560.00
OneMusic Event Licence		\$2,530.00
Forklift Hire		\$1,343.16
Wrist Bands		\$411.78
Event Cancellation Insurance		\$14,475.00
Section 68		\$349.00
Muswellbrook Shuttle Bus Service		\$4,145.45
Denman Shuttle Bus Service		\$1,000.00
Main stage, production, and backline		\$41,104.55
Stage Backdrop & Side Panels		\$3,376.36
Lighting Towers as per Traffic Management Plan		\$1,092.89
HEG Additional Costs		\$9,160.51
<b>Additional Expenses</b>		<b>\$96,548.70</b>
<b>Total Estimated Expenses</b>		<b>\$446,624.32</b>
<b>Internal Labour</b>		
Labour – Economic Development staff		\$18,284.96
Labour – MSC Event Day Staff		\$6,600.00
Labour – Works Staff		\$2,539.17
<b>Total Internal Labour Costs</b>		<b>\$27,424.13</b>

Overspent total \$7,215.45.

NOTE: At the Event Steering Committee of 17/01/2023, Council approved expenditure of \$7,100.00 (ex GST) for the provision of an additional stage (local development stage), however this was not expended and the stage plan was reconfigured to accommodate the local development artists, Slay Valley and Ben Martin/Miles Chapman to both perform a 20 minute set on the main stage.



## POST-EVENT REPORT

PREPARED BY HUNTER EVENTS GROUP APRIL 2023





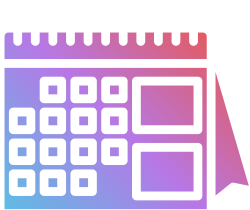
## TABLE OF CONTENTS

- 01. EXECUTIVE SUMMARY
- 02. EVENT EVALUATION
- 03. EVENT OVERVIEW
- 04. EVENT DEMOGRAPHICS
- 04. EVENT OPERATIONS
- 05. RECOMMENDATIONS
- 06. CONCLUSION
- 07. APPENDIX

## KEY FINDINGS

Rock'n the Brook 2023 was the very first edition of what Muswellbrook Shire Council hopes to become their annual signature event. The free event saw 3973 attendees gather for an evening of live music in a family-friendly atmosphere. Attendance was far less than the original expectations and the budget was exceeded in multiple areas. However, it is safe to say the event was a great success with a 94.3% guest satisfaction rate and a high sentiment of community engagement indicating a promising future for Muswellbrook's first annual major event.

## STRATEGIC RECOMMENDATIONS



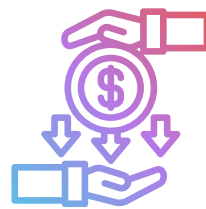
Start planning process a lot earlier.  
Minimum 10 months is the recommended timeframe.



Establish a stakeholder working group early on with regular meetings.



Plan based on a more realistic attendee expectation.  
5,000 is recommended for next edition.



Build on sponsor relationships as securing funding will be crucial for the longevity of the event.



Keep utilizing social media for future marketing as it has proven to be the most effective outlet to reach attendees.



## Executive SUMMARY

## PURPOSE & PROCESS

This report aims to evaluate the first edition of Rock'n the Brook and identify areas of improvement for future editions. The evaluation is based on a few key elements. Firstly, the event guest survey produced by Muswellbrook Shire Council which was completed by 333 attendees during the event provided measurable data. While the sample is relatively small, the results provide valuable insight into the attendee experience. Moreover, a post-event vendor feedback survey was sent to all stallholders and their feedback is considered in this report.

Furthermore, an event debrief session was held a month after the event during which MSC and Hunter Events Group discussed key points and future recommendations for the next editions.

Finally, on day observations by Hunter Events Group and discussions with key stakeholders provided valuable insights to be able to build this report.





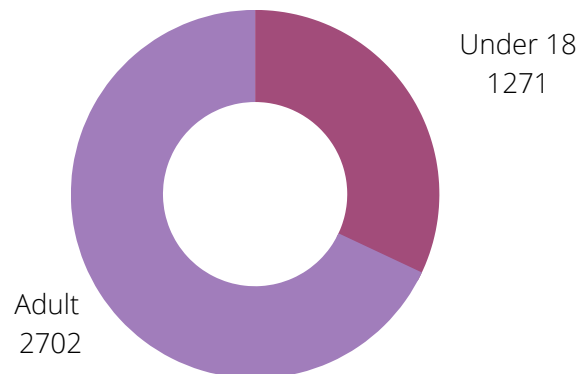
### Event Details

Date: Saturday March 4th, 2023

Times: 2:30pm – 10:15pm

Location: Olympic Park, 3 Wilkinson Avenue, Muswellbrook NSW 2333

Attendance: 3973 + 100 VIPs



### Event Purpose

Rock'n the Brook was created by Muswellbrook Shire Council (MSC) and funded in majority by the *Reconnecting the Community* NSW Government grant program to provide free events for local communities recovering from the impacts of the recent pandemic. MSC wants the brand to become their signature annual major event.

### Event Summary

The first ever edition of Rock'n the Brook saw 3973 guest plus a 100 VIPs come out for the afternoon and evening to enjoy some great live music under the clear skies. All the acts were well received, especially headliner James Reyne. The crowd was flowing smoothly through the whole event including at egress; however, it was not as busy as expected especially considering it was a free event. Indeed, the event was planned with an initial target of 8,000 patrons which resulted in resources not being used to their full capacity. Overall, the event ran smoothly, and no major issues were identified on the day. The atmosphere was friendly, and all seemed to have enjoyed the first edition of what will hopefully grow to be a major annual event. The success of this edition indicates a promising future for Muswellbrook

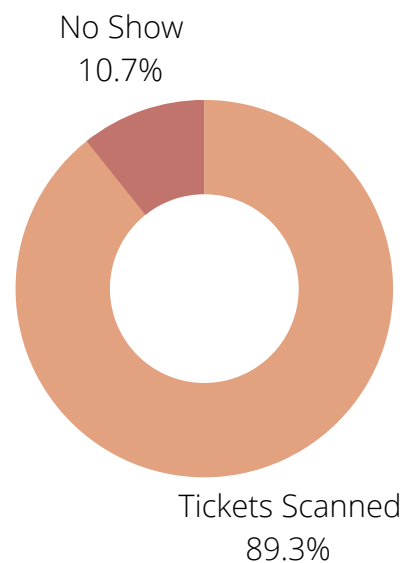




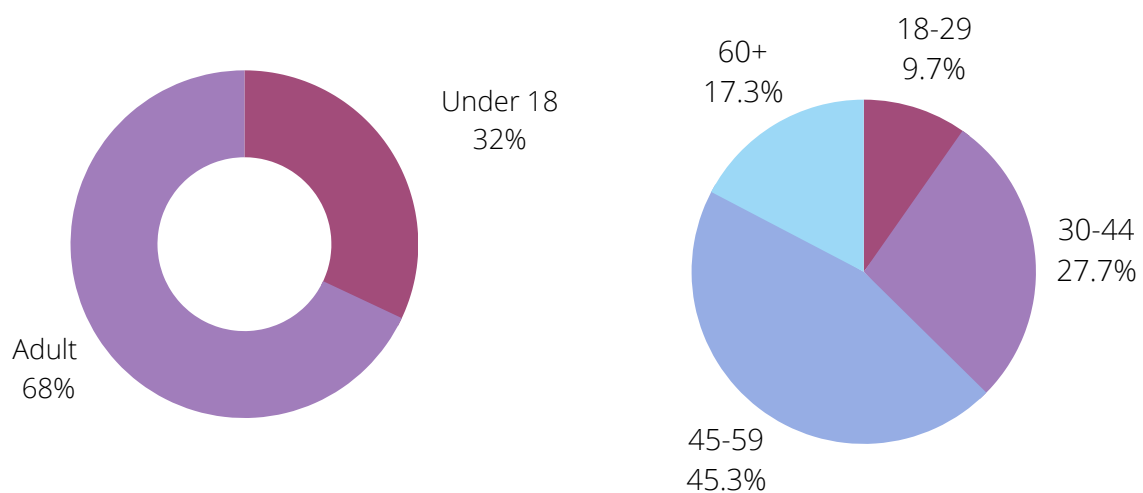


## EVENT DEMOGRAPHICS

Rock'n the Brook 2023 saw 3973 attendees out of 4450 ticket holders come out to Olympic Park as represented below. However, there was issues on day with the ticket scanning process so it is suspected a number of tickets have not been scanned correctly impacting the numbers.



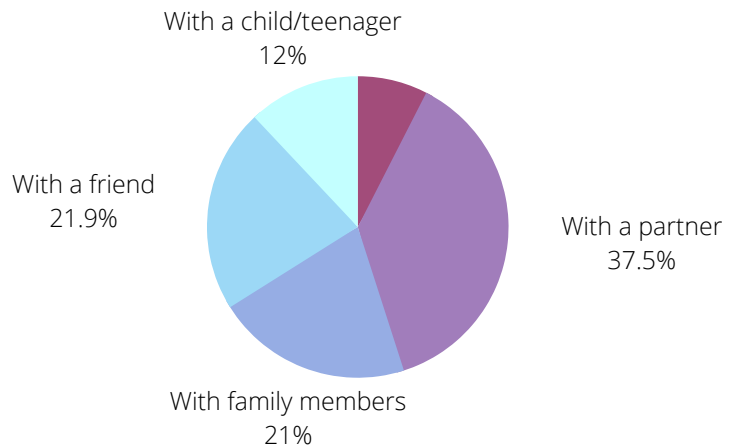
## ATTENDEES: WHO WERE THEY?



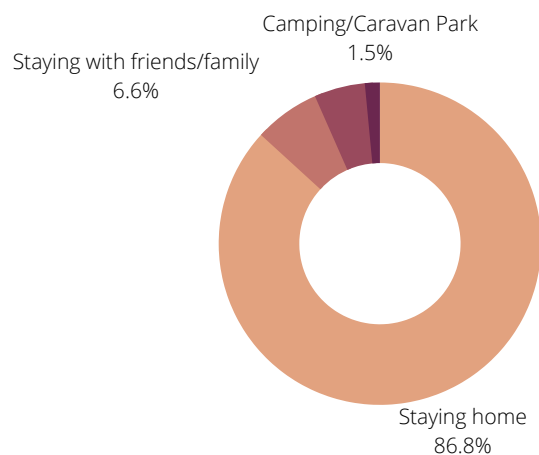
Out of the 3973 guests, about a third were under 18 as illustrated on the left. Moreover, the breakdown of adult attendees age groups obtained from the guest survey is illustrated on the right.

## WHO DID THEY COME WITH?

Once again using the data from the guest survey, most attendees came in pairs and groups. The event had a family-friendly atmosphere which shows in the data. Only 7.5% attended by themselves.



## WHERE DID THEY COME FROM? WHERE DID THEY STAY?



Still from the guest survey, the vast majority of attendees returned home after the event which means they live locally. A small proportion traveled to the event and stayed in nearby accommodation with 1.5% camping and 5.1% in local accommodation providers including AirBnB.



## CONTRACTORS

### **Security**

The security contractor hired for the event was professional and provided great services. Thirty nine (39) security staff were contracted for the event which was adequate. Security only had to intervene for minor incidents. The post-event report provided by CVEM Security Group details those instances (see Appendix).

### **Traffic Management**

The pre-planning process in terms of traffic management was extremely tedious. Overall, a lot more time was needed for planning. However after many updates to the traffic plans, an optimal plan was established and worked well during the event. The use of Bowman Park and Tafe for parking as well as shuttle busses was helpful to alleviate the lack of venue parking.

### **First Aid**

Number of first aiders (6) was adequate and position was optimal and visible. First aiders assisted with minor incidents only. In the future, getting a paramedic on site could be a great addition as the event grows.

### **Waste Management**

Number of bins and locations on site seemed adequate (20 x 240L red bins, 10 x commingled recycling 240L). However, in the future, skip bins will be essential due to the quantity of waste generated by the event.





## CONTRACTORS

### **Cleaners**

Hunter Commercial Cleaning was contracted for the event. The number of cleaners (6) was right for the event, and they provided excellent service keeping the site clean and tidy.

### **Licensed Electrician**

The contracted licensed electrician was professional and useful. He was able to assist with the green room electrical issue on Saturday. In the future, it could be considered to get an electrician on site for the pre-event day bump in as well for a few hours in case any issues arise.

### **User Pays Police**

Considering recent incidents at Muswellbrook events in 2022 and considering the very high crime rate in the area, User Pays Police presence became a non-negotiable for the event. Police presence on site helped keep the event friendly and peaceful. Thankfully, no major issues occurred, and only minimal intervention was required. For future events, Police has identified the need for a control centre (a reserved room/area or marquee). Moreover, Police has requested earlier involvement in the planning process with a 12-month notice where possible and regular meetings, including site meetings early on. Due to this edition being the first ever and planning starting late due to funding, Police was not given enough notice. These issues were navigated however it is crucial to involve Police and start the planning process a lot earlier in the future to minimize pressure on all stakeholders.



## SUPPLIERS

### **Portable Toilets**

The number of portable toilets (33 for event site, 2 for backstage) was appropriate. However, some portable toilets had to be closed around 8pm due to the water reservoirs empty. Children were seen playing with the water tap on those toilets and emptying their reservoirs resulting in the toilets being unable to flush. This should be monitored closely in the future to avoid these issues.

### **Power Equipment**

Generators sizes and number were adequate for the power needs of the event. Fuel had to be refilled a few times on the smaller (25kva) generators located in the bar area, backstage area, and VIP area. The number of distribution boards also adequate. However, two 3 phase leads have been stolen from the site during Sunday bump-out once Security had left. Due to the high replacement costs, it becomes obvious security needs to remain on site until all the equipment is picked up. Moreover, in the future, having fuel supplies stored on site would be necessary.



## SUPPLIERS



### VIP Area

The VIP area styling and seating was adequate for 100 people. The deli platter catering was a great last minute addition. No issues in this area, all suppliers involved delivered great service.

### Styling and Seating

The number of seating (combination of barrels & stools and picnic tables) was adequate. Many guests brought their own seating. Numbers should remain the same even with increased attendance as most were standing or using their own seating closer to the stage.

