



10.1.2. Local Heritage Grants

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Sharon Pope (Director - Planning & Environment)
Community Plan Issue:	3 - <i>Environmental Sustainability</i>
Community Plan Goal:	An environmentally sensitive and sustainable community
Community Plan Strategy:	4.4.1 - Support the conservation and restoration of the Shire's heritage items.

PURPOSE

The purpose of this report is to allocate funds for Local Heritage projects.

Council has made provision in the 2023-24 Operational Plan for a Local Heritage Assistance Fund. The purpose of the Fund is to provide small grants to support the owners of heritage items in undertaking maintenance and repair works to those items. Council has three applications this year for works on buildings at:

- 33 Brentwood Street, Muswellbrook;
- 5 Midanga Avenue, Muswellbrook; and
- 3179 Bylong Valley Way, Kerrabee.

OFFICER'S RECOMMENDATION

Council APPROVES contributions from the Local Heritage Assistance Fund for the following projects:

1. \$2,000 for repair to bricks and mortar in cellar at 33 Brentwood Street, Muswellbrook;
2. \$2,000 for repair and maintenance of barge board, sash windows, 6 shutters and doors at 5 Midanga Avenue, Muswellbrook; and
3. \$2,000 for roof maintenance and repair at 3179 Bylong Valley Way, Kerrabee.

Moved: _____ **Seconded:** _____

BACKGROUND

The Local Heritage Assistance Fund program is a tool to encourage owners of heritage items to keep properties in good maintenance and repair.

The Fund is open to projects that involve heritage listed buildings, buildings within the conservation area assessed as contributing to heritage value by the heritage advisor, and other buildings that are assessed as having heritage value in the Muswellbrook Shire local government area (not including a government or council owned building still used for a government or council purpose).

Council provides a maximum level of funding per project of \$2,000. Applicants must at least provide matching funding or in-kind contribution.



REPORT

The following assessment criteria are considered when assessing applications. It is not necessary for each project to meet all criteria:

- a. that the proposed works involve maintenance or conservation repairs that do not involve extensive works that would otherwise require development consent;
- b. the applicant's ability to demonstrate technical and financial responsibility for the project, and demonstrated ability to complete the project prior to the end of March the following year;
- c. the degree to which the applicant is financially contributing to the project;
- d. projects which clearly complement broader conservation;
- e. objectives, e.g., projects which implement key findings of heritage studies or projects in designated heritage main street or conservation areas;
- f. projects which would encourage the conservation of other heritage items or older buildings;
- g. projects of demonstrated heritage value to the community; commonly the item concerned will appear on many heritage lists: e.g., the restoration of an important local heritage house;
- h. projects which are highly visible to the public, e.g., the replacement of a verandah to a building in a main street location;
- i. projects which have high public accessibility or in a prominent location, e.g., a local museum, church, or a private home which is open to the public several times a year, or is in a prominent location;
- j. projects which are in an area which has received little or no funding;
- k. projects involving aspects of heritage which have received little or no funding, e.g., historic gardens;
- l. projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to be carried out to the item; and
- m. urgent projects to avert a threat to a heritage item.

A summary of the three (3) applications is provided in the following Table:

Project Address	Project Description	Project Cost (exc GST)	Recommended Funding (exc GST)
33 Brentwood Street, Muswellbrook	Repair and maintenance of bricks and mortar in cellar of house.	\$6,820.00	\$2,000.00
5 Midanga Avenue, Muswellbrook	Repair and maintenance of barge board, sash windows, 6 shutters and doors.	\$4,440.00	\$2,000.00
3179 Bylong Valley Way, Kerrabee	Pressure cleaning and painting of iron roof on Kerrabee Homestead and Kerrabee Post Office. The Post Office roof will be coated with a clear acrylic paint to allow the rust patina to	\$5,000.00	\$2,000.00



Project Address	Project Description	Project Cost (exc GST)	Recommended Funding (exc GST)
	continue to be visible, where the roof of the homestead will be painted silver.		



Image 1. Windows to be repaired 5 Midanga Ave, Muswellbrook



Image 2. Bricks and mortar requiring repair at 33 Brentwood Street, Muswellbrook.



Image 3. Roof to be repaired 3139 Bylong Valley Way, Kerrabee.

All three applications are accompanied by quotes for the components that will be undertaken by paid, trade qualified contractors; some work will be completed by the property owners as



an “in-kind” contribution.

As contributions from the local heritage fund are currently capped at \$2000.00, property owners tend to break needed work down into projects that can occur over several years, and this results in applications being received from the same property owners over a few years.

OPTIONS

Council’s 2023-24 budget includes an allocation for the Local Heritage Assistance Fund. There is \$14,250 in the 2023-24 budget.

Councillors have the following options with respect to this request:

1. Approve a cash contribution to the three applicants as requested;
2. Determine to provide a different amount of cash contribution; or
3. Not approve a cash contribution to the applicants.

CONCLUSION

Council has received three applications for funding through the Local Heritage Assistance program for 2023-24. The nominated projects all meet the criteria for funding, and there are sufficient funds to provide each applicant with a contribution of \$2000.00.

SOCIAL IMPLICATIONS

Maintenance of built heritage items contributes to an ongoing understanding of the Shire’s past and contributes to the sense of identity held by the community.

FINANCIAL IMPLICATIONS

A total of \$14,250.00 is available in the Local Heritage Assistance Fund. This includes funding from Heritage NSW.

STATUTORY IMPLICATIONS

Grants provided through the Local Heritage Assistance Fund are classified as a donation under the Local Government Act 1993.

OPERATIONAL PLAN IMPLICATIONS

Funding is provided to the successful applicants on satisfactory completion of the works. Photos are required to be taken before work commences, and again at the completion of the project.

Applicants are required to erect a sign acknowledging that the works have received a contribution from Council and the NSW Government. A report will be sent to Heritage NSW in May 2024 on the outcomes of the grants.

RISK MANAGEMENT IMPLICATIONS

If the projects are not completed to the Heritage Advisor’s satisfaction, the grants are not provided for the projects. As a result, there is minimal risk to Council.

**10.1.3. Monthly Report to Council - Planning, Environment and Regulatory Services**

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Michael Brady (Sustainability Officer - Waste), Kim Randall (Administration Team Leader), Tracy Ward (Sustainability Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT PLANNING AND ENVIRONMENT***Schedule 1: Development Applications Approved (1/10/2023-13/11/2023)***

DA No.	DESCRIPTION	PROPERTY	VALUE
2018.099.002	S4.55 (1A) Modification- Centre-Based Child Care Facility	Turner Street, Denman	-
2013.232.003	S4.55(1A) Modification Insert condition allowing subdivision works to be carried over to next stages	212-216 Queen Street, Muswellbrook	-
2023.042.002	S4.55 (2) Modification - Shed	56 Stockyard Parade, Muswellbrook	\$33,005
2022.026.003	S4.55 (1) Modification - Covered Walkway access from Carpark / Bus Stop	109-111 Hill Street, Muswellbrook	-
2023.052.002	S4.55(1A) Modification - Shed and inground swimming pool	242-244 Queen Street, Muswellbrook	-
2019.025.002	S4.55 (1A) Modification-Dwelling Alterations and Additions	58 Palace Street, Denman	-
2023.080.001	Replacement of glazing & use of part of the shop as a kiosk	31 Bridge Street, Muswellbrook	\$14,900
2014.139.002	S4.55(1) Modification - Shed	6 Billabong Close,	-



DA No.	DESCRIPTION	PROPERTY	VALUE
		Muswellbrook	
2023.074.001	Shed	1 Stable Close, Muswellbrook	\$45,630
2023.048.001	Granny flat, double garage and driveway	11 Ogilvie Street, Denman	\$150,000
2023.079.001	Camping ground, community building, amenities	66 Palace Street, Denman	\$250,000
2022.080.001	Remediation and Earthworks	Coal Road, Muswellbrook	\$2,516,829

TOTAL = 13

Schedule 2: Development Applications Currently Being Assessed as at 13/11/2023

DA No.	DESCRIPTION	PROPERTY	VALUE
2002.205.009	S4.55 (1A) Modification - Changes in Rehabilitation Framework	Muscle Creek Road, Muscle Creek	-
2011.010.002	S4.55(2) Modification - Change to number of storage unit blocks	49 Enterprise Crescent, Muswellbrook	-
2017.008.002	Subdivision approval for 1 lot into 129 lots	Almond Street, Denman	-
2019.053.001	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway, Muswellbrook	\$4,875,600
2020.007.001	Additions and Alterations to existing Hotel	184 Bridge Street, Muswellbrook	\$110,000
2020.083.001	Subdivision of one lot (1) into three (3)	60-62 Palace Street, Denman	\$10,000
2021.029.002	S4.55(1A) Modification - Relocation of Existing Dwelling & Construct New dwelling	49 Carl Street, Muswellbrook	-
2021.073.001	Temporary use of the land for receival and dismantling of rail wagons with off-site disposal	18 Strathmore Road, Muswellbrook	\$50,000
2021.0137.001	Change Of Use to Educational Facility	820 Rosemount Road, Denman	-
2022.005.002	Storage premises including three buildings to be used as storage units, office space, car parking, signage & landscaping	Victoria Street, Muswellbrook	-



DA No.	DESCRIPTION	PROPERTY	VALUE
2022.092.001	Subdivision of One (1) Lot into One Hundred & Ninety Four (194) Residential Lots	Almond Street, Denman	\$18,284,734
2022.095.001	Demolition of Existing Buildings and Construction of New Grandstand and Amenities.	3 Wilkinson Avenue, Muswellbrook	\$9,455,600
2022.0124.001	Shed for Community Facility	17-19 Maitland Street, Muswellbrook	\$182,720
2022.132.001	Sixty Eight (68) Lot Subdivision and Child Care Centre	9036 New England Highway, Muswellbrook	\$6,705,835
2022.147.001	Change of Use - Tyre Recycling Facility	12 Carramere Road, Muswellbrook	\$2,200,000
2023.014.001	Storage Complex - 103 self storage units and 12 open storage bays	Turner Street, Denman	\$3,555,527
2023.019.001	Change of Use - Home Occupation	16 Burgundy Street, Muswellbrook	\$10,000
2023.034.002	S4.55(1) Modification - Ancillary Development Shed	12 Lou Fisher Place Muswellbrook	-
2023.038.001	Construction of thirty (30) multi-dwelling housing (inc.4 adaptable) with associated car parking and landscaping	59 Tindale Street, Muswellbrook	\$4,462,000
2023.040.001	Steel frame Industrial Structure	4 Wallarah Road, Muswellbrook	\$100,000
2023.041.001	Steel Frame Industrial structure	12 Wallarah Road, Muswellbrook	\$100,000
2023.047.002	Industrial sheds and lunchroom	26 Glen Munro Road, Muswellbrook	-
2023.054.002	S4.55(1A) Modification - Commercial Storage Building	39-41 Ogilvie Street, Denman	-
2023.056.001	Geotechnical investigations	Limestone Road, Muswellbrook	\$993,939
2023.057.001	Battery Energy Storage System & Shed Structures	981 New England Highway, Aberdeen	\$16,900,000
2023.059.001	Inground Swimming Pool	12 Octagonal Way, Muswellbrook	\$50,750
2023.060.001	Alts and Additions to dwelling	22 Lorne Street, Muswellbrook	\$35,000
2023.061.001	Three (3) Lot Subdivision	Golden Hwy, Giants Creek	\$20,031



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.065.001	2 Relocatable Modular Units/Deck/Roof Workers Accommodation	10 Ogilvie Street, Denman	\$42,900
2023.066.001	Battery Energy Storage System	105 Merriwa Road, Denman	\$16,900,000
2023.068.001	Shed and Retaining Wall	11 Bloodwood Road, Muswellbrook	\$25,000
2023.069.001	Shed	7 Peberdys Road, Sandy Hollow	\$36,800
2023.070.001	Storage shed	36 Stockyard Parade, Muswellbrook	\$19,483
2023.071.001	Shed	11 Stockyard Parade, Muswellbrook	\$50,000
2023.072.001	Demolition of Existing Structures & Construction of Childcare Centre	200 Bridge Street, Muswellbrook	\$2,960,280
2023.073.001	Single Storey Dwelling with Detached Secondary Dwelling	16A Martindale Street, Denman	\$727,670
2023.076.002	S4.55(1) Modification - Subdivision of One (1) Lot into Two (2) Lots	280 Scrumlo Road, Hebden	\$28,600
2023.078.001	Geotechnical Drilling	Dolahentys Road, McCullys Gap	\$1,888,600
2023.081.001	Single Storey Dwelling & attached Garage	1 Stable Close, Muswellbrook	\$458,459
2023.082.001	Temporary use of land for lawn mower racing events	659 Peberdys Road, Sandy Hollow	\$5,000
2023.083.001	Three (3) Lot Subdivision	Golden Hwy, Giants Creek	\$20,031
2023.084.001	Ancillary use - Shed	1554 Golden Hwy, Sandy Hollow	\$50,000
2023.086.001	Construction of a 90 Place Child Care Centre	84 Brook Street, Muswellbrook	\$1,975,000
2023.087.001	Carport	93 Shiraz Street, Muswellbrook	\$15,579
2023.088.001	Carport	22 Ironbark Road, Muswellbrook	\$6,870
2023.090.001	Shed with attached awning	106 Ironbark Road, Muswellbrook	\$74,372
2023.092.001	Alteration and additions to an existing multi-unit housing complex to	16 Brook Street, Muswellbrook	\$185,000



DA No.	DESCRIPTION	PROPERTY	VALUE
	introduce 2 additional dwellings		
2023.093.001	Shed with Awning	130 Hill Street, Muswellbrook	\$36,650
2023.094.001	Shed and Slab	234-236 Queen Street, Muswellbrook	\$50,193
2023.095.001	Swimming Pool	6 Lanhro Place, Muswellbrook	\$46,795
2023.096.001	Shed	31 Babbler Crescent, Muscle Creek	\$74,000
2023.097.001	Ancillary use - Carport	91 Shiraz Street, Muswellbrook	\$17,815
2023.098.001	Dwelling House - Two Storey	2237 Martindale Road, Martindale	\$1,013,502
2023.099.001	Ancillary Use - Shed	42 Shiraz Street, Muswellbrook	\$30,000
2023.100.001	Demolition of Existing Structures; construction of 2 retail premises, 2 shop top houses, 7-unit motel and Strata Title Subdivision (11 lots)	37 Ogilvie Street, Denman	\$1,441,202
2023.101.001	Alterations and Additions to Dwelling, Carport and Shed	46 Sowerby Street, Muswellbrook	\$111,098
2023.102.001	Shed with awning	10 Jackaroo Close, Muswellbrook	\$49,485
2023.103.001	Installation of a Verandah at the front of the residence	Ellis Parish, County Brisbane	\$15,000
2023.104.001	Dwelling house	51 Babbler Crescent, Muscle Creek	\$554,968
2023.105.001	Replacement of existing sign out the front	102-106 Sydney Street, Muswellbrook	\$40,000
2023.106.001	Ancillary Use - Shed	71 Babbler Crescent, Muscle Creek	\$54,928
2023.107.001	Ancillary Use - Shed	5 Stockyard Parade, Muswellbrook	\$62,994
2023.108.001	Ancillary Use - Carport	10 Ted Clay Street, Muswellbrook	\$13,952
2023.109.001	Swimming Pool	23 Stockyard Parade, Muswellbrook	\$44,990
2023.110.001	Ancillary Use - Shed	190 Woodland Ridge Road, Muscle Creek	\$38,711



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.111.001	Dwelling House	16 Stockyard Parade, Muswellbrook	\$694,655
2023.112.001	Dwelling House	44 Aberdeen Street, Muswellbrook	\$576,090
2023.113.001	Storeroom will be added to the existing exhibition hall.	Ellis Parish, County Brisbane	\$11,000
2023.114.001	Ancillary Use - Shed	14 Wanaruah Circuit, Muswellbrook	\$14,398
2023.115.001	Detached Steel Framed Shed	16 Martindale Street, Denman	\$11,700
2023.116.001	Home Business - Beauty Room	55 Woollybutt Way, Muswellbrook	\$2,500
2023.117.001	Single Storey Residential Dwelling (Manufactured Home)	13 Virginia Street, Denman	\$296,551
2023.118.001	Steel frame shed	75 Woodland Ridge Road, Muscle Creek	\$75,000
2023.119.001	Restoration of the former Negoa Homestead	90 Wiltons Lane, Kayuga	\$882,527
2023.120.001	Dwelling renovations	58 Paxton Street, Denman	\$47,958
2023.121.001	Change of use to existing garage to dwelling home	79 Aberdeen Street, Muswellbrook	\$1000
2023.122.001	Proposed garage for accommodation of work truck.	3 Arlingham Close, Muswellbrook	\$152,515

Total = 77



20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements.

On-site Wastewater Statistics - 13 Month Analysis (2021/2022)

	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23
Applications Received (new installation)	0	2	0	0	0	2	0	2		0	1	1	2
Applications Approved (new installation)	0	0	1	0	0	0	0	0		1	2	2	0
Inspections (new system)	0	2	1	0	0	7	0	0		0	3	1	3
Inspections (existing system)	0	1	1	0	2	0	0	0		1	1	0	0

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23
Applications Received (new businesses)	1	1	3	3	13	10	1	13		11	1	4	1
Inspections (new businesses)	1	3	1	1	2	2	0	0		1	0	1	1
Inspections (existing businesses)	0	5	0	15	3	4	13	16		1	0	0	0
Reinspections	0	0	0	0	0	0	0	0		0	0	0	0

4.1.1.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2021/2022)

	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23



Total Sites Inspected	23	19	17	17	15	12	11	9	7	20	16	10	10
Total non-compliant and educated	0	0	0	0	0	0	0		0	0	0	1	0
Total compliance after education	23	19	0	0	15	12	0		0	0	0	9	0
Total Penalty Notices Issued	0	0	0	0	0	0	0		0	0	0	0	0

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

Illegal Dumping Statistics – 13 Month Analysis (2021/2022)

	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23
Total Investigations	0	1			4	7	4	4	3	4	1	1	1
Total Clean up by Council - insufficient evidence	0	1			0	0			0	3	0	1	0
Total Clean Up by individual	0	0			1	6			0	1	0	0	0
Total Penalty Notices Issued	0	0			0	0			0	0	0	0	0
Court Attendance Notice Issued	0	0			0	0			0	0	0	0	0
Still under investigation	0	0			3	1			0	0	0	0	1

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

Swimming Pool Compliance Statistics – 13 Month Analysis (2021/2022)

	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Oct 23	Total
Applications for Compliance Certs.	3	5	3	1	2	3	0	0	0	1	1	2	2	23
Total compliance inspections (not inc.)	9	4	10	5	11	8	7	4	8	8	9	10	12	105



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Initial Inspections	8	1	7	1	3	5	2	1	2	3	3	7	7	50
Re-inspections	1	3	3	4	8	3	5	3	5	5	7	3	5	55

Compliance Certs / Occ. Certs issued	2	3	1	1	1	7	3	6	5	6	7	7	7	56
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Fees invoiced	\$477	\$1050	\$1263	\$363	\$700	\$863	\$740	\$786	\$350	\$800	\$700	\$700	\$1600	\$10,394.55
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Total Pools in Council's SPR = 983

(Note: 1121 records in SPR but 135 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 28.8%

SUSTAINABILITY**Sustainability Update 1 to 20 October 2023****Tidy Towns Judging and R U OK Event**

Warrior Disability Services hosted an R U OK event at the new Sustainability Hub. Also on the same day Council staff showed a Tidy Towns NSW judge around Muswellbrook.



And Muswellbrook was a Winner!!

As a result of the Tidy Towns NSW judging, the Overall population category D winner is Muswellbrook.

The Biodiversity Award population category D winner is Sustainability and Landcare Muswellbrook, Hunter Sustainability Landcare Team.

The Resource Recovery and Waste Minimisation Award category D highly commended recipient is Green Team, Muswellbrook South Public School.

The Local Legends: 26 - 65 Years category D highly commended recipient is Creating Inclusive Sustainable Community, Warrior Disability Services.

The Muswellbrook Chamber of Commerce & Industry received a Highly Commend Award in the 'Bush Spirit' category for The [Great Cattle Dog Muster](#).

A great effort by our community!

Sustainable Education Grants

Muswellbrook Shire Council recently awarded Sustainable Education grants to the following groups. Congratulations to:

- Sandy Hollow Public School for bee hives, vegie gardens and bins.
- Muswellbrook Preschool Kindergarten for bus trips to Hunter Beach.
- Muswellbrook South Public School Official for a bus trip to Belltrees School and garden

supplies.

- Denman Pony Club for bins for container collection.



Free Native Seedlings

800 native seedlings were given away to Muswellbrook Shire residents at events in Muswellbrook and Denman.

Great Cattle Dog Muster

Council's Sustainability Unit attended the Great Cattle Dog Muster to talk with the community about Sustainability. Unfortunately, we were positioned next to the balloon giveaway tent. We will continue to work on making events more sustainable.



Baiame Caves

Council helped facilitate St Joseph's Primary School Denman to go on an excursion to Baiame Caves with students from St Joseph's Merriwa. The students listened to the story of 'Baiame' facilitated by Uncle Warren. The students learnt about spit painting and the history of the area. The students then participated in a nature walk led by Council staff where they identified animal homes, tracks and bird calls.



River Red Gum Genetics Workshop

Council staff attended a River Red Gum Genetics Workshop as part of a project with Royal Botanical Gardens Sydney and Saving our Species. The genetic testing of River Red Gums so far shows that trees in Muswellbrook are not genetically diverse enough to resist impacts

such as disease and climate change.

Preschool Trip to New Sustainability Hub

Muswellbrook Preschool visited the new Sustainability Hub. Here they planted seedlings, composting and worm farmed. This is a great way to talk with kids and teachers about subjects such as food waste.

Youth Services Visit to New Sustainability Hub

Youth Services Visited the New Sustainability Hub. Here they planted seedlings, composting and worm farmed. This is a great way to talk with kids and teachers about subjects such as food waste.

Opening Donald Horne Building

Sustainability staff attended the opening of the Donald Horne Building.



Activity Book

A wonderful new activity, colouring in and story book has been produced by Ruth from the Penguin Community Garden her daughter Jasmine and her son Olie featuring Sunny Spark. Great to have a locally produced item that will be given away as prizes at community events.



FOGO Engagement and Education

Work continues on delivering the Community Engagement and Education Plan (CEEP). The successful delivery of this plan will help ensure a smooth transition to FOGO.

Work Experience

Two University of Newcastle students have been working with the Sustainability Unit once a week. This has been very helpful and a worthwhile experience.

Vandalism of National Tree Day Plantings

In the previous report period about 160 native seedlings had been removed from the National Tree Day plantings downstream from Bell Street. During this report this has reduced to 40 seedlings being removed. Council staff continue to replant and water them.

Sustainable Futures – Muswellbrook Facebook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,730 page likes and 1,927 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promoting the Community Recycling Centres, correct waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.



10.2. Community Infrastructure

10.2.1. Mangoola Coal Continued Operations - Yarraman Road Upgrade Project

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Imelda Williams (Traffic & Roads Status Officer), Kellie Scholes (Manager - Roads, Drainage & Technical Services)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

PURPOSE

To provide Council with an update on the Yarraman Road Portion Upgrade.

OFFICER'S RECOMMENDATION

Council NOTES the information provided in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

On 26 April 2021, the NSW Independent Planning Commission approved the development application for the Mangoola Coal Continued Operations Project (SSD8642) (MCCOP). This allows for the expansion of mining to the new area north of Wybong Road and the extraction of an additional 52 million tonnes of run-of-mine (ROM) coal.

Council entered into the "Road Closure and Works Deed" outlining, among other matters, the Yarraman Road Portion Upgrade contained in Clause 5. The s.138 Roads Act 1993 application to undertake the works was approved by Council at the 23 May 2023 Ordinary Council Meeting.

CONSULTATION

Roads Drainage & Technical Services

Road Closure and Works Deed

Mangoola Coal Project Team

Various reports to Council

Affected Landowners

Road Users



REPORT

A portion of Yarraman Road, as defined in the 'Road Closure and Works Deed', will be upgraded, including the construction of a bridge across Wybong Creek. The location of the proposed road upgrade extends from the intersection of Wybong Post Office Road for a distance of 1.5km south. Part of Yarraman Road will be realigned to provide a straight horizontal road segment where the road crosses Wybong Creek at the location where a new bridge will be constructed.

The land required for road purposes has now been finalised by Council, which leaves the way forward for Mangoola to commence the construction of the bridge and associated road works. The following "high-level" schedule of works is provided for information purposes only:

- Beginning of November 2023, the contractor's compound will be completed on the eastern side of Yarraman Road, located on Mangoola Coal Land;
- December 2023 – commence mobilising the head contractor to the site;
- End of January 2024 - Piling on both sides of Wybong Creek, with expected duration of 4 weeks (subject to weather);
- April 2024 - Major roadwork civils to commence for the realigned portion of Yarraman Road.

The construction hours for the Yarraman Road Portion Upgrade will generally be during the standard construction hours of 7.00 am to 5.00 pm, Monday to Friday and, if required, 8.00 am to 1.00 pm on Saturdays. Workforce arrival at site, workforce pre-start communications, work site inspections, and workforce leaving site will occur outside of the construction hours. Work activities (such as critical concrete pours) may occur outside of the nominated construction hours, however these will be managed to minimise impacts to the community. Some works, such as augmentation of power utilities, may need to be undertaken at specific times to minimise disruption to users. Construction activities undertaken outside these hours will be managed in consultation with Council.

For the purposes of construction, public access restriction and temporary closure of Yarraman Road at the construction location may be periodically required. It is expected this will be required for periods throughout construction to prevent public interaction with heavy plant, crane operations, and road tie-in works. Local traffic access will be maintained wherever possible, with alternative access for road users available via Ridgeland Road and Wybong Road.

It is anticipated that construction of the bridge and road realignment will take twelve (12) months to complete but will be dependent on weather and local conditions.

**10.2.2. Section 138 Roads Act 1993 Approval Replacement of Effluent Pump Thomas Mitchell Drive**

Attachments:	1. Thomas Mitchell Drive Pump Station Location [10.2.2.1 - 1 page]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Imelda Williams (Traffic & Roads Status Officer)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	Not Applicable
	Not applicable

PURPOSE

To advise Council of the receipt of an application from Hunter Valley Energy Coal under s.138 Roads Act 1993 for works on Thomas Mitchell Drive. The application for works within the road reserve proposes to replace the pump that conveys treated effluent from the Muswellbrook Shire Council Wastewater Treatment Plant to Mt Arthur Mine.

OFFICER'S RECOMMENDATION

Council delegates to the General Manager authority to sign the s.138 *Roads Act 1993* permit to allow the replacement of the effluent pump identified in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Part of the private recycled water line from Council's Recycled Wastewater Treatment Works (RWTW) to Mt Arthur Mine is located within the Thomas Mitchell Drive road reserve. The pumping station, which is located on the corner of Thomas Mitchell Drive and Carramere Road, is associated with the private line. The effluent pump within this pump station is to be replaced.

CONSULTATION

Roads Drainage & Technical Services

REPORT

Hunter Vally Energy Coal proposes to replace the effluent pump for treated effluent from Council's RWTW to the Mt Arthur Mine site. The pump is located in the road reserve adjacent to the corner of Thomas Mitchell Drive and Carramere Road. Traffic control is required to facilitate the works, as a crane is required to be established on the road reserve to lift the pump out and replace with a new pump. It is not anticipated that there will be any lane closures, however, if required, this work will be undertaken under traffic control for brief periods of time.



OPTIONS

Occupation of the road is required to undertake the works, as the pumping station is located within the road reserve. A permit under Section 138 of the *Roads Act 1993* is required for the work to proceed. The permit would be subject to conditions.

CONCLUSION

It is recommended that Council approves delegation to the General Manager to issue consent to allow the work to proceed with applicable conditions.

SOCIAL IMPLICATIONS

It is anticipated there will be minimal disruption to the travelling public.

FINANCIAL IMPLICATIONS

All costs will be met by the applicant.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Not applicable.

2. Financial Implications – Operational

Standard S138 permit fees would be charged to the applicant.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

Nil identified.

RISK MANAGEMENT IMPLICATIONS

The permit would be subject to applicable conditions to mitigate risk.

Traffic Management will be undertaken in accordance with Transport for NSW guidelines “Traffic Control at Work Sites” Traffic Guidance Scheme Guidelines.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

Location : Thomas Mitchell Drive near Carramere Street Muswellbrook.



Monday, 13 November 2023 2:29:05 PM -



10.2.3. 2023-24 Large Plant Replacement Programme

Attachments:	Nil
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Peter Ball (Senior Works Co-Ordinator)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.4 - Maintain and continually improve community infrastructure across the Shire. 5.1.3.1 - Prioritise Capital works program to demonstrate continual improvement in community infrastructure.

PURPOSE

To submit for Council's consideration the proposed 2023-24 Large Plant Replacement Programme.

OFFICER'S RECOMMENDATION

Council APPROVES the 2023-24 Large Plant Replacement Programme.

Moved: _____ **Seconded:** _____

BACKGROUND

Council has allocated \$600,000 in the General Fund Capital Budget for the 2023-24 Large Plant Replacement Programme, and a further \$1,607,245 was carried over from the 2022-23 Large Plant Replacement Programme. This has resulted in a total 2023-24 Large Plant Replacement budget of \$2,207,245. All monetary amounts provided in this report are exclusive of GST.

The new John Deere Grader has been received, at a total cost of \$596,431, and the new Hook Lift Truck costing \$372,437 is expected to be delivered prior to Christmas. The remaining budget after purchases and commitments for 2023-24 is \$1,238,377.

CONSULTATION

Director Property & Place

Plant Supervisor

Acting Works Coordinator Civil

Acting Works Coordinator Parks

REPORT

The draft Large Plant Replacement Programme, listed below, has been prepared in consideration of the Heavy Fleet Replacement List generated by Council's fleet management software and operational requirements across the different Council business



units and Funds. The items shaded in grey are prioritised subject to available funding.

Priority	Plant #	Description	Purchase Date	Approx \$	Reason/Comment
1	New	Tractor		\$320,000	Council requires a larger tractor with a reach mower attachment and flail type slasher. This will provide an additional tractor for rural road slashing which can also float between urban passive areas subject to requirements to ensure Council can better manage periods of high grass growth. A new tractor with attachments was previously tendered for but was not able to be supplied.
2	540	Parks Watercart	2007	\$300,000	16 years old. High maintenance costs. Council has tried to tender for this unit several times but has received no responses. It is proposed Council will instead purchase a truck and utilise local contractors where possible to build the body, which includes water tank, tip tray, and toolboxes.
3	512	Ride on Mower with catcher for Denman	2012	\$45,000	11 years old. High maintenance costs. Looking to purchase catching mower so there is no need to transport specialised machine from Muswellbrook.
4	534	Zero turn ride on mower	2012	\$35,000	11 years old. High maintenance costs.
5	537	Zero turn ride on mower	2012	\$35,000	11 years old. High maintenance costs.
6	209	4.5t Transport Vehicle	2012	\$110,000	11 years old. High maintenance costs.
7	211	4.5t Transport	2013	\$110,000	10 years old. High



Priority	Plant #	Description	Purchase Date	Approx \$	Reason/Comment
		Vehicle			maintenance costs.
8	New	Compact Footpath Sweeper		\$250,000	Currently hiring older machine. Trial programme has proven to be extremely successful.
9	212	8.0t Transport Vehicle	2012	\$130,000	11 years old. High maintenance costs.
10	210	8.0t Transport Vehicle	2012	\$130,000	11 years old. High maintenance costs.
11	551	Sportsfield Mower	2016	\$200,000	Suggested 4-year life - currently 7 years old. High maintenance costs
12	New	Valve Actuator		\$130,000 (Subject to funding.)	Estimated price for trailer-mounted unit. Required for proactive maintenance exercising of water main valves.
			Total	\$1,795,000	

OPTIONS

Council may choose to endorse, not endorse, or amend the 2023 Large Plant Replacement Programme.

CONCLUSION

It is recommended Council endorses the 2023-24 Large Plant Replacement Programme and proceeds with procurement of the prioritised items.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Procurement will be funded from the Large Plant Replacement Programme, from which sufficient funding is available to proceed with the procurement of approved items.

POLICY IMPLICATIONS

Nil.



STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with 2023-24 Operational Plan actions.

RISK MANAGEMENT IMPLICATIONS

Council should replace large items in a timely manner to reduce ongoing maintenance and repair costs and to ensure a satisfactory trade or resale value is achieved.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

**10.2.4. Water and Wastewater Levels of Service for FY 2023-24 Q1**

Attachments:	1. 2324- Q 1 July to September [10.2.4.1 - 4 pages]
Responsible Officer:	Matthew Lysaught - Director Property & Place Derek Finnigan - General Manager
Author:	Irene Chetty (Operations Manager: Water and Wastewater)
Community Plan Issue:	5 - <i>Community Infrastructure</i>
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.3.1 - Water, sewerage, and waste services are provided in compliance with regulatory requirements. 5.3.1.1 - Ensure legislative compliance with Health Guidelines and Environment Protection Authority (EPA) Licence requirements 5.3.1.2 - Ensure performance monitoring of water supply and sewage services aligns with the new NSW Department of Planning and Environment (DPE) Regulatory and Assurance Framework for Local Water Utilities.

PURPOSE

To summarise the performance of water and wastewater levels of service for Quarter 1 of financial year 2023–24.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The level of service performance indicators for the supply of drinking water, supply of recycled water, and sewerage services are provided in this report for Quarter 1 of financial year 2023–24.

CONSULTATION

Data for this report is extracted from the water, sewerage, and wastewater treatment plants performance monitoring database, service requests created for the networks team, the NSW Health drinking water database, recycled water analyses from the National Association of Testing Authorities (NATA) laboratories, Sydney Analytical Laboratory, and Sonic Food Laboratory, as well as contributions from the Water and Wastewater Operations Team and Council's rates team.