### Stage & AV

The stage & AV cost was severely underestimated in the original budget. A few miscommunications between artist management and the event organisers made the booking process timely and costly. However, once issues were ironed out and the suppliers selected, the end result was a very pleasing stage with branded banners which looked outstanding. No issues on day. The use of the same suppliers is recommended for future editions.

### Stallholders

From the vendor survey, most stallholders were happy with the event. However, due to guests numbers being lower than expectations, the main feedback was that there were too many food vendors for the number of attendees. Number of vendors needs to be assessed carefully with more realistic expectations in the future.

Based on discussions and observations the following elements are recommended to implement at the next event:

- Overall, the main recommendation is to start the planning process a lot earlier and involve key stakeholders such as Traffic, Police and Security by establishing a stakeholder working group early on in the planning process.
- Allocate more stagehands.
- Ticketing platform staff to be present on day in case of technical issues.
- Keep fuel supplies on site.
- Hire skip bins for waste management.
- Estimate numbers based on this first edition to a more realistic expectation to plan logistics and resources more efficiently.
- Keep marketing heavily on social media as this was the main outlet guests heard about the event.
- Provide a separate command centre for NSW Police.
- Keep building on sponsor relationships to fund the event as costs were higher than expected.
- Bowman Park and Tafe were very useful for parking. Use again in the future.
- Ensure security remains on site until all the equipment is gone to address the stealing issue.



To conclude, Rock'n the Brook was an overall very successful event given the tight timeline which was the main challenge faced by the event organisers and main stakeholders. Issues encountered in the planning process were not reflected on the day as the overall operations went smoothly and no major issues were encountered. This is due to the hard work of all involved in the weeks prior to the event. All efforts resulted in a very high level of attendee satisfaction with most saying they would recommend future MSC events to family and friends.

This first edition has taught a lot to the event project team and these learnings must be applied in order to grow and improve the event. The event organisers feel confident that the event is headed in the right direction and has great potential to bring social and economic benefits to the Muswellbrook community.





New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

PERSONNEL SIGN OFF

Saturday 4th of March, 01:30 - Jarome Wilson signed off at 01:30

PERSONNEL SIGN ON

Saturday 4th of March, 07:00 - Russell Dean signed on at 07:00

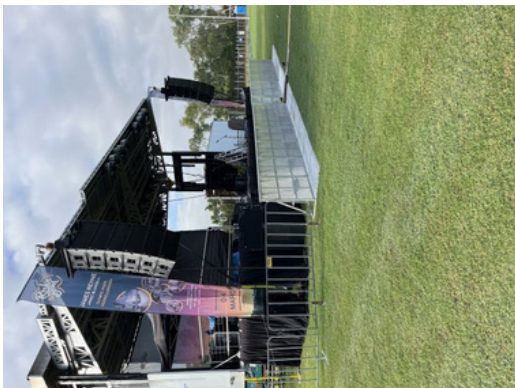
PERSONNEL SIGN OFF

Saturday 4th of March, 08:00 - Amanda Doughty signed off at 08:00

Saturday 4th of March, 08:29 - Russell Dean  
0700-0800

Arrive on site and change over with night guard.

Helped Louise and Emma with set up and last bits of racking on site.



ACTIVITY LOG ENTRY

Saturday 4th of March, 09:03 - Russell Dean  
0800-0900

Patrol of site.

Footy club members arriving on site for set up.

Back of house secured

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

Unit 7, 8 Channel Road

Mayfield West NSW 2304

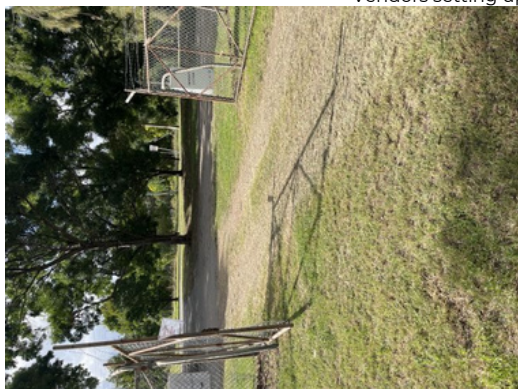
Master Licence 101399



---

ACTIVITY LOG ENTRY

Saturday 4th of March, 10:03 - Russell Dean  
0900-1000  
Static position on Bell street gate monitoring access to site.  
Back stage manage from council arrived on site 0915.  
Vendors setting up as per brief



New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

Unit 7, 8 Channel Road

Mayfield West NSW 2304

Master Licence 101399



---

ACTIVITY LOG ENTRY

Saturday 4th of March, 11:04 - Russell Dean  
1000-1100  
Static position on Bell Street gate.  
Vendors moving in for set up  
Back of house secured





New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

Unit 7, 8 Channel Road

Mayfield West NSW 2304

Master Licence 101399



#### ACTIVITY LOG ENTRY

Saturday 4th of March, 12:05 - Russell Dean  
1100-1200  
Static positioning on Bell Street gate.  
Back of house secured  
Vendors still setting up



#### PERSONNEL SIGN ON

Saturday 4th of March, 13:00 - Elvis Talbot signed on at 13:00

#### PERSONNEL SIGN ON

Saturday 4th of March, 13:00 - Russell Dean signed on at 13:00

#### PERSONNEL SIGN ON

Saturday 4th of March, 13:00 - Tracey Eade signed on at 13:00

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

**PERSONNEL SIGN ON**

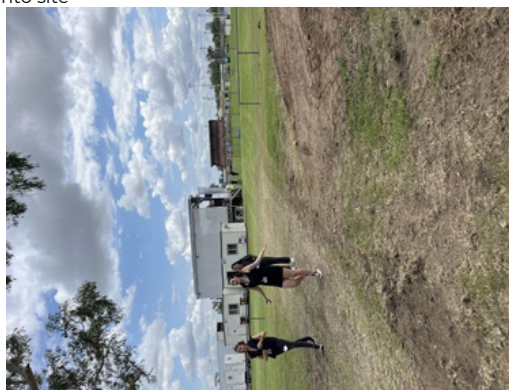
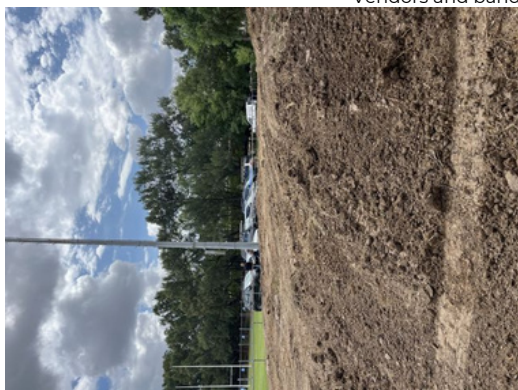
Saturday 4th of March, 13:00 - Alan Logan signed on at 13:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 13:00 - Russell Dean signed off at 13:00

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 13:14 - Russell Dean  
1200-1300  
Maintain entry at Bell street.  
Vendors and band still coming into site



**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Kirston Murdoch signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Ian Lewis signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Jidron Lay signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Peter Hayward signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Anthony Kildey signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Robert Plummer signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Victoria Radmore signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Frank Verbicaro signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - David Taylor signed on at 14:00

**PERSONNEL SIGN ON**

Saturday 4th of March, 14:00 - Carrol Spence signed on at 14:00

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Brett Smith signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Paul Wilton signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Jordon Etherington signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Kim Anderson signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Jarome Wilson signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Jennifer Beavis signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Lucy Larney signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Rachael Parkes signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Shaquelle Nicholson signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Alister Theoctistou signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Jodie Campny signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Peter Bate signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - John Skelton signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Cameron Richardson signed on at 14:00
PERSONNEL SIGN ON	Saturday 4th of March, 14:00 - Kylie Dean signed on at 14:00
ACTIVITY LOG ENTRY	Saturday 4th of March, 14:00 - Jodie Hancock signed on at 14:00
ACTIVITY LOG ENTRY	Saturday 4th of March, 14:00 - Jarrod Donnelly-Lehrle signed on at 14:00
ACTIVITY LOG ENTRY	Saturday 4th of March, 14:02 - Russell Dean 1300-1400 Vendors and staff entering via Bell St Sound checks being conducted
ACTIVITY LOG ENTRY	Saturday 4th of March, 14:51 - Tracey Eade staff onsite, debrief conducted by Alan Logan and Louise Morgan. All staff in uniform.
ACTIVITY LOG ENTRY	Saturday 4th of March, 15:17 - Tracey Eade 14:35 Main entry-hole outside of entry gate, 2 guards placed at hole until traffic control arrive to place safety cones around hole.
ACTIVITY LOG ENTRY	Saturday 4th of March, 15:33 - Tracey Eade 14:40

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

ACTIVITY LOG ENTRY

Saturday 4th of March, 15:34 - Tracey Eade  
14:40  
Traffic control have traffic cones in place  
Louise Manning has called gates open

ACTIVITY LOG ENTRY

Saturday 4th of March, 15:35 - Tracey Eade  
15:30  
Site meeting - attended by Alan Logan, police, Hunter Events and st Johns. no issues from meeting

ACTIVITY LOG ENTRY

Saturday 4th of March, 15:37 - Tracey Eade  
16:35  
John Skelton at main entry ,stopped 1x male with bikie colours on. John advised him to remove his colours before he was given access. male complied with no issue.

ACTIVITY LOG ENTRY

Saturday 4th of March, 16:05 - Tracey Eade  
100

ACTIVITY LOG ENTRY

Saturday 4th of March, 16:06 - Tracey Eade  
1600  
Pax 500

ACTIVITY LOG ENTRY

Saturday 4th of March, 16:49 - Tracey Eade  
16:50  
John Skelton has requested an extra person and scanner at main gate, to help with ingress.

ACTIVITY LOG ENTRY

Saturday 4th of March, 16:51 - Tracey Eade  
16:55  
Emergency exit gate left of stage has a lock on it, guard requested combination in case of emergency.

ACTIVITY LOG ENTRY

Saturday 4th of March, 17:00 - Russell Dean  
Pedestrian hazard  
Pedestrian hazard near main entry

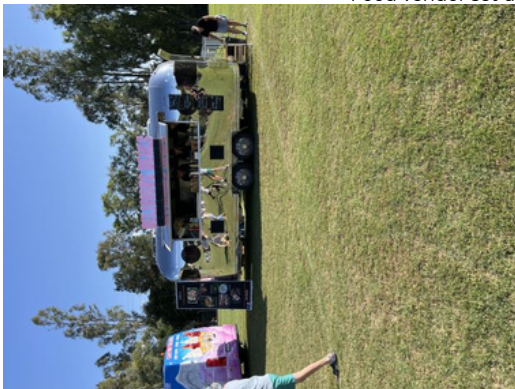




New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

ACTIVITY LOG ENTRY

Saturday 4th of March, 17:11 - Russell Dean  
Food Vendors  
Food vendor set up



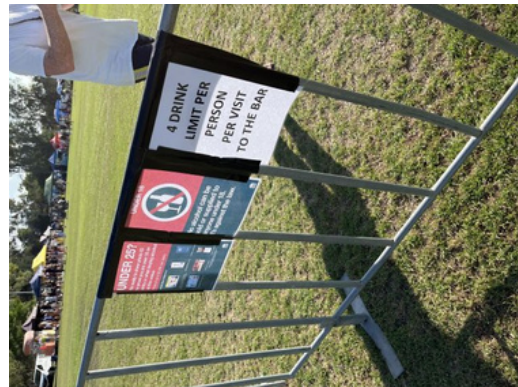
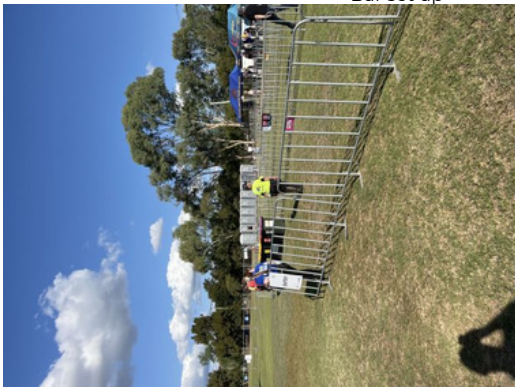


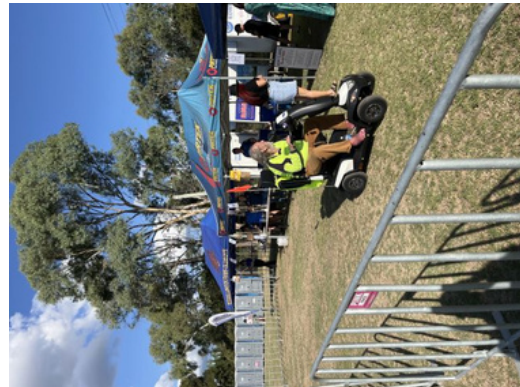
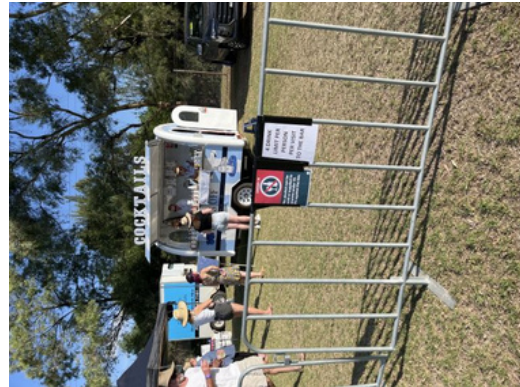
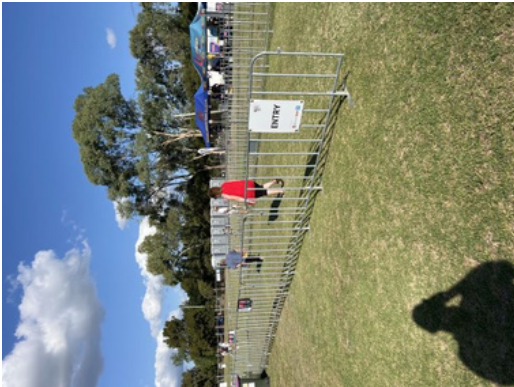


---

**ACTIVITY LOG ENTRY**

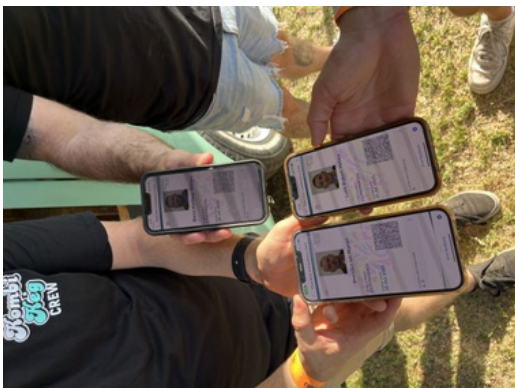
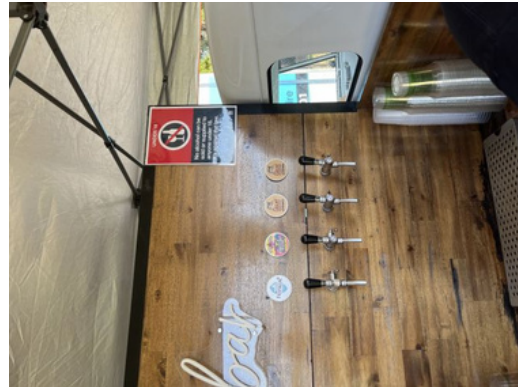
Saturday 4th of March, 17:13 - Russell Dean  
Bar area  
Bar set up









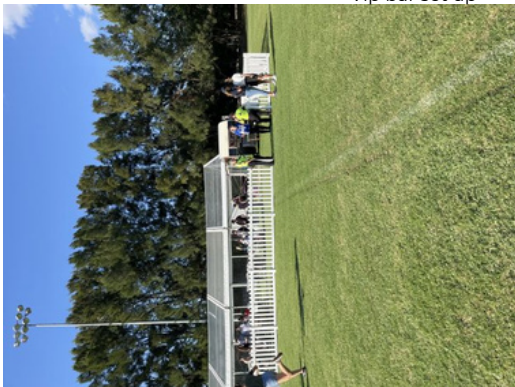




---

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 17:21 - Russell Dean  
VIP bar area  
Vip bar set up





#### ACTIVITY LOG ENTRY

Saturday 4th of March, 18:07 - Tracey Eade  
18:00  
Event meeting - no issues from meeting

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 19:16 - Tracey Eade  
19:15  
Reports of children running on the roofs of the porta loo stage right.  
Dave Taylor attending

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 19:17 - Tracey Eade  
17:18  
porta loo roof all clear.

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 19:21 - Tracey Eade  
19:25  
2 unaccompanied minors evicted.

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 19:28 - Tracey Eade  
19:45  
Site management has asked security to keep an eye on the toilets near exit gate, children have been undoing the water hose.

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 19:47 - Tracey Eade  
19:50  
Principle artists onsite.

#### ACTIVITY LOG ENTRY

Saturday 4th of March, 20:13 - Tracey Eade  
20:30  
First aid have asked for assistance at the disabled toilet near grandstand, children have been vaping and they have clogged the sink and toilet with paper.  
Cameron Richardson responding

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 20:35 - Tracey Eade  
20:40  
Response called to fence left of stage for fence jumpers.

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 20:37 - Tracey Eade  
21:30  
All bars closed

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:00 - Robert Plummer signed off at 22:00

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 22:11 - Tracey Eade  
22:20  
Concert has finished, egress started

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:30 - Frank Verbicaro signed off at 22:30

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 22:31 - Tracey Eade  
22:30  
Venue cleared of patrons,  
venders allowed to leave venue  
All toilets checked and cleared.

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:45 - Jennifer Beavis signed off at 22:45

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:45 - Rachael Parkes signed off at 22:45

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:45 - Lucy Larney signed off at 22:45

**PERSONNEL SIGN OFF**

Saturday 4th of March, 22:45 - Kim Anderson signed off at 22:45

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 22:50 - Tracey Eade  
22:50  
Buses are clear, guards heading back to sign off.

**ACTIVITY LOG ENTRY**

Saturday 4th of March, 22:52 - Tracey Eade  
23:00  
All guards signed off

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - Cameron Richardson signed off at 23:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - Alister Theoctistou signed off at 23:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - John Skelton signed off at 23:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - Peter Bate signed off at 23:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - Jodie Campny signed off at 23:00

**PERSONNEL SIGN OFF**

Saturday 4th of March, 23:00 - Jordon Etherington signed off at 23:00

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Alan Logan signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Kylie Dean signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Tracey Eade signed off at 23:00
	Saturday 4th of March, 23:00 - Elvis Talbot signed off at 23:00
	Saturday 4th of March, 23:00 - Russell Dean signed off at 23:00
	Saturday 4th of March, 23:00 - Jarome Wilson signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Jarrod Donnelly-Lehrle signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Jodie Hancock signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Carrol Spence signed off at 23:00
PERSONNEL SIGN ON	Saturday 4th of March, 23:00 - Shaquelle Nicholson signed off at 23:00
PERSONNEL SIGN ON	Saturday 4th of March, 23:00 - Jarome Wilson signed on at 23:00
	Saturday 4th of March, 23:00 - Amanda Doughty signed on at 23:00
	Saturday 4th of March, 23:00 - Brett Smith signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - David Taylor signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Victoria Radmore signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Peter Hayward signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Jidron Lay signed off at 23:00
PERSONNEL SIGN OFF	Saturday 4th of March, 23:00 - Anthony Kildey signed off at 23:00
	Saturday 4th of March, 23:00 - Kirston Murdoch signed off at 23:00
	Saturday 4th of March, 23:00 - Ian Lewis signed off at 23:00
	Saturday 4th of March, 23:00 - Paul Wilton signed off at 23:00
	Sunday 5th of March, 00:55 - Amanda Doughty Muswellbrook 00.54 change room locked and secure



New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023



---

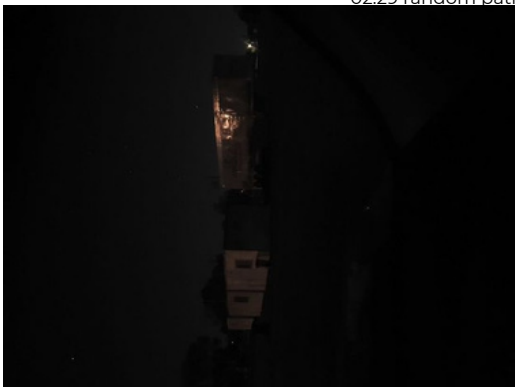
ACTIVITY LOG ENTRY

Sunday 5th of March, 01:08 - Amanda Doughty  
Muswellbrook  
01.07 both gates locked and secure

---

ACTIVITY LOG ENTRY

Sunday 5th of March, 02:59 - Amanda Doughty  
Muswellbrook  
02.29 random patrol all is secure



---

ACTIVITY LOG ENTRY

Sunday 5th of March, 04:45 - Amanda Doughty  
Muswellbrook  
04.45 site secure



CVEM Security Group Pty Ltd

Unit 7, 8 Channel Road

New Hunter Events Group  
Activity Log Saturday 4th of March to Sunday 5th of March 2023

Mayfield West NSW 2304

Master Licence 101399



---

ACTIVITY LOG ENTRY

Sunday 5th of March, 07:32 - Amanda Doughty  
Muswellbrook  
06.48 vendor arrived to pick up trailer.

07.29 BHP have come to pick up items and contractor arrived to pick up Luxury toilets.

---

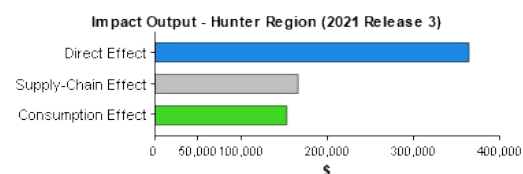
## Tourism Impact Summary Report for Hunter Region (Tourism Activity: 1 days)

### Tourism Impact Scenario

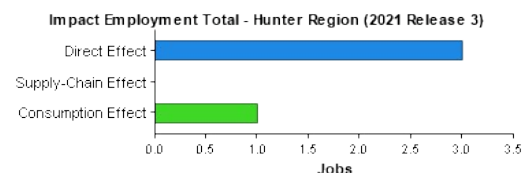
Name	Rock'n the Brook
Duration	1 days
Number of Visitors	4,550
Total Visitor Expenditure	\$364,000

Industry Sector	Direct Change to Jobs	Expenditure per Visitor (\$)
Accommodation & Food Services		\$80
Total Expenditure per Visitor		\$80

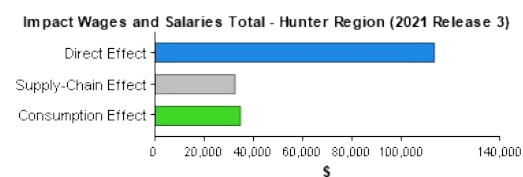
### Tourism Impacts



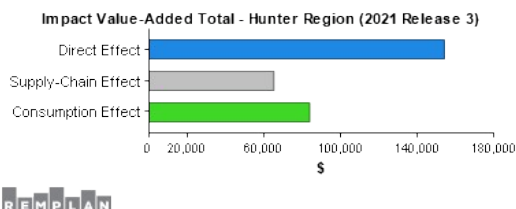
REMPPLAN



REMPPLAN



REMPPLAN



Under this scenario Gross Regional Product is estimated to increase by \$303,076 dollars ( 0.00%) to \$65,413,354,319 dollars. Contributing to this is a direct increase in output of \$364,000 dollars, 3 additional jobs, \$113,397 dollars more in wages and salaries and a boost in value-added of \$154,153 dollars.

From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$165,884 dollars, 0 more jobs, \$32,458 dollars more paid in wages and salaries, and a gain of \$65,143 dollars in terms of value-added.

These supply-chain effects represent the following Type 1 economic multipliers:

Impact	Type 1 Multipliers
Output	1.456
Employment	1.000
Wages and Salaries	1.286
Value-added	1.423

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$152,772 dollars, employment by 1 job, wages and salaries by \$34,647 dollars, and value-added by \$83,780 dollars.

Under this scenario, total output is expected to rise by \$682,656 dollars. Corresponding to this are anticipated increases in employment of 4 jobs, \$180,502 dollars wages and salaries, and \$303,076 dollars in terms of value-added.

The total changes to economic activity represent the following Type 2 economic multipliers:

Impact	Type 2 Multipliers
Output	1.875
Employment	1.333
Wages and Salaries	1.592
Value-added	1.966

### Tourism Impact Summary (Tourism Activity: 1 days)

Impact	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$)	\$364,000	\$165,884	\$152,772	\$682,656	1.456	1.875
Long Term Employment (Jobs)	3	0	1	4	1.000	1.333
Wages and Salaries (\$)	\$113,397	\$32,458	\$34,647	\$180,502	1.286	1.592
Value-added (\$)	\$154,153	\$65,143	\$83,780	\$303,076	1.423	1.966

### Disclaimer

All figures, data and commentary presented in this report are based on data sourced from the Australian Bureau of Statistics (ABS), most of which relates to the 2021, 2016, 2011, 2006 and 2001 Censuses, and data sourced from the National Visitor Survey (NVS) and International Visitor Survey (IVS) published by Tourism Research Australia.

Using ABS datasets and an input / output methodology industrial economic data estimates for defined geographic regions are generated.

This report is provided in good faith with every effort made to provide accurate data and apply comprehensive knowledge. However, REMPLAN does not guarantee the accuracy of data nor the conclusions drawn from this information. A decision to pursue any action in any way related to the figures, data and commentary presented in this report is wholly the responsibility of the party concerned. REMPLAN advises any party to conduct detailed feasibility studies and seek professional advice before proceeding with any such action and accept no responsibility for the consequences of pursuing any such action.



### 10.5.2. Economic Development Update

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Shaelee Welchman (Director - Community & Economy), Matthew Leman (Innovation Co-ordinator), Fiona Wilton (Economic Development Officer)
<b>Community Plan Issue:</b>	1 - Economic Prosperity
<b>Community Plan Goal:</b>	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
<b>Community Plan Strategy:</b>	Not Applicable  Not applicable

---

#### PURPOSE

To inform Council of the Economic Development programs and activities for the past quarter and significant actions planned.

#### OFFICER'S RECOMMENDATION

Council:

1. NOTES the content of the report;
2. APPROVES receiving a quarterly update on Council's Economic Development programs and activities; and
3. Passes on Council's congratulations and appreciation to Ms Alison McGaffin, Department of Regional NSW Director Hunter and Central Coast, who has been instrumental in delivering positive outcomes for the Hunter Region, as Ms McGaffin moves into a senior role with TAFE NSW.

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

#### BACKGROUND

The Economic Development Unit was re-established within Muswellbrook Shire Council in June 2022. The Unit consists of two officers, the Innovation Coordinator and an Economic Development Officer reporting to the Director Community and Economy.

There are a large number of programs and activities planned and being delivered by the unit.

#### CONSULTATION

Consultation has occurred with the Economic Development team and the Melt



## REPORT

### **Office of Regional Economic Development (ORED) Investment Attraction Workshop**

Council's Economic Development Officer attended the Office of Regional Economic Development (ORED) Investment Attraction for Local Government Workshop on 14 March 2023. The workshop was delivered by Andreas Dressler from FDI International. Mr Dressler has more than 20 years' experience in foreign direct investment, assisting companies from various industries in site selection for their investments worldwide. He is a specialist consultant, and his expertise includes location analysis, site selection, investment incentives, location benchmarking, and investment attraction and promotion.

The Workshop was delivered as part of the Regional Investment Activation Program (RIAP) to make regional NSW the location of choice for investors, and to activate the economic potential of priority precincts and key industries in our regions.

The workshop delivered the following modules:

- Overview of Investment Attraction;
- The Role of Local Government and working with the NSW Government;
- Defining Target Groups for Investment Attraction;
- Developing Value Propositions for Key Target Groups;
- Developing Promotional Materials;
- Compiling Data and Information for Response to Investor Requests;
- Organising Site Visits for Potential Investors; and
- Tracking and Maintaining Relationships with Existing Investors (Reinvestment).

### **Melt Advanced Manufacturing Centre Update**

Community engagement:

- door knocking local industry to personally introduce The Melt staff and provide information about activities in the Donald Horne Building and ways to interact with local industry;
- working with Bruce Richards from Beacon Automation to prototype and develop their next generation product. Designing and 3D printing in translucent polypropylene to test and prove the new design;
- working with Phil Farquarson to assist his novel industrial strength jack/stand product journey by providing an extensive "to-do task list" and industrial design advice; and
- presentation to Muswellbrook Chamber of Commerce and Industry members at the May Chamber breakfast.