REPORT

The information contained in the attachment “2324 - Q1 July to September” summarises the performance for each of the following report subject areas:

1. Levels of service for drinking water services;
2. Levels of service for wastewater services;
3. Drinking water (or potable) supply and quality;
4. Recycled water (or re-use) supply and quality; and
5. Drinking water consumption graphs for the towns of Muswellbrook, Denman, and Sandy Hollow as accumulated monthly consumptions, 5-year accumulated averages, and accumulated monthly allocations.

Important items arising from the “2324 - Q1 July to September” levels of water and wastewater services are summarised below:

- The consumption of drinking water for the period July to September 2023-24 exceeded the July to September period for 2022-23 by 25% in Muswellbrook as the dry season continues. A similar comparison for Denman and Sandy Hollow indicates consumption has increased by 64% and 46% respectively. Peak daily consumption for Muswellbrook, Denman, and Sandy Hollow was 1475, 3966 and 2514 litres per assessment, respectively, for quarter 1, 2023-24.
- Drinking water quality was satisfactory and within the Australian Drinking Water Guidelines (ADWG 2011) for the July–September period. The Denman water treatment plant does not treat total hardness, therefore the total hardness levels in the drinking water supply are elevated. Sandy Hollow drinking water hardness remains high due to the inherent characteristics of the groundwater source (which is a shallow infiltration well that is located adjacent to the Goulburn River).
- There were six water quality complaints in Muswellbrook, all relating to colour and ‘particulates’ in the drinking water. There were no water quality complaints for the July–September period in Denman and Sandy Hollow. In comparison, for the first quarter of 2022-23, there were 91 water quality related complaints. The intensive asset replacement of water mains has contributed to improving water quality supplied to the residents and businesses of MUswellbrook Shire.
- The average time taken to repair failures in the water reticulation system was 3.5 hours, however, average length of unplanned interruptions was as high as 9 hours. Most of the service requests recorded were related to fitting and service repairs. A total of 6 water meters were replaced in the July–September period. A total of 83 customer service requests were created for water service-related issues. There were 55 service requests related to fire flow and pressure tests, rehabilitation works, and special meter reads.
- The average dry weather flows at Muswellbrook and Denman Sewer Treatment Plants were 1.96 megalitres and 0.26 megalitres, respectively.
- Muswellbrook customer service requests recorded 90 category 3 failures, that is, “failures due to blockages” in the sewerage reticulation system. 57% of the failures were recorded as maintenance works and 19% of the failures were due to blockages caused by roots and foreign objects. All repair works in the sewerage reticulation system took longer than four hours to complete.
- Sewer odour complaints were recorded in Muswellbrook, and were mostly related to obnoxious odours from sewer overflows, junctions, boundaries, and internal service lines.



There were no sewer odour complaints recorded for Denman.

- The Muswellbrook Recycled Water Treatment Works continues to deliver high quality recycled water, well within the limits of its Environment Protection Licence 1593.
- Although the Denman recycled water storage pond is exposed to the environment, the licence monitored recycled water quality test results for total suspended solids, biological oxygen demand, and E-coli test results were within the limits of Environment Protection Licence 5059.
- Recycled water utilisation rates in Muswellbrook were 100% for the July–September period. Recycled water utilisation rates in Denman were low for the July–September period at 27%.
- Projects have been initiated to empty the waste lime storage ponds at Muswellbrook Water Treatment Plant and de-sludge one of the biosolids ponds at the Denman Sewer Treatment Plant.

OPTIONS

The report is submitted to Council for information purposes.

CONCLUSION

The levels of service for the supply of drinking water, supply of recycled water, and sewerage services have reasonably met Council's targets.

SOCIAL IMPLICATIONS

This report provides information that highlights Council's performance in the levels of service for the supply of drinking water, supply of recycled water, and sewerage services delivered to the communities of Muswellbrook, Denman, and Sandy Hollow over the period 1 July 2023 to 30 September 2023. The stipulated levels of service delivered to the communities were delivered in accordance with statutory requirements such as the Australian Drinking Water Guidelines 2011, Environment Protection Licences 1593 and 5059, the Protection of the Environment Operations Act 1997, Department of Planning and Environment Water Benchmarking, and contract agreements with Mt Arthur Coal and Muswellbrook Golf Club.

FINANCIAL IMPLICATIONS

The predicted El Niño weather conditions are expected to increase water consumption across the Upper Hunter Region, which will have a positive impact on water revenue.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Major overhaul works and asset replacement works for water and sewer infrastructure were funded through programs in the Water and Sewer Capital Funds.

2. Financial Implications – Operational

Breakdown and maintenance work that may have impacted the levels of supply of drinking water, supply of recycled water, and sewerage services, were funded through the Materials and Contracts Operational Water and Sewer Funds.

POLICY IMPLICATIONS

MSC23E - Recycled Water Policy

MSC30E -Water Drinking Quality Policy



MSC31E – Liquid Trade Waste Regulation Policy

Council's Revenue Policy.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with Community Strategic Plan Goal 5.3 of the Operational Plan 2023-24: "Provide safe, secure, and reliable water supply and sewer services".

RISK MANAGEMENT IMPLICATIONS

This report is used as a tool to manage the risk of non-compliance to the regulators and thereby ensure that Muswellbrook Shire Council delivers high levels of service in the supply of drinking water, supply of recycled water, and sewerage services delivered to the communities of Muswellbrook, Denman, and Sandy Hollow.

WASTE MANAGEMENT IMPLICATIONS

Waste management is initiated and controlled through contractual agreements and statutory requirements in the Protection of the Environment Operations Act 1997.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

POTABLE WATER AND WASTEWATER STATISTICS
Period: 1 July to 30 September 2023

WATER (it should be noted that water consumption data is treated water provided to the distribution system and does not include water losses from extraction and treatment processes. Extraction data is a licence requirement)	Report Period	5 Year Period Average	5 Year Peak for Period	5 Year Min. for Period	Units	Description
Muswellbrook						
Consumption for Period	437.84	392.73			ML	
Annual Consumption to Period End	438.38	393.99			ML	
Maximum Daily Consumption	7.73		7.73		ML	
Minimum Daily Consumption	2.73			2.00	ML	
Average Daily Consumption	5.03	4.46			ML	
Rainfall for Period	46.50	124.70			mm	
Yearly Rainfall to Period End	50.50	138.24			mm	
Denman						
Consumption for Period	63.43	47.33			ML	
Annual Consumption to Period End	63.43	47.57			ML	
Maximum Daily Consumption	2.70		2.70		ML	
Minimum Daily Consumption	0.17			0.17	ML	
Average Daily Consumption	0.70	0.52			ML	
Sandy Hollow						
Consumption for Period	7.33	6.17			ML	
Annual Consumption to Period End	7.34	6.20			ML	
Maximum Daily Consumption	0.15		0.16		ML	
Minimum Daily Consumption	0.02			0.02	ML	
Average Daily Consumption	0.08	0.07			ML	
WASTEWATER						
Muswellbrook						
Raw Sewage	198.39	227.61	12.98	1.93	ML	Inflows to Wastewater Treatment Plant (ML)
Potable Water to Sewer (%)	45.31	57.96				Potable water consumption to WWTP (%)
Denman						
Raw Sewage	26.89	34.75	4.09	0.11	ML	Inflows to Wastewater Treatment Plant
Potable Water to Sewer (%)	42.39	73.41				Potable water consumption to WWTP (%)
TREATED EFFLUENT						
Muswellbrook						
Quantity Reused	214.26	219.53			ML	3 Year Average
Percent Effluent Reused	108%	96%				Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML	
Denman						
Quantity Reused	7.25	9.80			ML	
Percent of Effluent Reused	27%	28%				Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML	

Please Note the percent of effluent reused at the 5 year average for Denman has been amended to a 3 year average. Prior to the 3 year time frame usage was based on supply from the maturation pond and not the re-use reservoir which is more appropriate. The 5 year average raw sewage inflow has also been amended to 3 years for comparison accuracy.

LEVEL OF SERVICE PERFORMANCE INDICATORS - WASTEWATER SERVICES

Period: 1 July to 30 September 2023

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Service				
Muswellbrook	Average Dry Weather Flow (ADWF)	1 96	1.96	3.6 Ml per day
	Peak Wet Weather Flow (PWWF)	2 56	2.56	18.7 Ml per day
	Rainfall	46.5	46.5	mm
Denman	Average Dry Weather Flow (ADWF)	0 26	0.26	0.3 Ml per day
	Peak Wet Weather Flow (PWWF)	2 94	2.94	
	Rainfall	46.0	46.00	mm
System Failures (causing overflow)				
Category 1 (Failures due to rainfall and deficient design capacity) & Category 2 (Failures due to pump or other breakdown)				
Muswellbrook		2	2	Category 1 - 2 per year Category 2 - 1 per year
Denman		28	28	Category 1 - 1 per year Category 2 - 1 per year
Category 3				
Muswellbrook	Failures due to blockages			
	Roots Blocking Sewer	6	6	Muswellbrook - 100/year
	Foreign Objects in Sewer	4	4	
	Blocked Sewer Pipe	4	4	
	Damaged Pipe	0	0	
	Blocked Junction	6	6	
	Blocked Boundary	6	6	
	Internal	5	5	
	Maintenance	52	52	
	Mechanical	0	0	
	Damaged Boundary	3	3	
	Other	4	4	
	TOTAL	90	90	
Denman	Roots Blocking Sewer	1	1	
	Foreign Objects in Sewer	0	0	
	Blocked Sewer Pipe	1	1	
	Damaged Pipe	0	0	
	Blocked Junction	1	1	
	Blocked Boundary	1	1	
	Internal	1	1	
	Maintenance	2	2	
	Mechanical	0	0	
	Damaged Boundary	0	0	
	Other	0	0	
	TOTAL	7	7	
	Response Times (unplanned - to system failures)			
Muswellbrook & Denman	Occasions where response time < 1hr (%)	100%	100%	> 95%
	Occasions where completion time < 4 hrs (%)	0%	0%	
General Complaints (Non Urgent)				
Muswellbrook	Odour complaints(Sewer Treatment Works)	1	1	1 per year
	Odour complaints (other)	3	3	1 per year
Denman	Odour complaints(Sewer Treatment Works)	0	0	1 per year
	Odour complaints (other)	0	0	1 per year
Effluent Quality				
		Report Period		
		Min	Max	
Muswellbrook Wastewater	BOD	< 2	< 2	< 20 mg/l
HVEC & Golf Course	SS	< 2	< 2	< 30 mg/l
Denman Wastewater	BOD	< 2	4	20 mg/l
EPA point 3	SS	12	29	30 mg/l
Muswellbrook Effluent Reuse (HVEC)	E-Coli	< 10	< 10	< 150/100mls (Contract)
Muswellbrook Effluent Reuse (Golf Course)	E-Coli	< 10	< 10	< 150/100mls
Denman Effluent Reuse (Golf Course)	E-Coli (Reuse Reservoir Outlet)	< 10	< 10	

- This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.
- Levels of Service are the targets which Council aims to meet and are not intended as a formal customer contract.
- Report Period and Year to Date in some cases will be the same due to the commencement of new report year

LEVEL OF SERVICE PERFORMANCE INDICATORS - WATER SERVICES

Period: 1 July to 30 September 2023

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Supply	Reported Events Outside Standard			
Muswellbrook & Denman	Minimum Pressure kPa (when conveying 0.15 L/s/tenement)			200 kPa data not available
	Maximum Static Pressure			850 kPa data not available
Water Restrictions (2014 Drought Management Plan)				
Muswellbrook	Level 1 - Mandatory from 7 April 2021			Restrictions result in no more than 20% reduction in consumption, are not required for more than 10% of the time and that the average frequency of restrictions is less than 5 in every 100 years (the level of service)
Denman	Level 1 - Mandatory from 7 April 2021			
Sandy Hollow	Level 1 - Mandatory from 7 April 2021			
Peak Daily Demand (litres/assessment including commercial)				(peak day consumption/no assessments)
Muswellbrook		1474.55	1474.55	3000 litres/assessment
Denman		3965.64	3965.64	3000 litres/assessment
Sandy Hollow		2514.43	2514.43	3000 litres/assessment
Planned Interruptions to Supply	Number of Interruptions	26	26	<1/1000 customers/year
(5 days notice to domestic, commercial & industrial customers)	Average time to repair	1.97	2	Hours
	Average length of Interruptions	1.3	1	< 2 hours
	Maximum length of repair	2	2	< 4 hours
Average length of interruption is not supplied as current systems do not allow accurate recording - current system records time to complete which can differ significantly to interruption period.				
Unplanned Interruptions to Supply	Number of Interruptions	68	68	
(due to main replacement - excluding service lines)	Average time to repair	3.5	3.5	Hours
	Average length of Interruptions	9	9	< 4 hours
	Number of Residences affected	50	50	1/connection/year
Water Quality - Reticulation		Averages		As per ADWG Guidelines 2011
Muswellbrook	Turbidity	0.17	0.17	5 NTU
	pH	7.72	7.72	6.5 - 8.5
	Total Hardness	155.33	155.33	<200 mg/L
	E-Coli	100	100.00	100% Compliance
	Free Available Chlorine	1.85	1.85	0.2 - 5.0mg/l
Denman	Turbidity	0.14	0.14	5 NTU
	pH	8.21	8.21	6.5 - 8.5
	Total Hardness	345.60	345.60	<200 mg/L
	E-Coli	100	100.00	100% Compliance
	Free Available Chlorine	1.10	1.10	0.2 - 5.0mg/l
Sandy Hollow	Turbidity	0.12	0.12	5 NTU
	pH	7.80	7.80	6.5 - 8.5
	Total Hardness	672.50	672.50	<200 mg/L
	E-Coli	100	100.00	100% Compliance
	Free Available Chlorine	1.68	1.68	0.2 - 5.0mg/l
Service Requests				Leaks 80/year
Muswellbrook	Main Break	1	1	
	Fitting Repair	15	15	
	Service Repair	22	22	
	Service Replacement	4	4	
	Meter replacement	5	5	
Denman	Main Break	0	0	
	Fitting Repair	2	2	
	Service Repair	4	4	
	Service Replacement	4	4	
	Meter replacement	1	1	
Sandy Hollow	Main Break	0	0	
	Fitting Repair	0	0	
	Service Repair	0	0	
	Service Replacement	0	0	
	Meter replacement	1	1	
Other	Other	24	24	
Total Service Requests		83	83	
Supply Failure Response Times (unplanned)				
Muswellbrook, Denman & Sandy Hollow (expressed as percentage)	Number where response time <1 hour	100%	100%	>95%
	Number where completion time >4 hours	5%	5%	
General Complaints - GC (Management)				
Water Quality (Dirty water, taste & odour)				
Muswellbrook		6	6	<1/1000 customers per year
Denman		0	0	
Sandy Hollow		0	0	
Pressure (not related to a main break)				
Muswellbrook		5	5	<10
Denman		1	1	<2
Sandy Hollow		0	0	<2
Other				Includes:
Muswellbrook		47	47	Fire Flow and Pressure Tests
Denman		7	7	Rehabilitation Works
Sandy Hollow		1	1	Special Meter reads
Service Provided				
Time to provide an individual connection to water supply in serviced area (90% of time)	New Services	1	1	Number
		100%	100%	Percentage installed within 5 Working Days

- This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.
- Report Period and Year to Date in some cases will be the same due to the commencement of new report year

CONSUMPTION SUMMARY

Period: 1 July to 30 September 2023





10.3. Property and Place

10.3.1. Denman Christmas Markets - Fee Waiver Request

Attachments:	1. Email Request - Denman Chamber of Commerce - Christmas Markets [10.3.1.1 - 1 page]
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Nikki Wicks – Acting Works Coordinator Civil
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:	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 to deliver events which support the community and attract visitors to the Shire.

PURPOSE

To consider a fee waiver request from the Denman Chamber of Commerce for the use of Works staff to assist with traffic control at the Christmas Markets being held in Denman on Thursday, 7 December 2023.

OFFICER'S RECOMMENDATION

Council APPROVES the fee waiver request in support of this community event.

Moved: _____ **Seconded:** _____

BACKGROUND

Council has received a request from the Denman Chamber of Commerce to waive the fees associated with the hiring of Works Staff to assist with traffic control at the Denman Christmas Markets being held at Denman on Thursday, 7 December 2023. Attached to this report is a copy of the email received.

Council provided assistance with traffic control at the 2022 Christmas Markets, at the request of Council's Community Services event staff supporting the event and the Denman Chamber of Commerce. The associated costs for this were covered by Community Services.

Council also provided assistance, at the request of the Denman Chamber of Commerce, with this year's Easter Markets.

CONSULTATION

Acting Works Coordinator Civil

Manager Works

Director Property & Place

General Manager



REPORT

Estimated fees for this event, including staff wages and vehicle costs, would be \$1,700. It is recommended that Council approves the fee waiver request in support of this community event.

OPTIONS

Council could choose not to approve the fee waiver or propose reduced fees.

CONCLUSION

It is recommended that Council approves the fee waiver request in support of this community event.

SOCIAL IMPLICATIONS

The Denman Chamber of Commerce Christmas Markets will contribute to social inclusion within the community.

FINANCIAL IMPLICATIONS

Council will need to either cover the estimated costs of \$1,700 from a Works maintenance budget or allocate event sponsorship. On this occasion it is recommended to be covered within existing Works maintenance budgets but accounted separately so the cost is identified.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

Nil.

2. *Financial Implications – Operational*

Estimated \$1,700.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

Nil identified.

RISK MANAGEMENT IMPLICATIONS

Staff will be required to complete any and all risk assessment paperwork, as well as implement an approved traffic guidance scheme.

WASTE MANAGEMENT IMPLICATIONS

Nil.



COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The event will be publicised through various social media channels.

From: [Amanda Collins](#)
To: [Stephen Wright](#); [Nikki Wicks](#)
Cc: [Kim Manwarring](#)
Subject: Traffic control Denman Christmas Markets
Date: Tuesday, 17 October 2023 1:23:50 PM

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.

Good Afternoon, Thursday December 7th the Denman Chamber of Commerce are once again hosting the Ogilvie st Christmas Market and Late night shopping event. The event is held annually and has been a great success thus far, the community and surrounds thoroughly enjoy the evening. The event also creates extra revenue for our local businesses.

These events aren't possible without contributions and support. I write this email in hope once again the MSC will assist us with Traffic Control and or a financial contribution. This is always the difficult part hosting an event asking for support. Please don't hesitate with any questions regarding details on the event.

Look forward to hearing from you.

Regards
Amanda Collins

**10.3.2. Upper Hunter Community Services - Fee Waiver Request**

Attachments:	1. Free Exemption Letter MbK Council 2023 [10.3.2.1 - 1 page] 2. Sportsground and Facilities Booking Request Form [10.3.2.2 - 10 pages] 3. Registered Charity Certificate [10.3.2.3 - 1 page]
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Paul Chandler (Recreation & Property Officer)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
	Not applicable

PURPOSE

To submit for Council's consideration a Fee Waiver Request received from Upper Hunter Community Services for the use of Highbrook Park sportsgrounds for a Cinema Under the Stars event.

OFFICER'S RECOMMENDATION

Council:

1. Waives the fee for booking the Highbrook Park sportsground for the Cinema Under the Stars Event; and
2. Does not waive the Section 68 fee.

Moved: _____ **Seconded:** _____

BACKGROUND

Council has received a request from Upper Hunter Community Services to waive fees associated with a Cinema Under the Stars event planned for Friday, 8 December 2023. Attached to this report is the written request.

The request is being reported to Council as the decision to waive the fees is beyond the delegation of the Acting General Manager.

CONSULTATION

Administration Officer – Property and Building Services

Technical Officer – Recreation and Property



REPORT

To book Highbrook Park sportsgrounds for the event costs \$893.50 inclusive of GST. The Section 68 Local Government Act fee is \$373.50 with GST not applicable for the planning assessment of the event.

Under Council's current Financial Assistance Policy, the General Manager is delegated to waive fees that comply with the principles of the policy up to the value of \$350. Council's Annual Revenue Policy does provide a fee exemption for casual use to local registered charities.

It is recommended that Council waive the booking fees in support of this free community event but not the regulatory fee associated with the assessment of the event.

OPTIONS

Council could choose to waive the fees completely or manage the request differently.

CONCLUSION

It is recommended that Council waives the fee for booking the Highbrook Park sportsground for the Cinema Under the Stars Event but does not waive the Section 68 fee.

SOCIAL IMPLICATIONS

The Cinema Under the Stars event will contribute to social equity and inclusion.

FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil

2. Financial Implications – Operational

Council will forgo the revenue of \$893.50 inclusive of GST in support of the event.

POLICY IMPLICATIONS

Financial Assistance and Sponsorship Policy MSC05E

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

The booking will require the management and documentation of any associated risks.

WASTE MANAGEMENT IMPLICATIONS

Nil known.



COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.



UPPER HUNTER COMMUNITY
SERVICES Inc ABN 43 184 121 458
PO Box 231 Muswellbrook NSW 2336
Phone: 02 6542 3555

*Aboriginal Family Services, Emergency Relief Options, Family Group Worker, Neighbourhood Services,
Family Support Services, Youth Development Officer, Community Capacity Building Project,
Hunter Park Family Centre, Muswellbrook Out of School Hours Care, Toybox*

06/09/2023

Derek Finnigan- General Manager
Muswellbrook Shire Council
157 Maitland Street,
Muswellbrook NSW 2333

Dear Mr Finnigan,

We are writing to you in relation to the hire of Highbrook Sports Grounds Muswellbrook for a free Community event- Cinema under the Stars on Friday 8th December 2023.

This event will be coordinated by the Muswellbrook Neighbourhood Service, who services the Muswellbrook LGA. This will be a great opportunity for other local services and organisations who service the Muswellbrook/ Denman Community.

This event is to provide affordable family entertainment to residents, who may use this opportunity to familiarise themselves with services/organisations they may not be aware they can access.

Muswellbrook Neighbourhood Service operates under the auspice of Upper Hunter Community Services Inc, we are a not-for-profit organisation and are seeking a full fee exemption for the venue booking and S.68 Certificate. We value our ongoing working relationship with Muswellbrook Shire Council and would ask that this also be taken into consideration with regard to the fee exemption.

A copy of our Registered Charities Certificate and Public Liability is attached.

I have also completed the Section 68 request on the NSW Planning Portal: reference No- S68-2023-16071. Muswellbrook Shire Council Sports grounds, park and facilities booking request form has been submitted. We appreciate your assistance and look forward to hearing back from you.

Yours Sincerely,

Vanessa Harshman
Muswellbrook Neighbourhood Services- Denman Coordinator.



UPPER HUNTER
COMMUNITY SERVICES Inc.



This service is proudly provided to you by:
Upper Hunter Community Services Inc.
QEII Community Centre • Cnr Bridge & Market Sts • Muswellbrook
Phone: 02 6542 3555 • www.uhcs.org.au

Sportsground, parks, facilities booking request

Use this form to request the use of a sporting field, park and or facility. Your booking will be confirmed once approved. **Refer to Guidelines from page 3.**

Follow your colour code:  Casual Bookings  School Bookings  User Group Bookings

1 Booking Type - tick all relevant

- | | | | |
|---|---|--|-------------------------------------|
| <input type="checkbox"/> Once-off Event - Casual | <input type="checkbox"/> Once-off Event - School | <input type="checkbox"/> Summer Season | <input type="checkbox"/> Pre-season |
| <input type="checkbox"/> Recurring Event - Casual | <input type="checkbox"/> Recurring Event - School | <input type="checkbox"/> Winter Season | <input type="checkbox"/> Other |

2 Event Details

Name of venue

Event Description

Number of attendees Example event descriptions: birthday party, group fitness, school carnival, or fundraising event.

Once-off event Date Start time Finish time

Recurring event frequency

Start date Finish date

Start time Finish time

Exclude these dates EG: Public and school holidays to be excluded.

Use this form for booking these facilities:

Denman Indoor Sports Centre
Denman Recreation Area sportsgrounds
Highbrook Park sportsgrounds
Karoala Park sportsgrounds
Lions Park Denman
Olympic Park sportsgrounds
Simpson Park
Stan Theiss Centre
Victoria Park sportsgrounds
Volunteer Park sportsgrounds
Weeraman Fields sportsgrounds

3 Season Details - ^ Competition draws must be provided. Blank bookings will not be accepted

Name of venue

Activity

Level of competition ☐ Jnr ☐ Snr ☐ Local ☐ District ☐ Regional ☐ Social ☐ Other

No. registered players: Jnr Snr

Pre-season: Start Date End Date Season: Start Date End Date

	Start time	Finish time	Training / Comp [^]		Weekly / Fortnightly		Dressing shed / Canteen / Floodlights		
Mon	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tues	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thurs	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fri	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sat	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sun	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4 Services and Activities request - not available at all venues

Services required:

- ☐ Toilets
- ☐ Dressing shed
- ☐ Additional waste bins
- ☐ Electricity
- ☐ Floodlights
- ☐ Canteen

Your planned activities include:

- ☐ Selling food[^]
- ☐ Selling alcohol[^]
- ☐ Erecting temporary shelter*
- ☐ Amplifying sound*
- ☐ Other*

[^]Attach relevant licences.

*Provide details e.g.

- dimensions/description of structures
- intended use

See guidelines from page 3 for details.

Details:

Free family event. Screening outdoor family movie with free children/family activities. There will be small amount of food sols such as- sauage sizzle, popcorn, lollies and drinks.

5 Section 68 Approval - tick applicable statements

If your booking includes any of the below you will need to apply for a Section 68 Approval.

- ☐ Conduct commercial business activities
- ☒ Conduct theatrical, musical or other entertainment for general public
- ☒ Construct temporary structure/s for the purposes of entertainment
- ☒ Use sound amplification for entertainment
- ☐ Hold a religious service or public meeting

Your booking may require additional approvals. It is the hirer's responsibility to ensure all required approvals are obtained. Phone Council's Environmental, Planning and Regulatory Services on 6549 3745 for advice.

6 Contact details

Primary Contact e.g Applicant, School Principal, Club President

First name Surname
 Postal address
 Daytime ph: Mobile
 School/Club/Business Email

I, the undersigned (on behalf of the user group where applicable) have read and agree to abide by the terms and conditions outlined in the Guidelines for Hiring Sportsgrounds, Parks and Facilities.

Name: Signature
 Date:

7 Public Liability Insurance

All user groups and organisations should hold a current Public Liability Insurance Policy for a minimum of \$20 million which indemnifies Council from and against all claims arising from the user group's legal liability as a result of its use.

Attach a copy of your current Public Liability Insurance

Office use only

Date received
 Officer
 Initial
☐ Public Liability required ☐ attached
☐ Liquor Licence required ☐ attached
☐ DA Approval required ☐ attached
☐ S68 Approval ☐ attached
☐ Signature accepting terms and conditions
☐ Bond received

Guidelines for hiring sportsgrounds, parks and facilities

These guidelines form the terms and conditions of your booking with Muswellbrook Shire Council.

Muswellbrook Shire Council works with many user groups to maximise participation in sport and recreation on fields and facilities within Muswellbrook Shire.

The booking request form assists Council with the prioritisation and allocation for fields and facilities usage to ensure fairness and to ensure hirers are aware of, and comply with, requirements and legislation related to intended use.

What is fair use?

- Providing a fair and equitable way of charging for the use of public spaces.
- Ensure sportsgrounds are allocated to user groups with sound governance structures, open membership, elected committees and a demonstrated commitment to social responsibility.
- Minimising potential over-use of ovals.

Council supports the allocation of sportsgrounds to user groups which are inclusive all people.

The application process

1. The booking request form is available for download on Council's website. It may be posted upon request.
2. Applicants submit the **completed form, along with all required additional documentation** to Council by the appropriate deadlines.
3. Applications are assessed.
4. Seasonal applicants receive written notification of their allocation within 14 days.

If the applicant is dissatisfied with their allocation they may appeal in writing within 14 days of the allocation being made. Address your objection to the General Manager by email or postal service.

Council's approval criteria

In determining the allocation of sportsgrounds, parks and facilities, Council gives consideration to a number of factors including:

- User group's previous record e.g. fees paid on time, cleanliness and care of the facilities, timely return of facility keys.
- User group has no outstanding debts.
- Historical use.
- An assessment to ensure the use is suitable from a risk perspective.
- All information required to complete the application process is received by the due date.
- Providing new user groups with an opportunity to submit applications.

Council is aware that the trends and demand for sporting and recreational activities change over time. Council reserves the right to allocate based on the demands at any given time and will endeavour to maximise the use of all sport and recreational assets located in Muswellbrook Shire.

Council will endeavour to provide and allocate sportsgrounds on a seasonal basis to meet demand. However supply of sportsgrounds cannot be guaranteed.

Late applications may result in no allocation.

Hirers should not plan any activities until they have received written approval, including pre-season training.

Do not install or use non-Council locks

At no stage should any hirer install or use non-Council locks or security systems. Unapproved locks and security systems will be removed and replaced by Council or its agents at the hirer's cost. Council requires access to all areas of the facility at all times.

Inspect the facility

Upon each arrival and departure hirers are to inspect and reinspect booking areas, for example:

	Arrival	Departure
Amenities	Locked, clean and in working order?	Clean, working, then locked?
Playing field	Divots, holes, damaged sprinklers, broken glass?	Damage to turf?
Rubbish	Excessive rubbish found?	Ensure waste generated by your group is not excessive and is disposed of correctly.

Contact Council by phone or email if you find any damage or if anything is found in an unsatisfactory condition.

Security

Hirers must ensure that all gates, chain gates, padlocks and other Council provided security equipment is engaged after each use.

Costs to repair damage caused due to supplied locks not being secured correctly will be the responsibility of the hirer.

Theft, misuse or damage of Council supplied and maintained equipment, such as fire extinguishers, security cameras, hot water systems, ovens etc will be replaced at the hirer's expense.

Contents Insurance

Council does not provide contents insurance on any facility. If the hirer stores valuables, equipment or memorabilia in a facility, the hirer is solely responsible for insurance of all its contents.

Sharing the use of allocated facilities with other hirers

Hirers sharing a facility should liaise with other hirers to ensure clashes do not occur over training schedules, ground usage and equipment storage. To reduce clashes, hirers should liaise with other hirers to come to a sharing agreement. A *Memorandum of Understanding of Shared User Allocation* may be requested by Council.

Hirers must notify Council of any allocation that is no longer required. Any facility that is not allocated to its full potential may be considered for reallocation to another hirer.

Sub-letting is prohibited

Hirers may not sub-let any part of a sportsground allocated to them during the allocated period. Non-compliance may result in Council withdrawing allocation.

Risk management

A risk assessment should be carried out by all hirers for their allocated booking, prior to the commencement of activity.

Hirers will need to provide a copy of their risk assessment upon request.

Notify Council of any issues arising out of inspections immediately.

Fencing

Bollards and gates must not be removed, except for emergency vehicle access.

Temporary fencing, to conduct special events, are the responsibility of the hirer.

The hirer must apply to Council seeking approval, outlining the proposed event, fence type, location and the manner in which it is to be constructed and removed.

Temporary closure of grounds

Allocated organisations are required to notify Council that they are closing grounds where it has been identified that the sporting facility is unfit for use as part of the risk assessment process.

Council also reserves the right to close any sportsground to protect the playing surface, complete capital or maintenance works, in poor weather conditions and/or to allow rehabilitation of the ground after damage.

All attempts will be made to relocate hirers in this situation but no guarantee can be given.

Hirers will be responsible for any reinstatement costs associated with damage caused to sporting facility or recreation area as a result of unauthorised use.

Irrigation

Hirers are not to access or alter control unit settings under any circumstances. Clubs must notify Council immediately if there is any interruption to mains power as this can affect the irrigation settings.

Public toilets

Council maintains, services and pays the utility costs associated with toilets located at public spaces that are open to the public seven days per week.

The opening, closing, cleaning of toilets and supply of consumables at facilities is the responsibility of the hirer.

Cleaning and waste management

Council facilities and grounds must be kept clean and tidy. Supply of cleaning equipment and waste removal is the responsibility of the hirer.

Additional waste bins can be requested on section 4 of the booking form. A fee will apply.

Car parks and access roads

Advise Council of any special requirements, such as anticipated heavy traffic and parking requirements for coaches etc.

Vehicles on reserves

No motor vehicle, bicycle, scooter, cart or other vehicle may be driven on any footpath or through any sportsground with the exclusion of Council or its agents maintenance and emergency vehicles.

Excessive noise

Amplified noise and loud machinery may **not** be used Sunday to Thursday before 8:00am and after 10:00pm; Friday, Saturday and public holidays before 8:00am and after 11:00pm. The premises must be vacated by 11:00pm.

External PA systems are not to be utilised for entertainment purposes without the written approval from Council, e.g. amplified music or radio, emceeing, commentating.

Short brief announcements are acceptable.

Acceptable behaviour

Activities or materials that may be considered offensive or illegal are not permitted. Surrounding private property, including residences and vehicles must not be damaged, altered or trespassed upon, including entering a property for the collection of sport and recreation equipment.

Smoking is prohibited in and around all Council owned facilities. Open fires are prohibited.

Advertising banners and signs

Council approval is required for fixed signs and banners. Signage relating to gaming activities or gambling venues are strictly prohibited. Temporary match-day signs erected on sportsground fencing must be facing inwards toward the ground.

Selling food and beverages

Hirers that intend to sell food must abide by current legislation. Further information may be found at www.legislation.nsw.gov.au.

Only suspended barbecues (off the ground) may be used.

Service or supply of liquor

The service or supply of liquor on Council facilities is subject to the laws of NSW Liquor and Gaming. www.liquorandgaming.nsw.gov.au

No glass receptacles may be used.

Hirer must submit an Application to Consume Alcohol on Council Premises.

Gaming and wagering

Gaming or wagering on Council facilities is subject to the laws of NSW Liquor and Gaming. www.liquorandgaming.nsw.gov.au.

Working with children

The Working with Children Check is a mandatory minimum checking standard across NSW.

Contact the Office of the Children's Guardian on 02 9286 7219 or www.kidsguardian.nsw.gov.au to ensure requirements are met.

Termination of booking

Council may terminate the booking if fees and charges are not paid by the due date and/or terms and conditions are breached.

Gaining access when the hirer hasn't been issued with a key

Council will make access arrangements with the hirer. This may include site condition inspections before and after use.