Advanced Manufacturing Centre Fitout:

- logistical planning for placement of kit and commissioning activities prior to obtaining access to the space;
- install Robotic Arm (Universal Robots) and initial commissioning/training;
- install laser cutter assembly and initial commissioning. Training to be completed at a later date when the exhaust system has been commissioned; and
- 3D Metal X metal printer has been unpacked and partially installed, awaiting final commissioning when exhaust system has been commissioned.

Donald Horne Activation Activities and Site tours:

The Melt brought 58 startup investors to site to inform them of Muswellbrook Shire Council's intentions for the HIP (Hunter Innovation Precinct) and encourage their investment into local startups on 21 March 2023

**Grants and Funding Proposals:**

Several grant applications have been submitted during the last 12 months. Significant delays in the assessment process were experienced. However, in the lead up to the State Election and post care-taker period Council has been advised of the outcomes of the following:

- Advancing Regional Innovation Fund grant was unsuccessful;
- Maker Projects grant was unsuccessful; and
- Clean Technology Ecosystem Development Fund is pending announcement from the NSW government. This is expected to be provided in the near future.

With the latest budget announcements by the Federal government, in association with NSW, it is anticipated there will be significant grant and funding initiatives available during 2023. Staff will continue to collaborate with Council in applying for those grants that are applicable and of benefit to Council and the community.

**Advocacy:**

- The Melt was invited to meet with Ms Lisa Emerson, NSW Government Modern Manufacturing Commissioner, in Sydney to discuss manufacturing in the Hunter. An invitation was extended to Commissioner Emerson to visit Muswellbrook Shire on a multi-day tour to coincide with the official launch of the Donald Horne Building; and
- Meetings/presentations with Sydney Startup Hub coworking spaces, including: Tank Stream Labs, Fishburners, and Stone & Chalk, to advise that the Advanced Manufacturing Centre will soon be open and able to assist any of their members with hardware product ideas if they are willing to relocate. The region has significant strengths, particularly attractive for startups in Climate technology (renewables, energy transition), advanced manufacturing, and resources.

**Donald Horne Building**

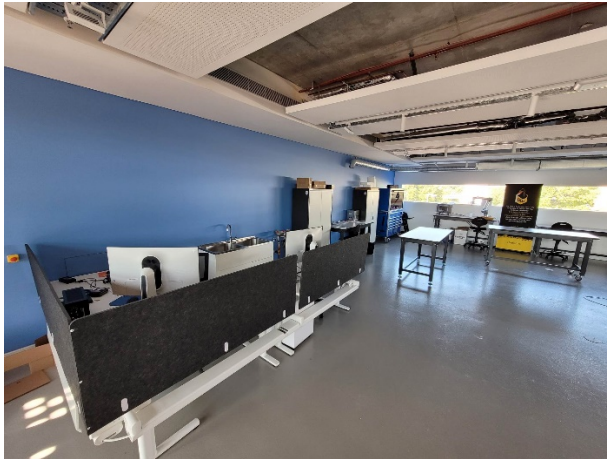
Furnishings have been delivered and installed.

**Ground Floor Foyer**





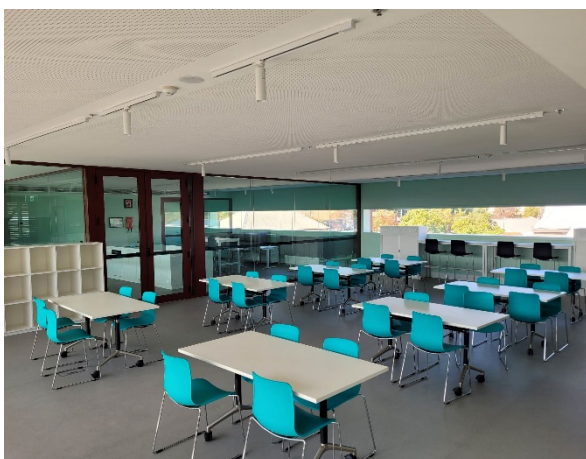
Advanced Manufacturing Centre (Ground Floor)

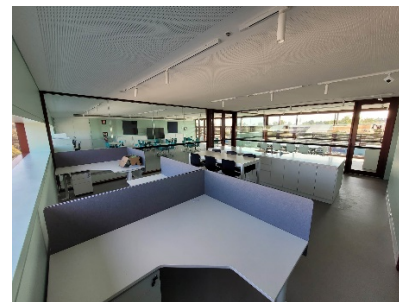
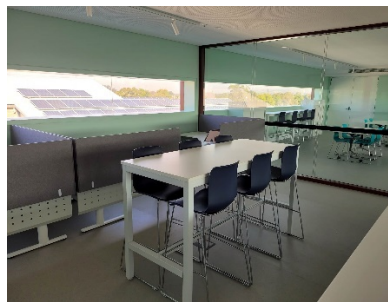
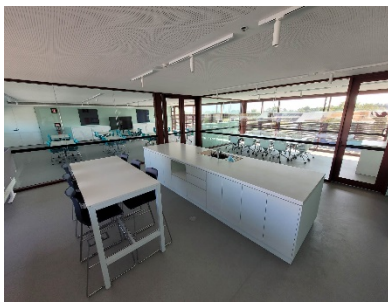


1<sup>st</sup> Floor Foyer



STEM Innovation Lab (1<sup>st</sup> Floor)

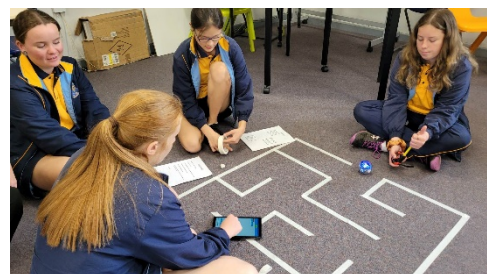


Meeting Room (1<sup>st</sup> Floor)Economy (1<sup>st</sup> Floor)**Science, Technology, Engineering, Mathematics (STEM) Innovation Lab Update**

The STEM Innovation Lab is moving closer to becoming a functional STEM learning space. All furniture has been assembled and installed, and within the next week Council will have all of its STEM learning resources moved from storage and into the new space.

Council's range of bespoke programs have been developed, and a preliminary booking schedule has been developed for all of the primary and secondary schools within Muswellbrook Shire.

Prior to the activation of the STEM Innovation Lab, Council's Innovation Coordinator has been working with Primary and Secondary Schools to deliver STEM Programs and Teacher Professional Development workshops. These have received positive feedback and generated a lot of interest in the programs that will be delivered in the new Donald Horne Building.







The STEM Innovation Lab will provide:

1. Delivery of bespoke STEM Programs

The creation and delivery of tailored and responsive programs to develop soft skills such as problem solving, critical thinking, teamwork, and communication. These are essential skills for the jobs of the future, and encourage students to aspire to careers in STEM.

Aimed at Primary schools (Y5–6) and Secondary schools (Y7–8) our bespoke STEM Programs include:

- Robotics (Mechatronics) - the gateway to coding and STEM subjects, where students learn applied knowledge. It's a fun and engaging way to teach a variety of STEM hard and soft skills using cutting-edge technology.
- Aeronautics - brings together STEM disciplines where students discover the joy of flight. With a renewed focus on aviation, space exploration, aircraft design, aerodynamics, and manufacturing, future generations will have the opportunity to discover new frontiers.
- Computer Aided Design/Computer Aided Manufacturing - we are shaping the next generation of engineers and designers. Advanced manufacturing technology and digital tools develop creativity and design skills through spatial thinking and problem solving.
- Design Thinking Challenge (miniSTEAMTANK) - Design Thinking Challenges are a powerful approach to creating innovative solutions for real world problems and searching for a more sustainable future. This challenge will develop soft technical skills, critical thinking, creativity, and prototyping, whilst encouraging curiosity, resilience, and entrepreneurial ways of working.
- Coding - As students learn to code, they transform from a user of technology into a creator of technology. Coding is a fun and entertaining activity, as students develop their understanding of how computers, games, and websites work.

2. Co-teaching

Council is assisting to change culture and fostering collaboration by providing schools with opportunities to build the capacity of local teachers in effectively implementing and teaching STEM.

Aimed at Primary and Secondary school teachers:

- Professional development sessions for groups of teachers in the STEM Innovation Lab;
- Networking events;
- Coordinating; and
- Regional initiatives.

3. Competitions

Test, challenge and promote the region by involving students from different walks of life to meet and learn from others, make new friends, and provide opportunities for students to stretch and grow. Aimed at primary and secondary school students, and includes the Solar Boat Challenge, Science and Engineering Challenge, Velocity Challenge, Entrepreneurial Competition, and more.

#### 4. Industry Linkages

Provide job ready skills, industry expertise, and mentorship by linking students to industry opportunities. Partnerships give students access to real world experiences and aligns with passions and interests. Aimed at Secondary students (Y7-12) and includes Careers Expo (Speed Dating), and Career-ready events in partnership with industry, TAFE, and universities.

**What**

**THE BESPOKE STEM PROGRAM FOCUSES ON**

**ROBOTICS (MECHATRONICS)**  
As the gateway to coding and STEM subjects where students learn applied knowledge. It's a fun and engaging way to teach a variety of STEM hard and soft skills using cutting-edge technology.

**AERONAUTICS**  
Brings together STEM disciplines where students discover the joy of flight. With a renewed focus on aviation, space exploration, aircraft design, aerodynamics and manufacturing, future generation will have the power to discover new frontiers.

**COMPUTER AIDED DESIGN / COMPUTER AIDED MANUFACTURING (CAD / CAM)**  
Shaping the next generation of engineers and designers. Advanced manufacturing technology and digital tools develop creativity and design skills through spatial thinking and problem solving.

**DESIGN THINKING CHALLENGE (MINISTEAM TANK)**  
Is a powerful approach to creating innovative solutions for real world problems and searching for a more sustainable future. This challenge will develop soft technical skills, critical thinking, creativity, and prototyping whilst encouraging curiosity, resilience and entrepreneurial ways of working.

**CODING**  
As students learn to code, they transform from a user of technology into a maker of technology. Coding is a fun and entertaining activity as students develop their understanding of how computers, games, and websites work.

**How**

**THE STEM INNOVATION LAB FOCUSES ON**

**01 BESPOKE STEM PROGRAMS**

Tailored and responsive programs to develop soft skills for the jobs of the future and encourage students to aspire to careers in STEM.

**02 CO-TEACHING**

Changing culture and fostering collaboration by providing schools with opportunities to build capacity of local teachers in effectively implementing and teaching STEM.

**03 COMPETITIONS**


Test, challenge and promote the region by involving students from different walks of life to meet and learn from others, make new friends, and provide opportunities for students to stretch and grow.

**04 INDUSTRY LINKAGES**

Provide job ready skills, industry expertise and mentorship by linking students to industry opportunities. Partnerships give students access to real world experiences and aligns with passions and interests.

**Aim**

Primary Schools (Y5–6) Secondary Schools (Y7–8)	Primary and Secondary School Teachers	Primary and Secondary	Secondary (Y7–12)
	<ul style="list-style-type: none"> <li>Professional development sessions for groups of teachers in the STEM Innovation Lab</li> <li>Networking events</li> <li>Coordinating</li> <li>Regional initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Solar Boat Challenge</li> <li>Science and Engineering Challenge</li> <li>Velocity Challenge</li> <li>Entrepreneurial Competition</li> <li>and heaps more...</li> </ul>	<ul style="list-style-type: none"> <li>Careers Expo (Speed Dating)</li> <li>Career ready events in partnership with Industry, TAFE, UNI</li> </ul>



#### Regional Key Worker Attraction Program: The Welcome Experience Pilot

Representatives from the Department of Regional NSW (DRNSW), Muswellbrook Shire Council, Regional Development – DRNSW, NSW Health, Muswellbrook High School, Muswellbrook Primary School, Muswellbrook South Primary School, Upper Hunter Community Services, Department of Communities and Justice, Aboriginal Affairs – Department of Premier and Cabinet, were invited to participate in a DRNSW workshop aimed to support the design of the [Welcome Experience](#) pilot program in Muswellbrook.

#### Details of workshops:

- **Purpose:** Assist in the design of the localised service of the Muswellbrook Welcome Experience;
- **What we hope to achieve:** To gain advice, insights, and localised knowledge to support the development of this service in Muswellbrook;
- **Local host organisation delivering project:** Muswellbrook Shire Council; and
- **Who will be there:** Key worker agency representatives, local community organisations, DRNSW project team members, and host agency representatives.

#### Overview of the [Welcome Experience](#)

- Attract and support the relocation of NSW Government key workers (employees from health, education, police, justice, fire & rescue) to regional NSW.



- Connect key workers with local people, services, and organisations in Muswellbrook.
- Pilot program to run across 8 locations for 12 months before a broader roll-out from 2024.
- Find out more: [Welcome Experience | NSW Government](#)
- The local connector positions will soon be advertised.

### **Upper Hunter Economic Diversification Steering Committee**

The General Manager and Director Community and Economy attended the Upper Hunter Economic Diversification Steering Committee on 14 April 2023. The Department of Regional NSW (DRNSW) identified the need to consider current conditions in the Upper Hunter and how that may influence future investments and associated policy frameworks. In response, the Department engaged Deloitte, Australia, who produced the Upper Hunter Futures Report.

In February 2021, the Upper Hunter Economic Diversification Steering Committee developed the draft 2021 Implementation Priorities as a result of the review of the 2018 Implementation Priorities, and consideration of the recommendations from the Upper Hunter Futures Report.

The Upper Hunter Economic Diversification Priorities were endorsed by the Deputy Premier in June 2022 and include seven priorities. DRNSW works with local and state government stakeholders, education providers, and industry to drive these priorities, with multiple stakeholders leading individual actions.