Hosting festivals, tournaments and similar events

Hirers wishing to hold festivals or events need to be aware that specific restrictions apply to insurance cover. This relates to jumping castles etc. Standard sports club insurance does not cover festivals or open days.

Hirers wishing to hold tournaments or non-club related events must advise Council at least 6 weeks before the event date as applications may require additional permits and approvals.

Public liability insurance

User groups and organisations must have Public Liability Insurance cover with Council noted as an interested party. Club must be covered for a minimum of \$20 million against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the Club arising out of or in relation to allocation of a facility. A copy of the Certificate of Currency must be attached to the allocation application and any renewals or changes must be provided to Council through the season.

Casual hirer's liability insurance

If you book *less frequently than once per calendar month or less frequently than twelve times per calendar year*, and you are booking for non-commercial and non-profit making purposes you will be covered under Council's Casual Hirer's insurance.

Casual bookings availability

Casual bookings are available for an agreed period of time. Cancellations cannot be processed and refunded by Council if less than 7 days notice is received in writing.

Security bonds

A security bond for casual hire bookings may be requested at the time the application is submitted to Council. The purpose of this bond is to serve as a guarantee of the hirer's fulfilment of Council's terms and conditions and be used to cover costs incurred by Council through the breach of these terms and conditions. E.g. facility damage not associated with normal wear and tear, or unreturned keys.

The hirer will be liable to pay any additional charges in excess of the deposit to meet the full cost of repairs or reinstatement.

Security bonds will be refunded once the handover process has been completed. Those found responsible for damage to a Council facility may have all or part of their bond withheld.

School bookings availability

Bookings are required no later than 21 days in advance.

Council reserves the right to reject or withdraw any application on grounds of suitability.

The school is responsible for any damage and the removal of all rubbish generated by participants and spectators as a result of the activity. Charges may apply where Council has been required to arrange cleaning of a sportsground after a school's use.

Contact Council to gain access to locked facilities.

Keeping user groups informed

Council will inform user groups of hired fields and facilities with information regarding water restrictions, sportsground updates, sports meetings and other information that may affect seasonal allocation. All seasonal hirers must have

a general email address that is checked regularly, and a nominated contact. It is the responsibility of the applicant to ensure the correct contact details are provided and that Council are informed in writing of any changes to contact details.

Delegated Council officers meet with user groups periodically at facilities to discuss club, Council and facility requirements. The Muswellbrook Shire Sport and Recreation Group meet biannually.

Contact Council for any enquiries **6549 3700** or council@muswellbrook.nsw.gov.au

Fitness groups and personal trainers

Exclusion zones

Organised or commercial group fitness and personal training activities will only be permitted on active sporting grounds and are not permitted within the following areas:

- Areas of cultural or natural significance.
- Cemeteries
- Within a 10m radius of any memorials
- Within a 10m radius of any picnic sheds or benches
- Within a 10m radius of any playgrounds or play equipment.
- Within a 10m radius of any public change room, toilet or kiosk areas.
- Within a 100 metres from any neighbouring residential property
- Roadways including roadside footpaths and on road cycleways
- Any designated sportsfield or facility without a specific booking
- Training on stairways and pathways
- Any other area that Council deems unfit or unsafe for fitness training purposes.

These and other designated areas can be transited but are not to be used for either static or repeated training routines. Council may nominate other areas in the exclusion zone as it sees appropriate.

Fitness activities permitted

Fitness sessions are limited to the normal activities of a registered personal trainer, teacher, instructor or the like which would include but not be limited to:

- Dancing
- Gym sessions (with or without weights, fitness balls, skipping ropes etc.)
- Boxing and pad training
- Yoga, meditation and tai chi
- Organised aerobic activity, circuit training and a combination of any of the above
- Physical culture

Fitness activities not permitted

- Military style activities or aggressive and intimidating activities
- Amplified music or any amplified audio (voice) equipment
- Use of any equipment associated with an activity which could cause damage to Council facilities

Fitness trainer/fitness group eligibility

The following criteria must be met and evidence submitted to Council, to be eligible for consideration to operate in Muswellbrook Shire Council's parks, reserves and public open spaces:

- Trainer to be registered as a professional with Fitness Australia
- Current Senior First Aid Certificate
- Public Liability Insurance for a minimum of \$20 million with Muswellbrook Shire Council nominated on the policy as an interested party

Evidence of the above must be provided at the time of application.

General conditions

Trainers or fitness groups approved by Muswellbrook Shire Council must follow the conditions outlined in this guide, in addition to:

- Provide only the activities for which they have received relevant qualifications for and which comply with the conditions of hire
- Not sell clothing, equipment, refreshments or any other good, service or product
- Not remove goalposts or temporary barriers which have been erected by Council
- Operate only between the times specified by Council in their licence. Activities must not commence prior to 6.00am and must conclude by 9.30pm
- Ensure that any activity causes minimum disruption and interference with the general public rights of access and enjoyment of parks and open space areas
- Acknowledge that the licence is not issued for exclusive use of any Council park or sportsground
- Manage their activities to minimise wear and tear on the surface. This includes rotating within the designated area and/or alternating activities in the case of wet weather, phone Council to determine whether parks and open space have been closed
- Respect that from time to time, open space areas may be closed for scheduled regular and seasonal maintenance
- Ensure that the exercise equipment does not create any hazards or obstruction
- Not suspend boxing, kickboxing bags or any other item from trees and/or structures in the public open space area
- Not conduct fitness activities that drag equipment across the ground

- Ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture
- Comply with reasonable directions of the Council's Ranger(s) and other authorised Council Officers in relation to any actual or potential conflicting activities or to display evidence of licence in prescribed manner
- Indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the personal trainer whilst conducting a training session
- Agree that notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the approved trainer and their clients may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the public space

■ Sportsground season allocations

Summer Season: 01 October to 31 March

Applications to be received by end of August. Confirmation sent in September. **Pre-season training without approval is not permitted.**

Winter Season: 01 April to 30 September

Applications to be received by end of February. Confirmation sent in March, after approval. **Pre-season training without approval is not permitted.**

■ Lost or damaged keys

Lost or stolen keys must be reported to Council immediately. Council may replace all locks with the cost charged to the hirer. Broken keys must be returned to Council before a replacement key is issued, with the cost charged to the hirer.

■ Seasonal handover

A registered number of keys are issued to every Club at a cost to Council and must be accounted for at the conclusion of each allocation period.

Under no circumstances are keys to be loaned to any other club, association, organisation, school or person. Responsibility rests with the person/s nominated on the key register. **Allocated keys are not to be copied.**

Non-compliance will result in the suspension and/or withdrawal of booking.

Details of changes in possession of any key(s) by office bearers are to be forwarded to Council immediately. Failure to do so will attract the cost of re-keying the facility.

Padlocks are not to be removed or changed from designated doors/chains. Any replacement of padlocks will attract an additional charge as per Fees and Charges schedule.

The end of season handover will include an inspection of facilities to ensure they are left in a neat and tidy condition for the incoming hirer. All user property should be secured and electrical appliances turned off at the end of season. Club property should be removed if requested.

Facility maintenance jobs and responsibilities

Responsibility for the purchase, maintenance and repair is as listed below. Damage or loss of any equipment will be the responsibility of the hirer in each instance.

	Hirer	Council
Supply toilet paper, paper towels, soap	✓	
Keys and locks		✓
Fire extinguishers		✓
Light fitting maintenance		✓
Lights - replacement of globes		✓
Cleaning food handling areas	✓	
Replace aged or faulty fittings and building structures		✓
Floodlights		✓
Plumbing		✓
Kitchen appliances	✓	
Painting		✓
Security systems		✓
Heating and cooling	✓	
Building alterations		✓
Personal hygiene services		✓
Cost of utilities (shared with all hirers)	%	%
Contents Insurance	✓	
Public Liability Insurance	✓	
Waste removal	✓	
Storage costs	✓	
Irrigation		✓
Sportsground maintenance		✓

Extended Ground Usage – practice matches and club organised games

Use of grounds for finals matches and training will take precedence over requests for pre-season use.

Payment of seasonal fees and charges

User groups have 2 calendar months from the start of their seasonal booking to provide record of their registration numbers for junior and senior sport. If information is not provided by this date Council will raise an invoice determined on an estimate.

Council does not charge for junior sport, however registration figures are required for planning purposes.

Licence Agreements for seasonal hirers

All seasonal hirers must enter into a license agreement with Council, which may have special conditions.

Payment of utilities

Seasonal hirers are responsible for paying utility charges related to their seasonal use. Where the facilities are shared, each user group will be responsible for a percentage. Council determines the percentages of use based on bookings received and the nature of use.

Hirers will receive written notice of the percentage to be paid, with their booking allocation confirmation.

Seasonal hirers will be billed as per billing cycle. All electrical appliances relating to the seasonal hirers should be switched off at the end of season otherwise costs will be incurred.

Synthetic wickets

Council provides and maintains synthetic wickets for the use of the whole community. If an individual or a sports club damages a synthetic wicket through misuse then Council will seek the costs of repairing or replacing the synthetic wicket from that person or club.

Cricket nets

Cricket nets on Council land remains the property of Council and cannot be removed in part or full.

Cricket nets should always provide public access to at least one practice wicket.

Permanent/semi-permanent football goals

Permanent and semi-permanent goals must conform to relevant Australian Standards and statutory requirements and be properly installed and secured. Goals must not have sharp edges protruding that may cause injury. Goal nets and padding are the responsibility of the sports club and must be erected, stored and maintained in a safe condition.

■ Line marking

All line-marking requirements are the responsibility of the user group. Only products such as agricultural limestone or water based spray paint or other similar material which will not endanger users or damage turf may be used for line marking.

Limil, herbicides and other products such as 'Round Up' that are harmful to a person's health, and can cause damage to the playing surface should not be used.

■ Movable football goals

All moveable goals must be compliant with the relevant Australian Standards and statutory requirements

Portable football goals are the responsibility of the sports club. Council does not provide, maintain or replace portable football goals. All sports clubs must:

- Ensure that portable goals are securely anchored to the ground.
- That all equipment and safety padding is checked and adjusted before every use.
- Never allow any person to climb on netting or goal framework.
- Display safety warnings that are prominently positioned and clearly visible on goal posts.
- Ensure that goal posts are removed and safely stored to prevent unauthorised use and potential injuries.
- Further, equipment that is not used or stored correctly may be removed and disposed of by Council at the club's cost.

■ Scoreboards and coach's boxes

Permission must be obtained from Council for the construction of scoreboards and structures. All maintenance will be the responsibility of the sports club. If scoreboards and structures deteriorate to a condition that is dangerous or is deemed inappropriate for a structure in a Council reserve it will be removed by Council and the sports club will be charged accordingly.

The sports club should contact Council's Property and Building Services section in the first instance, for permission and guidance for any structure to be built on/at a sportsground.

■ Installing additional sportsground lighting

Permission must be obtained from Council for the construction of any sportsground lighting. Council will manage sportsground lights to ensure a standardised approach. Sportsground lighting on Council land remains the property of Council and cannot be removed in part or full.

Council will maintain floodlight towers and fittings, and undertake globe replacements.

■ Times of use for training lights

Training lights must be turned off by 10.30pm. Any sports club that is found using sportsground lights beyond this time may have their usage times reduced or removed. If Council is called out after hours to turn off sportsground lights, all costs for the call out will be charged to the club.

■ Water restrictions

Clubs must comply with any water restrictions and should understand that water restrictions may affect their use of Council's sportsgrounds.

■ Facility audits and maintenance

Council inspects facilities to identify maintenance issues and assess cleanliness. If a club is found to be in breach of their license agreement Council will request that this be rectified. Charges for repairs deemed to be through misuse, including damage by a visiting club will be billed to the licensee.

■ Storage

The storage of equipment is the responsibility of the Club in a dedicated storage area. Shipping containers or other structured storage require development approval by Council. Storage of gas cylinders is prohibited.

■ Requesting alterations to club facilities

A written proposal must be lodged with Council including preliminary design plans, costing and confirmation of Club contribution. The Club will be ineligible for consideration of capital works and funding grants if it has defaulted in its payment of debts to Council. Information will assist officers in development of capital works programs, however there is no guarantee that any or all projects will be undertaken or funded. Facility alterations are subject to the prior approval of Council and may be subject to planning approval.

User groups wanting facilities upgraded must apply to Council in writing. Proposal should outline:

- Confirmation of Club contribution/ability to fund
- Detailed plans
- Timing of the proposed works
- Schedule of materials
- Letters of support from all other Club who are allocated the facility
- A minimum of 3 quotes must be supplied.

Council will not be responsible for any unauthorised and/or illegal building works. Hirers will be responsible for all costs associated with any remedial works required.

All building and facility improvements will remain the property of Council and cannot be removed in part or in full.

Glossary

Access - The degree to which the public can use a sports venue at a time of their own choosing.

Agreement – A combination of the signed and completed Application Form, and for Clubs the signed Licence Agreement.

Bond – All applications required to pay a security bond.

Handover – The period of time when seasonal clubs move-in and/or move-out of the facility. This is done on site with relevant clubs and Council present. During this time, facilities are inspected and keys are handed over.

Club – The incorporated body of people, herein applying for tenancy of a Sportsground.

Council - Muswellbrook Shire Council, including its staff and contractors.

Dedicated Purpose – The dedicated purpose of a sportsground is for a match or training to take place.

Festival/Event – An activity, public or private, whereby a mass gathering of people is organised and which uses a public thoroughfare or public amenity for activity other than its dedicated purpose.

Hirer - The person, user group or sports club that has been granted permission to the sporting field, park or facility.

Juniors – In line with relevant sporting associations.

Non-Seasonal Use – The use of a sportsground outside of the defined allocation agreement for activity such as pre-season training; finals training; pre-season matches and/or final matches. Such usage needs to be applied for separately and may incur an additional charge.

Organisations – Means hirers other than a private individual, e.g. commercial business, registered Club and/or association including committee members, registered charities and schools.

Pre-season – The use of a sportsground prior to the season beginning. Charges will apply to any request to use grounds for pre-season training. Charges are calculated on a pro rata basis in accordance with sportsground fees and charges.

School Use – Any school granted permission to use a Sportsground during school hours.

Seniors – An age category of players aged 18 years and over unless otherwise specified by your sporting association.

Sportsground – An area of open space provided specifically for the purpose of conducting formal sport or encouraging informal recreation activity.

Sub-letting – Sub-letting refers to the rental of Council owned properties by a tenant to another person or organisation. Sub-letting of Sportsgrounds is not permitted under any circumstances.

Training – Non-competitive activities undertaken to prepare participants for competition.

User Group - A body of people who have been granted a Seasonal allocation. This includes Sports Clubs, community organisations, schools, sport associations or other groups.



Australian
Charities and
Not-for-profits
Commission

THIS CERTIFIES THAT

Upper Hunter Community Services Inc

ABN:43 184 121 458

IS A REGISTERED CHARITY
AND HAS BEEN TRANSFERRED FROM THE

Australian Taxation Office

TO THE

Australian Charities and Not-for-profits Commission

ON THE DATE OF
3 December 2012

CERTIFIED BY

A handwritten signature in cursive script that reads "Susan Pascoe".

Susan Pascoe AM

Commissioner

Australian Charities and Not-for-profits Commission

Copy only. Original available on request

**10.3.3. Waagan Galga Community Christmas Event - Fee Waiver Request**

Attachments:	1. Waagan Galga - Stan Thiess Centre - Fee Waiver Request - 20231115 [10.3.3.1 - 1 page]
Responsible Officer:	Matthew Lysaught - Director Property & Place Derek Finnigan - General Manager
Author:	Mardi Eriksson (Co-Ordinator - Commercial Property)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
	Not applicable

PURPOSE

To submit for Council's consideration a Fee Waiver Request received from Waagan Galga for their Community Christmas Event.

OFFICER'S RECOMMENDATION

Council waives the hire fees requested by Waagan Galga for the hire of the Stan Thiess Centre and Victoria Park Sportsground for the Aboriginal Community Christmas Event to be held Saturday, 16 December 2023.

Moved: _____ **Seconded:** _____

BACKGROUND

Requests for a fee waiver and/or reduction exceeding \$350 are reported to Council as per the Financial Assistance and Sponsorship Policy. The policy objective is 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 wellbeing of the communities of Muswellbrook Shire.

Council's Annual Revenue Policy (Fees and Charges) allows fee exemptions. Fee exemptions are limited to local registered charities for the casual use of Council's facilities. To qualify, an organisation must provide evidence of its registration with the Australian Charities and Not-for-Profits Commission and must operate in the Muswellbrook Local Government Area.

Where a fee exemption is approved, the registered charity, when requested, should acknowledge Muswellbrook Shire Council's support. The payment of deposit bonds and other charges are still required, where applicable.

CONSULTATION

Technical Officer – Property and Building Services

Director Property & Place



REPORT

Waagan Galga have requested a fee waiver for their Aboriginal Community Christmas event to be held at the Stan Thiess Centre and the adjoining Victoria Park sporting field. The event is designed to be a free, inclusive gathering.

Waagan Galaga have a regular booking at the Stan Thiess Centre, meeting once a week. The booking is classified as a community or non-profit organisation, the Playgroup & community groups (maximum 3 hours) fee applied - \$30.00 per session.

The Community Christmas Event booking, classified as an event, would normally activate the Shows and Events – at council grounds and facilities fee:

Events on Council grounds – Day or Night – 12 hours \$893.50 inclusive of GST.

The event itself will run from 10:00 am – 2:00 pm. Typically, the booking time should include additional time for setup and pack up.

OPTIONS

Apply the event fee - Events on Council grounds – Day or Night – 12 hours - \$893.50

Apply a proportionate rate of the event fee – 50% reduction - \$446.75

Apply the community fee – Stan Thiess Centre – Per Day – 8 Hours - \$294.00

Apply the community fee – Stan Thiess Centre – Per Day – 4 Hours - \$171.00

Apply a full fee waiver – No fee to apply.

The draft Sponsorship, Grants and Contributions Policy is scheduled for public exhibition.

CONCLUSION

Council may choose to apply a partial waiving of hire fees, and only charge for the hire of the Stan Thiess Centre – 4 hour hire \$171.00 or apply a full fee waiver where no fee is applied.

Consistent with other community Christmas related events, it is recommended that the fee is waived.

SOCIAL IMPLICATIONS

The event is designed to be a free, inclusive gathering that promotes cultural exchange and strengthens the bond with the Aboriginal community, providing social and community benefit for Muswellbrook Shire.

FINANCIAL IMPLICATIONS

Subject to approval of the fee waiver, Council would forgo revenue.

POLICY IMPLICATIONS

Annual Revenue Policy (Fees and Charges).

Financial Assistance and Sponsorship Policy.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.



OPERATIONAL PLAN IMPLICATIONS

4.3.1.1 Council works in partnership to deliver events which support the community and attract visitors to the Shire', *Muswellbrook Shire Council - 2023/2024 Operational Plan*

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The event will be promoted through a range of social media platforms.



Waagan Galga Aboriginal Corporation

ABN: 73 294 514 187

Jade Perry and Jacob Ellis
Muswellbrook, NSW, 2333
Admin@waagangalga.com
0411534405
15/11/23

Subject: Waiver Request for Location Hire Fee – Aboriginal Community Christmas Event

Dear Muswellbrook shire council,

I hope this letter finds you well. I am writing on behalf of Waagan Galga Aboriginal Corporation, a community organization dedicated to promoting cultural events and fostering community spirit. We are in the planning stages of our annual Aboriginal Community Christmas Event, which aims to bring joy and celebration to our community members during the holiday season.

Understanding the importance of community engagement and the significance of your venue, we are reaching out to request a waiver of the location hire fee for our Christmas event. This event is designed to be a free, inclusive gathering that promotes cultural exchange and strengthens the bonds within our Aboriginal community.

We believe that hosting our end of year Christmas event at your venue will not only provide a festive and welcoming atmosphere but also showcase the cultural richness of our community. By waiving the location hire fee, you would be contributing directly to the success and accessibility of this meaningful event.

We assure you that our event will be well-organized and respectful of the venue's policies and regulations. Additionally, we are open to discussing any terms or conditions associated with the waiver to ensure a mutually beneficial arrangement.

If you have any questions or require further information about our event, please do not hesitate to contact us at 0411534405 or Admin@Waagangalga.com We appreciate your consideration of our request and look forward to the possibility of collaborating to create a memorable Christmas celebration for our community.
Thank you for your time and support.

Sincerely,

Jade Perry and Jacob Ellis
Directors
Waagan Galga Aboriginal Corporation

**10.3.4. Christmas Food and Toy Appeal - Fee Waiver Request**

Attachments:	1. 2NM PowerFM Christmas Food and Toy Appeal Request Letter [10.3.4.1 - 1 page]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Matthew Lysaught (Director Property & Place)
Community Plan Issue:	5 - <i>Community Infrastructure</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	2.1.3 - Consider and deliver social inclusion principles across Council functions.
	Not applicable

PURPOSE

To consider the fee waiver request for the use of the Muswellbrook Indoor Sports Centre for the annual Christmas Food and Toy Appeal.

OFFICER'S RECOMMENDATION

Council:

1. Waives the fee for the booking of the Muswellbrook Indoor Sports Centre for the annual Christmas Food and Toy Appeal; and
2. The estimated costs associated for the booking be funded from the Muswellbrook Indoor Sports Centre Materials and Contracts operating expenses budget 0460.0895.500.

Moved: _____ **Seconded:** _____

BACKGROUND

Council has been approached by the registered charity BlackRoo Community Indigenous Corporation to support the annual 2NM/PowerFM Christmas Food and Toy Appeal in the waiving of the fee for the use of the Muswellbrook Indoor Sports Centre. Attached to this report is the written request.

The Christmas Food and Toy Appeal has been running for 22 years, and last Christmas provided support for 328 families across the Upper Hunter. The appeal requires a large area for the organisation and distribution of goods, and last year Council provided the Muswellbrook Indoor Sports Centre, at no charge, to support the appeal.

The request is being reported to Council as the decision to waive the fee is beyond the delegation of the General Manager.

CONSULTATION

Technical Officer – Recreation & Property

REPORT

The dates for which the Indoor Sports Centre would be required is from Sunday 17



December to Saturday 23 December 2023. The centre has been tentatively booked for the above dates.

A per day hire for the facility, as per Council's Fees and Charges, is \$313.18 plus GST. Further, the manager of the facility ordinarily receives a set percentage of the booking to manage, open and close, supervise, clean, and provide consumables. As occurred last year, the facility manager, subject to Council's decision, has kindly offered to waive their full charge, instead applying \$30 per day for cost recovery. This would total a charge of \$210, plus GST, that can be managed within the existing Indoor Sports Centre Materials and Contracts operating expenses budget.

It is recommended that Council waives the fee in support of this important community service provided to residents of the Upper Hunter during the Christmas period.

OPTIONS

Council could choose not to waive the fee or manage the request in an alternative manner.

CONCLUSION

It is recommended Council waives the fee and manages any costs within existing operational budgets.

SOCIAL IMPLICATIONS

The annual Christmas Food and Toy Appeal contributes to social equity and inclusion.

FINANCIAL IMPLICATIONS

The fee waiver request is for a sum of \$2,192.26 plus GST. The direct costs associated with the booking are estimated to be \$210 plus GST and can be managed within an existing operating budget.

POLICY IMPLICATIONS

Financial Assistance and Sponsorship Policy MSC05E

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

The booking will require the management and documentation of any associated risks.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.

Wednesday, 22 November 2023



Dear Matthew Lysaught

2NM/PowerFM Christmas Food and Toy Appeal

Christmas is a time of joy, love and togetherness. Unfortunately, not everyone has the means to enjoy the festivities and provide their families with a memorable holiday experience. Many families in our community are struggling to make ends meet, and this time of year can be particularly difficult for them.

De-anne Douglas has been running this appeal for 22 years with the support of the community. Last year we supported 328 families in the Upper Hunter area. After consultation with other charities and community groups we know this year will be even bigger.

Using the Basketball Stadium last year made an enormous difference to our appeal, and we are hoping that Muswellbrook Shire Council would allow us the use of the Stadium from Sunday 17th December to Saturday 23rd December. I have checked these dates with the Huggins family to ensure we are not impacting any of the venue users.

Due to us being a registered charity and having extraordinarily little funds we would like to ask Council to waive the hire fees.

If you can support us, please contact De-anne Douglas on 0419 684 519 or de-anne@blackrooindustries.com

Your support in helping us support our community at Christmas time will be very appreciated.

Yours sincerely

Joe Clayton
CEO
0437 763 477



10.3.5. Major Projects Status Report

Attachments:	1. CURRENT 2023-2024 - CI Capital Works Hybrid [10.3.5.1 - 6 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Matthew Lysaught (Director Property & Place)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire.
	Not applicable

PURPOSE

To provide for Council's information the monthly Major Projects Status Report.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

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

CONSULTATION

Respective project managers.

REPORT

The Major Projects Status Report is attached for the information of Councillors as at 21 November 2023.

Each iteration of the report is reviewed to improve the communication of status updates against Council's Delivery Program and 2023–2024 Operational Plan.

OPTIONS

Council may request further information on respective projects.



CONCLUSION

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire',
Muswellbrook Shire 2023–2024 Operational Plan.

RISK MANAGEMENT IMPLICATIONS

Risk implications are considered and assessed for major projects.

WASTE MANAGEMENT IMPLICATIONS

Waste management plans are developed and implemented for applicable projects.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

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

PROJECT NUMBER	PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	GL Number	BUDGET ESTIMATE	FY BUDGET ALLOCATION	WORKS INSURANCE	PLANNED START	PLANNED COMPLETION	START	COMPLETION	STATUS AS AT 21 NOVEMBER 2023
MULTIPLE YEAR PROJECTS											
Olympic Park											
2019-2020-0417	Olympic Park Amenities and Grandstand	D & C	3710.7824.504	\$8,150,000	\$3,505,706	Existing Cover to \$2M	Jan-21	Dec-24	Jan-21		The Development Application for the Olympic Park amenities and grandstand design is under planning assessment. The Olympic Park Development Advisory Committee is meeting monthly or as required. An Event Management Plan suite has been developed to address outstanding issues raised by the Regional Planning Panel. The details of the Australian Government Grant Application were reported to the September Ordinary Council meeting for the application under the Priority Community Infrastructure Program (PCIP) and was submitted on 30 October 2023.
2021-2022-0520	Olympic Park Field Improvements	D & C	3710.1405.504	\$1,500,000	\$933,904	Existing Cover to \$2M	Jul-22	Dec-24	Jul-22		Draft drainage and irrigation designs have been prepared for Olympic Park field improvements. Discussions have been held with funding bodies to align grant and project milestones. Council is awaiting formal feedback on these discussions following the lodgement of PCIP grant programme.
TBA	Olympic Park Projects	D	3710.1405.504	TBD	\$56,848	Existing Cover to \$2M	Jul-22	Dec-24			Design for Olympic Park Funds has been allocated for investigation and design of other precinct stages including precinct landscape design. Fencing has been installed has been in around the Olympic Park Bridge which expends this Financial Year allocation. Separately Crown Lands, Department of Planning and Environment have provided consent for the draft Plan of Management - Olympic Park Precinct to be placed on public exhibition.
Regional Entertainment and Conference Centre											
2020-2021-0463	Regional Entertainment and Conference Centre - ENABLING WORKS	D & C	3690.5433.504	TBD	TBD	TBA	Oct-21	Jun-26	Oct-21		Development Application (DA) is being prepared for demolition of Bridge Street buildings to be lodged following the endorsement by CBD 7 - Pocket Park concept design at the May 2023 Ordinary Council meeting. Request for Quotation (RFQ) process for removal of hazardous waste from the Bridge Street buildings completed. Contract for removal of Hazardous materials awarded to Fenech Demolition. Development Application documentation pack progressing. Stakeholder consultation in progress. Removal of Hazardous materials works planned to commence from the 1st week of December.
2020-2021-0463	Regional Entertainment and Conference Centre	D & C	3690.5433.504	\$16,500,000	\$3,273,204	TBA	Oct-21	Dec-26	Oct-21		Staff have commenced discussions with the Principal Design Consultant (PDC) regarding changes in design including an alternative Town Centre location and relocation of the development application. The architect has prepared a return brief. Geotechnical and ground contamination investigation to be undertaken of the proposed new location. Architects are reviewing scope and any fee variation for Council's consideration. The Studio component of the development is to be staged. The architects proposal to deliver the stages for the new location has been received and is being reported to the Development Advisory Committee on 18 October 2023. An independent review of the architects' proposal by a Quantity Surveyor was sought. A further report is being provided to November 2023 Ordinary Council meeting.
Other											
TBA	Civic Precinct (Town Square)	D & C	3690.5498.504	\$14,500,000	\$2,256,524	Council insured	Oct-21	Jun-26	Oct-21		Planning for demolition and scoping of the Pocket Park has commenced. Funding of \$10.5m confirmed awaiting finalisation of grant process. The details of the Australian Government Grant Application reported to the September Ordinary Council meeting for the application under the Priority Community Infrastructure Program (PCIP) and was submitted on 06 November 2023.
2021-2022-0500	Denman Heritage Village	D & C	3590.4222.504	\$1,830,871	\$1,809,525	Existing Cover to \$2M	Sep-21	Jul-23	Sep-21	Aug-23	Deed for Heritage items executed. Design and Construction tender awarded. Occupation Certificate received. Soft opening followed installation of artwork. Artwork installed and keys handed over. Official opening planning for Friday 24 November 2023.
2020-2021-0443	MSC Depot Construction	D & C	3910.5939.504	\$8,000,000	\$4,838,000	Council insured	Jul-21		Jul-21		Resources for Regions Round 9 funding announced of \$4 8M. Concept design provided to staff for feedback. Final concept and costs reported to the July 2023 Ordinary Council meeting. Council going out for a Design consultant to take the project to Design and Construct Tender. The call for Tenders closes on 20 November 2023.
2020-2021-0452	Muswellbrook Animal Shelter	C	3910.5887.504	\$3,191,041	\$1,206,134	Council Insured	Feb-21	Mar-23	May-21	Jul-23	The construction project is complete and the facility is open. Currently in the Defect Liability Period.
2019-2020-0413	Muswellbrook Indoor Sport Centre	D & C	3910.5844.504	\$1,242,452	\$1,177,934	Existing Cover to \$2M	Oct-19	Jun-23	Oct-19		Upper Hunter Youth Services was awarded Stronger Country Community grant funding of \$500k. Stakeholder consultation and preliminary design complete and Development Application approved. Detailed design contract has been awarded to be completed alongside land parcel acquisition with Crown Land.
2020-2021-0448	Tertiary Education Centre - Stage 2 (Donald Horne Building) incl. Upper Hunter Innovation Hub and Weidmann Café	D & C	3690.5438.504	\$6,930,061	\$580,613	Council insured	Jul-19	Oct-23	Jul-19	May-23	Official opening held Tuesday, 18 July 2023.
FUTURE FUND											

TBA	Loxton House	D & C	3665.4910.504	\$950,000	\$872,335	Council insured	Dec-22	Dec-23	Dec-22		Design with future tenants completed for development application modification. Awaiting Heritage Advice. Heritage Advice received and can proceed with amendment. DA modification request review is in progress. Architect proposal to finalise to finalise the design received and accepted. A contract for the design consultants is being prepared. Surveyor engaged to carry out survey of the Internal and External of the building.
TBA	Marketplace Asset Renewal (incl. Lift)	D & C	3690.5540.504	\$331,194	\$331,194	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Heavy goods lift specification drafted ready for tender issue. Council is undertaking an independent review of transportation services at the Marketplace.
N/A	Renewal of Existing Assets	D & C	3690.5421.504	\$326,805	\$326,805	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Combination of commercial building renewal projects and capital works for new tenancies. Significant works include the relocation of Blue Flame restaurant to the Donald Horne Building. No quotations were received in first Request for Quote (RFQ) but rereleased and reported to 26 September Ordinary Council meeting.
PLANNING, COMMUNITY AND CORPORATE SERVICES											
	Aquatic Centre Programme 2024		3700.5312.504	\$213,000	\$213,000	Existing Cover to \$2M	Jul-23				Installation of dehumidifier in Spa. Request for Quotes (RFQ) are currently out. Awaiting additional quote by 20 November 2023. Tentative award expected end November 2023.
N/A	General Building Renewal Programme	C	3910.5819.504	\$250,000	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			Activation of some projects were contingent on grant funding which has now commenced. This includes Victoria Park upgrade to amenities funded from the Stronger Country Communities Fund - Round 5.
TBA	General Design Programme	D	3910.5855.504	\$49,452	\$37,656	Existing Cover to \$2M	Jul-21	Dec-22	Jul-21		Architect has consulted with heritage advisor to inform design development and draft concepts received for the Arts Centre. Design being progressed relies on glazing existing structure. Advice sought on planning pathway. Heritage architect has provided finishes recommendations. Planning Consultant to be engaged to progress design to Development Application within available budget.
2021-2022-0529	Reactivation of Campbells Corner Retail for Muswellbrook	D & C	TBA	\$974,686	\$974,686	Existing Cover to \$2M	Jan-23	Jul-24			Resources for Regions Round 9 funding announced of \$974,686. Development Application (DA) has been approved.
TBA	Outdoor Pool Plant Upgrades	D	3700.5453.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-21	Mar-22	Sep-21	Mar-22	Tender Package completed. Tender subject to capital funding.
TBA	CBD Stage 7 (Town Centre)	D & C	3690.5479.504	\$1,685,796	\$1,630,345	Existing Cover to \$2M	Jan-22	Nov-22	Jan-22		Reallocation of Resources for Regions Round 7, \$2,850,318. Now includes additional Public Domain Works: 1. Loxton House Refurbishment- Design contract under preparation, 2. Hill St Construction, 3. Part Bridge Street Footpath, 4. Bridge Street Median, 5. Marketplace Public Car Park, and 6. Marketplace laneway. 2. Hill Street Reconstruction project is complete. 3-4. Bridge Street footpath - Design and tender documents are being prepared with the following schedule: receipt of detailed design and documentation has been reviewed by council. Revisions and updated documents to be delivered by end November ready for future tendering. 5. Marketplace carpark - The project is complete.
2021-2022-0509	Denman Children Centre	D & C	3920.5658.504	\$1,229,714	\$1,229,714	Existing Cover to \$2M	Jun-18	Aug-23	Mar-21		Council auspicing project. DA 99/2018 approved May 2019. Denman Children's Centre Memorandum of Understanding was developed March 2021. Both parties signed MOU to progress project in FY 21/22. Project manager awarded. Contracts for detailed design awarded. Building design being amended in line with flood risk assessment, the main impact is the requirement for an entry ramp into the new building. Civil design finalised for S68 Permit. Construct-only tender documentation ready. Report provided for funding implications to October 2023 Ordinary Council meeting. Project and funding administration is being finalised to call tenders early in January 2024.
2022-2023-0554	Denman Netball Courts	D & C	3710.7825.504	\$311,451	\$311,451	Existing Cover to \$2M	Oct-21	Jul-22	Sep-22		Project start dates delayed due to additional funding required. Denman Recreation Area user group consultation complete. Tenders closed 3 March 2023 and received tender was over budget. The scope of works is currently being reviewed alongside Denman Recreation Reserve Works.
TBA	Denman Recreation Reserve Works	D & C	TBA	\$2,249,301			Jan-23	Apr-24			Resources for Regions Round 9 funding announced of \$2,249,301. Consultants have been engaged to undertake design for the construction of Bell St Denman with survey, investigation and design now commenced. The 80% design and Review of Environmental Factors will be reported to Council for endorsement prior to tendering for construction.
2020-2021-0481	Karoola Park Plan of Management	I	3710.5532.504	\$30,000	\$30,000	Existing Cover to \$2M	Jul-21	Dec-22	Oct-21		Request for Quote for Plan of Management awarded. The inclusion of a Citizen Walk to be considered as part of draft Plan of Management.
	Karoola Park - Resilience Works	D & C		\$973,974	\$973,974		Jul-23	Jun-25			Project is the removal of the concrete stormwater drain and replacement with natural drainage system. The existing design is being reviewed and tender documents prepared.
	Everyone Can Play - Simpson Park	C	3710.7828.504		\$149,929		Jul-23	Dec-23			The pre-start meeting was conducted on 12/10/2023, and the contractor will be on-site in early November to commence the work. The expected completion date is before Christmas 2023, except for the installation of Titan Swing, which will be completed before the end of January 2024.
2022-2023-0562	Adventure Playground - Wollombi Rd (Pump Track)	I, D & C	3710.7831.504	\$480,000	\$480,000	TBA	Jan-23	Jun-23			The tendering process has been completed, and the recommendation from the evaluation panel was reported and endorsed at the October Ordinary Council meeting. Award of the Contracts is currently underway.

TBA	Kayuga Rural Fire Station	D & C	3860.5415.504	\$650,000	\$914,520	Existing Cover to \$2M	Dec-21	Jan-24	Aug-23		External project manager engaged. Development approval received. Tender called for design and construction closing 27 June 2022. Direct negotiations with preferred tenderer to include cost savings identified. Additional funding being considered by RFS. An amendment to Development Approval submitted to reduce setback and include RFS supplied water tank. Revised tender amount to be reported to Ordinary Council Meeting subject to funding becoming available. Additional funding announced and confirmation of tender returned to the July 2023 Ordinary Council meeting and awarded. Sod turning event planned for 22 November 2023.
TBA	Lighting for Weeraman and Highbrook	D & C	TBA	\$939,800	\$939,800	Existing Cover to \$2M	Apr-23				Recently awarded grant funding under Female Friendly Community Sport Facilities and Lighting Upgrades Program 2022/23. Tenders have been called and closed and reported to the October 2023 Ordinary Council Meeting. The contract has been awarded and completion is expected by end March 2024.
TBA	Major Landcare Projects	I, D & C	3920.5617.504	\$171,286	\$171,286	Existing Cover to \$2M	Sep-22	Jun-23			Report endorsed September 2022 Ordinary Council Meeting for works delivered.
TBA	Denman Indoor Sports Centre Upgrade	C	3910.5949.504	\$151,200	\$140,969	Existing Cover to \$2M	Jul-21	Dec-22			Tender submissions reported to Extraordinary Ordinary Council meeting on 20 June 2023. Contract awarded to Dalski Constructions Pty Ltd. Works completed.
TBA	Muswellbrook Indoor Sports Centre Upgrade	C	3910.5950.504	\$148,050	\$120,493	Existing Cover to \$2M	Jul-21	Dec-22			Tender submissions reported to Extraordinary Ordinary Council meeting on 20 June 2023. Contract awarded to Dalski Constructions Pty Ltd. Works completed.
TBA	Muscle Creek Nature Trail (AGL Macq Project)	C	3920.5946.504	\$237,500	\$140,238	Existing Cover to \$2M	Oct-21	Jun-22		Mar-23	Track connected to Olympic Park Bridge and complete.
N/A	General Recreation Programme	C	3710.5293.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-22	Jun-23	Sep-22		The report was endorsed September 2022 Ordinary Council Meeting. Activation of some projects was contingent on grant funding which has now commenced. General Recreation projects are underway. Guttering at Highbrook is complete, CCTV is installed. The Recreation Needs Study Draft is nearly complete to be reported to Council at the December 2023 Ordinary Council meeting. Public exhibition is expected to occur in December/January. A further report will be provided to Council at the March Ordinary Council meeting. Denman Tennis Courts Lighting complete.
N/A	Landscaping and Tree Management Programme	C	3710.5311.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Aug-23	Street tree applications have been received and planting as programmed..
Below programmes recurrent for 2024. Details to be determined. Cemetery Programme \$100k, Large Capital Grants \$90k, and Small Capital Grants \$25k.											
N/A	Major Large Capital Grants Programme (Dollar for Dollar Grant Programme)	C	3710.5494.504	\$90,000	\$90,000	Existing Cover to \$2M	Oct-22	Feb-23	Oct-22	Feb-23	Applications have closed and were reported January 2023 Council meeting. Successful applicants have been advised.
N/A	Cemetery General Programme	C	3722.5297.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Sep-22		Jun-23	Stage 1 and 2 of concrete paths have been completed
N/A	Sport and Recreation Small Capital Grants	C	3710.5482.504	\$25,000	\$25,000	Existing Cover to \$2M	Oct-22	Feb-23	Oct-22	Feb-23	Applications have closed and were reported January 2023 Council meeting. Successful applicants have been advised.
ROADS AND DRAINAGE											
TBA	Bridges Renewal Program	I	3530.4131.504	\$105,000	\$105,000	Existing Cover to \$2M	Oct-23	Jun-24	Aug-23		The programme of bridge inspections is currently being undertaken to inform a programme of proposed work will be reported to Council. Works will be undertaken in accordance with the Council endorsed program to the limit of the available budget. The proposed programmed works will include monitoring of the movement of the bearings on Muscle Creek Bridge on Bell St Muswellbrook.
TBA	Bell Street Bridge	I	Not assigned	\$847,000	\$0	Existing Cover to \$2M	Upon confirmation of funding.	NA	NA	NA	Council was successful in receiving an offer for the 'betterment' component to repair abutments of Muscle Creek Bridge on Bell St Muswellbrook which have been damaged in the recent natural disaster events. This funding is provisional on Council also receiving grant funding under the DRFA for the initial repair of the abutment. Unfortunately the additional funding for an amount of \$168,000 to complete the project was deemed ineligible by TfNSW as Council could not demonstrate adequately that the damage was the result of the natural disaster event.
TBA	CPTIGS - Bus Shelter Program	I and D	3500.2781.504		\$337,825	Existing Cover to \$2M	Sep-23	Mar-24			An In-kind source of funding for the upgrade of the Bus Stop in Tindale St has been provided through development in the street. Tenders were received by Council and reported to 27 April 2023 Council meeting where Council determined to not accept any Tender. A workshop was held in September with Councillors, to provide information regarding the bus shelter concept. This matter was reported to the October meeting of Council where Council endorsed to seek quotation for design and supply of shelters.
TBA	Carpark Renewal Program	C	3580.4234.504	\$135,000	\$135,000	Existing Cover to \$2M	Nov-23	Dec-23			A prioritised program was endorsed by Council at the August Meeting. Works are programmed to commence in the Carpark adjacent to the Muswellbrook Railway Station - Bus Stop. Work is scheduled 3 December (weather permitting).
TBA	Footpath & Cycleway Renewals	C	3500.4072.504	\$185,625	\$185,625	Existing Cover to \$2M	Sep-23	Jun-24	Aug-23	Sep-23	This program is complete. A prioritised program was endorsed by Council at the August Meeting. In accordance with the program sections of footpath have been renewed in William St Muswellbrook and Henry Dangar Drive (Day to Dixon)
TBA	Heavy Patching Programme	C	3500.4035.504	\$1,000,000	\$1,000,000	Existing Cover to \$2M	Sep-23	Jun-24	Aug-23		A prioritised program was endorsed by Council at the August Meeting. Works have commenced and will continue in accordance with the Council endorsed program to the limit of the available budget. Work is continuing on this programme.

TBA	Kerb & Gutter Replacement	C	3560.4065.504		\$146,250	Existing Cover to \$2M	Sep-23	Dec-24	Aug-23		A prioritised program was reported and endorsed by Council at the August meeting. Work has commenced and will continue on this program in accordance with the prioritised list to the limit of the available budget. Sections of kerb and gutter have been replaced in Clifford, Maitland, Towarri, and Ruth White Ave, and Parkinson Ave Muswellbrook. This programme is 90% complete.
TBA	Large Plant Items	D	3985.5870.504	\$1,680,000	\$1,680,000	Contractor/ Council insured	Oct-21	Jun-23	Mar-22		The plant replacement programme priorities were endorsed by Council at the March 2022 Ordinary Council Meeting. The truck has been ordered for the Waste Management Facility. the Motor Grader was reported to the September Ordinary Council meeting, and the new tractor tender reported to the November 2022 Ordinary Council Meeting. These items of plant have been ordered. Grader has arrived, tractor cannot be supplied, and truck is awaiting delivery. A report on the next tranche of the replacement programme will be provided to the November 2023 Ordinary Council Meeting.
TBA	Merton Street Drainage for Denman	C	TBA	\$2,589,582	\$2,589,582	Council & Contractor insured	Jul-23	Oct-24	Aug-23		Resources for Regions Round 9 funding announced \$1,412,582. The design was endorsed by Council at the October 2022 meeting. The estimated cost to construct based on this design is \$2,589,582. Council has been advised of successful funding under the Disaster Recovery Fund R1, with receipt of the deed of agreement now provided by the funding body. Tender Documents have been prepared and will be advertised. A S138 application for the construction of the culvert crossing of the Golden Hwy is currently being applied for from TfNSW. Tentative dates for tendering are December 2023, pending TfNSW response. Consultation with the directly impacted residents will commence in the near future.
TBA	New Shared Path Turtle St Denman	C	TBA	\$322,459	\$322,459	Existing Cover to \$2M	Nov-23	Feb-23	Nov-23		Council has been successful in securing funding under the Get NSW Active Program for project GRF-612 for a new shared path Turtle St Denman. The design is complete and the project has been advertised for Tenders. Tenders closed 20 September 2023 with the assessment reported to the October meeting of Council. The contractor has been engaged, with preparation to commence construction early December has begun.
TBA	Purchase of vehicles	I	3900.5660.504	\$342,558	\$342,558	Council & Contractor insured	Jul-22	Jun-23	Jul-22		Light fleet programme prepared. Difficulty sourcing vehicles as per requirements and long delays in delivery of vehicles. Hail damaged from severe storm has disrupted procurement plan.
2022-2023-0555	Regional Road Renewal Programme	I and D	3502.4135.504	\$1,000,000	\$550,000	Council & Contractor insured			Sep-23		The Project at ch 7.6km on Bylong Valley Way was endorsed at the August meeting of Council and included as part of the Capital Works Programmes for the 2023-24 and 2024-25 year. A consultant has been engaged to undertake survey and design for this section of road.
	Resources for Regions - Round 5			\$3,293,423	\$8,143,687						
TBA	Thompson St signalisation	C	3500.4277.504	\$2,100,845	\$2,825,395	Council & Contractor insured	Feb-22	Jan-23	May-22		Works on this project were suspended due to Contractual issues. The contractor demobilised from the site in late January. A post construction inspection has occurred and defects and outstanding works identified. The electrical works were undertaken in July 2023 with permanent connection to power scheduled for October. Council is continuing to seek final approval from Transport for NSW to determine Practical Completion. Rectification of construction defects is continuing as part of this process.
TBA	UHSC - Murulla St causeway	I	3500.4282.504	\$1,192,578		Council & Contractor insured					This is an Upper Hunter Shire Council project. Murulla Street is located in Murrurundi. This project has not commenced.
	Resources for Regions - Round 7										
2022-2023-0548	Carpark Renewal Program - Hill St Laneway drainage upgrade	C	3500.4593.504		\$493,461	Existing Cover to \$2M	Feb-23	Jun-23	Feb-23	Jul-23	Construction of the Council Carpark off Hill St Muswellbrook is complete.
2022-2023-0552	Hill St Road Reconstruction	C	3500.4590.504	\$600,000	\$600,000	Council & Contractor insured	Apr-23	Aug-23	Apr-23	Jul-23	Project Complete.
TBA	Road Resealing Program	C	3500.4030.504	\$2,100,000	\$2,100,000	Existing Cover to \$2M	Sep-23	Jun-24	Sep-23		A prioritised programme was endorsed at the August 2023 meeting of Council as part of the Capital Works Programme. The contractor has been engaged and they are currently undertaking project planning and preparation. Preparatory works on various roads are being finalised. Resealing commenced 23 October with Widden Valley, Emu Ck, Rosemount Rd, Turner St, Jerdan St, Babbington St, Burkill St, Cousins and Queen St now complete. The programme will continue as Contactor availability permits.
TBA	Roads to Recovery Programme	I	3500.2068.504	\$577,898	\$577,898	TBA	Oct-23	Jun-24			This funding is currently not allocated. Projects are to be prioritised and reported to Council for endorsement for use of this funding.
2021-2022-0494	Rosebrook Bridge Replacement	C	3530.4429.504	\$1,633,500	\$1,633,500	TBA	Jan-23	Jun-23	Jul-22	Aug-23	The project is complete.
TBA	Rural Roads Regravelling	C	3500.4055.504	\$283,815	\$283,815	Existing Cover to \$2M	Jul-23	Jun-24	Jul-23	Mar-23	The annual program has commenced with works being undertaken on Myrtle Gully Road.
TBA	Safety Device Renewal	C	3590.4145.504		\$94,069	Existing Cover to \$2M	Sep-23	Dec-23			A prioritised program was reported and endorsed at the August meeting of Council.
TBA	Victoria Street	C		\$721,433	\$721,433		Oct-23	Dec-23	Oct-23		Grant funding accepted from Fixing Local Roads Round 4. Project preliminaries are being undertaken including geotech, preparatory works, community consultation and engagement of contractors. Asphalt works are scheduled to commence early December, this work will be night work.

	Wybong Road - Betterment	I			\$1,633,500		Pending EPAR approval				Council was successful in receiving funding for the 'betterment' component to widen and improve Wybong Road in three (3) nominated sections at the western end. Which have been damaged in the recent natural disaster events. Additional funding for an amount of \$200,000 to complete the project is currently being sought through the EPAR application submitted in August. Council is continuing to follow up with TfNSW on the approval of this EPAR funding.
SEWER CAPITAL BUDGET											
TBA	Access and Security Improvements	D&C	6340.4475.504	\$130,000	\$130,000	TBA	Jul-22	Sep-22	Jul-22	Sep-22	Upgrade of access and improvement to drying beds for non destructive digging so that will improve more capacity and will add revenue to the council - project start Oct 2023- planned completion by Jun 2024
TBA	Mains Renewal And Replacement	I,D&C	6310.4340.504	\$260,000	\$260,000	TBA	Jan-23	Jun-23	Jul-22	Apr-22	For Financial year 2023/24, two Projects will be undertaken from Main renewals and replacement program 1. Sewer Rising main and valve replacement pumping station 2 which will improve the sewage in/out flow better and improve the capacity of pumping station 2 - planned start date Oct2023 - planned completion by June2024, Replacement of sewer rising Main at pumping station 1, which will improve capacity and capability of pumping station no 1. planned start date Oct 2023 - planned completion by Jun 2024.
TBA	Solar Array	I	6310.4493.504	\$644,773	\$1,800,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Sustainability initiatives associated with operation of the Raw Water Treatment Works. RFQ has been called and awarded for project management consultant to run the design and construct tender process including preparation of tender documentation. Tender documents are under review and tenders will be invited in the fourth quarter of 2022-23. Tender evaluation completed and reported to Council for award of contract. Maintenance contract is being negotiated. Design likely to commence in January 2024.
TBA	Sewer Operational Contingency	I,D&C	6340.4494.504	\$150,000	\$150,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	Improvement works undertaken on critical sewer equipment as follows: Replaced two tertiary-waste-activated sludge pumps at the Recycled Water Treatment Works (RWTW); Undertook major overhaul works on the two biosolids dewatering presses at the RWTW; Replaced dissolved oxygen monitoring sensor for bioreactor 1 (IDEAT1) at the RWTW; Replenished critical spares for 8 solenoid valves at the RWTW; Upgraded modem to improve compatibility with 4G signals and improve the SMS critical alarm messaging for the RWTW process that is sent to the sewer on call phone.
TBA	System Plant Asset Renewals	I, D & C	6340.4488.504	\$650,000	\$650,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		The projects which will be included in System Asset plant renewals Program are : Upgrade -Telemetry monitoring system Muswellbrook and Denman sewer Management system. planned Start Oct2023 - planned completion Jun2024. Muswellbrook Sewer pumping station no 7 mechanical and electrical upgrade. Denman Sewer Treatment plant Aerator required replacement, the contract for which is awarded in November 2022. The aerator was installed and commissioned in 2nd week of November 2023.
TBA	Transportation System Improvements	I, D & C	6340.4485.504	\$300,000	\$300,000	Existing Cover to \$2M	Jan-23	Feb-23	Jan-23	Apr-23	Transportation System Improvement Program will include projects: MSPS -1 & 8 & 10 Electrical Mechanical upgrade. These Projects will commence in Oct 2023 and planned completion by Jun 2024.
WATER CAPITAL BUDGET											
N/R	Asbestos Removal, Earth Work and Security	C	5310.4575.504	\$175,000	\$175,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	For Financial year 2023/24 this program is planned to fund the project- Muswellbrook water treatment facility fence and security upgrades. The RFQ are in progress but likely start is in Oct 2023 and planned completion by Jun 2024.
TBA	Denman to Sandy Hollow Pipeline	D & C		\$28,473,519				Jul-24			Funding Deed executed. Land acquisition, preparation of tender documentation and review of environmental factors are in process. Geo technical investigation contract was awarded and is in progress which will likely to be completed by June 2023. Also land acquisition in progress, Valuer has completed the report, and landowners have been provided with offers. Section 60 approval was sought in April, which has been approved by DPE water. All the three land owners have provided with their valuation, 2 are settled and ongoing negotiation with the third owners are ongoing.
TBA	Mains Renewal And Replacement	I, D & C	5320.4340.504	\$650,000	\$650,000	Council & Contractor insured	Jul-22	Mar-23	Jul-22	Mar-23	For Financial year 2023/2024 the water main replacement program will undertake projects. water mains in Flanders Avenue, Ramrod Creek, King street Stage 1,2 7 coal road reservoir rising main, and ford street. The coal road reservoir rising main and valve replacement was completed end of Aug 2023. The other projects are planned to be started in Oct 2023 and planned completion by Jun2024. Request for quotation documents are ready and quotation are being sought from contractor for replacing water main in Flanders Avenue.
TBA	Replacement of Water Meters	C	5320.4376.504	\$65,000	\$65,000	Council insured	Jul-23	Jun-24	Jul-23		Ongoing ageing water meter replacement programme.
TBA	System Plant Asset Renewals	I, D & C	5340.4400.504	\$730,474	\$730,474	Council & Contractor insured	Jul-22	Jun-23	Jul-22	Apr-23	Prioritised list of projects was provided to the council. The projects are in investigation and design stage. which includes telemetry system upgrades, Denman reticulation system upgrades. The projects are in investigation and design stage and will be construction likely to commence in Feb 2024. Purchased six Ultra- Filtration Membrane modules for the Denman Water Treatment Plant from Pentair- this was emergency works.

TBA	Upgrade Fluoride Dosing System	I, D & C	5310.4577.504	\$294,732	\$294,732	TBA	Oct-22	Jun-23	Jul-22		The selected tenderer/contractor (closed Council Meeting Apr 2023) has signed the contract. The contractor visited the Muswellbrook Water Treatment Plant on 21 Sep 2023,, to review the site proposed for the new fluoride dosing plant and to prepare detailed design and construct drawings and documents for review and approval from Council and NSW Dept of Planning and Environment - Water Unit. The project is expected to extend into Q3 FY 2023-2024.
TBA	Vehicle Replacement	C	5330.4370.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Difficulty in sourcing vehicles as per requirements and long delays in delivery of vehicles.
TBA	Vehicle - Equipment Replacement	C	5330.4378.504	\$65,000	\$65,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Programme being prepared.
TBA	Water Operations Contingency Project	I	5340.4406.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	Improvement works undertaken on critical water equipment as follows: Replaced the soft starter for the sand filter backwash pump at Muswellbrook Water Treatment Plant (MWTP); Replaced two flow meters at the Denman Water Treatment Plant (DWTP); Carried out major overhauls works on the high pressure filters at DWTP; Replaced antennas and radios to improve telemetry communication of critical equipment; Installed three power quality meters on the high lift pumps at MWTP to monitor data on the performance of the variable speed drives to determine the root cause of intermittent faulting of the drives; Installed new cooling fans for the electronic variable speed drives for the high lift pumps at MWTP; Replacement of the three sand filter inlet supply valves at MWTP. Purchased new spare lime dosing pump for MWTP.
TBA	Water Stop Valve Replacement Programme	I, D & C	5320.4379.504	\$200,000	\$200,000	Existing Cover to \$2M	Oct-22	Jun-23	Oct-22	Sep-23	Water Valve replacement programme fund were used to carry out valve replacement at coal road reservoir which is strategic installation for Muswellbrook water supply and valves were installed in July 2023 and 6 other valve were replaced by 5 September 2023
WASTE											
TBA	Waste & Recycling Centre Leachate Dam	D	3653.4530.504	\$498,212	\$498,212	Existing Cover to \$2M	Feb-23	Jul-23			Design and Construction Cost Estimates complete (\$500,000). Biodiversity Assessment RFQ issued and required prior to Development Application. Geotechnical report for project area received, triggered dam design revision due to lack of winnable clay on site. Revised design received late March '23. Test pits dug late January 2023 determined rock can be ripped to design depth. Preparing for DA lodgement Consultation with NSW EPA in May 2023 who advised proposed dam liner not suitable, revert to designer for changes to be made to align with NSW EPA Solid Waste Landfill Guidelines.
TBA	FOGO Infrastructure	I		N/A		TBA					Preliminary Design and EIS complete. DA 2021/58 lodged June 2021. Further information on odour impacts as requested by NSW EPA was lodged in April 2022. DA 2021/58 submitted to March Council meeting for decision. Expression of Interest for FOGO processing were called and review committee report and reported to April Council meeting. Resolution at June 2023 Ordinary Council to go to tender for a company to build a facility on Council's site and also to tender for the processing of collected FOGO from 01/07/2024 in the interim if the facility is not yet operational at that time.



10.4. Corporate Services

10.4.1. 2023 Christmas Closure

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Michelle Sandell-Hay (Governance Officer)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
	Not applicable

PURPOSE

To request Council's consideration of proposed dates for closure of Council's Administration Centre and other service areas over the 2023 Christmas/New Year period.

OFFICER'S RECOMMENDATION

Council:

1. SUPPORTS the closure of Council Administration, Depots, and Water & Wastewater facilities as follows:
 - * Friday 8 December 2023 – Staff End of Year Function;
 - * 12 Noon Friday 22 December 2023 to 7.00am Tuesday 2 January 2024 – Christmas/New Year closure period;
 - * Waste Operations as detailed in the report; and
 - * Muswellbrook and Denman Aquatic Centres as detailed in the report.
2. APPROVES the allocation of a \$50 We Live Here Gift Card to each staff member as a reward for service during the 2023 calendar year.
3. APPROVES the payment of \$1,000 to six staff members who have twenty year or thirty-year service anniversaries as identified in the report.
4. NOTES that the Local Government Unions have requested the following date for their combined Picnic Day, and endorses the closure of Council Administration, Depots, and Water and Wastewater facilities on 27 December 2023, which will fall during the Christmas/New Year Shut Down Period.

Moved: _____ **Seconded:** _____

REPORT

2023 Union Picnic Day

The Union has advised that 27 December 2023, which falls over the proposed Christmas shut



down period is proposed by the Union for the 2023 Union Picnic Day.

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

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

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

As in previous years, the Council Administration Centre will be closed. Skeleton crews will be scheduled to ensure that essential service areas operate as usual. Council's Waste & Recycling Facility will also be open on 27 December 2023, to cater for the traditional heavy residential use of the facility on the first day on which the Facility is open after Christmas. Union members who wish to work or are required to work in order to meet customer service levels will be appropriately compensated as stipulated by the Award.

2023 Staff End of Year Function

Each year, Council holds an End of Year Function to express its gratitude to staff for the work they have undertaken throughout the year. This year, the Staff End of Year Function is scheduled to be held on Friday 8 December 2023.

Traditionally, staff who have attended the end of year function have received a \$30 gift card. This did not occur in 2022. This year, Council would like to provide a \$50 We Live Here Card to all staff. Funding for the Christmas Party and Staff Reward may be funded from an existing 2023-24 budget allocation.

2023-24 Christmas/New Year Office Closure

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

The offices to be closed for part or all of the period between 12 Noon Friday 22 December 2023 and Tuesday 2 January 2024, include the Muswellbrook Administration Centre, Muswellbrook and Denman Libraries, Muswellbrook Visitor Information Centre, and the Muswellbrook Regional Arts Centre.

The total period of closure would be two or three (2 or 3) working days plus three (3) public holidays, with the recommended dates and times of closure being from 12 Noon Friday 23 December 2023 to 7:00am Tuesday 2 January 2024.

The public holidays included in the closure are:

Christmas Day	Monday 25 December 2023
Boxing Day	Tuesday 26 December 2023
New Year's Day	Monday 1 January 2024

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

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

Waste & Recycling Facility

Waste Operations sites will be closed on all Public Holidays, and will otherwise operate as provided in the table below:



Day	Date	Holiday	Kerbside collections	Muswellbrook Waste Facility	Denman Waste Transfer Station
Fri	8 Dec	Council end of year event	Friday collection	CLOSED	CLOSED
Mon	25 Dec	Christmas Day	No collections	CLOSED	CLOSED
Tue	26 Dec	Boxing Day	Monday's bins – Zone 1	CLOSED	CLOSED
Wed	27 Dec		Tuesday's bins – Zone 2	OPEN	CLOSED
Thu	28 Dec		Wednesday's bins – Zone 3	OPEN	CLOSED
Fri	29 Dec		Thursday's bins – Zone 4	OPEN	OPEN
Sat	30 Dec		Friday's bins – Zone 5	OPEN	OPEN
Sun	31 Dec		No collections	OPEN	CLOSED
Mon	1 Jan	New Year's Day	No collections	CLOSED	CLOSED
Tue	2 Jan		Monday's bins – Zone 1	OPEN	CLOSED
Wed	3 Jan		Tuesday's bins – Zone 2	OPEN	CLOSED
Thu	4 Jan		Wednesday's bins – Zone 3	OPEN	CLOSED
Fri	5 Jan		Thursday's bins – Zone 4	OPEN	OPEN
Sat	6 Jan		Friday's bins – Zone 5	OPEN	OPEN
Sun	7 Jan		No collections	OPEN	CLOSED
Fri	26 Jan	Australia Day	Normal Friday collection – Zone 5	CLOSED	CLOSED

Aquatic Centres

Muswellbrook and Denman aquatic centres will operate as scheduled below:

Close: 12 noon Sunday, 24 December 2023.

Reopen: 6:00 a.m. Tuesday, 26 December 2023.



Close: 12 noon Sunday, 31 December 2023.

Reopen: 6:00 a.m. Tuesday, 2 January 2023.

\$50 We Live Here Gift Card for all staff members

In previous years, a We Live Here Gift Card has been provided to all Muswellbrook Shire Council employees who attend the staff end of year function. The most recent example was in 2021, when a \$30 We Live Here Gift card was provided.

The provision of the We Live Here Gift Cards was suspended in 2022, and it is requested that approval is given to provide a \$50 We Live Here Gift Card to all Muswellbrook Shire Council staff in appreciation of their efforts throughout 2023. It is requested that the We Live Here Gift Card is given to all staff members, as it is acknowledged that, due to family and other commitments, it is not possible for all staff to attend the end of year staff appreciation function and should not be disadvantaged because of this.

The cost of the \$50 We Live Here Gift Cards will be approximately \$8,500. Sufficient funding is available in the Staff Appreciation Budget to enable the funding of the gift cards.

Staff significant anniversaries

At the annual end of year staff appreciation event, significant staff anniversaries are celebrated. Staff whose twenty year or thirty-year service anniversaries have fallen within the current calendar year have traditionally been awarded a \$1,000 service reward payment. Over recent years, this has been somewhat inconsistently applied and, subject to Council's approval, it is recommended that this inconsistency is redressed in 2023. Six staff members have been identified who have current or prior anniversaries. The staff members are distributed as follows:

	20-year service	30-year service
2023	1	2
2021	-	1
2019	-	2

Should Council approve the payment of a \$1,000 amount to each of the identified staff members, this will result in \$5,000 being funded from Ledger Number 0840.0435.500 and \$1,000 being funded from the Staff Appreciation Fund.



**10.4.2. Public Interest Disclosure Policy MSC16E for ADOPTION**

Attachments:	1. Attachment 1 - Public Interest Disclosure Policy MSC16E [10.4.2.1 - 24 pages] 2. Attachment 2 - Submission [10.4.2.2 - 1 page]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Michelle Sandell-Hay (Governance Officer), Chloe Wuiske (Business Improvement Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Develop and review policies in accordance with statutory operational requirements. 6.2.5.4 - Co-ordinate Council's statutory reporting obligations.

PURPOSE

To submit for Council's consideration the attached *Public Interest Disclosure Policy* for adoption, which has completed 28 days of public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the attached *Public Interest Disclosure Policy*.

Moved: _____ **Seconded:** _____

BACKGROUND

On 1 October 2023, new public interest disclosure (PID) legislation in NSW replaced the Public Interest Disclosures Act 1994 (1994 Act).

Under section 42 of the *Public Interest Disclosures Act 2022* (PID Act), all agencies in NSW are required to have a Public Interest Disclosure (PID) Policy.

The Ombudsman prepared a model PID policy (Model Policy) which agencies can adopt, as well as guidance on developing their own PID policy based on the Model Policy.

Council's current *Internal Reporting and Public Interest Disclosures Policy* was adopted in 2021 and will become superseded if the Model Policy is adopted.

The *Public Interest Disclosure Policy* (the Policy) (Attachment 1) was drafted based on the Ombudsman Model Policy.

CONSULTATION

Council

Manex



Governance Officer

Business Improvement Officers

Audit, Risk & Improvement Committee

Community via public exhibition on Council's website 28 September 2023 to 26 October 2023

REPORT

At the 26 September 2023 Ordinary Council Meeting, Council endorsed the *Draft Public Interest Disclosure Policy* to be placed on Public Exhibition, via Council's website, for a period of 28 days.

The Policy was exhibited on Council's website from 28 September 2023 to 26 October 2023.

One submission was received by Council during the submission period, and is attached for reference. (Attachment 2).

The following amendments have been made to the policy following the public exhibition:

- Addition of a Definitions section.
- Replaced reference to "Magiq" with "Council's Electronic Document Records Management System (EDRMS)."
- The term "we" has been replaced with "Council" and some minor grammatical changes made to incorporate this amendment.
- Addition of the following policy titles in the related documents section: Fraud and Corruption Control Policy; Gifts, Bribes & Benefits Policy; Formal Workplace Investigation Procedure; and Disciplinary Procedures
- Addition of the *State Records Act 1998* in the related documents section.

The Policy was also reviewed by Council's Audit, Risk and Improvement Committee and Council was advised by the committee members that they had no comments to make on the policy.

OPTIONS

Council may:

1. Resolve to adopt the attached *Public Interest Disclosure Policy*; or
2. Request amendments to the attached *Public Interest Disclosure Policy* prior to adoption.

CONCLUSION

It is recommended that Council adopts the attached *Public Interest Disclosure Policy*.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

From 1 October 2023, all agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022*.



STATUTORY IMPLICATIONS

Public Interest Disclosures Act 2022

Government Information (Public Access) Act 2009

Government Information (Public Access) Regulation 2018

Local Government Act 1993

Independent Commission Against Corruption Act 1988

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of the Policy on Council's website from 28 September 2023 to 26 October 2023 provided the Community with an opportunity to make submissions. One submission was received by Council during the submission period.



**muswellbrook
shire council**

Public Interest Disclosure Policy

MSC16E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	2 years	Review due date:	
Department:	Governance and Risk		
Document Owner:	Governance Officer		
Community Strategic Plan Goal	6. Collaborative and responsive community 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		

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Purpose

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022* (**PID Act**).

Muswellbrook Shire Council takes reports of wrongdoing seriously. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon Council's staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how Muswellbrook Shire Council will support and protect you if you come forward with a report of serious wrongdoing;
- how Council will deal with the report and its other responsibilities under the PID Act;
- who to contact if you want to make a report;
- how to make a report; and
- the protections that are available to you under the PID Act.

This policy also documents Council's commitment to fostering a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action; and
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with Muswellbrook Shire Council's:

- Model Code of Conduct;
- Fraud and Corruption Control Policy;
- Gifts, Bribes & Benefits Policy;
- Grievance and Dispute Resolution Policy;
- Grievance and Dispute Resolution Procedure;
- Formal Workplace Investigation Procedure; and
- Disciplinary Procedures.