### **Key milestones/deliverables for the previous quarter**

Current Activities	Quarterly Update	Key Stakeholders
Priority 1. Prepare for the Unknown		
Scenario testing for the Upper Hunter Water Model	Department of Planning and Environment – Water (DPE Water) has developed a long-range water outlook for the Upper Hunter to support understanding of water availability and sectors for targeted diversification.  This will inform investment attraction activities for DRNSW Regional Development and ORED teams.	DPE Water
Priority 2. Shape Perceptions		
Hunter Identity Positioning Strategy	The website has been developed and content for the website is currently being drafted.	DRNSW Hunter & Central Coast Development Corporation (HCCDC)
Priority 3. Improve skills and workforce outcomes		
Renewable skills roundtable outcomes and next steps	Separate Training Services NSW (TSNSW) report	TSNSW



Current Activities	Quarterly Update	Key Stakeholders
Priority 4. Leverage Existing Endowments		
Finalisation of the Enabling Infrastructure project	<p>The enabling infrastructure project seeks to identify key infrastructure projects in the Upper Hunter that could unlock future diversification and economic development opportunities.</p> <p>The project has been delayed and is now due to be completed in the final quarter of the 2022-23 financial year, and will deliver four business cases and an options paper.</p>	DRNSW – Regional Development
Finalisation of the Employment Lands Strategy as a collaborative project across the four Upper Hunter Councils	<p>The four Upper Hunter (UH) councils (Muswellbrook, Upper Hunter, Singleton, and Dungog) engaged a consultant to develop an Upper Hunter Employment Lands strategy to define the objectives and opportunities for the Upper Hunter region and identify key land use and economic actions and measures to achieve the strategic objectives.</p> <p>The draft strategy is due to be completed in April 2023.</p>	UH Local Councils DPE Planning DRNSW – Regional Development
Supporting DPE Planning and MEG in implementing strategies to convert regionally significant sites for investment attraction opportunities	<p>DRNSW Regional Development are working with DPE Planning in the Hunter to help support the implementation of key post-mining land use strategies identified in the Hunter Regional Plan 2041.</p> <p>This will enable investment opportunities on key sites that are in transition.</p> <p>The NSW Government Mining, Exploration and Geoscience Service (MEG) has also released their Post Mining Land Use practical guide.</p>	DPE Planning DRNSW – MEG, Regional Development, Regional Planning
Priority 5. Activate Innovation and Enterprise		
Implementation of the Impact Enterprise Strategy	<p>DRNSW – Regional Development have developed an implementation plan for the recommendations in the Impact Enterprise Strategy (2021).</p>	DRNSW



Current Activities	Quarterly Update	Key Stakeholders
Priority 6. Improve connectivity		
Investigate innovative local transport solutions	DRNSW met with Transport for NSW who indicated they are looking to develop an integrated services plan for the Upper Hunter in the 2023-24 financial year. DRNSW will look to support this process.	Transport for NSW DRNSW – Regional Development
Priority 7. Build Vibrant Communities		
Development of the UH Regional Housing Delivery Plan	<p>The DRNSW Housing team engaged a consultant as part of their Tranche 2 funding to develop an Upper Hunter Regional Housing Delivery Plan.</p> <p>The consultant met with all four Upper Hunter councils from 28 Feb to 2 March 2023 prior to the caretaker period.</p> <p>This project is due to conclude prior to 30 June 2023.</p>	DRNSW – Housing

At this meeting, Council was advised that Ms Alison McGaffin, Director Hunter Central Coast Regional NSW, has accepted a new senior appointment with TAFE NSW. Ms McGaffin has been working with Muswellbrook Shire Council over many years to progress the Shire's economic, social, and infrastructure objectives, and has been a dedicated champion for the region, who will be greatly missed.

#### **Upper Hunter Social Enterprise Working Group**

The development of an Upper Hunter Social Enterprise Working Group (UHSEWG) was endorsed by the UHEDSC in April 2023. This working group will be convened to:

- establish ownership over directions, aiming to secure commitment to participate in the Social Enterprise Strategy, and an Anchor Collaboration; and
- contribute to the finalisation of an engagement and implementation plan, and an Upper Hunter Social Enterprise Strategy.

Council's Fiona Wilton, Economic Development Officer, and Anna Marie Bird, Procurement and Contracts Officer, have been nominated as Working Group Members.

#### **Other Economic Diversification Activities**

The Hunter Expert Panel has been established and came together for their first meeting in December 2022. Their last meeting, in April 2023, focused on post-mining land use (PMLU) and post-power station land use. DPE Planning is working with DRNSW to develop a brief on the current activity in the PMLU and power stations which will be submitted to the Expert Panel.

The next Hunter Expert Panel meeting will focus on Education Workforce and Skills, and planning is underway for this meeting to be held in Muswellbrook at the Donald Horne Building.



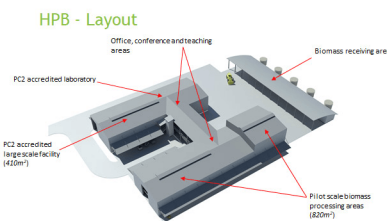
### **Muswellbrook Chamber of Commerce and Industry Breakfast Meeting**

Council's Economic Development team presented on the Hunter Innovation Precinct at the Muswellbrook Chamber of Commerce and Industry Breakfast Meeting on Tuesday 2 May 2023. Matthew Lysaught presented on the design history of the Donald Horne building, Matt Leman gave an overview of the STEM Innovation Lab and Brett Thomas and Iain Yule presented on the Melt Advanced Manufacturing Space. The presentation was well received ahead of the opening planned for early June, where we are just waiting on aligning politicians' calendars.



### **Hunter Pilot Bio Refinery Site Visit**

Ethtec has partnered with the University of Newcastle to complete the final two phases of the Pilot Plant Project. The Pilot Plant has been relocated to Muswellbrook and will be the centrepiece of the new Hunter Pilot Biorefinery (HPB).



The team visited the HPB on 3 May 2023, where Mr Peter Lewis provided an informative site tour.

Ethtec is developing and commercialising new technology for environmentally sustainable production of ethanol biofuel from lignocellulosic materials, that is, non-food, woody or fibrous biomass such as sugar cane bagasse, crop stubbles, and forest material.

### **University of Newcastle Visit / Donald Horne Building Site Tour**

On Thursday 4 May 2023, Council hosted the University of Newcastle to discuss the challenges and opportunities in Muswellbrook Shire and the broader Upper Hunter, with the aim to increase the university's presence and what it may offer in the TEC1 building. Council and the University agreed on a range of actions to progress opportunities in the Region, to enhance the the University's presence, and to strengthen the partnership to offer more education opportunities to the Muswellbrook Shire and upper Hunter community.

The following people were in attendance from the University of Newcastle:

- Professor Zee Upton, Deputy Vice-Chancellor (Research and Innovation);





- Professor Frances Kay-Lambkin, Director, Hunter Medical Research Institute;
- Professor Alan Broadfoot, Director, Newcastle Institute for Energy and Resources;
- Associate Professor Anthony Kiem, School of Environmental and Life Sciences;
- Associate Professor Klaus Thoeni, Assistant Dean Research (Industry Engagement);
- Professor Paul Egglestone, School of Humanities, Creative Industries and Social Science;
- Dr Paula Jones, General Manager, Research and Innovation;
- Ms Siobhan Curran, Assistant Director, I2N Operations and Innovation, Knowledge Exchange and Enterprise; and
- Mr Anthony Hogan, EGA Insights.



### **Upper Hunter Circular Economy Think Tank – 9 May 2023**

Local school students in Years 9-11 were given the opportunity to participate in the Circular Economy Think Tank, to find renewable, circular solutions to solve the challenges of transition in the Upper Hunter.

Students and teachers from Dungog High School, Muswellbrook High School, St Joseph's Aberdeen, and St Catherine's Singleton, participated on the day with the help of industry partners from AGL, ARC (Australian Research Council) Ento Tech, Ethtec Biorefinery, TAFE NSW, University of Newcastle, Hunter Joint Organisation, and Muswellbrook Shire Council. MSC's Innovation Coordinator, Matthew Leman and Manager Waste Operations, Joann Polsen were key contributors on the day.

Students collaborated in small groups to problem solve a challenge question revolving around three complex issues: 1. Energy; 2. Food Systems; and 3. Environment and Resource Recovery. Groups had to answer questions on how the Upper Hunter can produce 'Circular Solutions' to these unique problems.





Students, Teachers, and Industry Partners were also given a tour of the new Donald Horne Building, including the STEM innovation Lab and Advanced Manufacturing Facility. This generated a lot of interest and gave those people on the tour an opportunity to think about what 'Innovation' means and how this new space can help lead the area in adopting circular economy principles.

As a stimulus, the industry partners gave a series of short informative presentations, and further discussion was driven by facilitators at each group table. The final activity for the day consisted of each group 'pitching' their unique 'Circular Solution' to the entire group. It was truly wonderful to see and hear the unique solutions each group produced and their passion for the topic.

Muswellbrook Shire Council is already making plans with Go Circular, Department of Education NSW (RIEP (Regional Industry Education Partnerships)) and University of Newcastle for our next challenge in the Hunter Innovation Precinct.

### **NSW Department of Planning & Environment – Clean Technology – Ecosystem Grant**

The NSW Government established the Clean Technology Ecosystem Grants to support incubators, pre-accelerators, accelerators, and other similar initiatives to equip clean technology start-ups and researchers with the skills and resources they need to succeed.

The grants will be delivered through targeted funding rounds, with round 1 providing support for establishing new or scaling-up existing clean technology incubators, pre-accelerators, and accelerators in NSW.

Funded by the Climate Change Fund (CCF), these competitive grants will help build a strong pipeline of clean technology start-ups in NSW and facilitate commercialisation of the next wave of low emissions technologies needed for the transition to net zero by 2050.

Council is working with the Melt (the applicant organisation), in partnership with AGL, to commence planning of the first pre-accelerator.

### **Hunter Innovation Precinct Scale Up - Advanced Manufacturing Incubator and STEM Innovation Bus**

Council received \$100,000 funding from the Regional NSW - Business Case and Strategy Development Fund to investigate the scale up of Council's existing Advanced Manufacturing Centre and STEM Learning Lab to leverage this investment for the benefit of the broader region.

The business case will provide the evidence and confidence to expand Council's existing services through the following initiatives:

1. Advanced Manufacturing Incubator – scale up multi-tenanted advanced manufacturing facility for early-stage businesses and technologies.
2. STEM Innovation Bus – to provide outreach programs to regional and remote schools.

The Regional NSW - Business Case and Strategy Development Fund aims to support local councils, joint organisations of councils, not-for-profit, industry and Aboriginal community groups develop business cases or strategies for projects delivering significant economic or social benefits to regional communities, with a focus on infrastructure.

The funding will help organisations build their capacity to plan for and deliver projects and regional development initiatives. The program will also help to build a pipeline of investment-ready projects for future funding opportunities.



### **Upper Hunter Regional Employment Lands Strategy**

Muswellbrook Shire Council, in partnership with Dungog Shire Council, Singleton Council, and Upper Hunter Shire Council, engaged HillPDA to prepare an Employment Land Strategy.

The strategy is intended to provide a strategic planning framework to guide the future development of employment lands within the Upper Hunter Region.

Vision for the Upper Hunter Region is to leverage the existing strengths across heavy industry, energy, equine, tourism, and viticulture sectors, while supporting a more aggressive expansion into renewable energy and the new economy.

Improvements to the Port of Newcastle and Newcastle Airport will be critical to the success of the Upper Hunter as a key exporter and employer into the future.

The draft report is being reviewed by the working group before being finalised.

### **Hunter iF Innovators Lunch**

On 14 April 2023, the Director Community and Economy presented to the panel at the Hunter iF Innovators. The topic of the panel discussion was “Collaboration and Partnerships in Innovation: Navigating the Ecosystem for Mutual Benefit.” The session was well attended by over 100 innovators, founders, businesses, Councils, and academics. Also, on the panel was:

- Bob Hawes - CEO Business Hunter;
- Lynn Erkens - Executive Director, Innovation, Enterprise and Engagement Sydney School of Entrepreneurship; and
- Gareth Rydon - Director of Advisory Stone & Chalk.

### **OPTIONS**

Council may note the report and its contents to be presented to Council every quarter following the completion of school terms.

### **CONCLUSION**

Significant progress has been made in the economic development space which will begin to expand once the team becomes based in the Donald Horne Building.

### **SOCIAL IMPLICATIONS**

The work undertaken by the Economic Development Unit will have far reaching and long-lasting social impacts on the community as the local and regional economy changes.

### **FINANCIAL IMPLICATIONS**

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

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

Nil.

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

The Economic Development Unit and its projects and programs are funded through GL 0370.0204.500 and GL 0833.2981.500 and applicable grant funds and planning agreement allocations.

### **POLICY IMPLICATIONS**

Nil.



**STATUTORY IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**OPERATIONAL PLAN IMPLICATIONS**

This report and actions are in line with Operational Plan actions.

**RISK MANAGEMENT IMPLICATIONS**

Nil.

**WASTE MANAGEMENT IMPLICATIONS**

Nil.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil.



### 10.5.3. Conditions of Entry (Age) - Council Facilities

<b>Attachments:</b>	1. Conditions of Entry New 2023 002 [10.5.3.1 - 3 pages]
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Kim Manwarring (Manager Community Services)
<b>Community Plan Issue:</b>	2 - Social Equity and Inclusion
<b>Community Plan Goal:</b>	An inclusive and interconnected community where everyone enjoys full participation.
<b>Community Plan Strategy:</b>	2.1.1 - Implement the outcomes of the Recreation Needs Study.

---

#### PURPOSE

To submit for the consideration of Councillors an overview of the conditions of entry to access the Aquatic & Fitness Centres, Libraries and Arts Centre in terms of age.

#### OFFICER'S RECOMMENDATION

Council ENDORSES the Conditions of Entry for the Muswellbrook Aquatic & Fitness Centre:

1. Any child under the age of 14 will not be permitted entry to the Aquatic Centre(s) without the continuous supervision of a person 16 years and over;
2. Usage of the spa and sauna is restricted to persons over the age of 16 years; and
3. Entry is permitted to people aged 14 years or older to utilise the fitness facilities.

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

#### BACKGROUND

Muswellbrook Shire Council is required to meet its child protection responsibilities by complying with the relevant areas under the *Child Protection (Working with Children) Act 2012 (NSW)* and the *Children and Young Persons (Care and Protection Act 1998)*.

In addition, Councils are encouraged to create a Child Safe Action Plan. As defined in the *Childrens Guardian Act 2019*, the Child Safe Action Plan will be developed to meet the ten child safe standards, with the objective of creating a child safe organisation. Developing a Child Safe Action Plan that reflects all of Council's operational units and responsibilities is a large body of work that will take place over the next 12 months.