Accessibility of this policy

This policy is available on Muswellbrook Shire Council's publicly available website as well as in Council's Electronic Document Records Management System (EDRMS).

A copy of the policy is also sent to all staff of Muswellbrook Shire Council on their commencement. A hard copy of the policy can be requested from the Governance Officer.

Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency (Council Staff, Councillors, including the General Manager and the Mayor);

- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate;
- an individual in the service of the Crown;
- a statutory officer;
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer;
- an employee, partner, or officer of an entity that provides services, under contract, subcontract, or other arrangement, on behalf of an agency, or exercises functions of an agency, and are involved in providing those services or exercising those functions;
- a judicial officer;
- a Member of Parliament (MP), including a Minister; or
- a person employed under the Members of Parliament Staff Act 2013.

The General Manager, other nominated disclosure officers, and managers within Muswellbrook Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Muswellbrook Shire Council, may use this policy if they require information on who they can report wrongdoing to within Muswellbrook Shire Council.

Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services; or
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID; see section 1(i) of this policy for more information).

However, you can still make a complaint to Muswellbrook Shire Council. This can be done by:

Submitting your complaint in writing to the General Manager via Email:
council@muswellbrook.nsw.gov.au or by Post: PO Box 122, Muswellbrook 2333

Compliance with the PID Act

The Policy will be reviewed every 2 years by the Manager Governance & Risk.

The Policy is to be endorsed by Council.

What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Muswellbrook Shire Council under the PID Act;
- the names and contact details for the nominated disclosure officers in Muswellbrook Shire Council;
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Muswellbrook Shire Council;
- what information you will receive once you have made a voluntary PID;

- protections available to people who make a report of serious wrongdoing under the PID Act and what Council will do to protect you;
- Muswellbrook Shire Council procedures for dealing with disclosures;
- Muswellbrook Shire Council procedures for managing the risk of detrimental action and reporting detrimental action;
- Muswellbrook Shire Council record-keeping and reporting requirements; and
- how Muswellbrook Shire Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled, and the PID Act you can:

- confidentially contact a nominated disclosure officer within Muswellbrook Shire Council;
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au; or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

1 How to make a report of serious wrongdoing

(a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, Council will consider whether it is a PID. If it is a PID, Council will deal with it as set out in this policy. Additionally, Council will also make sure its Grievance and Dispute Resolution Policy is followed.

It is important that Council quickly recognise that a PID has been received. This is because once a PID is received, the person who has made the report is entitled to certain protections and certain decisions that Council makes on how the PID will be dealt with and how Council will protect and support the person who has made the report.

(b) When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

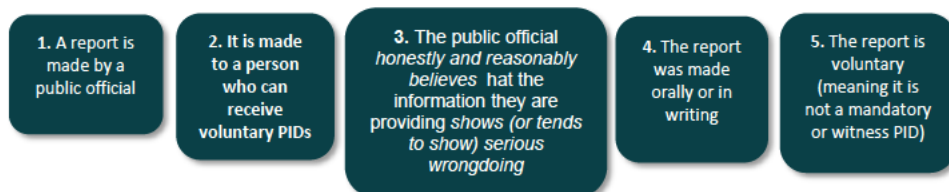
This policy mostly relates to making a voluntary PID and how Council will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report, and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If Council makes an error and does not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe Council have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or Council may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. You are a public official if:

- you are employed by Muswellbrook Shire Council;
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Muswellbrook Shire Council; or

- you work for an entity (such as a non-government organisation) who is contracted by Muswellbrook Shire Council to provide services or exercise functions on behalf of Muswellbrook Shire Council — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that Council may receive PIDs from public officials outside of Council. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe;
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff;
- *a government information contravention* — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access application;
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship;
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database; and/or
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Muswellbrook Shire Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Muswellbrook Shire Council

You can make a report inside Muswellbrook Shire Council to:

- the General Manager;
- a disclosure officer or Public Officer — a list of disclosure officers for Muswellbrook Shire Council and their contact details can be found at Annexure A of this policy; or
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person to whom you directly, or indirectly, report. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of Muswellbrook Shire Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency;
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy;
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website; or
- a *Minister or a member of a Minister's staff*; however, the report *must be made in writing*.

If you choose to make a disclosure outside of Muswellbrook Shire Council, it is possible that your disclosure will be referred back to Muswellbrook Shire Council so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Muswellbrook Shire Council:
 - notification that Muswellbrook Shire Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Muswellbrook Shire Council's decision to investigate the serious wrongdoing;
 - a description of the results of an investigation into the serious wrongdoing; or

- details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone, or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Muswellbrook Shire Council to investigate the matter(s) you have disclosed if you cannot be contacted for further information.

(g) What should I include in my report?

You should provide as much information as possible so Council can deal with the report effectively. The type of information you should include is:

- date, time, and location of key events;
- names of person(s) involved in the suspected wrongdoing, their role, title, and how they are involved;
- your relationship with the person(s) involved, such as whether you work closely with them;
- your explanation of the matter you are reporting;
- how you became aware of the matter you are reporting;
- possible witnesses; and
- other information you have that supports your report.

(h) What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Muswellbrook Shire Council to understand what is or may be occurring.

Council is then responsible for making sure your report is handled appropriately under the PID Act, or, if it is not a PID, in line with Council's other procedures. Even if your report is not a PID, it may fall within another of the agency's policies for dealing with reports, allegations, or complaints.

(i) Deeming that a report is a voluntary PID

The General Manager / Public Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager / Public Officer to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager / Public Officer. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

Annexure A contains the names and contact details of disclosure officers for Muswellbrook Shire Council.

2 Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

Council is committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. Council is also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report, or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
 - Once Council becomes aware that a voluntary PID by a person employed or otherwise associated with Muswellbrook Shire Council has been made that concerns serious wrongdoing relating to Muswellbrook Shire Council, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units, or imprisonment for five years, or both.
 - A person may seek compensation where unlawful detrimental action has been taken against them.
 - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

A person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work.

Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- *A mandatory PID:* This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- *A witness PID:* This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief, or awareness that a person has made, may have made, or may make a PID.	<input type="checkbox"/>	<input type="checkbox"/>
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage, or loss suffered as a result of detrimental action being taken against them.	<input type="checkbox"/>	<input type="checkbox"/>
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	<input type="checkbox"/>	<input type="checkbox"/>

Protection	Mandatory PID	Witness PID
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> breaching a duty of secrecy or confidentiality, or breaching another restriction on disclosure. 	<input type="checkbox"/>	<input type="checkbox"/>

3 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Muswellbrook Shire Council, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

4 General support

Muswellbrook Shire Council will allocate to the maker of the report a person who will be the key contact person and who will take steps to protect their interests, for example, if they are at risk of detrimental action.

Muswellbrook Shire Council will offer wellbeing support to the maker of the report through Council's Employee Assistance Program.

5 Roles and responsibilities of Muswellbrook Shire Council employees

Certain people within Muswellbrook Shire Council have responsibilities under the PID Act.

(a) The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged;
- receiving disclosures from public officials;
- ensuring there is a system in place for assessing disclosures;
- ensuring Muswellbrook Shire Council complies with this policy and the PID Act;
- ensuring that Muswellbrook Shire Council has appropriate systems for:
 - overseeing internal compliance with the PID Act;
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action;
 - implementing corrective action if serious wrongdoing is found to have occurred;
 - complying with reporting obligations regarding allegations or findings of detrimental action; and
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials;
- receiving reports when they are passed on to them by managers;
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant); and
- ensuring that any oral reports that have been received are recorded in writing.

(c) Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise; and
- passing on reports they receive to a disclosure officer.

(d) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct;
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Muswellbrook Shire Council; and
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6 How Council will deal with voluntary PIDs

(a) How Muswellbrook Shire Council will acknowledge that Council has received a report and keep the person who made it informed

When a disclosure officer of Muswellbrook Shire Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgment will:
 - state that the report will be assessed to identify whether it is a PID;
 - state that the PID Act applies to how Council deals with the report;
 - provide clear information on how you can access this PID policy; and
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, Council will inform you as soon as possible how Council intends to deal with the report. This may include:
 - that Council is investigating the serious wrongdoing;
 - that Council will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If Council does this, Council will provide you with details of this referral; and

- If Council decides to not investigate the report and to not refer it to another agency for it to be investigated, Council will tell you the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- If Council decides to investigate the serious wrongdoing, Council will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If Council investigates the serious wrongdoing, Council will provide you with the following information once the investigation is complete:
 - o a description of the results of the investigation — that is, Council will tell you whether Council found that serious wrongdoing took place.
 - o information about any corrective action as a result of the investigation/s — this means Council will tell you what action Council took in relation to the person who engaged in the serious wrongdoing or, if the serious wrongdoing was by Council, what has been put in place to address that serious wrongdoing.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies, and procedures that Council has in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. Council will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations Council may have.
- If you have made an anonymous report, in many cases Council may not be able to provide this information to you.

(b) How Muswellbrook Shire Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, Muswellbrook Shire Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, Council will ensure that the requirements in the PID Act are complied with.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's Grievance and Dispute Resolution Policy, Grievance and Dispute Resolution Procedure, Formal Workplace Investigation Procedure and Disciplinary Procedures, or through an alternate process.

If the report is not a voluntary PID, Council will let you know that the PID Act does not apply to the report and how Council will deal with the concerns raised in the report.

If you are not satisfied with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome to you or a disclosure officer, request an internal review, or request that the matter be conciliated. In these circumstances, Muswellbrook Shire Council may request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

Muswellbrook Shire Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases, Council will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency, engaged in serious wrongdoing. There may be circumstances where Council believes an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where Council decides that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the Independent Commission Against Corruption (ICAC) in accordance with section 11 of the Independent Commission Against Corruption Act 1988.
- Before referring a matter, Council will discuss the referral with the other agency, and provide you with details of the referral and a contact person within the other agency.
- If Council decides not to investigate a report and to not refer the matter to another agency, Council must let you know the reasons for this, and notify the NSW Ombudsman.

(c) How Muswellbrook Shire Council will protect the confidentiality of the maker of a voluntary PID

Council understands that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure;
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker;
- when the public official, or Muswellbrook Shire Council, reasonably considers it necessary to disclose the information to protect a person from detriment;
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure;
- where the information has previously been lawfully published;
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment, or counselling to the individual disclosing the information;
- when the information is disclosed for the purposes of proceedings before a court or tribunal;
- when the disclosure of the information is necessary to deal with the disclosure effectively; or
- if it is otherwise in the public interest to disclose the identifying information.

Council will not disclose identifying information unless it is necessary and authorised under the PID Act.

Council will put in place steps to keep the identifying information of the reporter and the fact that a report has been made, confidential. It may not be possible for Council to maintain complete confidentiality while the investigation is progressed, but Council will do

all that can reasonably be done to not unnecessarily disclose information from which the maker of the report can be identified.

If confidentiality cannot be maintained, or is unlikely to be maintained, Council will:

- advise the person whose identity may become known;
- update the agency's risk assessment and risk management plan;
- implement strategies to minimise the risk of detrimental action;
- provide additional support to the person who has made the PID; and
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality, and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

(d) How Muswellbrook Shire Council will assess and minimise the risk of detrimental action

Muswellbrook Shire Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or the person the report is about.

Muswellbrook Shire Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators, and witnesses.

Muswellbrook Shire Council will take steps to assess and minimise the risk of detrimental action by:

- undertaking a Risk Assessment;
- creating a Risk Management Plan; and
- communicating with the reporter to identify risks listing the protections that will be offered.

Detrimental action against a person is an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss;
- property damage;
- reputational damage;
- intimidation, bullying, or harassment;
- unfavourable treatment in relation to another person's job;
- discrimination, prejudice, or adverse treatment;
- disciplinary proceedings or disciplinary action; or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct;
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct;
- the lawful making of adverse comment resulting from investigative action;
- the prosecution of a person for a criminal offence; or
- reasonable management action taken by someone in relation to a person who made or may make a PID, for example, a reasonable appraisal of a PID maker's work performance.

(e) How Muswellbrook Shire Council will deal with allegations of a detrimental action offence

If Muswellbrook Shire Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, Muswellbrook Shire Council will:

- take all steps possible to stop the action and protect the person(s);
- take appropriate disciplinary action against anyone that has taken detrimental action;
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable); and/or
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

(f) What Muswellbrook Shire Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Muswellbrook Shire Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action may include:

- a formal apology;
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing;
- providing additional education and training to staff where required;
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution, or reprimand); and/or
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

7 Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Muswellbrook Shire Council:

- that Muswellbrook Shire Council is not required to deal with the report as a voluntary PID;
- to stop dealing with the report because Muswellbrook Shire Council decided it was not a voluntary PID;
- to not investigate the serious wrongdoing and not refer the report to another agency; or
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Muswellbrook Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Muswellbrook Shire Council's decision. The application

should state the reasons why you consider Muswellbrook Shire Council's decision should not have been made. You may also submit any other relevant material with your application.

(b) Voluntary dispute resolution

If a dispute arises between Muswellbrook Shire Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Muswellbrook Shire Council and the maker of the report are willing to resolve the dispute.

8 Other agency obligations

(a) Record-keeping requirements

Muswellbrook Shire Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Muswellbrook Shire Council complies with its obligations under the *State Records Act 1998*.

(b) Reporting of voluntary PIDs and Muswellbrook Shire Council annual return to the Ombudsman

Each year, Muswellbrook Shire Council provides an annual return to the NSW Ombudsman, which includes:

- information about voluntary PIDs received by Muswellbrook Shire Council during each return period (yearly with the start date being 1 July);
- action taken by Muswellbrook Shire Council to deal with voluntary PIDs during the return period; and
- how Muswellbrook Shire Council promoted a culture in the workplace where PIDs are encouraged.

(c) How Muswellbrook Shire Council will ensure compliance with the PID Act and this policy

This policy will be reviewed by Muswellbrook Shire Council every two years.

9 Definitions

Reference	Definition
Agency	Australian Government agencies, Commonwealth companies, public authorities and Commonwealth contracted service providers.
Council	Muswellbrook Shire Council
ICAC	Independent Commission Against Corruption
MP	Member of Parliament e.g. Member for Hunter, Member for Upper Hunter etc
PID	Public Interest Disclosure

Annexure A — Names and contact details of disclosure officers for Muswellbrook Shire Council

Position	Name	Location	Contact Information
General Manager	Derek Finnigan	Administration Centre Works Depot Water Treatment Plants Wastewater Treatment Plants Library Facilities Arts Centre Aquatic Centre Facilities Donald Horne Building Waste Management Facilities Muswellbrook Marketplace Campbells Corner	Telephone: 02 6549 3700 between 8:30am to 4:00pm Monday to Friday Writing: PO Box 122, Muswellbrook NSW 2333. Email: council@muswellbrook.nsw.gov.au
Public Officer / Director – Property & Place		Administration Centre Works Depot Water Treatment Plant Wastewater Treatment Plant Muswellbrook Marketplace Campbells Corner	
Director – Planning & Environment		Administration Centre Animal Shelter	
Director – Community & Economy		Administration Centre Library Facilities Arts Centre Aquatic Centre Facilities Donald Horne Building	

Position	Name	Location	Contact Information
Director – Corporate Services		Administration Centre	
Manager – Governance & Risk		Administration Centre	
Manager – Community Services		Library Facilities Arts Centre Aquatic Centre Facilities	
Corporate Lawyer		Administration Centre	
Chief Financial Officer		Administration Centre	
Manager – Works		Works Depot	
Manager – Waste Operations		Waste Management Facilities	
Operations Manager		Water Treatment Facilities Wastewater Treatment Facilities	
Manager – Aquatic & Fitness Centres		Aquatic Centres	
Arts Centre Director		Arts Centre	
Governance Officer		Administration Centre	
Commercial Property Co-Ordinator		Muswellbrook Marketplace Campbells Corner	

Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

Related Documents

Legislation and Guidelines

Government Information (Public Access) Act 2009
 Government Information (Public Access) Regulation 2018
 Local Government Act 1993
 Public Interest Disclosures Act 2022
 Independent Commission Against Corruption Act 1988
 State Records Act 1998

Policies and Procedures

Governance Policy
 Model Code of Conduct
 Grievance and Dispute Resolution Policy
 Grievance and Dispute Resolution Procedure
 Fraud and Corruption Control Policy
 Gifts, Bribes & Benefits Policy
 Formal Workplace Investigation Procedure
 Disciplinary Procedures

Other Supporting Documents

Further information concerning public interest disclosures is available from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.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	06.09.2023	Governance Officer	Draft Ombudsman Model Policy. Public exhibition of draft policy 28/09/23-26/10/23.

Subject: FW: Draft Public Interest Disclosure Policy - Feedback

From: [REDACTED]
Sent: Friday, September 29, 2023 2:10 PM
To: Muswellbrook Shire Council <MuswellbrookShireCouncil@muswellbrook.nsw.gov.au>
Subject: Draft Public Interest Disclosure Policy - Feedback

ATTN: General Manager, Muswellbrook Shire Council

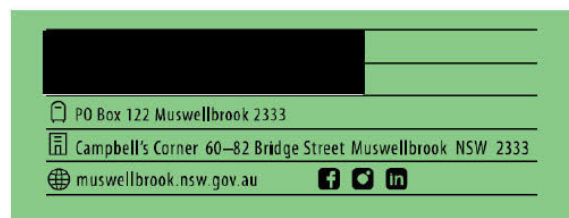
Good afternoon,

In relation to the draft Public Interest Disclosures Policy, could I please provide the following feedback:

- Table of contents
Include a "Definitions" section to include definitions for references such as "PID", "Council", "we", etc.
- Page 4 – "Accessibility of this Policy"
Recommended to remove specific reference to "Magiq" and folder IDs, and instead state "This policy is available on Muswellbrook Shire Council's publicly available website as well as in Council's electronic document records management system".
- Entire document
Replace "we" with either "Council" or "PID Officer" where appropriate

Please don't hesitate to contact me for any further information or clarification.

Kind Regards,



**10.4.3. DRAFT Awarding of Sponsorship, Grants and Contributions and DRAFT Council Seeking Sponsorship Policy for Public Exhibition****Attachments:**

1. Attachment 1 DRAFT Awarding of Sponsorship Grants and Contributions Policy MSC05E [10.4.3.1 - 7 pages]
2. Attachment 2 Comparison Adopted Policy to DRAFT Awarding of Sponsorship Grants and Cont [10.4.3.2 - 14 pages]
3. Attachment 3 DRAFT Council Seeking Sponsorship Policy MSC049E [10.4.3.3 - 6 pages]
4. Attachment 4 Comparison Adopted Policy to DRAFT Council Seeking Sponsorship Policy MSC0 [10.4.3.4 - 11 pages]
5. Attachment 5 Financial Assistance and Sponsorship Policy MSC05E [10.4.3.5 - 9 pages]
6. Attachment 6 DRAFT Awarding of Sponsorship Grants and Contributions Procedure [10.4.3.6 - 6 pages]
7. Attachment 7 DRAFT Sponsorship Grants and Contributions Guidelines [10.4.3.7 - 3 pages]
8. Attachment 8 DRAFT Sponsorship and Grant Application Form [10.4.3.8 - 2 pages]

Responsible Officer:

Derek Finnigan - General Manager

Author:

Ivan Skaines (Grants and Community Engagement Officer), Chloe Wuiske (Business Improvement Officer), Kim Manwarring (Manager Community Services)

Community Plan Issue:

6 - Community Leadership

Community Plan Goal:

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

Community Plan Strategy:

6.2.5 - Implement a comprehensive and targeted business improvement program.

6.2.5.2 - Develop and review policies in accordance with statutory operational requirements.

PURPOSE

To request Council's approval to place the attached *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* and the *DRAFT Council Seeking Sponsorship Policy* on public exhibition for a period of 28 days.



OFFICER'S RECOMMENDATION

1. Council approves the attached *DRAFT Awarding of Sponsorship and Grants and Contributions Policy* (MSC05E) and the *DRAFT Council Seeking Sponsorship Policy* (MSC049E) 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 *Financial Assistance and Sponsorship Policy* (the Policy) was adopted by Council on 11 June 2019 and is now due for review. The Policy regulates the entire financial assistance given by Council to third parties, as well as any sponsorship received by a third party for any Council activity, function, or event.

At the 25 May 2023 Ordinary Council Meeting, Council passed a resolution for Council's Financial Assistance and Sponsorship Policy to be reviewed.

During the review of the policy, the review group decided to separate the policy into two policies:

1. The *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* (the awarding policy) which outlines the requirements and criteria for providing sponsorships, grants, and contributions to 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 Muswellbrook Shire, whilst complying with s356 of the Local Government Act 1993 (the Act); and
2. The *DRAFT Council Seeking Sponsorship Policy* (the seeking policy) which has been extracted from the *Financial Assistance and Sponsorship Policy* to be a discrete policy to provide Councillors and staff with guidelines to be used when seeking, negotiating, securing, and maintaining corporate sponsorship agreements.

CONSULTATION

General Manager

Councillor Workshop conducted 17 October 2023.

Acting CFO

Business Improvement Officer(s)

Director Environmental and Planning Services

Director Property and Place

Grants and Community Engagement Advisor

EA General Manager & Mayor's Office

Manager Community Services

MANEX Meeting, 9 October 2023, and 13 November 2023.

Drafts were provided to a wide range of staff with responsibility for, or interest in, sponsorship, grants, and contributions, and feedback was invited and received.



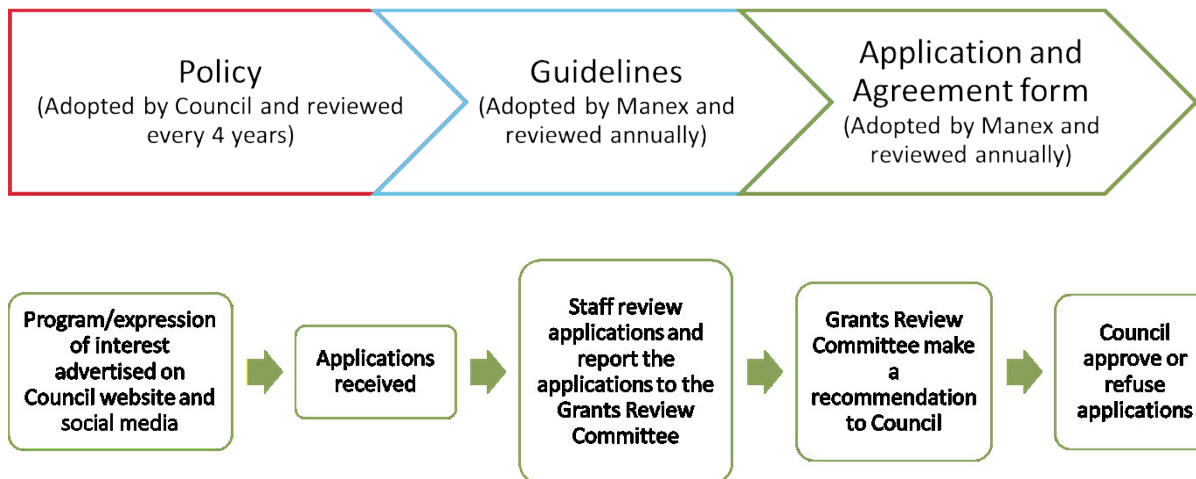
REPORT

A Councillor workshop was conducted on 17 October 2023, and, during the workshop, the Councillors agreed to the following:

- the principles in the awarding policy;
- all applications are to be reported to the Grants Review Committee;
- the Grants Review Committee is to recommend the applications for approval/refusal to Council;
- there will be set rounds of funding throughout the year; and
- no ad hoc requests will be accepted outside of the funding rounds.

Proposed Process for the Awarding of Sponsorship, Grants and Contributions:

- One Policy for all of Council for the awarding of sponsorship, grants, and contributions.
- Quarterly application periods and no ad hoc application requests accepted.
- Grants review Committee reviews all applications.
- Standard agreement to Council's terms and conditions signed as part of the application form.



For reference, the following documents have been attached to this report. Attachments 6, 7, and 8 are draft and, once completed, the final version will require adoption by Manex.

- Attachment 1: DRAFT Awarding of Sponsorship, Grants and Contributions Policy.
- Attachment 2: A comparison document to show the changes from the adopted Financial Assistance and Sponsorship Policy to the DRAFT Awarding of Sponsorship, Grants and Contributions Policy.
- Attachment 3: DRAFT Council Seeking Sponsorship Policy.
- Attachment 4: A comparison document to show the changes from the adopted Financial Assistance and Sponsorship Policy to the DRAFT Council Seeking Sponsorship Policy.
- Attachment 5: The adopted 2019 Financial Assistance and Sponsorship Policy.
- Attachment 6: DRAFT Awarding of Sponsorship, Grants and Contribution Procedure.
- Attachment 7: DRAFT Sponsorship, Grants and Contributions Guidelines.



Attachment 8: DRAFT Sponsorship, Grants and Contributions Application Form.

OPTIONS

Council may:

1. Resolve to approve the *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* and the *DRAFT Council Seeking Sponsorship Policy* for public exhibition; or
2. Request amendments to the *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* and the *DRAFT Council Seeking Sponsorship Policy*, prior to public exhibition.

CONCLUSION

It is recommended that Council approves the attached *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* and the *DRAFT Council Seeking Sponsorship Policy* for public exhibition.

SOCIAL IMPLICATIONS

The provision of an equitable and transparent process of awarding and seeking sponsorship from Council will ensure that all community groups have access to sponsorships, grants, and contributions that may benefit the community.

FINANCIAL IMPLICATIONS

The *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* is intended to regulate all of the sponsorship, grant, and contribution programs available from Council, therefore assisting with budget planning and implementation.

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1993.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements.

RISK MANAGEMENT IMPLICATIONS

Muswellbrook Shire Council is committed to providing equitable, open, and transparent sponsorships, grants, and contributions.

The *DRAFT Awarding of Sponsorship, Grants and Contributions Policy* outlines the principles on the allocation of funds, thereby mitigating the risk of misappropriation of Council resources.

Effective sponsorship arrangements can bring many benefits, but they also create corruption risks and can generate perceptions of unfair advantage for certain sponsors. Council needs to understand these risks, and the management of sponsorship arrangements needs to be transparent. The *DRAFT Council Seeking Sponsorship Policy* sets the guidelines for accepting sponsorship.



WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of 28 days via Council's website will provide the Community with an opportunity to make submissions.



DRAFT Awarding of Sponsorship, Grants and Contributions Policy

MSC05E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Corporate Services		
Document Owner:	Finance Manager		
Community Strategic Plan Goal	Collaborative and responsive community 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		

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

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1. Policy Objective

Muswellbrook Shire Council is committed to providing equitable, open, and transparent sponsorships, grants, and contributions.

This policy outlines the requirements and criteria for providing sponsorships, grants, and contributions to not-for-profit community groups, organisations, and sporting groups who are interested in working towards enhancing the social, cultural, and recreational wellbeing of the communities of Muswellbrook Shire, whilst complying with s356 of the Local Government Act 1993 (the Act).

At the same time, the policy supports the implementation of Council's Community Strategic Plan, as well as other goals outlined in Council's Delivery Plan and Operational Plan.

2. Risks being addressed

This policy outlines principles on the allocation of funds, thereby mitigating the risk of misappropriation of Council resources.

3. Scope

This policy applies to all Council staff and Councillors, and regulates the entire sponsorship, grants, and other contributions awarded by Council to third parties. Council departments that provide any type of sponsorships, grants, or contributions from their operational budgets also must comply with the principles outlined in this Policy. The Policy is created to facilitate Council's functions subject to s356 of the Act.

4. Definitions

Term	Definition
Council	Muswellbrook Shire Council
Contributions	Financial or in-kind assistance given to help the community to conduct activities, build capacity, host events, and build strong partnerships with Council. Contributions include fee waiving and in-kind assistance.
Fee Waiving	Council fees and charges waived and nil \$0 amount or reduced amount applicable. <i>Any financial assistance granted to offset or subsidise Council fees or charges is consistent with the requirements of s610E and s610F of the Local Government Act.</i>
Grants	Financial assistance to not-for-profit community groups and organisations that work towards enhancing the environmental, social, cultural, and recreational well-being of the communities of Muswellbrook Shire.
In-kind assistance	Assistance in the way of staff time, plant, and equipment or other resources/supplies from Council.

	This "in-kind" assistance may not involve a direct cash component, but still has financial consequences and budgetary implications.
Personal Benefit	Something offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment. See Part 6 Personal Benefit for further information.
Sponsorship	<p>Sponsorships provided by Muswellbrook Shire Council are not donations but are a commercial arrangement in which Council provides a contribution in money or in kind to support an activity, in return for certain, specified benefits.</p> <p>Sponsorship does not include:</p> <ul style="list-style-type: none"> • the selling of advertising space; • joint ventures; • consultancies; • grants (with regards to received sponsorship); • unconditional gifts, donations, bequests, or endowments. <p>Sponsorship is not philanthropic. As a Sponsor, Muswellbrook Shire Council expects to receive a reciprocal benefit beyond a modest acknowledgement.</p>

5. Policy Statement

5.1 General Principles

- This policy outlines the administration for sponsorships, grants, and contributions to eligible applicants.
- Eligible applicants include registered not-for-profit or charity and other incorporated bodies, where in the Council's opinion, the applications demonstrate a community need which are in line with Council's [Community Strategic Plan](#).
- Applications should have high community engagement, focusing on supporting local organisations, businesses, and residents, and will be assessed against the suitability, risks, appropriateness, and potential economic, social, and cultural benefits to the community.
- Council will only provide financial assistance to incorporated organisations. Unincorporated organisations (or groups of individuals) will need to be auspiced by an organisation that is incorporated or under another legal structure.
- Organisations are required to have in place current Public Liability insurance to the value of \$20 million.
- Council's allocation of funding available for sponsorships, grants, and contributions is reviewed annually as part of Council's budgeting preparation and approval. Therefore, allocations may vary from year to year according to the priorities adopted by Council.
- Council will publish details about opening date, closing date, timeline for assessment and approval, and other details of the processes for sponsorships, grants, and contributions on its website. These details will depend on the type of sponsorship, grant, or contribution being offered by Council.

- h) Council's Application and Agreement Form must be received by Council for consideration of an allocation of sponsorship, grants, or contributions. All applications must address the Community Strategic Plan and follow any additional guidelines related to the call for applications.
- i) Applications are assessed by the Grants Review Committee and recommendations are made to Council during regular funding rounds throughout the year. Where applicable, prior to approval, Council will give at least 28 days public notice of a proposal to pass a resolution to grant a sponsorship, grant, or contribution, in accordance with Section 356 of the Act.
- j) Council does not provide sponsorships, grants, or contributions to any individual. This does not apply, however, to the NSW Heritage Grants Program or Sustainability Programs.
- k) Sponsorship, grants, or contributions requests will not be funded retrospectively. An application for a sponsorship, grant, or contribution must be received prior to the event/activity/project.
- l) The total amount of sponsorships, grants, and contributions made in accordance with this policy will be listed in Council's Annual Report, and individual amounts over \$1,000 will be itemised separately.
- m) Council does not support requests for sponsorships, grants, or contributions from outside Muswellbrook Shire unless it can be demonstrated there is a benefit or contribution to the Muswellbrook Shire community.
- n) No Councillor or employee of Council may seek or receive a personal benefit or be perceived to receive any personal benefit as a result of a sponsorship, grant, or contribution from Council unless it relates to the Sustainability Program (in which case these applications are given lower priority compared with other community members).
- o) Applicants must identify and declare any actual, potential, or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct, which is available on Council's website. Any actual, potential, or perceived conflict of interest posed by the potential sponsorship, grant, or contribution of an event/activity will be identified as part of the assessment.
- p) A formal Agreement is included as part of the application form for sponsorship, grants, and contributions.
- q) All sponsorship, grants, and contributions will be provided on a one-off basis and no guarantee is made for future sponsorship, grant, or contribution beyond the term described in the Sponsorship Agreement.
- r) Where sponsorship, grants, or contributions are intended for an event, the event is required to be compliant with Council's Sustainable Event Management Procedure.

5.2 Acknowledgement of Council's awarding of sponsorship, grants and contributions

All third parties receiving a sponsorship, grant, or contribution from Council must acknowledge Council's sponsorship, grant, or contribution in all media and promotional material, and meet any other obligations prescribed in the Agreement. Failure to do so may result in:

- I. Early termination of the Agreement; and/or
- II. Excluding the third party from future consideration for sponsorships, grants, or contributions from Council.

5.3 Acquittal process

All third parties receiving a sponsorship, grant or contribution from Council must provide an acquittal of the monies received with evidence of expenses and other evidence of the event/activity/project's completion. This must be submitted to Council's General Manager within 1 month of event/activity/project completion.

Successful applicants must follow all other requirements stipulated in the guidelines for each assistance program at Council, such as the guidelines listed in the Related Documents section in this policy.

5.4 Evaluation

Funded sponsorships, grants, and contributions will be evaluated, and achievement against desired outcomes documented in conjunction with key stakeholders, prior to entering into any further sponsorship agreements.

A review of the sponsorships, grants, and contributions program will be undertaken as part of the annual budget review.

6. Roles, Responsibilities, and Delegations

All applications are reviewed by Council's Grants Review Committee.

The Governing Body has delegation to recommend the approval or rejection of applications for sponsorship, grants, and contributions.

7. 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.