The Muswellbrook Aquatic and Fitness Centre has dealt with numerous incidents since it reopened in October 2022. These incidents have involved several unsupervised minors. One of Council's mitigation measures to manage these incidents is the review of its current policies and procedures.

All Council facilities have conditions of consent that communicate to customers expected behaviours while on site. The permitted age of access is one of the criteria contained within respective conditions of consent. The Muswellbrook Shire Libraries and Muswellbrook Regional Arts Centre are also considered in this report in terms of providing a consistent approach across all Council services.

**CONSULTATION**

The Mayor, Councillor Steve Reynolds

General Manager

Director Community &amp; Economy

Manager of Community Services

Head Librarian

Arts Centre Director

Manager of Aquatic Centre

**REPORT****CURRENT CONDITIONS OF CONSENT (AGE) COMMUNITY SERVICES - FACILITIES**

Council Section	Activities	Age Groups	MSC Policy/Procedures
<b>Aquatic &amp; Fitness Centre</b>	Learn to Swim Programs Recreational Fitness Centre Access Recreational Swimming Party Bookings or social bookings	<p><u>Aquatic Centre – Muswellbrook &amp; Denman</u></p> <p>Children under 10yrs are not allowed entry unless they are under active supervision of a person 16yrs or older</p> <p>0-5yrs and non-swimmers need to be within arm's reach at all times of parent/carer/accompanying adult</p> <p>6-10yrs require constant adult supervision of parent/carer/accompanying adult at all times</p> <p>11-14yr olds, parent/carer/accompanying adult are regularly expected to check on child</p> <p><u>Fitness Centre - Muswellbrook</u></p> <p>Children under 12 years - no admittance at any time.</p> <p>12-13 years olds</p> <ul style="list-style-type: none"> <li>▪ may enter only after an induction.</li> <li>▪ must have adult supervision at all times.</li> <li>▪ strictly no weights.</li> <li>▪ may participate in group fitness classes for children.</li> </ul> <p>14-16 years olds - may enter only after an induction</p>	<p>Pool &amp; Fitness Rules &amp; Guidelines Conditions of Entry displayed on signage and website;</p> <p>Guidelines for School Carnivals</p> <p>Pool Party Booking Forms</p> <p>Casual Pool Hire Agreement</p>
<b>Muswellbrook Regional Arts Centre</b>	Art Station monthly workshops School and Community Group Visits One off art activities	Children attending with preschool/childcare/school/community service group, or parent/carer across all ages 0-18ys.	Policy required if future workshops target young people attending workshop unaccompanied by parent/carer/school/community services provider
<b>Libraries - Muswellbrook and Denman</b>	Bubs Story time Library programs delivered weekly or during vacations Recreational reading & accessing resources, technologies and collections	<p>Children under the age of 13yrs must be supervised by a parent/teacher/carer/accompanying adult at all times</p> <p>Children over the age of 13 and under 18 may utilise library facilities without supervision, however access to collections and holding a library card is still only following consent from a guardian.</p>	MSC33E Library Policy for Children and Young Persons





Muswellbrook Shire Council's supervision requirement for parents/carers of children aged under 5 years (swimmers or non swimmers) and young people aged 6-14 years (swimmers and non swimmers) is similar to other centres. Council's conditions of entry regarding the age that young people are permitted entry without the continual supervision of a person aged 16 years is compared to other Council Centres below:

Other Council Areas	Age restrictions and rules
<b>Maitland Aquatic Centre</b>	<ul style="list-style-type: none"> <li>Any child under the age of <b>14 years</b> will not be permitted entry to the centre without the continuous supervision of a person 16 years and over.</li> </ul>
<b>Singleton Gym &amp; Swim</b>	<ul style="list-style-type: none"> <li>No person under the age of <b>16yrs</b> is allowed in the Centre unless accompanied by a guardian or qualified instructor.</li> </ul>
<b>Upper Hunter Shire Swimming Pool</b>	<ul style="list-style-type: none"> <li>0-5 years – Parents must stay within arm's reach at all times</li> <li>6-10 years – the parent must be close, maintain consistent visual contact and be prepared to enter the water</li> <li>11-12 years – Parents must maintain consistent visual contact.</li> </ul> <p>Parents* are recognised as including guardians and designated carers of 16 years or over.</p>
<b>Newcastle Pools</b>	<ul style="list-style-type: none"> <li>All children <b>15 years</b> and under must be accompanied and supervised at all times by a parent or responsible person who is at least 16 years old.</li> </ul>

Council's Aquatic Centre Manager has reviewed Council's current conditions of entry regarding age, along with the development of rules of use for the new indoor pool facilities (splash play area, spa and sauna) and the pool giant inflatable (attached to the report).

The review has also included young people's access to the fitness centre and use of weight equipment. In compliance with the Department of Sport & Recreation Guidelines it is not recommended that 14-15 year old persons utilise weight equipment or undertake weight-based fitness groups, and young people aged 16-17 years must have a program to utilise weight equipment. Council's Aquatic Centre staff are qualified to develop such plans.

The Aquatic Centre Manager recommends:

Facility /Activity	Condition of Entry (Age)
<b>Aquatic Centre(s)</b>	Any Child <b>under the age of 14yrs</b> will not be permitted entry without the continuous supervision of a person 16yrs and over
<b>Fitness Centre</b>	Entry is permitted to <b>14yrs</b> or older to utilise the fitness facilities
<b>Spa &amp; Sauna</b>	Usage is restricted to persons over the age of <b>16yrs</b>

## OPTIONS

Council could:

- Endorse the recommended conditions of entry minimum age as outlined;
- Keep the existing conditions of entry minimum age; or
- Propose an alternate conditions of entry minimum age.

## CONCLUSION

The review of Council's policies and procedures will ensure sound workplace health and safety practice and provides staff with the necessary authority to act if the behaviour of patrons doesn't comply with the conditions of entry, in particular young people accessing



Council facilities unaccompanied by a person aged 16 years or over.

### **SOCIAL IMPLICATIONS**

The change to the conditions of entry will provide improved water safety and child protection for young people accessing the Muswellbrook Aquatic & Fitness Centre. This change may also encourage parents and or carers to actively participate in recreational activities with young people.

### **FINANCIAL IMPLICATIONS**

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

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

The cost of replacement of the Muswellbrook and Denman Aquatic Centre and the Muswellbrook Fitness Centre Entry signs is approximately \$1 500, utilising the Ledger Number for Promotional Activities, 0450.0901.500.

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

Nil.

### **POLICY IMPLICATIONS**

The Muswellbrook and Denman Aquatic Centre procedures will be amended and promoted through venue signage and agreements.

### **STATUTORY IMPLICATIONS**

Nil known.

### **LEGAL IMPLICATIONS**

Nil known.

### **OPERATIONAL PLAN IMPLICATIONS**

This is in line with the current operational plan action areas.

### **RISK MANAGEMENT IMPLICATIONS**

Nil.

### **WASTE MANAGEMENT IMPLICATIONS**

Nil.

### **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

The changes will be advertised and promoted through Council's social media outlets upon adoption, and prior to the summer swimming season.



## New Muswellbrook Aquatic and Fitness Centre Rules and Conditions of Entry

### Current Condition of Entry to Aquatic Centre

- Children under 5 years of age must be within arm's reach of an adult, 16 years or older, at all times.
- Children under 10 years of age must be supervised at all times by an adult, 16 years or older.

***Rest of the rules remain Unchanged\****

### Proposed Condition of Entry

- All children under 5 years and non-swimmers are to be always within arm's reach of the supervising adult.
- 6-10 years – the parent must be close, maintain consistent visual contact and be prepared to enter the water.
- Any child under the age of 14 years will not be permitted entry to the centre without the continuous supervision of a person 16 years and over.
- ***Important: Lifeguards are an important safety feature, but they cannot and do not replace the close supervision of a parent or a guardian.***

***Rest of the rules remain Unchanged\****

### Current Conditions of Entry to Fitness Centre

- Children under 12 years - no admittance at any time.
- 12-13 years olds
  - may enter only after an induction.
  - must have adult supervision at all times.
  - strictly no weights.
  - may participate in group fitness classes for children.
- 14-16 years olds - may enter only after an induction.

### Proposed Condition of Entry

- Patrons must be 14 years or older to utilise the fitness facilities.
- In accordance with Department of Sports and Recreation guidelines, people aged 14-15 cannot utilise weights equipment or undertake weight-based group fitness classes.
- In accordance with department of Sport and Recreation guidelines, people aged 16-17 must have a program to utilise weights equipment.

## Proposed Sauna and Spa Room Conditions of Entry

- Usage of Spa and Sauna room require an additional fee, which is payable at the customer service reception desk.
- All persons using the sauna and spa rooms do so at their own risk.
- Recommended usage time limit is 20 minutes for the Sauna.
- Persons with the following conditions are advised not to use the sauna:
  - Heart condition;
  - High blood pressure;
  - Pregnancy;
  - Under the influence of alcohol, drugs, or medications.
- Usage of the Sauna and Spa room is restricted to person over the age of 16 years.
- Patrons wishing to use the sauna and spa room must pay an additional charge at the reception desk. Upon payment, you will be issued with a coloured wristband which must be worn at all times.
- All users must display a coloured wristband issued by the customer service desk.
- The sauna and spa room may be closed at intervals for cleaning purposes.
- Use of oils, fragrances, shampoos, and creams is prohibited at all times.
- The sauna and spa room will be inspected by pool lifeguards at regular intervals.
- All users must wear recognised swimwear made from lycra or nylon at all times.
- At all times, a towel must be used in the sauna.

## Proposed water Slides Risk and Responsibilities

- Children under 5 years of age and non-swimmers must be accompanied in the water by an adult at all times and are not permitted to use the water slide without an adult.
- Competent swimmers only – no floatation devices.
- Listen and follow directions of the lifeguard.
- **1 rider at a time and feet first at all times.**
- Stopping and Changing direction is prohibited.
- Staff are permitted to refuse usage if a child is underaged/non-swimmer and if not accompanied by an adult during the use of the slide or an adult is not in the water at the landing area of the slide.

## Proposed Pool Inflatables rules:

- Children must be 5 years and over to participate.
- Children are required to complete a swim test where they must be able to jump off the block feet first, tread water for 15 seconds, then swim unaided/unassisted freestyle or breaststroke continuously for 15 metres.
- Participant weight limit is 80kg and is recommended for children under 16 years of age.
- Participant must wait until person ahead is over the third obstacle before starting.
- Participant must move along pool in designated direction only.
- Participant must not push others in line or when on the inflatable.
- Participants must not run on the pool deck.

- Participants must go down feet first on the inflatable slide.
- No diving off the pool toy.
- If participant falls off the inflatable, they must swim away from the inflatable immediately.
- Participant must not swim under pool toy.
- No recreational swimming in the inflatable and roped off areas.
- Inflatable will be put up or down at the discretion of the lifeguard.
- Any participant failing to comply with these rules will be banned from the inflatable at the lifeguards' discretion.



#### 10.5.4. Community Services

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Kim Manwarring (Manager Community Services)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
<b>Community Plan Strategy:</b>	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 **1,825 customers** during April with Library spaces being utilised for school holiday programming and community groups.

- The foyer exhibit commemorating **ANZAC Day** was open for viewing throughout the month of April courtesy of Muswellbrook Shire Local Terry Gill.
- The libraries hosted several themed programs for school holidays including Easter activities and teen clothing customisations.
- Following the adoption of the **Library Policy for Children and Young Persons MSC33E** the Policy has been implemented at Muswellbrook and Denman Library Branches.

##### Increasing and maintaining library memberships

Muswellbrook and Denman libraries registered **30 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 April this service conducted **2 deliveries** and delivered **334 items**. Denman Library conducted community outreach during the month of April.

Library Promotions and Online Engagement:

Over the past month the library has had **8,340** post views on Facebook. Throughout the month the library has created and shared a number of video shorts to assist library patrons to access library online resources and promote new items to the library collection.

Collections:

During April the library **49 new items** to the physical collections and refreshed the Community Languages collection to include Turkish language items. Over the month the library loaned **5,828 physical items** and **447 digital 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	18	185
Informed and connected citizens	0	0
Digital Inclusion	1	7
Personal development and wellbeing	5	45
Stronger and more creative communities	9	84
Economic and workforce development	0	0
<b>TOTAL</b>	<b>33</b>	<b>321</b>

Children and Young Adult Programs

Story Time, Baby Rhyme Time, LEGO Club and STEM Story Time sessions continued as well as school holiday programming. These sessions were attended by **145 children**.

Adults Programs:

During April Author Todd Alexander presented a comedic author talk at the Muswellbrook Library. This talk was well received and attended by **32 community members**.

All regular adult events including Book Club, Brain Training, Coffee & Craft, Tech help and Home Library continued in April. The Muswellbrook Library also provides activity sessions each Friday with visiting disability support organisations with activities such as gaming, LEGO and colouring.

**COMMUNITY PARTNERSHIPS**

- Facilitation and participation in the **Upper Hunter Community Service Interagency**.
- Maintain, responded and distribute emails to the **Upper Hunter Community Services Interagency**.
- Attended and participated in the following meetings – **Youth Action Meeting, Youth Engagement meetings, Social Cohesion Grant meeting, Hunter Beach Opening meeting**.
- Organisation the Muswellbrook Shire Council **Annual Aboriginal Reconciliation Flag Raising** event which is planned for the 31 May commencing at 10:30am.
- Organised the **Domestic Violence Awareness** street banners and Campbells Corner lights to illuminate blue for the Shine Light, Candlelight Vigil.



- Organised the final stages of the **Muswellbrook Resilience and Wellbeing** project which includes a presentation from motivational speaker Ms Donna Leigh Perfect to the primary schools in the Muswellbrook Local Government Area.
- Attendance and support have been provided to the **Muswellbrook Shire Council Easter Family Fun Day, Youth Week Family Fun Day.**
- A significant amount of governance support has been provided to **Upper Hunter Youth Services** and **Upper Hunter Homeless Support.**
- **Youth Week 2023 Family Fun Day** was delivered in partnership with Upper Hunter Youth Services, over **350 young people and their families** attended the event, it was a great day that highlighted the positive contributions that young people make to the community.