8. Related Documents

8.1 Legislation and Guidelines

Local Government Act 1993

Local Government (General) Regulation 2021

Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector May 2006

8.2 Policies and Procedures

Revenue Policy

Community Strategic Plan

Delivery Plan

Operational Plan

Model Code of Conduct

8.3 Other Supporting Documents

Application and Agreement Form

Sponsorship Guidelines
 Community Grants Guidelines
 Sport and Recreation Large Capital Grants Program Guidelines
 Sport and Recreation Small Capital Grants Program Guidelines
 Muswellbrook Community Sustainable Education Grant Guidelines
 Muswellbrook Sustainable Education Grant Application Form
 Local Heritage Assistance Fund guideline
 Muswellbrook Shire Council's Landcare grants
 Sustainable Event Management Procedure
 Pre-Event Best Practice Hints
 Post Event Evaluation and Reporting

Version History

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

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V1	08/03/2004		
V2	11/10/2004		
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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. Adopted by Council 11/06/2019, Minute No. 325.
V7	03/10/2023	Policy review group	Significant rewrite.

muswellbrook shire council

~~Financial Assistance and~~



muswellbrook
shire council

DRAFT Awarding of Sponsorship, Grants and Contributions Policy

MSC05E

Authorisation Details

<u>Authorised by:</u>		<u>Internal/External:</u>	<u>External</u>
<u>Date:</u>		<u>Minute No:</u>	
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<u>Department:</u>	<u>Corporate Services</u>
<u>Document Owner:</u>	<u>Finance Manager</u>

Adopted by Council:

Date: 11/06/2019

Minute No. 325	
<u>Community Strategic Plan Goal</u>	<u>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</u>
<u>Community Strategic Plan Strategy</u>	<u>6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders</u>
<u>Delivery Program activity</u>	<u>6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves</u>

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1. Policy Objective

~~The objective of this policy to ensure that the administration of financial assistance and sponsorship activities follow best practice principles of corporate governance. This policy aims:~~

~~To regulate the process~~ Muswellbrook Shire Council is committed to providing equitable, open and transparent sponsorships, grants and contributions.

~~4. This policy outlines the requirements and criteria for providing financial assistancesponsorships, grants and contributions 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., whilst complying with S356 of the Local Government Act 1993 (the Act).~~

~~2. To provide Councillors, staff and community groups or committees with guidelines to be used when seeking, negotiating, securing and maintaining corporate sponsorship agreements.~~

2. 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.~~

3. Risks being addressed

~~This policy outlines principles on the allocation of funds, thereby mitigating the risk of misappropriation of Council resources.~~

4. Scope

~~This policy applies to all Council staff and Councillors, and regulates the entire financial assistance givesponsorship, grants and other contributions awarded by Council to third parties. Council departments that provide any type of sponsorships, grants or contributions from their operational budgets also must comply with the principles outlined here. Also regulated with this policyThe Policy is any sponsorship received by a third party for any Council activity, function or event. The policy applies to all Council staff and Councillorscreated to facilitate Council's functions subject to S356 of the Act.~~

5. 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.

<u>Term</u>	<u>Definition</u>
<u>Council</u>	<u>Muswellbrook Shire Council</u>
<u>Contributions</u>	<u>Financial or in kind assistance given to help the community to conduct activities, build capacity, host events and build strong partnerships with Council. Contributions includes fee waiving and in-kind assistance.</u>
<u>Fee Waiving</u>	<u>Council fees and charges waived and nil \$0 amount applicable.</u> <u>Any financial assistance granted to offset or subsidise Council fees or charges is consistent with the requirements of s610E and s610F of the Local Government Act.</u>
<u>Grants</u>	<u>Financial assistance to not-for-profit community groups and organisations that work towards enhancing the environmental, social, cultural and recreational well-being of the communities of Muswellbrook Shire.</u>
<u>In-kind assistance</u>	<u>Assistance in the way of staff time, plant and equipment or other resources/supplies from Council.</u> <u>This “in-kind” assistance may not involve a direct cash component but still has financial consequences and budgetary implications.</u>
<u>Personal Benefit</u>	<u>Something offered to or received by a council official, or someone personally associated with them for their personal use and enjoyment. See Part 6 Personal Benefit for further information.</u>
<u>Sponsorship</u>	<u>Sponsorships provided by Muswellbrook Shire Council are not donations but are a commercial arrangement in which Council provides a contribution in money or in kind to support an activity, in return for certain, specified benefits.</u> <u>Sponsorship does not include:</u> <ul style="list-style-type: none"> <u>• the selling of advertising space</u> <u>• joint ventures</u> <u>• consultancies</u> <u>• grants (in regard to received sponsorship)</u> <u>• unconditional gifts, donations, bequests or endowments.</u>

Sponsorship is not philanthropic. As a Sponsor, Muswellbrook Shire Council expects to receive a reciprocal benefit beyond a modest acknowledgement.

6. Policy Statement

1. Financial Assistance

1.1.6.1 General Principles

- a) This policy outlines the administration for financial assistance sponsorships, grants and contributions to eligible applicants.
- b) Eligible applicants include: registered not-for-profit or charity and other incorporated bodies, where in the Council's opinion, the applications and memberships to demonstrate a community groups need which are in line with Council's Community Strategic Plan.
- 1.1.1.c) Applications should have high community engagement, focusing on supporting local organisations, sporting groups and incorporated bodies, businesses and residents, and will be assessed against the suitability, risks and appropriateness, potential economic and social and cultural benefits to the community.
- d) Council will only provide financial assistance to incorporated organisations. Unincorporated organisations (or groups of individuals) will need to be auspiced by an organisation that is incorporated or under another legal structure.
- e) Organisations are required to have Public Liability insurance to the value of \$20 million.
- 1.1.2.f) Council's allocation of funding for financial assistance available for sponsorships, grants and contributions is reviewed annually as part of Council's budgeting preparation; therefore and approval. 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.
- g) A written request Council will publish details about opening date, closing date, timeline for assessment and approval and other details of the processes for sponsorships, grants and contributions on its website. These details depend on the type of sponsorship, grant or contribution being offered by Council.
- 1.1.4.h) Council's Application and Agreement Form must be received by Council for consideration of an allocation for financial assistance of sponsorship, grants or contributions. All application applications must address the selection criteria outlined in clause 1.6 in this policy Community Strategic Plan 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.~~

~~4.1.7.i) Applications for financial assistance over the value of \$350 are assessed by the Grants Review Committee and recommendations are made to Council during regular funding rounds throughout the year and a recommendation on selected applicants is referred to Council for approval. Where applicable, prior to approval, Council will give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so a sponsorship, grant or contribution, in accordance to with Section 356 of the Act.~~

~~4.1.8. 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.~~

~~4.1.9. 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.

~~j) Financial assistance Council generally does not provide sponsorships, grants or contributions to any individual. This does not apply to the NSW Heritage Grants Program or Sustainability Programs.~~

~~4.1.10.k) Sponsorship, grants or contributions requests will not be funded retrospectively. An application for financial assistance a sponsorship, grant or contribution must be received prior to the event/activity/project.~~

~~4.1.11. Only one successful application for financial assistance per community group, organisation or sporting group will be considered each year.~~

~~4.1.12.l) The total amount of financial assistance sponsorships, grants and contributions made in accordance with this policy will be listed in Council's Annual Report and individual amounts over \$1,000 will be itemised separately.~~

~~4.1.13.m) Council does not support requests for financial assistance sponsorships, grants or contributions from outside the Muswellbrook Shire unless it can be demonstrated there is a significant benefit or contribution to the Muswellbrook Shire community.~~

~~4.1.14. 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.~~

- n) 1.2 No Councillor or employee of Council may seek or receive a personal benefit or be perceived to receive any personal benefit, as a result of a sponsorship, grant or contribution from Council unless it relates to the Sustainability Program (in which case these applications are given lower priority compared with other community members).
- o) Applicants must identify and declare any actual, potential or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct, which is available on Council's website. Any actual, potential or perceived conflict of interest posed by the potential sponsorship, grant or contribution of an event/activity will be identified as part of the assessment.
- p) A formal Agreement is included as part of the application form for sponsorship, grants and contributions.
- q) All sponsorship, grants and contributions will be provided on a one-off basis and no guarantee is made for future sponsorship, grant and contribution beyond the term described in the Sponsorship Agreement.
- r) Where sponsorship, grants or contributions are intended for an event, the event is required to be compliant with Council's Sustainable Event Management Procedure.

6.2 Acknowledgement of Council's financial assistance awarding of sponsorship, grants and contributions

1.2.1 All third parties receiving financial assistance a sponsorship, grant or contribution from Council must acknowledge Council's financial assistancesponsorship, grant or contribution in all media and promotional material, and meet any other obligations prescribed in the agreementAgreement. Failure to do so may result in:

- a.i. Early termination of the agreementAgreement, and/or
- b.ii. Excluding the third party from future consideration for financial assistancesponsorships, grants or contributions from Council.

6.3 1.3 Acquittal process

1.3.1 Successful applicantsAll third parties receiving a sponsorship, grant or contribution from Council must provide an acquittal of the monies received with evidence of expenses and other evidence of the event/activity/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 event/activity/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 DocumentationRelated Documents section in this policy.

1. 4. Specific Financial Assistance Recipients

6.4 1.4.1 Council recognises that community halls are an important part of the socialEvaluation

Funded sponsorships, grants and cultural sphere in Muswellbrook Shirecontributions will be evaluated, 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:~~

- ~~e. Baerami Creek Hall~~
- ~~d. Wybong Hall~~
- ~~e. McCullys Gap Hall~~
- ~~f. 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 achievement against desired outcomes documented in conjunction with key stakeholders, prior to entering into any further 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.~~

Conflict with Council's Regulatory or Inspectorial A review of the sponsorships, grants and contributions program will be undertaken as part of the annual budget review.

2.3. Roles, 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.

7. and 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

All applications are reviewed by Council's Grants Review Committee.

The Governing Body have delegation to recommend the approval or rejection of applications for sponsorship, grants and contributions.

~~Revenue Policy~~

8. 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

9. Related Documents

8.1 Legislation and Guidelines

Local Government Act 1993

Local Government (General) Regulation 2021

Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector May 2006

8.2 Policies and Procedures

Revenue Policy

Community Strategic Plan

Delivery Plan

Operational Plan

Model Code of Conduct

8.3 Other Supporting Documents

Application and Agreement Form

Sponsorship Guidelines

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~~

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Minute No:	325
Date:	11/06/2019
Review timeframe:	4 years

[Muswellbrook Community Sustainable Education Grant Guidelines](#)

[Muswellbrook Sustainable Education Grant Application Form](#)

[Local Heritage Assistance Fund guideline](#)

[Muswellbrook Shire Council's Landcare grants](#)

[Sustainable Event Management Procedure](#)

[Pre Event Best Practice Hints](#)

[Post Event Evaluation and Reporting](#)

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V1	08/03/2004		
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. Adopted by Council 11/06/2019, Minute No. 325.
V7	03/10/2023	Policy review group	Significant rewrite.

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DRAFT



DRAFT Council Seeking Sponsorship Policy

MSC049E

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Document Owner:	General Manager		
Community Strategic Plan Goal	Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.2 Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
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		

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1 Policy Objective

The objective of this policy is to ensure that the administration of the seeking of sponsorship activities follows best practice principles of corporate governance.

This policy aims to provide Councillors and staff with guidelines to be used when seeking, negotiating, securing, and maintaining corporate sponsorship agreements.

2 Risks being addressed

Effective sponsorship arrangements can bring many benefits, but they can also create corruption risks and may generate perceptions of unfair advantage for certain sponsors. Public officials need to understand these risks, and the management of sponsorship arrangements must be transparent.

In order to determine the risks posed, and to assess whether these risks are acceptable and can be managed, a risk assessment is undertaken for each potential sponsorship arrangement as it is proposed.

Risks could include:

- conflicts of interest;
- sponsorship that does not eventuate;
- embarrassment to Council;
- Council influenced or perceived to be influenced by a sponsor; and/or
- Council endorses or appears to endorse a sponsor's product or service.

3 Scope

This policy regulates any sponsorship received from a third party for any Council activity, function, or event. The policy applies to all Council staff and Councillors.

This Policy covers Council receiving sponsorship, not Council providing sponsorship.

4 Definitions

Term	Definition
Council	Muswellbrook Shire Council
Sponsorship received	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 Council does not extend beyond the acknowledgment and terms of the agreement.
Personal Benefit	Something offered to or received by a council official, or someone personally associated with them for their personal use and enjoyment.

5 Policy Statement

5.1 Advertisement

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 will, in general terms, describe certain selection criteria required for sponsorship agreement.

If, after fourteen days from the publication of Council's advertisement, there has been no response, or only non-complying responses (that is, 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.

All sponsorship agreements are to be approved by the General Manager. No formal agreement will be entered into without this approval.

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 where Council is seeking large, high profile sponsorship agreements, methods not limited to tendering or expression of interest will be considered.

5.2 Assessment of Sponsorship Proposals

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:

- i. consistency with Council's Community Strategic Plan.
- ii. ensuring that sufficient resources are available to enable the promised sponsor benefits to be delivered.
- iii. each sponsorship agreement will include an early termination clause if the sponsor is found to be in breach of the Council's Model Code of Conduct. If a breach is suspected, a preliminary investigation will be undertaken to establish the merits of the allegation.
- iv. 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 MUSwellbrook Shire Council.

5.3 Conflict with Council's Regulatory or Inspectorial Responsibilities

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.

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.

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.

5.4 Prohibition of Personal Benefits to Councillors and Employees

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.

5.5 Non-Endorsement of Sponsor or Sponsor's Product or Service

Sponsorship of Council activities will not involve explicit endorsement of the sponsor or the sponsor's product or service. Sponsorship excludes sponsor naming rights of any activity/event. 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.

5.6 Inclusion in Council's Annual Report

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.

6 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.

7 Related Documents

7.1 Legislation and Guidelines

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector May 2006

7.2 Policies and Procedures

- Model Code of Conduct

7.3 Other Supporting Documents

- Community Strategic Plan
- Delivery Plan
- Operational Plan

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
1	3/10/2023	Manager Community Services /	Draft version, extracted from Financial Assistance and Sponsorship Policy previously adopted by Council on 11/06/2019, Minute No. 325.

		Business Improvement Officer	

DRAFT

muswellbrook shire council

~~Financial Assistance and~~



muswellbrook
shire council

DRAFT Council Seeking Sponsorship Policy

MSC049E

Authorisation Details

<u>Authorised by:</u>		<u>Internal/External:</u>	<u>External</u>
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<u>Date:</u>		<u>Minute No:</u>	
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<u>Department:</u>	Corporate Services		

MSC05E

Adopted by Council:
Date: 11/06/2019

<u>Minute No:</u> 325	<u>Document Owner:</u> General Manager
<u>Community Strategic Plan Goal</u>	Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community
<u>Community Strategic Plan Strategy</u>	6.2 Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community
<u>Delivery Program activity</u>	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves

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1 Policy Objective

The objective of this policy is to ensure that the administration of ~~financial assistance and the seeking of~~ sponsorship activities ~~follow~~follows 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 to provide Councillors and staff~~ with guidelines to be used when seeking, negotiating, securing and maintaining corporate sponsorship agreements.

~~4.~~

2 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.~~

Effective sponsorship arrangements can bring many benefits, but they also create corruption risks and can generate perceptions of unfair advantage for certain sponsors. Public officials need to understand these risks, and the management of sponsorship arrangements needs to be transparent.

A risk assessment is undertaken for each potential sponsorship arrangement as it is proposed in order to determine the risks posed and assess whether these risks are acceptable and can be managed.

Risks could include:

- conflicts of interest
- sponsorship that does not eventuate
- embarrassment to Council
- Council influenced or perceived to be influenced by a sponsor
- Council endorses or appears to endorse a sponsor's product or service

3 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~~from a third party for any Council activity, function or event. The policy applies to all Council staff and Councillors.

This Policy covers Council receiving sponsorship, not Council providing sponsorship.

4 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.

<u>Term</u>	<u>Definition</u>
<u>Council</u>	<u>Muswellbrook Shire Council</u>
<u>Sponsorship received</u>	<u>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.</u>
<u>Personal Benefit</u>	<u>Something offered to or received by a council official, or someone personally associated with them for their personal use and enjoyment.</u>

5 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:

2. ~~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.~~
3. ~~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:~~

- c. ~~Baerami Creek Hall~~
- d. ~~Wybong Hall~~
- e. ~~McCullys Gap Hall~~
- f. ~~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

Advertisement

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 i.e.~~ 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.Senior Officer.~~

2.1.3. All sponsorship agreements are to be approved by the General Manager or their designated ~~senior-officer.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.

2.2.5.2 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:

- i.** ~~consistency with Council's Community Strategic Plan.~~
- a-ii.** ensuring that sufficient resources are available to enable the promised sponsor benefits to be delivered.
- b-iii.** each sponsorship agreement will include an early termination clause if the sponsor is found to be in breach of the Council's ~~Model~~ Code of Conduct. If a breach is suspected, a preliminary investigation will be undertaken to establish the merits of the allegation.
- c-iv.** 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.

2.3.5.3 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.

2.4.5.4 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.

2.5.5.5 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. Sponsorship excludes sponsor naming rights of any activity/event. 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.

2.6.5.6 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~~

6 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

7 ~~Community Grants~~ Related Documents

7.1 Legislation and Guidelines

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector May 2006

~~Sport and Recreation Large Capital Grants Program Guidelines~~

~~Sport and Recreation Small Capital Grants Program Guidelines~~

7.2 Policies and Procedures

- Model Code of Conduct

7.3 Other Supporting Documents

- Community Strategic Plan
- Delivery Plan
- Operational Plan

Authorisation Details

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Policy Type	External

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V4	13/05/2013		Waiving User Hire Fees and Development Application Fees for Charitable organisations
V5	11/02/2017		
V6	11/06/2019	Joshua Brown	Significant rewrite

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	3/10/2023	Manager Community Services / Business Improvement Officer	Draft version, extracted from Financial Assistance and Sponsorship Policy previously adopted by Council on 11/06/2019, Minute No. 325.



muswellbrook shire council

Financial Assistance and Sponsorship Policy

MSC05E

Adopted by Council:

Date: 11/06/2019

Minute No. 325

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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 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 must also comply with the principles outlined in this Policy. 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 (for example, 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 of 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 applications must address the selection criteria outlined in clause 1.6 of this policy and follow any additional guidelines related to the call for applications.
- 1.1.5. As a part of its budgeting process, Council adopts a list of groups and organisations to which financial assistance will be provided 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 Muswellbrook Shire.
 - b. **Local Identity:** Delivers identity, brand, and reputational benefits to Muswellbrook Shire.
 - c. **Smart:** Delivers on innovation and leadership benefits for Muswellbrook Shire.
 - d. **Community:** Delivers on significant social and community benefits for Muswellbrook Shire.
 - e. **Liveability:** Delivers on enhanced liveability for Muswellbrook Shire residents, workers, and visitors.
 - f. **Environmental:** Delivers on sustainability benefits to 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, prior to adopting a resolution, Council will give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance, in accordance with Section 356 of the Act.
- 1.1.8. The General Manager, at a recommendation of a committee of at least three Council officers, which must include Council's Chief Financial Officer (or, where relevant, a combination of Council officers, including the Chief Financial Officer, and community members) may approve requests for financial assistance received which comply with the principles of this policy up to the value of \$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 the 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 of 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.

2. Sponsorship

2.1. Advertisement

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 will, 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 (that is, 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. 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 where 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 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

Authorised by:	Council
Minute No:	325
Date:	11/06/2019
Review timeframe:	4 years
Department:	Corporate Services
Document Owner:	Finance Manager
Policy Type	External

Details History

Version No.	Date changed	Modified by	Amendments made
V1	8/03/2004		
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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



DRAFT Awarding of Sponsorship, Grants and Contributions Procedure

MSC05P

Authorisation Details

Authorised by:		Minute No:	
Date:			
Review timeframe:	4 years	Review due date:	
Department:	Corporate Services		
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1. Procedure Objective

Muswellbrook Shire Council is committed to providing equitable, open, and transparent sponsorships, grants, and contributions to 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 Muswellbrook Shire, whilst complying with S356 of the Local Government Act 1993 (the Act).

This procedure outlines the process for dealing with requests for sponsorships, grants, and contributions for community events/activities/projects.

2. Definitions

Acquittal is a report submitted as per a Funding Agreement at the conclusion of a Project detailing how the recipient administered the Grant funds and met the Activity outcomes in the Funding Agreement.

Activity is defined as one-off or time-limited task/undertaking/event or series of linked tasks/undertakings/events with specific goals and conditions, defined responsibilities, a budget, planning, information about the parties involved, and a specific start date and end date. This can also be referred to as a Project.

Assessment Criteria means the method used to evaluate an application.

Assessment Panel means the panel assessing applications and determining Grant Funding.

Auspice is an incorporated organisation that receives, administers, and acquits Grants on behalf of an applicant.

Community Strategic Plan (CSP) represents the highest level of strategic planning undertaken by Muswellbrook Shire Council on behalf of the Muswellbrook Shire Community. It identifies the main priorities and aspirations of the community and provides a clear set of strategic directions to achieve the community's vision.

Council means the elected Muswellbrook Shire Council.

Funding Agreement means the agreement entered into by Muswellbrook Shire Council and the successful applicant for the Sponsorship, Grant, or Contribution. It will articulate support provided by Muswellbrook Shire Council as a contribution to the development and delivery of an activity. The Agreement will also detail acquittal and acknowledgement conditions for the Sponsorship, Grant, or Contribution.

Guidelines means the specific conditions and criteria for each separate Sponsorship, Grant, or Contribution opportunity, and should be read in conjunction with the Awarding of Sponsorship, Grants, and Contributions Policy.

Not-for-profit organisation is an organisation that does not directly operate for the profit or gain of its owners, members, or shareholders, either directly or indirectly. The organisation must be registered with the Australian Securities & Investment Commission (ASIC) or the Australian Charities and Not for Profit Commission (ACNC).

3. Procedure

Council's *Awarding of Sponsorship, Grants and Contributions Policy MSC05E* General Principles must be met in order to award any sponsorship, grant, or contribution.

a. On-going Sponsorship, Grants and Contributions

1. Funding available for sponsorships, grants and contributions is reviewed annually as part of Council's budgeting preparation and approval according to the priorities adopted by Council.
2. Council to publish details about opening date, closing date, timeline for assessment and approval, and other details about the relevant sponsorship, grant, or contribution on its website.
3. Undertake wide promotion of the opportunity via social media, radio interviews, media releases, etc.
4. Council's Application and Agreement Form must be received by the closing date for consideration of an allocation of sponsorship, grants, or contributions. All applications must address the Community Strategic Plan and follow any additional guidelines related to the call for applications.
5. The relevant staff member who is responsible for the budget allocation for the sponsorship, grant, or contribution opportunity will assess whether the application meets the criteria for that opportunity:
 - meets the Policy principles?
 - meets the guidelines for the type of application?
 - has current \$20 million public liability insurance?
 - are there any declared or perceived conflicts of interest?
 - if approved, will 28 days public notice of the request be required under S356 of the Act?
 - have a signed application and agreement form?
 - are funding/resources available to meet the request?
 - the application must have been received prior to the event/activity/project.
 - the application must demonstrate there is a benefit or contribution to the Muswellbrook Shire community.
 - applicants must identify and declare any actual, potential, or perceived conflict of interest.
6. Applications are assessed by the Grants Review Committee during its monthly meetings throughout the year. Where applicable, prior to approval, Council will give at least 28 days public notice of a proposal to pass a resolution to grant a sponsorship, grant, or contribution, in accordance with Section 356 of the Act.
7. The relevant staff member will co-author a report with the Grants and Community Engagement Advisor (or the Governance Officer) to include request for sponsorship, grant, or contribution in a report prepared for the Grants Review Committee. The report is to cover whether each application meets the criteria for the funding opportunity.
8. Applications are reviewed by Grants Review Committee, and a recommendation is made to Council for full, part, or no funding/support.
9. A report is prepared for Council by the Grants and Community Engagement Advisor (or the Governance Officer) providing recommendations to Council regarding approved, part approved, or refused requests.
10. Applicant is advised of the outcome of their application by communication from the General Manager. All sponsorship, grants, and contributions will be provided on a one-off basis and no guarantee is made for future sponsorship, grant, or contribution beyond the term described in the Sponsorship Agreement.
11. The total amount of sponsorships, grants, and contributions made in accordance with this procedure will be listed in Council's Annual Report, and individual amounts over \$1,000 will be itemised separately.

b. Ad hoc requests for Sponsorship, Grants and Contributions

1. An ad hoc enquiry for Sponsorship, Grants, and Contributions of an event/activity/project from Muswellbrook Shire Council could be received by any staff at Council – Reception, EA to the Mayor and GM, Community Services, Governance Officer, Grants and Community Engagement Advisor, etc;
2. The enquiry should be passed onto Council's Grants and Community Engagement Advisor (or the Governance Officer if the Grants and Community Engagement Advisor is not available), who will check that the enquiry meets the general principles of the Awarding of Sponsorship, Grants, and Contributions Policy and Procedure and whether it can be incorporated into an upcoming round of

Council's Community Grants program or another upcoming round of Council's Sponsorship, Grants, and Contributions program;

3. If the request meets the Guidelines and can be incorporated into an upcoming round of the Council's Sponsorship, Grants, and Contributions program, the Grants and Community Engagement Advisor (or the Governance Officer) will send the enquirer an email or make a phone call letting the enquirer know the details of the upcoming opportunity, and will keep a record that the enquiry has been received;
4. If the request meets the Guidelines but, due to time or other considerations cannot be incorporated into an up-coming round of the Council's Sponsorship, Grants, and Contributions program, the Grants and Community Engagement Advisor (or the Governance Officer) will send the enquirer a copy of the Sponsorship, Grants and Contributions Guidelines and a copy of the Community Grants application form, and will keep a record that the enquiry has been received and documentation sent;
5. The completed, signed application and associated documentation (incorporation details, public liability insurance details, quotes, etc) will be returned by post or email to Muswellbrook Shire Council/Records and then tasked to the Grants and Community Engagement Advisor (or Governance Officer).
6. If the application meets all eligibility criteria, an acknowledgement email is sent to the applicant advising when the application will be reported to the Grants Review Committee.
7. If the application does not meet all eligibility criteria, the Grants and Community Engagement Advisor (or Governance Officer) will contact the applicant for further information or clarification.
8. If the request is urgent and is over \$350 in value (or equivalent in-kind) and cannot wait until the next meeting of the Grants Review Committee and Council meeting, the Mayor has discretion to sign off on the provision of funding/support under a s226 authorisation.
9. Where the application involves sponsorship, grants, or contributions from more than one Council department, an email is sent by the Grants and Community Engagement Advisor (or the Governance Officer) to advise all departments of the application. (Example: Event requesting Section 68 fee waving and hire of grounds fee waived).
10. Grants and Community Engagement Advisor (or the Governance Officer) to include request for sponsorship, grant, or contribution in report prepared for the Grants Review Committee. The report is to cover whether each application meets the following criteria:
 - meets the Policy principles?
 - meets the guidelines for the type of application?
 - has current \$20 million public liability insurance?
 - are there any declared or perceived conflicts of interest?
 - if approved, will 28 days public notice of the request be required under S356 of the Act?
 - have a signed application and agreement form?
 - are funding/resources available to meet the request?
11. Application is reviewed by Grants Review Committee, and a recommendation is made to Council for full, part, or no funding/support.
12. A report is prepared for Council by the Grants and Community Engagement Advisor (or the Governance Officer) providing recommendations to Council regarding approved, part approved, or refused requests – are they reported to Council? Who writes the report?
13. Applicant is advised of the outcome of their application by communication from the General Manager.
14. The total amount of sponsorships, grants, and contributions made in accordance with this procedure will be listed in Council's Annual Report and individual amounts over \$1,000 will be itemised separately.

12. Policy Reference

DRAFT Awarding of Sponsorship, Grants and Contributions Policy

13. Associated Council Documentation

List any council document that is applicable

Version History

Version No.	Date changed	Modified by	Amendments made /Previous adoption details
1			Draft version

DRAFT Sponsorship, Grants and Contributions Guidelines

Aim:

1. Provide Sponsorship, Grants, and Contributions to local not-for-profit community groups and organisations that work towards enhancing the social, cultural, and recreational well-being of the communities of Muswellbrook Shire. The community groups and organisations should have high community engagement, focusing on supporting local organisations, businesses, and residents.

General Criteria:

2. Applications for sponsorship, grants, and contributions will be considered from “not for profit” local sports and community groups, either based in the Muswellbrook Local Government Area and/or be able to demonstrate that the activity will directly benefit residents of Muswellbrook Shire. These guidelines also apply to Community Rural Halls funding applications, except where specified.
3. Funding will be provided for local initiatives and projects that will address at least one of the goals outlined in Appendix 1 (page 19) of the *Muswellbrook Shire 2022-2032 Community Strategic Plan* which is available online at:
<https://www.muswellbrook.nsw.gov.au/wp-content/uploads/2022/05/Muswellbrook-Shire-2022-2032-Community-Strategic-Plan.pdf>
4. Sponsorship, grants, and contributions are generally available on a matched funding (dollar for dollar) basis (excluding Community Rural Halls applications). Contributions in the form of in-kind support (donated goods, services, or volunteer work to support the project) will be considered; and
5. Applicants must provide a current copy of their Certificate of Currency as evidence of public liability cover of at least \$20 million.

Eligible applications:

6. Organisations will need to calculate a dollar value for in-kind support - calculate volunteer general labour at \$20 per hour; calculate volunteer specialist labour (for example, engineer or architect) at \$45 per hour; calculate donated goods at the price you would pay for them if they were not donated;
7. Accurate cost estimates/quotes must be submitted as part of an application;
8. If grants are for structures, relevant approvals must be in evidence before funding will be made available, or applicants must be capable of obtaining all regulatory approvals for the activity;
9. Where an activity will involve adults working with children, successful applicants must undertake the necessary ‘Working with Children’ checks; and
10. Applications must be received on or before the advertised due date and completed with the required level of detail and supporting documentation.

Ineligible applications

11. Grants are not available to organisations that are overdue in payments of money to Muswellbrook Shire Council or have not completed a previous required grant acquittal;
12. Applications may not be submitted for work that has already taken place or will take place before the funding is finalised. Funding for retrospective, recurrent, or ongoing funding will not be considered;
13. Religious ceremonies and/or activities that exclude the general population, where the promotion of a single faith is the main purpose, or religious activities that could reasonably be perceived by Council as divisive;
14. Activities that vilify or discriminate a person or persons with respect to race, religion, sexual orientation, or gender identity;



15. Applications seeking funds for prize money, gifts, awards, or general fundraising appeals, including those seeking funding for representative sport or cultural activities; and
16. Academic research, coursework, or fees, or projects seeking financial support for research, studio work, or activities that will be submitted for academic assessment.

Assessment:

17. Grant applications will be assessed using general criteria listed on page 1 of these guidelines;
18. Muswellbrook Shire Council will prepare a report on eligible applications for a meeting of Council's monthly Grants Review Committee to make recommendations to Muswellbrook Shire Council for approval;
19. The number of grants given in any funding period is subject to the total annual funding pool allocated in each year's budget; and
20. Council has the authority to approve grants of less than the amount being sought by applicants.

Notification and invoicing:

21. All applicants will be notified of the funding round outcome within 10 working days of determination, and grants will be payable to successful applicants on the provision of an invoice; and
22. For grants in excess of \$1,000, successful applications will be required to sign a funding agreement.

Project management:

23. Funded projects must be started within 3 months of receipt of the letter of offer/signing the funding agreement and completed within 12 months of receipt of the letter of offer/signing the funding agreement;
24. The grant may only be used for the purpose specified in the funding agreement. Any change must be approved in writing by Council before the work is undertaken;
25. Applicants will be required to acknowledge the funding provided by Council in a manner approved by Council staff in any communication about the project;
26. Council reserves the right to publicise approved projects in any media form it chooses;
27. The successful applicant will be responsible for project management and all project costs in excess of the approved grant, with all works undertaken being required to comply with Council policies, including but not limited to Sponsorship and Donations, Workplace Health and Safety, Volunteer and procurement policies. Works will be subject to inspection and verification;
28. Muswellbrook Shire Council will provide Sponsorship, Grants, and Contributions as cash and/or value in kind. Any goods or services provided by Muswellbrook Shire Council should be costed by the recipient using the published fees and charges and included in the recipient's activity budget; and
29. A monetary figure will be allocated to all in-kind contributions awarded in accordance with its real cost to Muswellbrook Shire Council, and this will be included in the total amount of funding allocated.

Post project

30. Successful applicants must submit an acquittal report to Council's General Manager within 1 month of project completion. The report should provide evidence of how the grant funds were spent and include photos (before, during, and after) that showcase the outcomes of the project; and



31. Council's Sponsorship, Grants, and Contributions Program will be evaluated on a regular basis, and achievement against desired outcomes documented in conjunction with feedback from applicants and other key stakeholders.

Sponsorship and Grant Application Form

Use this form to apply for Council grants and sponsorship. Any contribution request, such as a fee waiver or in-kind request must fit within one of the grant categories. Applications are only accepted during the specified application rounds for each specific program. Application times are advertised on Council's website. Please ensure your application meets the requirements of the specific programs guidelines and the Awarding Sponsorship and Grants Policy.

Applicant details

Name of organisation _____

Contact name _____

Position _____

Postal address _____

Email address _____

Phone number _____

Organisation website and/or Facebook page _____

Incorporation Number _____

Australian Business Number (ABN) _____

Is your organisation not-for-profit community-based organisation? ☐ Yes / ☐ No

Please attach a copy of your Public Liability Insurance Certificate of Currency with cover of at least \$20m

Please select which program you are applying for:

<input type="checkbox"/> Community Grant	<input type="checkbox"/> Sponsorship
<input type="checkbox"/> Community Sustainable Education Grant	<input type="checkbox"/> Sport and Recreation Small Capital Grant
<input type="checkbox"/> Landcare Education Grant	<input type="checkbox"/> Sport and Recreation Large Capital Grant
<input type="checkbox"/> Local Heritage Assistance Fund	<input type="checkbox"/> Sustainable Education Grant

Application details

Please attach support documentation (e.g. cost estimates/quotes, letters of support, photos)

Project location _____

Please describe your project _____

What is the total cost of your project \$ _____

Amount of grant funding requested \$ _____

Cost of contribution requested In-kind \$ _____ and/or Fee waving \$ _____

How does this project benefit the community and which section(s) of the community does it benefit? _____

How does your event, activity or project align with the goals and actions in the Muswellbrook Shire Community Strategic Plan 2022-32? _____

Details/Comment**Terms and conditions:**

1. This constitutes a signed agreement as part of the application/project process.
2. Funded events, activities projects etc must be started within 3 months of receipt of the letter of offer/signing the funding agreement.
3. The grant may only be used for the purpose specified in the funding agreement. Any change must be approved in writing by Council before the activity is undertaken.
4. Applicants will be required to acknowledge the funding provided by Council in a manner approved by Council staff in any communication about the project.
5. Council reserves the right to publicise approved events, activities, projects etc in any media form it chooses.
6. The successful applicant will be responsible for project management and all costs in excess of the approved grant, with all activities undertaken being required to comply with Council policies as listed at www.muswellbrook.nsw.gov.au/policies/. Works may be subject to inspection and verification.
7. Funded projects must be completed within 12 months of signing the funding agreement.
8. Successful applicants must submit an acquittal report to Council's General Manager within 1 month of project completion. The report should provide evidence of how the grant funds were spent and include photos (before, during and after) that showcase the outcomes of the project.