## PARTNERSHIPS & ENGAGEMENT

**Blue Heeler Film Festival** is in its 10<sup>th</sup> year - Initial planning is underway to engage the University of Newcastle Students through Councils Annual Scholarship. Additionally, Community groups and Schools are being approached to gauge interest in participating in painting **10 Fiberglass Blue Heeler Dogs** to promote and celebrate the film Festival and create a link with the Great Cattle Dog Muster as the 'Unleashed' - A Dogs Tail' Photography exhibition did in 2022.

**Great Cattle Dog Muster** planning for the 2023 event is well underway – Councils Community Partnerships Officer represents Council on the Organising Committee and has been assisting the Chamber of Commerce with in-kind support in addition to Councils Sponsorship of the Bluey and Bingo meet and greets.

## Visitor Information Centre – Denman

Two new volunteers have commenced at the **Denman VIC** which has put us back to full capacity for staffing. This has translated to more visitors to the Shire being captured and provided assistance.

April 2023	
Visitors from:	Number of visitors
NSW Other	379
Muswellbrook LGA	9
Queensland	10
Western Australia	5
Victoria	9
South Australia	5
International	14
<b>Total Visitors</b>	<b>431</b>

## MUSWELLBROOK REGIONAL ARTS CENTRE

This month's exhibition was officially opened by Cr Dunn and features **Eternal Return – Sally Stokes** and **Message Stick – Works by First Nations Artist**. The exhibition opening was attended by a small gathering the exhibition is open until the **24 June 2023**. Further works from St Heliers Correctional Centre **Indigenous Artist Gundi Program** will be installed in coming weeks in time for NAIDOC Week 2023.



### **MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN**

- Learn to Swim enrolments have been stable this month.
- Footfalls at the Aquatic centre has declined as we approach Winter months.
- The implementations of the fitness centre upgrade have increased the Centres capacity to support the health and wellbeing of our community, this was a cross Council Project.
- Works to increasing security and safety at Denman Pool have commenced this will be completed ahead of the next swimming season.
- Family Fun Days will be introduced every school holiday with Pool inflatables being used in the Indoor 25m Pool, this activity was well supported during the April school holidays, over the two targeted activity days the Centre had a footfall of 180 Patrons using the pool inflatable.
- Conditions of Entry Rules are being revised and once endorsed they will be introduced at the centre to minimise the risk and increase safety at the Aquatic and Fitness Centre.



- The Fitness Centre operating hours will increase soon to the following opening hours:
  - 6:00am - 9:00pm Monday to Friday
  - Saturday 9:00am till 6:00 pm
  - Sunday 10:00am till 6:00pm
- The Muswellbrook Aquatic Centre winter opening times remain unchanged:
  - 6:00am - 7:00pm Monday to Friday
  - Saturday 9:00am till 4:00 pm
  - Sunday 10:00am till 4:00pm



## 11. Minutes of Committee Meetings

### 11.1. Event Steering Committee Meetings - 13 December, 2022 and 11 April, 2023

<b>Attachments:</b>	1. Minutes - Events Steering Committee - 13/12/2022 [11.1.1 - 3 pages] 2. Minutes - Events Steering Committee - 11/04/2023 [11.1.2 - 2 pages]
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Shaelee Welchman (Director - Community & Economy), Fiona Wilton (Economic Development Officer)
<b>Community Plan Issue:</b>	1 - <i>Economic Prosperity</i> 4 - <i>Cultural Vitality</i>
<b>Community Plan Goal:</b>	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>  A culturally rich and diverse Community with strong identities, history and sense of belonging.
<b>Community Plan Strategy:</b>	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise  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 inform Council of the following meetings of the Events Steering Committee:

1. Events Steering Committee Meeting held on 13 December 2022; and
2. Events Steering Committee Meeting held on 11 April 2023

### OFFICER'S RECOMMENDATION

The minutes of the following Events Steering Committee meetings be NOTED:

1. Events Steering Committee Meeting held 3 December 2022; and
2. Events Steering Committee Meeting held 11 April 2023.

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

### REPORT

The Economic Development Officer reports that the following Events Steering Committee meetings were held:

1. Events Steering Committee Meeting held on 13 December 2022; and
2. Events Steering Committee Meeting held on 11 April 2023.





The minutes of these meetings are attached for the information and endorsement of Council.

Council delivered the Karoola Park Run Colour Run and Rock'n the Brook event over the period. This completes the three events delivered from the Reconnecting Regional NSW – Community Events Program, where Council received \$258,651 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.

The funding allocated to the events included New Years Eve \$65,301 - 31 December 2022, Karoola Park Run Colour Run \$1,850 - 11 February 2023, and \$172,500 funding towards the Rock'n the Brook event.

### **Karoola Park Run Colour Run**

The Karoola Park Fun Run was held at Karoola Park, Muswellbrook, on Saturday, 11 February 2023, and was attended by over 1,200 people. This was a very well received community event delivered in partnership with the Karoola Park Run organisers.

### **Rock'n the Brook**

Rock'n the Brook was held at Olympic Park, Muswellbrook, on Saturday 4 March 2023, from 3pm to 10pm, and was attended by approximately 4,500 people.

The event was a free family friendly music event, featuring headline act James Reyne, supported by James Blundell and local artists, The Collective, Katie Jayne, Shyanne Irwin, and Imogen Hall. Local development artists Slay Valley and Ben Martin/Miles Chapman performed a 20-minute set each on the main stage. The event opened with the spectacular Indigenous smoking ceremony, didgeridoo performance, and dancing by the Waagan Galga Dance Group.

Additional security measures were put in place, including restricting public access to the venue to one location, conducting bag checks on entry, condition of entry regulatory signs, and refusing access to persons under the age of 18 without being accompanied by an adult. 39 security personnel and three user paid police were in attendance, as well as a strong police presence at the venue and in Muswellbrook.

The event attracted sponsorship totalling \$112,000 and, due to the success of the event and overwhelming positive community feedback, comments have been received from sponsors regarding continued and increased sponsorship for the 2024 event.

Council achieved a total reach of 151,401, including 1,525 likes, 2,331 link clicks, 265 shares, and 488 comments from Council generated posts. A total of 36 posts were generated for the event, and the majority of people heard about the event through social media.

There was a \$7,215.45 overspend on the event, which has been covered through Council's existing Economic Development budget.

As this is the first event of this scale delivered in Muswellbrook Shire, there are many learnings from the event which will ensure financial savings and improved operations for future events. For example:

- Earlier planning and engagement with key stakeholders and the establishment of a stakeholder event working group is required.
- Traffic management plan response can be scaled back for future events depending on event capacity.
- Setting realistic crowd numbers for future event planning based on the free event.
- Cost savings could be made on entertainment.
- Local artist development concept was well received and could be grown to support the



lead up to the event.

- Bulk service bins to be used to decant rubbish.
- Stage location could be reviewed in terms of heat and sun.
- Pass outs should be issued.
- The March timing worked well.

**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 Tuesday  
13 December 2022 COMMENCING AT 4:32 pm.**

---

**PRESENT:** Cr S. Reynolds (Chair), Cr D. Douglas, and Cr D. Marshall  
**IN** Mr D. Finnigan (Acting General Manager), Ms S. Welchman  
**ATTENDANCE:** (Director - Community & Economy), Ms K. Manwarring (Manager -  
Community Services), Ms C. Middleton (Communication & Media),  
Mrs F. Wilton (Economic Development Officer), Ms E. Lane  
(Coordinator Customer Service & Administration), Ms L. Manning  
(Director - Hunter Events Group) & Ms A. Fournier (Lead Public  
Event Manager - Hunter Events Group).

## **1 Apologies**

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

The apologies for inability to attend the meeting submitted by Cr J. Drayton be  
ACCEPTED.

## **2 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

The Minutes of the Events Management Steering Committee Meeting held on **17  
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**

Nil

## **4 Business Arising**

Nil

## **5 Business**

### **5.1 Action List**

Cr Reynolds requested that Council books the Indigenous Dance Group for the  
Australia Day and Rock'n the Brook events as soon as possible. Staff have been  
proactive with sponsorship, however, if any other Councillors can offer or  
recommend any further assistance, it would be appreciated.

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

The information contained in the report be noted.



## **5.2 Event Management Services**

### **NYE**

Ms Manning noted that there will be 12 security guards including a supervisor at the NYE Event 2022 which will be adequate for the expected numbers. With Council staff and volunteers in attendance this will allow monitoring of any unruly behaviour. A suggestion was made to utilise user-paid police that will provide additional security with the presence of a uniformed authority.

Ms Manning noted that the more "fenced-off" areas there are, the higher the possibility of unmonitored gatherings - it is suggested to have the event inside the arena with two access points manned with a pair of security guards, bag checks, additional roaming security guards, etc.

Traffic meeting is to be held on Wednesday 14 December, with the recommendation from the Acting General Manager to have a member from the Works team and the WHS advisor at this meeting. The traffic management company engaged is Traffic Logistics. Traffic Logistics will complete the traffic management plan and manage traffic on the day. Traffic management signs on Rutherford and Maitland streets will warn guests in advance of possible congestion in the lead up to the event. Graphics will be given to Council's communications team to distribute to the community in a "community friendly" visual.

Discussion took place around what barriers could be used to direct guests to the entry so guests always pass through security before re-entering.

A quote for lighting towers has been sent to Ms Wilton.

Ms Manning confirmed that any circumstances outside the event is not Council's responsibility, however, with sufficient preparation this should minimise any adverse events outside of the event.

Ms Manning has advised the local emergency services of the event and is happy to join the onsite meeting between the Showground Committee, Muswellbrook Police, and Council's event management team.

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

The committee notes the report.

## **5.3 New Year's Eve Event 2022**

RECOMMENDED on the motion of Cr S. Reynolds and Cr D. Marshall that:

The committee notes the report.

## **5.4 Rock'n the Brook Event 2023**

Crs Douglas and Marshall noted the efforts of staff and passed on her congratulations to all involved.

RECOMMENDED on the motion of Cr D. Douglas and Cr D. Marshall that:

The committee notes the report.

## **6 Date of Next Meeting**



10 January, 2023

## 7 Closure

The meeting was declared closed at 5.02PM.

---

Mr D. Finnigan  
**Acting General Manager**

---

Cr S. Reynolds  
**Chairperson**

**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 11 APRIL  
2023 COMMENCING AT 4.30PM**

---

**PRESENT:** Cr S. Reynolds (Chair), Cr D. Douglas, Cr J. Drayton and  
Cr D. Marshall

**IN ATTENDANCE:** Cr G. McNeill, Cr J. Lecky, Mr D. Finnigan (General Manager),  
Ms S. Welchman (Director - Community & Economy),  
Ms K. Manwarring (Manager - Community Services), Ms C. Middleton  
(Communication & Media), Mrs F. Wilton (Economic Development  
Officer) and Ms K. Randall (Team Leader - Administration)

## **1. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Douglas.

## **2 Apologies**

The apologies for inability to attend the meeting submitted by Cr R. Scholes,  
Cr L. Dunn and Cr A. Barry be ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Cr S. Reynolds and Cr D. Marshall that:

The Minutes of the Events Management Steering Committee Meeting held on **31  
January 2023** a copy of which has been distributed to all members, be taken as read  
and confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

### **5.1 Action List**

RECOMMENDED on the motion of Cr D. Marshall and Cr S. Reynolds that:

The information contained in the report be noted.

## **6 Business**

### **6.1 Rock'n the Brook Post Event Report 2023**

RECOMMENDED on the motion of Cr D. Marshall and Cr D. Douglas that:

Council:

1. Notes the information contained in the report;
2. Approves the reallocation of \$7,500 from Economic Development General  
Ledger 0833.2989.500 to Rock'n the Brook General Ledger 0833.2996.500; and
3. Requests planning to commence for the 2024 Rock'n the Brook event, and for a  
detailed event plan and budget to be presented to the Event Steering Committee



subject to sufficient resources and funding being allocated through the 2023-24 Budget.

## **6.2 ANZAC Day Ceremonies - Partnerships**

RECOMMENDED on the motion of Cr J. Drayton and Cr D. Marshall that:

The report is noted.

## **7 Closed Committee**

### **7.1 Rock n the Brook Financial Report**

RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:

The information in the report be noted.

## **8 Resumption of Open Committee**

RECOMMENDED on the motion of Cr D. Douglas and Cr D. Marshall that:

The meeting return to Open Committee.

## **9 Date of Next Meeting**

9 May 2023

## **10 Closure**

The meeting was declared closed at 5:40pm.

---

Mr D. Finnigan  
**General Manager**

---

Cr S. Reynolds  
**Chairperson**



## 11.2. Finance Review and Advisory Committee - 18 April, 2023

<b>Attachments:</b>	1. Minutes - Finance Review Advisory Committee - 18/04/2023 [11.2.1 - 2 pages]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Josh Hogan (Finance Manager)
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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 Finance Review Advisory Committee held on 18 April, 2023.

### OFFICER'S RECOMMENDATION

The minutes for the Finance Review Advisory Committee meeting held on 18 April, 2023 be NOTED.

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

### REPORT

The Acting Chief Financial Officer reports that the Finance Review Advisory Committee met on 18 April, 2023.

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



**MINUTES OF THE FINANCE ADVISORY COMMITTEE MEETING OF THE  
MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION  
CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 18 APRIL 2023  
COMMENCING AT 4:00pm.**

---

**PRESENT:** Cr S. Reynolds (Chair), Cr R. Mahajan, Cr R. Scholes, Mr D. Finnigan  
(General Manager), Mr J. Hogan (Acting Chief Financial Officer).  
**IN ATTENDANCE:** Cr D. Marshall, Cr G. McNeill, Cr L. Dunn, Cr J. Lecky and  
Ms K. Randall

## **1 Acknowledgement of Country**

The Acknowledgement of Country was ready by Cr Reynolds.

## **2 Apologies**

RECOMMENDED on the motion of Cr R. Mahajan and Cr R. Scholes that:

The apologies for inability to attend the meeting submitted by Cr A. Barry be  
ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr R. Scholes and Cr. J Lecky that:

The Minutes of the Finance Review Advisory Committee Meeting held on **21 March 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil

## **6 Business**

### **6.1 Monthly Financial Report - March 2023**

RECOMMENDED on the motion of Cr R. Mahajan and Cr R. Scholes that:

The Finance Review Advisory Committee note the Financial Reports for the month ending 31 March 2023.

### **6.2 Report on Investments held as at 31 March 2023**

RECOMMENDED on the motion of Cr R. Mahajan and Cr J. Lecky that:

The Finance Advisory Committee note Council's Investments as at 31 March 2023.



### **6.3 2023/24 Budget Estimates**

RECOMMENDED on the motion of Cr J. Lecky and Cr L. Dunn that:

Finance Review Advisory Committee notes the information in the report and provides feedback to the Acting CFO.

## **7 Date of Next Meeting**

16 May 2023

## **9 Closure**

The meeting was declared closed at 4:49pm.

---

Mr D. Finnigan  
**General Manager**

---

Cr S. Reynolds  
**Chairperson**

**11.3. Olympic Park Precinct Development Advisory Committee - 8 May, 2023**

<b>Attachments:</b>	1. Minutes - Olympic Park Precinct Development Advisory Committee - 8/05/2023 [11.3.1 - 2 pages]
<b>Responsible Officer:</b>	Matthew Lysaught - Director Property & Place
<b>Author:</b>	Paul Chandler (Recreation & Property Officer)
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.4 - Maintain and continually improve community infrastructure across the Shire.

---

**PURPOSE**

To inform Council of a meeting of the Olympic Park Precinct Development Advisory Committee held on 8 May 2023.

**OFFICER'S RECOMMENDATION**

The minutes for the Olympic Park Precinct Development Advisory Committee held on 8 May 2023 be NOTED.

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

**REPORT**

The Technical Officer – Recreation & Buildings reports that the Olympic Park Precinct Development Advisory Committee met on 8 May 2023.

The Minutes of the meeting are attached for the information of councillors.

**MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON MONDAY 8 MAY 2023 COMMENCING AT 5:04PM.**

---

**PRESENT:** Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Marco (Muswellbrook Junior Rugby League), Mr G. Mather (Muswellbrook Senior Rugby League), Mr P. Benkovic (Muswellbrook Touch Association), Mr T. McTaggart (Olympic Park Tennis Club), Mr R. Hartin and Mr T. Martin.

**IN ATTENDANCE:** Ms K. Randall (Administration Team Leader)

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Barry.

## **2 Apologies**

RECOMMENDED on the motion that:

The apologies for inability to attend the meeting submitted by Mr A. Greentree, Ms. P. King and Mr M. Jeans be ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Mr G. Mather and Paul Benkovic that:

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on **18 April 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

### **5.1 Action List**

An Action List for the Olympic Park Precinct Development Advisory Committee was provided.

RECOMMENDED on the motion of Paul Benkovic and Tony McTaggart that:

The information contained in this report be noted.



## 6 Business

### 6.1 Introduction of New Members

The Committee welcomed Russell Hartin and Troy Martin to the committee as independent panel members. An overview of the terms of reference for the committee.

RECOMMENDED on the motion of Paul Benkovic and Tony McTaggart that:  
The information contained in this report be noted.

### 6.2 Project Presentation

A presentation on the project was provided to the Committee.

RECOMMENDED on the motion of Cr A. Barry and Troy Martin that:  
The information contained in this report be noted.

### 6.3 Site Visit

RECOMMENDED that the information contained in this report be noted.

## 7 Closed Committee

Nil

## 8 Date of Next Meeting

13 June, 2023

## 9 Closure

The meeting was declared closed at 6:00pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr A. Barry  
**Chairperson**



#### 11.4. State Significant Development Committee - 8 May, 2023

<b>Attachments:</b>	1. Minutes - State Significant Development Committee - 8/05/2023 [11.4.1 - 2 pages]
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Theresa Folpp (Development Compliance Officer)
<b>Community Plan Issue:</b>	6 - <i>Community Leadership</i>
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	<i>Not Applicable</i>

---

#### PURPOSE

To inform Council of a meeting of the State Significant Development Committee held on 8 May, 2023.

#### OFFICER'S RECOMMENDATION

The minutes for the State Significant Development Committee held on 8 May, 2023 be NOTED.

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

#### REPORT

The Development Compliance Officer reports that the State Significant Development Committee met on 8 May, 2023.

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 8  
May 2023 COMMENCING AT 4:00pm.**

---

**PRESENT:** Cr S. B. Woodruff (Chair), Cr J. Lecky, Cr R. Scholes.

**IN ATTENDANCE:** Cr L. Dunn, Cr D. Marshall, Mr D. Finnigan (General Manager),  
Ms S. Pope (Director – Planning & Environment), Mrs S. Welchman  
(Director - Community & Economy), Ms T. Folpp (Development  
Compliance Officer), Ms A. Walker (BHP - left meeting at 5:00pm),  
Mr D. Holm (Square Peg Consulting - left meeting at 5:00pm),  
Mr G. Tischljar (Firmpower Pty Ltd - joined meeting at 4.40pm & left  
meeting at 5:13pm), Mr N. Rose (Firmpower Pty Ltd joined meeting  
4.40pm & left meeting at 5:13pm), Ms K. Randall (Administration Team  
Leader).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr J. Lecky.

## **2 Apologies**

RECOMMENDED 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 be  
ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The Minutes of the State Significant Development Committee Meeting held on **12 April  
2023**, a copy of which has been distributed to all members, be taken as read and  
confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil

## **6 Business**

### **6.1 Mount Arthur MOD2 - Social Impact Assessment Results**

Ms A. Walker and Mr D. Holm joined the meeting to present and discuss the Social  
Impact Assessment Results for Mount Arthur MOD2.

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that the  
information contained in this report be noted.



## **6.2 Membership into Mining Related Council**

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The SSD Committee supports Council becoming a member of the Mining and Energy Related Council NSW for an initial two-year period after which a review will be undertaken to confirm whether membership is worthwhile and should continue.

## **6.3 State Significant Development - Activities Summary**

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The information contained in this report be noted.

## **6.4 Muswellbrook Battery (BESS) revised Planning Agreement General Terms**

Mr G. Tischljar and Mr N. Rose joined the meeting to discuss the Muswellbrook Battery (BESS) revised Planning Agreement General Terms.

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The information contained in this report be noted.

## **8 Date of Next Meeting**

14 June 2023

## **9 Closure**

The meeting was declared closed at 5:29pm.

---

Mr D. Finnigan  
**General Manager**

---

Cr B. Woodruff  
**Chairperson**



**11.5. Local Traffic Committee Meeting - 9 May, 2023**

<b>Attachments:</b>	1. Local Traffic Committee May 2023 Minutes [ <b>11.5.1</b> - 3 pages]
<b>Responsible Officer:</b>	Derek Finnigan - General Manager
<b>Author:</b>	Imelda Williams (Traffic & Roads Status Officer)
<b>Community Plan Issue:</b>	5 - <i>Community Infrastructure</i>
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

---

**PURPOSE**

To inform Council of a meeting of the Local Traffic Committee Meeting held on Tuesday 9 May 2023.

**OFFICER'S RECOMMENDATION**

The minutes for the Local Traffic Committee Meeting held on 9 May 2023 be NOTED and the recommendations contained therein be adopted by Council.

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

**REPORT**

The Technical Officer reports that the Local Traffic Committee met on 9 May 2023.

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

**COMMENT**

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 9 MAY, 2023 COMMENCING AT 1.30PM.**

---

**PRESENT:** Cr M. Bowditch (Chair), Cr D. Marshall (Alt. Delegate), Snr Const. A. Sweeney (NSW Police), Ms B. Haverboek (TfNSW), Ms K. Scholes.  
**IN ATTENDANCE:** Mrs I. Williams

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Bowditch.

## **2 Apologies**

RECOMMENDED on the motion of Cr M. Bowditch and Cr D. Marshall that:

The apologies for inability to attend the meeting submitted by Mr M. Kelly be ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Cr D. Marshall and Kellie Scholes that:

The Minutes of the Local Traffic Committee Meeting held on **11 April, 2023** a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

### **Marketplace Carpark Site Inspection**

The meeting was advised that a site inspection was carried out on Tuesday 2 May 2023. Was attended by Cr Marshall, Mrs K Scholes, Mr M. Kelly Various Council Staff and representatives from the Point to Point Transport Operators, Ride Share and Sweet Az Rides, representative from Transcare Community Bus and transport operator.

The meeting was further advised that the site inspection was undertaken following complaints and the attendance at the site on a number of occasions by the Local Police raising safety concerns. The main entrance to the Marketplace has been the drop off and pick up location for passengers utilising the various point to point and community service transport options. This has created a bottle neck for through traffic and blocks sight distance for pedestrian exiting the site. There were concerns raised by the NSW Police that vehicles parking obstructs the view of passing vehicles with the potential of a small child running out of the centre unattended and being hit by through traffic.

The Marketplace top carpark off Hill Street is currently being redesigned and reconstructed. Council took the opportunity to widen the kerb on both sides of the



access to the main entrance which will allow the community transport bus to pull in out of the line of through traffic for a safer pick up and drop off option for their passengers. Council proposes some minor changes to the car park immediately located under the food court to cater for the point to point transport operators to pick up and drop off passengers in a designated parking area.

The meeting noted that these immediate short term options would assist until further long term solutions can be funded and implemented.

#### **Market Street Lane Widths**

The meeting was advised that a site inspection was undertaken by Mrs K. Scholes, Cr Marshall and Mrs Williams and it was determined that the lane widths need further investigation. The meeting was further advised that a further report would be submitted to the Committee in coming months.

## **6 Business**

### **6.1 Mangoola Coal Temporary Road Closures for Blasting**

A report was submitted to the Committee advising that the Mangoola Closing Public Roads - Mining Procedures had been amended to include additional blasting times covered under the Mangoola Coal Continued Operations SSD 8642 and required the approval of Council.

RECOMMENDED that:

1. Council use it's delegated authority to approve the Mangoola Closing Public Road- Mining Procedure (v.16) for the temporary closure of Council public roads when blasting within 500m of the road.
2. "Live Traffic" website be advised that the route is subject to closure for blasting purposes.

VOTE: Unanimous Support

### **6.2 Request for Traffic Calming Devices in Bligh Street**

A report was submitted to the Committee outlining the findings of an investigation conducted to ascertain if traffic calming devices are warranted in Bligh Street following a request from a resident.

RECOMMENDED that:

Recommended that Council takes no action in the matter due to the outcome of the investigation indicating that there is no warrant to install speed humps or other traffic calming devices in Bligh Street and the resident be advised accordingly.

VOTE: Unanimous Support.

## **General Business**

### **Yarrawa Road AW Barry Bridge**

The meeting was advised that Council had received ongoing complaints about the intersection of Yarrawa Deviation and Yarrawa Road.



The Committee requested that further investigation be undertaken by Transport for NSW regarding the sight distance issues for traffic exiting Yarrawa Deviation Road due to the guard rail positioning associated with the Bridge.

Ms Haverhoek advised that information would be provided to the Committee on the outcome of the investigations.

## **7 Closed Committee**

Nil

## **8 Date of Next Meeting**

13 June, 2023

## **9 Closure**

The meeting was declared closed at 1.55pm.

.....  
Cr M. Bowditch  
**CHAIR**



**11.6. Regional Entertainment Centre Development Advisory Committee - 9 May, 2023**

<b>Attachments:</b>	1. Minutes - Regional Entertainment Centre Committee - 9/05/2023 [11.6.1 - 2 pages]
<b>Responsible Officer:</b>	Matthew Lysaught - Director Property & Place
<b>Author:</b>	Paul Chandler (Recreation & Property Officer)
<b>Community Plan Issue:</b>	6 - <i>Community Leadership</i>
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	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 Regional Entertainment Centre Development Advisory Committee held on 9 May 2023.

**OFFICER'S RECOMMENDATION**

The Minutes for the Regional Entertainment Centre Development Advisory Committee held on 9 May 2023 be NOTED.

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

**REPORT**

The Director of Property & Place reports that the Regional Entertainment Centre Development Advisory Committee met on 9 May 2023.

The Minutes of the meeting are attached for the information of the councillors.

**MINUTES OF THE REGIONAL ENTERTAINMENT CENTRE DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 9 MAY 2023 COMMENCING AT 5:32PM.**

---

**PRESENT:** Cr L. Dunn, Cr J. Lecky, Cr R. Scholes, Mr S. Delforce (MATS), Mr A. French-Northam (UHCM)

**IN ATTENDANCE:** Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Ms K.Scholes ( Manager-Roads, Drainage & Technical Services) and Ms K. Randall (Administration Team Leader)

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Dunn.

## **2 Apologies**

RECOMMENDED on the motion of Cr L. Dunn and Cr R. Scholes that:

The apologies for inability to attend the meeting submitted by Cr A. Barry be ACCEPTED.

## **3 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Cr R. Scholes and Cr L. Dunn that:

The Minutes of the Regional Entertainment Centre Development Advisory Committee Meeting held on **13 March 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil

## **6 Business**

### **6.1 Town Centre Workshop**

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

1. The information contained in this report be noted;
2. Council proceed with the proposed Town Centre Stages;
3. Council proceed with the proposed Pocket Park Concept;
4. Progress re-location of the Regional Entertainment Centre;
5. Development Application to include 2 stages.

## **7 Member Updates**



Nil

## **8 Date of Next Meeting**

12 June 2023

## **9 Closure**

The meeting was declared closed at 6:35pm.

---

Mr D. Finnigan  
**General Manager**

---

Cr J. Lecky  
**Chairperson**



## 12. Notices of Motion

Nil

## 13. Councillors Reports

## 14. Written Questions

Nil

## 15. Questions for Next Meeting

## 16. Adjournment into Closed Council

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

## 17. Closed Council

### **RECOMMENDATION**

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

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





**17.1. Regional Procurement Tender T022324HUN - Supply and Delivery of Ready Mixed Concrete**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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

**17.2. Regional Procurement Tender T012324HUN - Provision of Road Resurfacing**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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

**17.3. Tender 2021-2022-0538 - Design and Construction of Ground Mounted Solar PV Array**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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

**17.4. Muswellbrook Marketplace - Solar Panel Installation**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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



#### **17.5. Denman Children's Centre Extension**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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

#### **17.6. Just Jeans - Consent Order - Debt Resolution**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

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

### **18. Resumption of Open Council**

### **19. Closure**

**Date of Next Meeting: 27 June, 2023**