Signed: _____**Date:** _____**Privacy notification**

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information may be:

- Officers within the Council
- Data service providers engaged by the Council from time to time
- Any other agent of the Council
- Financial institution involved in the process

The supply of the information by you is voluntary. However, if you cannot provide

or do not wish to provide the information sought, the Council may be unable to process your application.

Council is collecting this personal information from you in order to provide Council approved services.

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 Act.

Address enquires concerning privacy matters to the Public Officer.

**10.4.4. DRAFT Section 355 Committee Guidelines MSC22E for Public Exhibition**

Attachments:	1. DRAFT Section 355 Committee Guidelines MSC22E (1) [10.4.4.1 - 18 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Michelle Sandell-Hay (Governance Officer), Chloe Wuiske (Business Improvement Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Develop and review policies in accordance with statutory operational requirements.

PURPOSE

To requests Council's approval to place the attached *DRAFT Section 355 Committee Guidelines* on public exhibition.

OFFICER'S RECOMMENDATION

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

The *Section 355 Committee Guidelines* was first adopted by Council on 26 October 2021 and is now due for review.

CONSULTATION

MANEX

Manager Governance and Risk

Governance Officer

Business Improvement Officer



REPORT

A review of the *Section 355 Committee Guidelines* has been conducted and amendments were made to position titles, and formatting was completed. All amendments are shown as tracked changes in attachment 1.

On 13 November 2023, Manex endorsed the draft policy to be submitted to Council for Public Exhibition.

OPTIONS

Council may:

1. Resolve to approve the *DRAFT Section 355 Committee Guidelines* for public exhibition; or
2. Resolve to approve the *DRAFT Section 355 Committee Guidelines* for public exhibition with amendments.

CONCLUSION

It is recommended that Council approves the attached *DRAFT Section 355 Committee Guidelines* to be place on public exhibition.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1993.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of 28 days via Council's website will provide the community with an opportunity to make submissions.



**muswellbrook
shire council**

DRAFT Section 355 Committee Guidelines

MSC22E

Authorisation Details

Authorised by:	Council	Internal/External:	External
Date:	26/10/2021	Minute No:	156
Review timeframe:	2-Years4 years	Review due date:	Oct-2023
Department:	Governance		
Document Owner:	Manager Governance and Risk		
Community Strategic Plan Goal	6. Collaborative and responsive community 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	6.2.5 Implement a comprehensive and targeted business improvement program		

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Muswellbrook Shire Council

Section 355 Committee Guidelines

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1. Purpose and Delegations

1.1. Introduction

The Muswellbrook Shire Council ("Council") acknowledges and appreciates the important work undertaken by volunteers and community groups through the Section 355 committee framework. These guidelines are established to assist committee members in the operation of a Section 355 committee ("Committee"). A Committee and their delegated functions and members must be adopted by Council. Once adopted, the Committee must adopt and implement the guidelines set out in this document.

Due to the varied functions of each Committee across differing areas and assets, each Committee will have a separate delegation and terms of reference document outlining in detail the implicit roles and duties of the Committee. Consequently, these guidelines are to be applied as guidelines supporting the Terms of Reference relevant to each Section 355 Committee.

1.2. Purpose of these Guidelines

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

1.3. Delegation of Function

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

Council may dissolve a Committee at any time.

1.4. Role of Section 355 Committees

The Committees allow for interested members of the Muswellbrook Shire community to actively participate in the provision and/or management of Council facilities and services. The aim of each Committee is to accurately reflect the Council's vision and aims as informed by the community. This provides for a dual benefit by providing protection to the community members operating under Council delegation and providing Council with assistance in carrying out its function.

Research shows that the involvement of community members in managing community services and facilities is likely to lead to public decisions which are more equitable and sustainable and generally improve the liveability of the local communities.

2. Committee Responsibility

2.1. Responsibility

Upon establishment of a Committee, the Committee will be responsible for those activities that the Council has deemed to be the purpose of the Committee. Terms of Reference for each Committee must be created and adopted by Council upon establishment of the Committee.

2.2. Limitation of Powers

In accordance with the Local Government Act, some powers are not delegable by Council. As such, a Committee is not authorised to make decisions concerning the following:

- a) employing or dismissing staff;
- b) the fixing of fees or charges;
- c) the borrowing of money;
- d) the allocation of Council funds for expenditure on other Council works, services, or operations;
- e) an application or notice to the Governor or Minister;
- f) acceptance of tenders required to be called by Council;
- g) the sale, lease, sub-lease, or surrender of land or other property vested in the Council;
- h) the payment or making of a gift to Committee members;
- i) this power of delegation; and
- j) any function under this Act or any other law that is required to be exercised by Council.

The powers and functions of a Committee are subject to limitations and conditions as imposed by law, resolution of Council, or in writing by the General Manager to the Committee, from time to time. If Council, in its sole discretion, considers a Committee not to be functioning in strict accordance with its powers described herein, the Committee may have its powers revoked by signed written notice from the General Manager or their/his/her representative.

2.3. Accountability

The Committee is accountable non-exclusively for its actions, decisions, and omissions to Council, user groups, and the community at large. Committees are required to:

- a) hold an Annual General Meeting ("AGM") to elect office bearers as discussed further herein;
- b) provide to Council a report, minutes, and annual financial statements as applicable and/or requested; and
- c) ensure that any affected persons are notified of the Committee meeting details.

In providing notification of the Committee's AGM, Committees must adopt the Advertisement for Annual General Meeting Template, generally in its approved form.

2.4. Responsible Staff

Council's Manager - Governance Manager & Risk is the staff member responsible for the administration of Committees. In addition, the Council's finance staff will provide assistance to Committees with financial reporting assistancerequirements.

3. Committee Procedures

3.1. Appointment

A Committee must be formally appointed by Council by way of the minutes of the AGM being sent to Council for endorsement at an ordinary Council meeting. Similarly, upon establishment of the Committee, all members of the Committee must be formally appointed by Council in the same manner.

Committee membership is:

- a) open to all interested citizens residing in the Council area; or
- b) in relation to Committees established to provide specialist assistance to Council, by written invitation of Council;
- c) to include representation of the predominant user groups of the facility where applicable; and
- d) representatives of minor groups within the community, including schools, community groups, service providers, et cetera, provided such representative is over the age of fifteen (15).

Each Committee member is entitled to one (1) vote. Committee members must be appointed by Council prior to being able to vote or take part in a meeting of the Committee.

Council staff may be appointed by Council as office bearers for a committee as required, for example, as secretary, treasurer, publicity officer. With the exception of Council staff who are appointed as an office bearer, Council staff are considered observers and advisors and, while permitted to participate in Committee discussions and deliberations, are not entitled to voting rights. For the avoidance of doubt, Council staff appointed as office bearers are afforded the same rights and obligations as any other Committee member and are consequently entitled to one (1) vote.

A Committee member will cease to hold office upon the occurrence of one (1) or more of the following events:

- a) resignation;
- b) deemed resignation, being when a Committee member fails to attend three (3) consecutive meetings of the Committee without reasonable excuse;
- c) death;
- d) bankruptcy;
- e) resolution by Council of removal;
- f) failure to disclose a pecuniary interest;
- g) conviction of an offence referred to in Part 4 of the *Crimes Act 1900* (NSW); or
- h) mental incapacity.

Should a Committee member vacancy arise, the Committee must, as soon as practicable, inform the Council in writing of same.

Council may, in its sole discretion, dissolve a Committee at any time. Unless otherwise indicated in a Committee's terms of reference, the term of office for Committees will be the same term as the current Council, with an additional three (3) month period after the General Election of Councillors.

3.2. Committee Membership

Committees must, without prior approval of Council, comprise as a minimum three (3) members and as a maximum seven (7) members. Membership count is to be included in the terms of reference created upon establishment of the Committee, unless otherwise agreed by Council.

Council reserves the right to appoint up to two (2) Councillors to each Committee as voting members of the Committee.

Committee membership consists of office bearers and other Committee members.

If Committee membership is comprised of less than three (3) members, Council may allow the Committee a six (6) month period to re-establish a viable membership or alternatively dissolve the Committee and assume its obligations and responsibilities.

Committee members are expected to have access to a computer and possess the ability to use email as the primary form of communication.

Committee members are eligible for re-appointment.

Any applications for Committee membership must generally be in the approved form, being the Committee Membership Nomination Form Template.

3.3. Procedure for Obtaining New Membership

When a membership position on a Committee becomes vacant or the Committee determines that it requires additional members, the Committee may:

- a) in urgent circumstances, recommend to Council interested persons for appointment and the reasons justifying the urgency of same (urgent circumstances only); or
- b) request Council advertise the membership position ~~in the Muswellbrook Chronicle or by such other~~ means as determined by Council (usual and preferred practice).

3.4. Election of Office Bearers

A Committee must elect from their members certain roles, at a minimum, to be undertaken. These roles include:

- a) chairperson (mandatory);
- b) deputy chairperson (optional);
- c) secretary (mandatory);
- d) treasurer (mandatory if the Committee handles funds);
- e) assistant secretary/treasurer (optional);
- f) bookings officer (optional); and
- g) publicity officer (optional).

With the exception of the appointment of Council staff as office bearers in accordance with clause 3.1, all office bearers are to be elected by majority vote at the Committee's AGM. All office bearers, unless otherwise directed by Council, are to hold their position for a twelve (12) month period or until a successor is appointed.

The details of all office bearers must be provided by written notice to Council as soon as practicable after appointment is made. For the avoidance of doubt such particulars will include,

but are not limited to, position, name, address, contact number, contact email, and the user group represented (if applicable).

In the absence of a chairperson, either due to resignation or where no member is willing or able to perform such a function, the Mayor of the Council is by default the chairperson for the time being. The Mayor may delegate this position to a Councillor, Council staff member, or member of the subject Committee until this role is duly appointed.

3.5. Meetings

Meetings are to be conducted to standard guidelines (based on the Code of Meeting Practice), which are detailed in the following section and include:

- a) a quorum be present;
- b) the appropriate notice is given;
- c) business on the agenda is properly conducted; and
- d) correspondence and minutes are recorded.

Committee meetings are open to the public and may be held as often as necessary but must, unless otherwise stated in the Committee's terms of reference, be held quarterly as a minimum.

The Committee is responsible for determining meeting dates, location, and providing notice of such meetings to the local community by way of ~~newsletter, letter drops, printed advertisement in the local newspaper and/or by~~ electronic means.

To enable Council to advertise Committee meeting details via the Council website, Committees must advise Council of the meeting details at least three (3) weeks prior to the nominated meeting date.

3.6. Quorum

A quorum will consist of a majority of Committee members.

3.7. Agenda

Committee meetings must adhere generally to the meeting procedures as outlined in the Agenda Template.

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before, if possible. Late matters can be added to the agenda at the opening of the meeting as the chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be put on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes'.

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

3.8. Minutes

~~In accordance with Clause 39 of the Local Government Meeting Regulation 2005 (NSW), each~~ Committee must ensure that full and accurate minutes of their meeting ~~are~~ maintained. In particular, the minutes must record the details of each motion moved at a meeting and, if

applicable, any amendments moved to it, the full name of the member moving the motion or amendment, the full name of the member seconding the motion or amendment, and whether the motion or amendment is passed or lost. Each motion passed by the Committee must have a sequential identifying number and the year, e.g. 1/2021¹³, 2/2021-2023¹, et cetera.

As soon as practicable after the minutes of a meeting are confirmed at a subsequent Committee meeting or by email consensus, the chairperson must sign the previous meeting's minutes.

The signed minutes of each meeting must be emailed to Council on or before fourteen (14) calendar days after the chairperson signs same.

Upon receipt by Council of the Committee meeting minutes, Council will review same and the Committee may be contacted if required. Council will not act upon any motion in the minutes without first contacting the Committee to allow the members the opportunity to provide any further information, action, or comment.

The minutes of a Committee meeting must be generally in accordance with the Minutes Format Template.

3.9. Annual General Meeting

The AGM date must be set at an ordinary meeting of the Committee and publicly advertised at least fourteen (14) days prior to the AGM being held.

The AGM will report on the activities and achievements of the Committee for the previous twelve (12) month period, develop goals for the next twelve (12) month period, and confirm the details to be included in the annual report to Council. Consequently, the annual financial report must be adopted by the Committee to allow sufficient time to enable inclusion of same in the annual report to Council.

3.10. Annual Report

Council requires every Committee to provide an annual report inclusive of the following details:

- a) membership;
- b) position;
- c) achievements over the past twelve (12) months;
- d) goals for the next twelve (12) months;
- e) goals for the next five (5) years;
- f) goals for the next ten (10) years;
- g) longer term goals (if any);
- h) all income and expenditure; and
- i) submission of a financial statement (required on or before thirty-one (31) July of each year).

4. Role Responsibilities

Committee members are expected to have a certain degree of commitment to their role as a member. An advantage of a Committee is the possibility of a shared workload between the Committee members. The roles and responsibilities listed below are not in any way ~~comprehensive~~^{exclusive}, but are ~~rather~~ provided as a general framework for Committees. It is

important that each member of a Committee understands their roles and minimum responsibilities, and what is expected from the community's expectations are in relation to the Committee.

4.1. Chairperson

The chairperson's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

- a) preparation of the agenda (note: this responsibility may be conducted in consultation with the secretary or any other member; or, alternatively, the chairperson may delegate this responsibility);
- b) management of the Committee's general responsibilities under these ~~here~~ herein guidelines, including, for example, that proper notice of a meeting is provided and a quorum is present.

During a Committee meeting:

- a) chairing the meeting, opening, welcoming, and introducing members and guests (subject to the Mayor deciding, in their sole discretion, that ~~they~~ he/she will be attending the meeting and chairing);
- b) keeps individuals and the meeting focused on the topics being discussed and encourages members to participate, ensuring adequate opportunity is given to members who wish to speak;
- c) ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates to someone to do this);
- d) ensures members are aware of decisions being made and that the minute taker has recorded decisions of the meeting;
- e) acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders, ~~that is, ie.~~ The method of conducting meetings, and ensures statutory regulations and ~~the~~ the organisation's rules are observed; and
- f) closes meeting after business at hand has been properly concluded.

The chairperson needs to be aware of certain issues and procedures, and the importance of establishing and maintaining a working relationship with Council, particularly regarding Government funding, the Committee budget (if any), and Council and community involvement and requirements.

The chairperson is responsible for assisting members of the Committee, and ensuring that they fulfil their respective roles. The chairperson is a 'spokesperson' for the organisation and is the one to communicate with government departments and other relevant bodies as applicable.

The chairperson may vote on a motion considered by the meeting and, in the event of a tied vote, the chairperson may exercise a second or casting vote.

4.2. Secretary

The secretary's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

- a) preparation of the agenda (note: this responsibility may be conducted in consultation with the chairperson or any other member, or alternatively, the chairperson may delegate this responsibility);
- b) draw up the agenda; (in consultation with the chairperson); and
- c) make copies of the agenda if required.

During a Committee meeting:

- a) take minutes;
- b) read minutes of previous meeting if necessary;
- c) provide a list of correspondence in order and summarises the important points; and
- d) record motions and/or decisions of the meeting, including, the mover and seconder.

After a Committee meeting:

- a) type minutes and distribute to Committee members as soon as possible;
- b) ensure that accurate minutes are kept;
- c) write correspondence as decided (this can be a shared role with another Committee member); and
- d) keep a record of action items and how they are progressing to report back to the committee at each meeting. Where possible, action items from a meeting should be distributed fairly amongst committee members.

Outside of Committee meetings:

- a) keep a register of both internal and external correspondence, with file copies; and
- b) inform other Committee members of correspondence requiring urgent attention.

4.3. Committee Members

Committee members' responsibilities include, but are not limited to, the following:

- a) attend Committee meetings, except in circumstances of a reasonable excuse;
- b) participate in meetings – this involves:
 - i. being on time;
 - ii. sticking to the agenda;
 - iii. contributing to the discussion where appropriate;
 - iv. being objective, listening to others' views; and
 - v. volunteering to do some of the necessary tasks required;
- c) support the office bearers in carrying out their roles, for example, assisting with maintenance arrangements and the coordination of volunteers;
- d) assist in organising the AGM;
- e) attend and participate in fundraising days that may be held; and

- f) ensuring members of the Committee are accountable for their actions in relation to the activities of the Committee.

5. Code of Conduct

5.1. Introduction

The Council has adopted a Code of Conduct that is applicable to elected Councillors, employed staff, and Committee members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest, and impartial way.

As Committees are operating on behalf of Council, it is important for Committees to be aware of, and abide by, this Code of Conduct.

Appointed Committee members will be provided with a copy of Council's Code of Conduct. Committee members are taken to have read and understood the contents of this Code of Conduct. Members could be personally responsible for a breach of the Code of Conduct. Further, without precluding other forms of action, a failure to comply with the Code of Conduct could result in the member's removal from the Committee.

Council's Committees have the responsibility to ensure the following:

- (a). access is available to the entire community and is not denied because of ethnicity, gender, disability, or religion;
- (b). priority of use should be given to non-profit making community groups and organisations; and
- (c). that the facility not be aligned with, or advocate, or advertise for or on behalf of, a political party or individual person/s.

5.2. Conflicts of Interest

Pecuniary and Non-Pecuniary Interest may be defined as an interest that a Committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons include the spouse or de-facto partner or relative of the Committee person. Pecuniary refers to possible financial gain, whereas non-pecuniary refers to any other type of interest.

Disclosure of Pecuniary and Non-Pecuniary Interests:

- (a). Interest should be declared and noted in the meeting minutes if:
 - (i) a Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or
 - (ii) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter;¹⁷
 - (iii) the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.
- (b). A Committee must ensure that:
 - (i) particulars of disclosures made under this clause are recorded in the minutes; and

- (ii) the minutes are available for inspection (that is, ie Committee meeting minutes are placed on Council's website).
- (c). After a member of a Committee has disclosed the nature of an interest in a matter, the member must not:
 - (i) be present during the deliberation of the Committee with respect to the matter; or
 - (ii) take part in the decision of the Committee with respect to that matter.
- (d). For the purposes of the making of a determination by a Committee under subclause 5.2(c), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not be present during the deliberation for the purpose of making the determination.

6. Financial Matters

Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, Local Government Regulations and Accounting standards, and must be adhered to.

Funds raised, received, or spent are subject to public scrutiny and accountability, including a responsibility to ensure that Committee funds are used in the manner for which they were intended and that a clear and full disclosure of the Committee's financial activities is available.

For those Committees handling funds, a financial report must be submitted to each of the Committee meetings.

The General Manager has the authority to direct Committees to process their financial records through the Council's financial system.

7. Risk Management and Insurance

7.1. Property Insurance

Council facilities are covered for risks such as fire, theft, and malicious damage. Committees should be aware of the excess applicable to this policy, which is currently \$20,000.00.

7.2. Public Liability Cover

The appointed Committee members are covered by the public liability policy of Council (currently \$20million).

Members of the Committee should note that they are only covered by third party injuries as a result of negligence which is insured under Council's public liability insurance when acting within the scope of their delegation.

This Policy also covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Committee.

This insurance does not preclude the Committee from due diligence, and Council policies must be adhered to.

The is Public Liability Policy for Council and Committees is subject to a claims excess, which is currently \$12,500.00 per claim.

7.3. Personal Injury

Committee members may be covered when injured whilst undertaking duties relating to their role in the Committee.

7.4. Contractors' insurance

Council's insurance does not provide any cover for Contractors. Where members of the Committee have authority to appoint contractors, the types of insurances that should be held by contractors (available to be sighted by Council, if required) include Workers Compensation, Public Liability, and where a vehicle is being used on Council property, Third Party Motor Vehicle insurance.

7.5. Casual and Regular Hirers' Insurance Liability

A Casual and Regular Hirers' Policy (\$20 million) exists in order to cover persons using Council facilities on a non-permanent and not-for-profit basis.

For example, Eg. wWeddings, birthday celebrations or the like are covered under Council's Casual hirer's insurance Policy.

For a Casual or Regular Hirer, the claims excess is \$1,000.00 for each and every claim, payable by the casual or regular hirer.

A record by the Committee of the history of bookings is essential for a claim to be made.

Note: Fundraising for an individual, a charity, or community organisation or group will be covered under Council's Casual Hirer's Policy if the hirer:

- (a). is not a sporting group, club, association, corporation, or incorporated body;
- (b). is not a sole trader or registered business;
- (c). is not making a personal financial gain from the activity;
- (d). is not undertaking an activity of a commercial nature;
- (e). is not a large (for example, eg the hall's capacity) evening event where alcohol will be permitted;
- (f). provides the Committee with a signed statement from the hirer and beneficiary that identifies the hirer and the intended beneficiary who will be receiving all proceeds made from the activity; and
- (g). the hirer acknowledges that they are responsible for the claims excess, currently being \$1,000.00 for each and every claim under the policy arising from the event.

7.6. Other hirers' insurance Liability

Persons or groups, not defined in 7.5 must have, and provide the Committee with proof of, their Public Liability insurance policy, including policy schedule and product disclosure statement (PDS), in the sum of not less than \$20 million if they fit into one of the following categories:

- (a). creates an income or profit from the activity, for example, eg: yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee;
- (b). makes a personal financial gain from the activity;

- (c). a sole trader or registered business;
- (d). -a corporation or incorporated bodies; or
- (e). sporting body, club₁ or associations of any kind.

It is the Committee's responsibility to ensure that users of the facility that meet any of the categories in this clause have adequate Public Liability insurance.

If there are situations not identified above where a hirer of the facility does not have its own Public Liability Insurance and there is uncertainty as to whether the hirer meets the "Casual or Regular Hirer" or "Other Hirer Guidelines" the matter must be referred to Council to confirm with its insurer.

7.7. Definitions of Clause 7

- | | |
|------------------------|--|
| Casual Hirer | Person or group of persons (not being a sporting body, club, association, corporation ₁ or incorporated body), who hires a council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve (12) times per calendar year. |
| Regular Hirer | Person or group of persons (not being a sporting body, club, association, corporation ₁ or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, more frequently than once per calendar month or twelve (12) times per calendar year. |
| Personal Injury | <ol style="list-style-type: none"> 1. Bodily injury, death, sickness, disease, disability, shock, fright, mental anguish₁ and mental injury; 2. False arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution₁ and humiliation; 3. Assault and battery not committed by or at the direction of the Casual or Regular hirer unless committed for the purpose of preventing or eliminating danger to person or property. |

8. Care, Control and Management of a Council Facility

Hiring a facility and making it readily accessible to the community is central to the purpose of most Committees.

8.1. Conditions of Hire

It is essential that hirers sign a Hire Agreement which demonstrates their agreement to abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. It is best practice for a Committee member to ensure each hirer understands their obligations when hiring the facility, explaining the conditions with the hirer if required.

8.2. Inclusion

The Committee is acting on behalf of Council, and it is important to uphold the principles of equity, accessibility₁ and inclusivity. Consideration of disability and inclusion is managed under the *Disability Inclusion Act 2014* (NSW), which requires all government departments and certain public authorities, including councils, in NSW to have a Disability Inclusion Action Plan.

For Committees, this means that inclusion needs to be considered in all areas of planning and operation of the relevant hall or facility. Critical areas requiring consideration include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and/or hearing-impaired people, and supporting access to sporting and recreation opportunities.

8.3. Fees and Charges

The schedule of fees and charges is set by Council, taking into the consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to Council.- The Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. Figures submitted should show the GST (Goods and Services Tax) exclusive amount to which Council will add the ruling rate of GST. Once Council has adopted the fees and charges, a list will be supplied to each Committee.

The Committee is not able to provide subsidies or waive hire fees.- Requests concerning fee reduction must be referred to Council.

8.4. Bonds

As a safeguard against possible damage, the Committee may hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this bond amount will be refunded if conditions of hire are satisfactorily met.

Abnormal costs associated with the hire of the facility will be deducted from the bond, including the GST proportion.- This may include extra removal of garbage, extra cleaning, etc.

8.5. Keys and Security

Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key pick-ups and drop offs. If a key safe is used, the combination should be changed regularly for security purposes ([for example, eg weekly](#)).

A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The Committee should manage keys with the utmost security in mind. Key deposits or bonds collected may help fund a change of locks from time to time.

8.6. Cleaning

The Committee has the responsibility for the overall cleanliness of the facility under its control. The Committee is responsible for the employment of the cleaner and this should be contracted out to a professional cleaner with the appropriate public liability insurance and an ABN, in accordance with Council's Procurement Policy and Procedure.

8.7. Purchasing of Goods and Services

Under the Local Government Act, Council can assist Committees by purchasing goods to be used in association with a function of the Committee.- The benefit this provides to the

Committee is that the item would be free of GST and utilise the purchasing power of Council to reduce costs.

Council is required to authorise a Committee to purchase goods and services in accordance with Council's Procurement Policy and Procedure.

~~9.~~ Council Policies

~~10.~~ Templates

~~19.~~ Dispute Resolution

The General Manager is the interpreter of this policy.

~~210.~~ Related Documents

Legislation and Guidelines

- Local Government Act 1993 (NSW)
- Local Government (General) Regulations 2021 (NSW)
- Crimes Act 1900 (NSW)

Policies and Procedures

- Code of Conduct
- Code of Meeting Practice
- WHS Policy
- Procurement Policy
- Procurement Procedures

Other Supporting Documents

- Advertisement for Annual General Meeting Template
- Committee Membership Nomination Form Template
- Agenda Template
- Minutes Format Template

11. 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	26.10.2021	Manager Governance	Adopted by Council on 26 October 2021, Minute Number 156.

<u>2</u>	<u>10.11.2021</u>	<u>Governance Officer</u>	<u>Updated position title and formatting.</u>

**10.4.5. 2022/2023 Annual Report**

Attachments:	Nil
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Amy Cox - Corporate Planning and Reporting Officer
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs. 6.1.3.2 - Report Council's progress in implementing the Delivery Program and Operational Plan to the community and other stakeholders.

PURPOSE

To seek Council's endorsement of the 2022/ 2023 Annual Report.

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

OFFICER'S RECOMMENDATION

Council:

1. ENDORSES the 2022/ 2023 Annual Report including the audited Financial Statements;
2. Delegates to the General Manager authority to publish the 2022/ 2023 Annual Report on Council's website and to forward a link to the Report to the NSW Office of Local Government, Minister for Local Government, and the Minister for Disability Services.

Moved: _____ **Seconded:** _____

BACKGROUND

Under section 428 of the *Local Government Act 1993*, Council is required to report against the Principal Activities from the preceding financial year's Operational Plan. The Annual Report is required to be submitted to the Minister for Local Government within 5 months of the end of the financial year (by 30 November). It must include a copy of the audited financial statements and be published on Council's website.

CONSULTATION

General Manager

Manex



REPORT

The Annual Report is a requirement under the *Local Government Act 1993* and the Integrated Planning and Reporting Framework. The Annual Report is a public document providing an overview of the work of Council. It is one of the key points of accountability between Council and its community.

The 2022/ 2023 Annual Report is designed to be easy to read, informative, and of interest to the community; the Annual Report is required to focus on delivery of the Operational Plan and Delivery Program and to help the community understand how Council performs both as a service provider and community leader.

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

A copy of the 2022/ 2023 Annual Report must be posted on Council's website with a link to the Report provided to the NSW Office of Local Government, Minister for Local Government, and the Minister for Disability Services.

OPTIONS

It is a requirement under the *Local Government Act 1993* to submit an Annual Report each year, including the audited Financial Statements.

CONCLUSION

The 2022/ 2023 Annual Report and audited Financial Statements are provided for Council's endorsement prior to publishing on Council's website and forwarding a link to the Report to the NSW Office of Local Government, Minister for Local Government, and the Minister for Disability Services.

SOCIAL IMPLICATIONS

The Annual Report meets Council's legislative requirements under the *Local Government Act 1993* and is an opportunity to provide information about Council to the community.

FINANCIAL IMPLICATIONS

The Annual Report includes the audited financial report for the 2022/2023 financial year.

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

The Annual Report complies with statutory requirements under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

LEGAL IMPLICATIONS

The Annual Report meets requirements under the *Local Government Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

The Annual Report provides an account of Council's achievements against each of the Principal Actions in the Operational Plan.

RISK MANAGEMENT IMPLICATIONS

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



1993.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

A copy of the Annual Report will be provided on Council's website.

**10.4.6. General Manager's performance priorities**

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Derek Finnigan - General Manager
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:	<i>Not Applicable</i>
	Not applicable

PURPOSE

The report is submitted for Council's information regarding elements of the General Manager's Performance Agreement.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The General Managers of New South Wales Councils are made accountable to their Councils primarily through their contract of employment. The provisions of these contracts are predominantly determined in accordance with the Standard Contract established under the NSW Local Government Act, 1993.

The General Manager's performance agreement defines the Council's expectations of its General Manager in accordance with Clause 7 of the General Manager's Contract and is based on the Position Description and the Council's Operational Plan and Delivery Program.

CONSULTATION

Director Community & Economy

Director Environment & Planning

Director Property & Place

Acting CFO

**REPORT**

The General Manager's Performance Agreement contains several actions that are required to be reported to the 28 November 2023 Ordinary Council Meeting. These include:

Objective	Action	Timing
The processing of DA applications to be completed or substantially trending towards being completed within a 45 day time period.	<ul style="list-style-type: none"> Produce an action plan to understand if and how achieving 45 days may be possible. Plan to include potential fiscal and resources costs and understanding the balance between DAs that take time to evaluate and small, simpler developments. 	Dependent upon the Action Plan. This is to be reported to the 28 November 2023 Ordinary Council Meeting.
Create an action plan following completion of the latest community satisfaction survey to be presented to Council.	<ul style="list-style-type: none"> Provide an action plan. 	Report progress to the 28 November 2023 Ordinary Council Meeting.
Potential staff reorganisation.	<ul style="list-style-type: none"> Report to be presented to the 28 November 2023 Ordinary Council Meeting. 	Provide a report to the 28 November 2023 Ordinary Council Meeting.

Processing of DA Applications

Muswellbrook Shire is a complex planning environment, with a requirement to regularly consider and assess State Significant Developments (SSD). This requirement has, on occasion, impacted upon timeframes for the assessment of Development Applications (DA) as staff are diverted to comply with the tight timeframes for SSD.

The NSW Planning system has been in a constant state of change over the past five years. The NSW Planning Portal was introduced on 1 July 2021, with development applications now required to be lodged through the portal. Over the intervening years this has expanded to include other types of applications, and Notices of Determination are now also produced and issued via the portal. For staff, this has meant the need for training and to change Council's IT systems to integrate with the portal, something that has taken both time and funding, and action by third parties that supply and support Council's IT software. These IT changes are still not fully implemented, and the result is less efficient development assessment processing than would be ideal.

This has been complicated by the impacts of COVID which have created a difficulty in securing staff when positions are vacant, and an increase in the number of development applications lodged compared to the previous five years. There are currently four of eleven positions vacant in the Planning, Building & EHO team and one of two positions vacant in the Engineering team that assesses development applications.

The team is committed to continual improvement and providing a high level of service to the community, and the action plan below provides a snapshot of continual improvement initiatives that are intended to facilitate, over time, a substantial trend towards processing



DAs within a 45-day period.

Continual improvement action plan for the processing of DAs:

Action	Comment	Timeframe
Engagement of additional Planning professionals.	<ul style="list-style-type: none"> A verbal commitment has been provided by EnergyCo to provide \$250,000 per annum for three years for the engagement of two additional professionals involved in the assessment of development applications. Council is currently seeking written confirmation of this commitment. 	Should the commitment be honoured, funding will be included in the 2024-25 Budget.
Regional Housing Flying Squad.	<ul style="list-style-type: none"> Council will continue to engage the services of the Regional Flying Squad where possible to facilitate DA processing timeframes. 	Ongoing.
Traineeships and cadetships.	<ul style="list-style-type: none"> Council currently has one cadetship in place and will continue to engage trainees and cadets as opportunities and funding permits. 	Ongoing.
External assessors.	<ul style="list-style-type: none"> When salary savings accrue, external Planning professionals are engaged to complete the assessment of some development applications. 	Ongoing.
Strategic Town Planner.	<ul style="list-style-type: none"> The recruitment of a Strategic Town Planner will enable the carrying out of reviews of Council's Local Environmental Plan and Development Control Plan, which will assist, over time, to streamline the processing of DAs. It would also provide capacity for work procedures to be reviewed and streamlined. 	Report submitted to the 28 November 2023 Ordinary Council Meeting. If approved, recruitment will be carried out in the first quarter of 2024.
Automation of systems.	<ul style="list-style-type: none"> One of the primary vehicles for organisational efficiency improvement across Council will be the automation of systems to reduce 	Report submitted to the 28 November 2023 Ordinary Council Meeting. If approved, recruitment



Action	Comment	Timeframe
	administrative workload and eliminate the need for double handling of information. An Information & Communication Technology Manager will drive this critically important improvement process.	will be carried out in the first quarter of 2024.
Application of Artificial Intelligence (AI) processing of DAs.	<ul style="list-style-type: none">Councils such as Newcastle City Council are achieving reduced DA processing times due to the application of AI processing of less complex DAs. It is anticipated that Council will consider the application of AI as a component of its continual improvement programme.	To be considered in overall continual improvement programme and subject to budget allocation for purchase of software.

Community Satisfaction Survey

Muswellbrook Shire Council conducted a Community Satisfaction Survey in May 2023. The results of the survey were reported to Council and made publicly available at the 26 September 2023 Ordinary Council Meeting. The information below provides a progress report regarding actions arising from the Community Satisfaction Survey. The list is not intended to be comprehensive at this time but is intended to provide a suite of identified areas for continual improvement and some of the steps that will be taken to ensure improvement is sustained and embedded into the culture of the organisation. A more comprehensive report will be submitted for the consideration of Council in the second half of 2023-24.

Community Satisfaction Survey action plan:

Item	Action	Timeframe
Communication with the local community. <i>(This is a key driver of the community's overall satisfaction with Council. Council's efforts to communicate with residents contributes to over 34% of overall satisfaction with Council.)</i>	<ul style="list-style-type: none">Through a review of the organisational structure, Council's excellent Customer Service team will be transferred to the Community and Economy Directorate, where it is considered that support will be provided across the Directorate and Council to ensure consistency, quantity, and quality of communication provided to the public.Continue to involve residents in decision making through the holding of community drop-in sessions at targeted locations.Enhanced engagement through	Ongoing. Enhanced communication will always be a core focus of Council's continuous improvement endeavours.



Item	Action	Timeframe
	<p>Facebook and other media that provide dynamic, timely information to the community.</p> <ul style="list-style-type: none"> ▪ Bi-monthly digital newsletter. ▪ Mayor/GM community drop-in sessions. Ensure sessions are regularly held at alternative locations to facilitate diversity and quantity of interaction. ▪ Diversify methods of communication with the community, including understanding pockets of residents that do not engage with contemporary methods of communication. 	
<p>Responsiveness to the local community.</p> <p><i>(Telephone is by far the most common method to make first contact, followed by face-to-face, making up 70% of contacts.)</i></p>	<ul style="list-style-type: none"> ▪ Live community satisfaction survey provided at the Muswellbrook Administration Centre. ▪ Review of organisational structure has a strong focus on ensuring Council's Customer Experience team is adequately resourced and supported. ▪ Manex team and Managers' Group to regularly review community feedback in relation to communication and responsiveness. ▪ Mentoring of staff across the organisation to ensure certainty and timeliness of response to requests received from the community. ▪ Automation of systems to ensure email communication is appropriately responded to in a timely manner. 	<p>Ongoing.</p> <p>Enhanced responsiveness to the community will always be a core focus of Council's continuous improvement programme across all areas of Council.</p>
<p>Economic diversification and employment.</p> <p><i>(54% of residents stated a preference for Muswellbrook to diversify its economy.)</i></p>	<ul style="list-style-type: none"> ▪ Continue STEM education initiatives. ▪ Continue engagement with local schools regarding vocational opportunities and School-based traineeships. ▪ Continue to promote traineeships 	<p>Ongoing.</p> <p>Opportunities for economic growth and diversification, and promotion of local employment will continue to be a high priority for</p>



Item	Action	Timeframe
	<p>within Council's operations.</p> <ul style="list-style-type: none"> Continue community and industry engagement through the Hunter Innovation Precinct. Continue to develop and promote economic diversification and employment opportunities in the Shire. Continue advocacy across all relevant areas of Government to ensure Council's voice is heard in relation to opportunities for economic growth and diversification in Muswellbrook Shire. 	Council.
<p>Maintain current assets. (50% stated that they would prefer Council to focus more on maintaining current assets, while only 17% had a preference for providing new assets.)</p>	<ul style="list-style-type: none"> Business case/financial sustainability review to be developed for all anticipated new assets. Focus on grants for the provision of new assets. Ensure ongoing operational funding is available to depreciate and maintain proposed new assets. Continue advocacy for grant funding, and in particular Federal Assistance Grant funding, to assist with ensuring the financial sustainability of rural Councils. 	Annualised capital works programmes will maintain a core focus on asset renewals.
<p>The following service areas were identified in the Community Satisfaction Survey as areas of particular interest:</p>		
<p>Sealed roads.</p>	<ul style="list-style-type: none"> Council has funded an ambitious programme of resealing works in 2023-24. It is understood that regular resealing of sealed roads is a primary contributor to ensuring asset condition and longevity. Continue to seek grant funding opportunities for the upgrading of lesser-trafficked rural roads to a contemporary service standard, focusing on rural roads that facilitate the carriage of emergency service vehicles such as the Rural Fire Service. 	<p>In 2023-24, Council has funded an ambitious resealing programme.</p>



Item	Action	Timeframe
	<ul style="list-style-type: none">Continue enhanced level of road resealing and linemarking.Advocate for Increased Roads to Recovery annual funding.Regular pavement condition inspections will continue to be carried out. These inspections will assist to inform the priorities of Council's annual capital works programmes.	
Protection of the natural environment and wildlife.	<ul style="list-style-type: none">The community is generally satisfied with Council's level of service in this area.Continue focus on maintenance of urban natural areas, such as Tarinpa, Muscle Creek, and Hyde Park, as these are precious community assets.Works Natural Areas team is to be strengthened through the review of the organisational structure.Sustainability team to continue positive engagement with schools and community groups.Continue education programme in relation to the importance of preservation and maintenance of natural areas.	The draft catchment management plan for Muscle Creek and Possum Gully will be reported to Council in the second half of 2023-24.
Local festivals and events.	<ul style="list-style-type: none">The community is generally satisfied with Council's level of service in this area.Continue to seek grant funding opportunities for events.Continue to promote event sponsorship opportunities with local industry and business.Continue to update and provide an Annual Events Calendar to Council's Events Steering Committee.Continue engagement with the Hunter JO to ensure alignment of events and eliminate timing conflicts.	Annual calendar of events is submitted to Council's Events Steering Committee.



Item	Action	Timeframe
	<ul style="list-style-type: none">Continue engagement with the Upper Hunter Country Tourism group.	
Parking facilities.	<ul style="list-style-type: none">Additional parking is to be included in the development of the Civic Precinct between Brook St and Hill St, Muswellbrook. This will be informed by a review of the parking strategy for this precinct.Denman car parking is to be enhanced through the continuing development of car parking in the Denman CBD.Annualised renewal programmes will continue to enhance the condition of car parks in Muswellbrook and Denman.	Capital works programmes will be reported to Council on an annual basis.
Waste and recycling.	<ul style="list-style-type: none">Council will commence the kerbside collection of Food Organics Garden Organics (FOGO) from 1 July 2024.Continue public communication and engagement programme.Provide monthly FOGO communication and education update reports to Council.	Council will commence the kerbside collection of FOGO from 1 July 2024.
Public toilets.	<ul style="list-style-type: none">Carry out detailed design of a 'Changing Places' facility at Simpson Park, Muswellbrook, that will enable Council to seek grant funding for construction.Carry out a Service Delivery Review of public toilets in Muswellbrook Shire.	Subject to funding availability, the design of a changing places facility for Simpson Park will be carried out in 2024-25.
Stormwater drainage.	<ul style="list-style-type: none">Grant funding has been provided for major stormwater improvement works at Merton Street, Denman.Stormwater drainage management and appropriate mitigation treatments will continue to be a core focus of the engineering assessment of new developments.	The draft Muscle Creek and Possum Gully catchment management plan will be reported to Council in the second half of 2023-24.



Item	Action	Timeframe
	<ul style="list-style-type: none">▪ The appropriate management of stormwater will continue to be a core focus of Council projects.▪ Council is currently carrying out a catchment management plan for the Muswellbrook and Possum Gully drainage systems.	
Dog control.	<ul style="list-style-type: none">▪ Council has recently opened a new animal care facility at Sydney Street, Muswellbrook. The new facility provides a space for Council staff to commence programmes for responsible dog ownership.▪ A new Senior Ranger has recently been appointed.▪ Council will continue to ensure its engagement with the community is courteous and diligent.▪ Regular social media updates are provided in relation to activities at the animal care facility.	Responsible dog ownership programmes will be initiated as funding allows.
Services for senior citizens.	<ul style="list-style-type: none">▪ Council will continue to regularly conduct and promote events that are aimed at engaging with senior citizens in the community.▪ Seek grant funding that promotes events and activities for senior citizens.▪ Continue planning and construction of shared pathway linkages that enhance connectivity for residents of supported care facilities.▪ Carry out engagement with the Senior Citizens' Committee.▪ Continue to assist with the provision of a Transcare service located in Muswellbrook Shire.	Council's annual Calendar of Events will include events for senior citizens.
Water supply.	<ul style="list-style-type: none">▪ Council will continue its ambitious programme of replacing older water mains in Muswellbrook, Denman, and Sandy Hollow.▪ Council continues to progress towards construction of a potable	Depending on the provision of grant funding, it is anticipated that construction of the Denman to Sandy



Item	Action	Timeframe
	<p>water pipeline between Denman and Sandy Hollow. This work will include an upgrade of the Denman water treatment plant.</p> <ul style="list-style-type: none">▪ Continue investigation regarding the location of a new Muswellbrook water treatment plant.▪ Continue to seek grant funding opportunities for a second south Muswellbrook water main.▪ Continue critical water valves installation programme.▪ Continue proactive exercising of water valves programme.	<p>Hollow water pipeline project will commence in the fourth quarter of 2023-24.</p>
Cleanliness of streets.	<ul style="list-style-type: none">▪ Continue street sweeping and high pressure cleaning of CBD streets and specific sites.▪ Continue dedicated CDB enhancement work at Muswellbrook and Denman.▪ Extend service to provide a more regular enhancement service for Sandy Hollow.	<p>Consider purchase of street sweeping unit in 2023-24 Large Plant Replacement Programme.</p>

Potential staff reorganisation

A fully consultative review of the structure of the organisation has been carried out. This has included meetings with teams and individuals across Council. Two Councillor workshops have been conducted in relation to the review of the organisational structure, and a report was provided for the consideration of Council at the 24 October 2023 Ordinary Council Meeting.

A further report regarding the review of the organisational structure will be submitted to the 28 November 2023 Ordinary Council Meeting.

OPTIONS

The report is submitted for the information of Council.

CONCLUSION

Council notes the information included in the report.

SOCIAL IMPLICATIONS

Council's continuous improvement endeavours across a broad range of services will enhance the liveability of Muswellbrook Shire and will contribute towards improved social cohesion in the community.

FINANCIAL IMPLICATIONS



There are no financial implications in the provision of this report.
Projects identified will be the subject of discrete future reports.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

The submission of this report considers the entirety of Council's Operational Plan.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

**10.4.7. September 2023 Quarterly Budget Review**

Attachments:	1. Sep 23 QB R- attachment [10.4.7.1 - 9 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Josh Hogan - Acting Chief Financial Officer
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

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 September 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 September Budget Review Statement for Muswellbrook Shire Council for the quarter ended 30 September 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 20/11/2023

Responsible Accounting Officer, Muswellbrook Shire Council

REPORT

Financial Performance Overview

The Muswellbrook Shire Council consolidated result for the September 2023 Quarterly Budget Review operating result shows no net change from the original budget and carryovers. The net operating result for separate Funds of Council is also balanced. Offsets have been identified for any unfavourable variances. Overall, there is net additional cash surplus of \$123,740 due to add back of variation in depreciation for the same amount. The surplus is attributed to the water and sewer fund.

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

The General Fund break-even original budget result shows no net change in the September Quarterly Budget Review, but this includes significant reductions in materials and contracts expenditure to fund critical positions identified in the organisational restructure. There is also expected increase of RTA grants and related expenditure.

September QBR revenue projections of \$46.43M show a favourable variance of \$0.84M against the original budget (\$45.59M). This is primarily the net effect of additional roads contract work with Transport for NSW (887k, offset by additional expenses).

Conversely, September QBR General Fund expense projections of \$48.00M show an unfavourable variance of \$0.84M against the original budget of \$47.16M due to the net effect of additional roads contract work with Transport for NSW and additional expenses of \$150k for Authority - Content manager data migration. There is also projected increase in legal expenses for \$239k, which is being closely monitored.

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 original budget estimates. Additional depreciation of \$65k (non-cash) has been offset by decrease in materials and contracts. As a result, there is a cash surplus of 65k.

Water consumption across the region will be closely monitored and the related revenue projections will be updated in the December Budget Review.



Sewer Fund

The Sewer Fund also shows no net change from the original budget estimates. Increases in depreciation costs of \$58k have been offset by savings in materials and contracts.

Future Fund

The Future Fund September QBR \$2.13M surplus shows no net change compared to the original budgets. Increase in material costs have been offset by expected increase in lease rentals.

Budget Review for the Quarter Ended 30 September 2023



Income & Expenses - Consolidated

All figures are in \$'000's	Original Budgets 2023-24	Carryovers	Revised Budget 2023-24	Recommended changes for Council Resolution	Projected Year end Results	Actual YTD *
Revenue						
<i>Rates and Annual Charges</i>	35,000,283	-	35,000,283	-	35,000,283	33,472,364
<i>User Charges and Fees</i>	18,689,984	-	18,689,984	954,796	19,644,780	5,802,946
<i>Interest and Investment Revenue</i>	1,027,844	-	1,027,844	7,150	1,034,994	428,191
<i>Other Revenues</i>	2,485,983	-	2,485,983	(1,796)	2,484,187	800,755
<i>Grants & Contributions - Operating</i>	7,404,976	120,250	7,525,226	(180,570)	7,344,656	1,136,736
<i>Internal Revenue**</i>	3,191,858	1,450,328	4,642,186	150,400	4,792,586	1,639,776
Total Income from continuing operations	67,800,928	1,570,578	69,371,506	929,980	70,301,486	43,280,768
Expenses						
<i>Employee costs</i>	17,030,397	104,670	17,135,067	157,110	17,292,176	5,144,689
<i>Materials & Contracts</i>	18,568,266	1,389,453	19,957,719	424,333	20,382,052	5,535,183
<i>Borrowing Costs</i>	2,575,718	-	2,575,718	0	2,575,718	414,037
<i>Depreciation</i>	15,582,778	-	15,582,778	123,740	15,706,518	4,874,472
<i>Overheads</i>	4,858,069	-	4,858,069	0	4,858,069	1,596,516
<i>Other Expenses</i>	7,054,559	76,455	7,131,014	224,798	7,355,811	2,919,405
Total Expenses from continuing operations	65,669,786	1,570,578	67,240,364	929,980	68,170,344	20,484,303
Net Operating Result from continuing operations	2,131,141	-	2,131,141	-	2,131,141	22,796,465

Reconciliation to Cash Budget

Net Operating Result, excluding depreciation	17,713,919	-	17,713,919	123,740	17,837,659
Minus Budget Items not Included in Income Statement:					
<i>Capital Expenditure and Purchases</i>	36,946,860	30,128,458	67,075,318	3,520,619	70,595,937
<i>Contribution from General Fund to Future Fund</i>	1,300,000	-	1,300,000	-	1,300,000
<i>Loan Principal Repayments</i>	5,370,260	-	5,370,260	-	5,370,260
Sub-Total	43,617,120	30,128,458	73,745,578	3,520,619	77,266,197
Plus:					
<i>Grants and Contributions - Capital</i>	22,924,345	13,027,241	35,951,586	2,031,619	37,983,205
Cash Surplus/(Deficit)	(2,978,856)	(17,101,217)	(20,080,073)	(1,365,260)	(21,445,333)
Funded by:					
Borrowings		1,611,335	1,611,335	-	1,611,335
Transfers from Reserves	1,678,856	15,489,882	17,168,738	1,489,000	18,657,738
General Fund Contribution to Future Fund	1,300,000	-	1,300,000	-	1,300,000
Sub-Total	2,978,856	17,101,217	20,080,073	1,489,000	21,569,073
Total Capital Funding	43,617,120	30,128,458	73,745,578	3,644,359	77,389,937
Cash Surplus/(Deficit)	-	-	-	123,740	123,740

Budget Review for the Quarter Ended 30 September 2023

Provisional and contingent items identified but not yet Included in the figures above.

Capital project variations

Legal liabilities (up to \$1M)

Notes:

ORIGINAL Budget +/- approved budget changes in previous quarters = REVISED Budget

REVISED Budget +/- recommended changes this quarter = PROJECTED year end result

* Year to Date at 31 October 2023

** Internal Revenue includes internal recoveries and transfers from reserves

Budget Review for the Quarter Ended 30 September 2023

Capital Budget Review Additions



Program	Sep QBR changes	Funding From		Remarks-funding
		Reserves	Grants & Contributions	
Muscle Creek Catchment Strategy	150,000	- 150,000		Natural Disaster Reserve
Purchase Paxton St Denman	439,000	- 439,000		Road Contingency Reserve
General Rec Program - Victoria Park Amenities	70,000		- 70,000	Contribution from Soccer Club
RFS Kayuga - increase to match \$1M funding.	362,160		- 362,160	RFS Grant funded
General Recreation Program (remove budget and reallocate to th	100,000			
Simpson Park	- 89,814			Simpson Park
Large Capital Grants program	- 10,186			Large Capital Grants program
Merton Street Project (top up current budget \$1,409,735)	1,177,000		- 1,177,000	Disaster Ready Funding
Flood Warning Systems	100,000		- 100,000	Dept of Planning and Environment Grant
Turtle St Denman shared path	322,459		- 322,459	Get NSW Active Program
Solar Array Capital Project (Project funding reduced)	- 1,100,000	1,100,000		s64 Sewer Reserves
Replacement of Sewer Pump Station 1	2,000,000	- 2,000,000		s64 Sewer Reserves

Total	3,520,619	-	1,489,000	-	2,031,619
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Budget Review for the Quarter Ended 30 September 2023

Budget 2023/24 - Capital Estimates



\$000s	2023-24 Budget	2023-24 Carry-Overs	2023/24 Budget Total (Incl C/O)	Sept 2023 QBR Changes	Sept 2023 QBR
Cash Result - Operating	(17,714)	-	(17,714)	-	(17,714)
Contribution to Future Fund from General Fund	(1,300)	-	(1,300)	-	(1,300)
Contributions	(30)	(1,208)	(1,238)	(70)	(1,308)
Grants	(22,894)	(11,819)	(34,714)	(1,962)	(36,675)
Loans	-	(1,611)	(1,611)	-	(1,611)
Reserves - Transfer from	(2,172)	(15,490)	(17,662)	(1,489)	(19,151)
Capital Funding Total	(44,110)	(30,128)	(74,239)	(3,521)	(77,759)
Expenditure					
Contribution to Future Fund from General Fund	1,300	-	1,300	-	1,300
Expenditure - New Assets	26,159	18,422	44,581	224	44,804
Expenditure - Renewals	10,788	11,706	22,495	3,297	25,792
Investment purchases	-	-	-	-	-
Loan Principal Repayments	5,370	-	5,370	-	5,370
Reserves - Transfer to	493	-	493	-	493
Expenditure Total	44,110	30,128	74,239	3,521	77,759
Total	-	-	-	-	-

Budget Review for the Quarter Ended 30 September 2023



Budget 2023/24 - Reserve Estimates

		2023/2024 Original Budget		Carryovers		Sep 2023 Review		Projected Balance 30 June 2023
	Balance as at 1 July 2023	Transfer From	Transfer To	Transfer From	Transf er To	Transfer to	Transfer From	
Externally Restricted								
General Fund	Developer Contributions	1,763	-	-	-	-	-	1,763
General Fund	Domestic Waste	1,027	-	-	-	-	-	1,027
General Fund	Unexpended Grants (G)	13,500	-	-	(7,502)	-	-	5,998
General Fund	Unexpended Loan	30	-	-	(30)	-	-	-
General Fund	VPA's	3,027	-	-	(1,705)	-	-	1,322
Sewer Fund	Developer Contributions	4,252	-	-	(1,745)	-	(900)	1,607
Sewer Fund	Sewer	1,950	-	188	(254)	-	-	1,884
Water Fund	Developer Contributions	8,725	-	-	-	-	-	8,725
Water Fund	Water	4,517	-	55	(525)	-	-	4,047
Externally Restricted Total		38,791	-	243	-11,761	-	-900	26,373
Internally Restricted								
Future Fund	Future Fund	1,565	-	-	(223)	-	-	1,342
General Fund	Asset Replacement	1,987	-	-	(458)	-	(439)	1,090
General Fund	Carryover Works	2,149	-	-	(2,149)	-	-	-
General Fund	Deposits, Retentions and Bonds	5,473	-	-	-	-	-	5,473
General Fund	Drainage	143	-	-	-	-	-	143
General Fund	Economic Development	965	-	-	(239)	-	-	726
General Fund	Employee Leave Entitlements	654	-	-	-	-	-	654
General Fund	Financial Assistance Grant	4,506	-	-	-	-	(4,506)	-
General Fund	Insurances	40	-	-	-	-	-	40

Budget Review for the Quarter Ended 30 September 2023

General Fund	Mine Affected Roads	2,353	-	-	-	-	-	-	2,353
General Fund	Natural Disaster - Flood	882	-	-	(153)	-	-	(150)	579
General Fund	Other	220	-	-	(48)	-	-	-	172
General Fund	Other Legal	1,050	-	-	-	-	-	-	1,050
General Fund	Plant Replacement	2,187	-	-	(648)	-	-	-	1,539
General Fund	Projects	430	-	-	-	-	-	-	430
General Fund	Renewable Energy	363	-	50	-	-	-	-	413
General Fund	Risk Management	78	-	-	-	-	-	-	78
General Fund	SRV	3,020	(1,496)	1,496	(2,262)	-	-	-	758
General Fund	Stormwater	1,189	-	-	-	-	-	-	1,189
General Fund	Waste Management	6,058	(476)	600	(210)	-	-	-	5,972
Internally Restricted Total		35,312	(1,972)	2,146	(6,390)	-	-	(5,095)	24,001
General Fund	General Fund	25	-	-	-	-	-	-	25
Total		74,128	(1,972)	2,389	(18,151)	-	-	(5,995)	50,399



Contract, Consultancy and Legal Disclosures

Contractor	Contract detail & purpose	Contract value	Commencement date	Duration of contract	Budgeted (Y/N)
Austek Constructions Pty Ltd t/as Austek Play	Upgrade of Equipment and Facilities at Simpson Park, Muswellbrook	\$228,706.71 (Excl. GST)	24/07/23	Until final certificate is issued	Y
Shay Brennan Construction Pty Ltd	RFS Kayuga Fire Station Design and Construction	\$722,727.00 (Excl. GST)	26/09/23	Until final certificate is issued	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
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)

PART B - Consultancy and Legal expenses

Consultancy and Legal expenses

Expense	Expenditure YTD	Budgeted (Y/N)
Consultancies	\$58,878	Y
Legal Fees	\$288,648	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:

Where any expenses for Consultancy or Legal fees (including Code of Conduct expenses) have not been budgeted for, an explanation is to be given. Report on external expenses only (not internal expenses).

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.

Budget Review for the Quarter Ended 30 September 2023

September Budget Review 2023 - Operating Budget by Fund

Fund General Fund



Row Labels	2023/24 YTD Actuals	2023/24 Total Budget	2023/24 Carryovers	2023/24 Total Budget + Carryovers	2023/24 Sep QBR Changes	2023/24 Sep QBR Total
Revenue	(29,316,662)	(45,591,970)	(1,570,578)	(47,162,548)	(838,269)	(48,000,817)
User Charges and Fees	(1,330,856)	(6,027,304)	0	(6,027,304)	(863,085)	(6,890,389)
Rates and Charges	(25,140,222)	(25,971,445)	0	(25,971,445)	0	(25,971,445)
Other Revenues	(596,632)	(2,485,983)	0	(2,485,983)	1,796	(2,484,187)
Operating Grants and Cont	(810,693)	(7,329,760)	(120,250)	(7,450,010)	180,570	(7,269,440)
Internal Revenue	(1,197,387)	(3,062,078)	(1,450,328)	(4,512,406)	(150,400)	(4,662,806)
Interest and Investments R	(240,872)	(715,400)	0	(715,400)	(7,150)	(722,550)
Expenses	10,249,213	45,591,970	1,570,578	47,162,548	838,269	48,000,817
Wages and Salaries	3,012,140	14,475,869	104,670	14,580,539	155,461	14,736,000
Overheads	580,614	2,390,978	0	2,390,978	0	2,390,978
Other Costs	1,690,869	4,666,748	76,455	4,743,203	221,360	4,964,563
Materials and Contracts	2,556,739	13,037,725	1,389,453	14,427,178	461,449	14,888,627
Depreciation	2,391,397	10,409,773	0	10,409,773	0	10,409,773
Borrowing Costs	17,454	610,877	0	610,877	0	610,877
Grand Total	(19,067,449)	0	0	0	0	0

Fund Sewer Fund

Row Labels	2023/24 YTD Actuals	2023/24 Total Budget	2023/24 Carryovers	2023/24 Total Budget + Carryovers	2023/24 Sep QBR Changes	2023/24 Sep QBR Total
Revenue	(6,173,826)	(7,335,174)	0	(7,335,174)	0	(7,335,174)
User Charges and Fees	(80,358)	(536,148)	0	(536,148)	0	(536,148)
Rates and Charges	(6,066,436)	(6,663,892)	0	(6,663,892)	0	(6,663,892)
Operating Grants and Cont	0	(37,690)	0	(37,690)	0	(37,690)
Interest and Investments R	(27,032)	(97,444)	0	(97,444)	0	(97,444)
Expenses	1,769,999	7,278,216	0	7,278,216	0	7,278,216
Wages and Salaries	242,487	910,025	0	910,025	(4)	910,021
Overheads	238,185	952,740	0	952,740	0	952,740
Other Costs	180,246	796,883	0	796,883	4	796,887
Materials and Contracts	397,518	1,697,038	0	1,697,038	(58,740)	1,638,298
Depreciation	555,765	2,281,530	0	2,281,530	58,740	2,340,270
Borrowing Costs	155,798	640,000	0	640,000	0	640,000
Grand Total	(4,403,827)	(56,958)	0	(56,958)	0	(56,958)

Budget Review for the Quarter Ended 30 September 2023

Fund **Water Fund**

Row Labels	2023/24 YTD Actuals	2023/24 Total Budget	2023/24 Carryovers	2023/24 Total Budget + Carryovers	2023/24 Sep QBR Changes	2023/24 Sep QBR Total
Revenue	(3,344,649)	(7,610,742)		(7,610,742)	0	(7,610,742)
User Charges and Fees	(1,049,164)	(4,993,270)		(4,993,270)	0	(4,993,270)
Rates and Charges	(2,237,106)	(2,364,946)		(2,364,946)	0	(2,364,946)
Operating Grants and Cont	0	(37,526)		(37,526)	0	(37,526)
Internal Revenue	0	0		0	0	0
Interest and Investments R	(58,379)	(215,000)		(215,000)	0	(215,000)
Expenses	1,525,270	7,610,742	0	7,610,742	0	7,610,742
Wages and Salaries	227,827	1,390,606		1,390,606	0	1,390,606
Overheads	289,425	1,157,698		1,157,698	0	1,157,698
Other Costs	89,063	527,498		527,498	210	527,708
Materials and Contracts	409,006	2,410,465	0	2,410,465	(65,210)	2,345,255
Depreciation	509,949	2,110,475		2,110,475	65,000	2,175,475
Borrowing Costs	0	14,000		14,000	0	14,000
Grand Total	(1,819,379)	0	0	0	0	0

Fund **Future Fund**

Row Labels	2023/24 YTD Actuals	2023/24 Total Budget	2023/24 Carryovers	2023/24 Total Budget + Carryovers	2023/24 Sep QBR Changes	2023/24 Sep QBR Total
Revenue	(2,193,153)	(7,263,042)	0	(7,263,042)	(91,711)	(7,354,753)
User Charges and Fees	(2,160,708)	(7,133,262)	0	(7,133,262)	(91,711)	(7,224,973)
Other Revenues	0	0		0	0	0
Internal Revenue	(32,445)	(129,780)		(129,780)	0	(129,780)
Expenses	1,367,764	5,128,901	0	5,128,901	91,711	5,220,612
Wages and Salaries	77,464	253,897		253,897	1,653	255,550
Overheads	89,163	356,653		356,653	0	356,653
Other Costs	501,606	1,063,429	0	1,063,429	3,224	1,066,653
Materials and Contracts	335,499	1,363,080		1,363,080	86,834	1,449,914
Depreciation	195,252	781,000		781,000	0	781,000
Borrowing Costs	168,780	1,310,841		1,310,841	0	1,310,841
Grand Total	(825,389)	(2,134,141)	0	(2,134,141)	0	(2,134,141)

**10.4.8. Report on Investments held as at 31 October 2023**

Attachments:	1. Portfolio Valuation Report - 31 October 2023 [10.4.8.1 - 3 pages]
	2. Trading Limit Report - 31 October 2023 [10.4.8.2 - 8 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Mandy Fitzgerald (Senior Financial Accountant)
Community Plan Issue:	6 - <i>Community Leadership</i>
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 submit for Council's information the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

Council NOTES Council's Investments as at 31 October 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 1993*, as at 31 October 2023, are shown in the attachments.

COMMENT:

As at 31 October 2023, Council held \$79.79M in cash and investments, with a weighted running yield of 4.63%.

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 the Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	Westpac Bus Prem At Call		4,049,652.14	1.00000000	4,049,652.14	100.000	0.000	4,049,652.14	5.01%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.12%	0.34%	
			4,149,652.14		4,149,652.14			4,149,652.14	5.14%		0.34%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	97.085	0.257	2,433,550.00	3.01%	1.68%	
	JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	98.670	0.615	496,425.00	0.61%	6.44%	
	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	0.416	2,008,320.00	2.49%	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	0.416	1,506,240.00	1.87%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	97.583	0.468	1,961,020.00	2.43%	1.80%	
			8,500,000.00		8,500,000.00			8,405,555.00	10.41%		1.75%
Floating Rate Note											
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.941	0.507	1,506,720.00	1.87%	4.75%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.359	1.325	1,016,840.00	1.26%	5.69%	
	Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.090	0.662	2,015,040.00	2.50%	5.62%	
	BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	1,500,000.00	1.00000000	1,500,000.00	100.203	1.092	1,519,425.00	1.88%	5.65%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.112	0.186	1,002,980.00	1.24%	5.22%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.201	0.015	501,080.00	0.62%	5.44%	
	CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	5,000,000.00	1.00000000	5,000,000.00	100.471	1.325	5,089,800.00	6.30%	5.78%	
	CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	99.979	0.656	1,761,112.50	2.18%	5.84%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.372	0.631	3,000,090.00	3.71%	4.61%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.299	0.562	2,995,830.00	3.71%	4.77%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.891	1.280	5,564,405.00	6.89%	5.31%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.912	0.523	1,506,525.00	1.87%	4.90%	
	Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.301	0.885	2,023,720.00	2.51%	5.87%	
	Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	99.979	0.680	3,019,770.00	3.74%	5.77%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.800	0.014	1,646,931.00	2.04%	5.13%	
	UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	101.101	1.222	4,092,920.00	5.07%	5.63%	
			37,900,000.00		37,900,000.00			38,263,188.50	47.38%		5.40%
Term Deposit											
	AMP 4.55 30 Nov 2023 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	4.176	1,041,760.27	1.29%	4.55%	
	AMP 5.75 12 Jul 2024 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.733	1,017,328.77	1.26%	5.75%	
	AMP 5.75 21 Jan 2025 550DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.607	1,270,085.61	1.57%	5.75%	
	AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.023	4,080,909.60	5.05%	5.35%	
	AUBANK 5.35 31 Jul 2024 365DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	1.334	5,066,691.80	6.27%	5.35%	
	BOQ 5.5 28 Jun 2024 365DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.868	3,056,054.79	3.78%	5.50%	

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
BOQ 4.9 01 Oct 2025 761DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.805	3,024,164.37	3.74%	4.90%	
BVIC 4.65 11 Jan 2024 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	3.733	4,149,309.60	5.14%	4.65%	
JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	4.495	4,179,780.84	5.18%	4.25%	
JUDO 5.7 06 Jan 2025 557DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.936	2,038,728.76	2.52%	5.70%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.733	1,017,334.25	1.26%	5.70%	
		29,250,000.00		29,250,000.00			29,942,148.66	37.08%		5.11%
Fixed Interest Total		79,799,652.14		79,799,652.14			80,760,544.30	100.00%		4.63%

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Report Code: TBSBP100EXT-01.19
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-		7,250,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	91.00	9.00	729,965	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,799,652.14	23,939,895.64	0.00	100.00	23,939,896	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	63.00	37.00	2,979,965	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	56.00	44.00	3,479,965	0.00	0
Bank Australia Limited	BBB+ to BBB-		1,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	19.00	81.00	6,479,965	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	4,149,652.14	Book	30.00	% of 79,799,652.14	23,939,895.64	17.00	83.00	19,790,244	0.00	0
Bank of Queensland Ltd	A+ to A-		7,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	94.00	6.00	479,965	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	4,149,652.14	Book	30.00	% of 79,799,652.14	23,939,895.64	17.00	83.00	19,790,244	0.00	0
BankVic	BBB+ to BBB-		4,000,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	50.00	50.00	3,979,965	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 79,799,652.14	23,939,895.64	0.00	100.00	23,939,896	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		2,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	31.00	69.00	5,479,965	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,799,652.14	23,939,895.64	0.00	100.00	23,939,896	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 79,799,652.14	15,959,930.43	0.00	100.00	15,959,930	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	63.00	37.00	2,979,965	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 79,799,652.14	7,979,965.21	69.00	31.00	2,479,965	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	22.00	78.00	6,229,965	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
Judo Bank	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	94.00	6.00	479,965	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 79,799,652.14	15,959,930.43	19.00	81.00	12,959,930	0.00	0
ME Bank - a division of Bank of Queensland Ltd	A+ to A-	Bank of Queensland Ltd	7,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	94.00	6.00	479,965	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	38.00	62.00	4,979,965	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,799,652.14	23,939,895.64	0.00	100.00	23,939,896	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	69.00	31.00	2,479,965	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 79,799,652.14	23,939,895.64	15.00	85.00	20,439,896	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 79,799,652.14	79,799,652.14	0.00	100.00	79,799,652	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
QPCU LTD t/a QBANK	BBB+ to BBB-		6,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	82.00	18.00	1,479,965	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 79,799,652.14	15,959,930.43	0.00	100.00	15,959,930	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 79,799,652.14	15,959,930.43	0.00	100.00	15,959,930	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 79,799,652.14	3,989,982.61	0.00	100.00	3,989,983	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	2,500,000.00	Book	10.00	% of 79,799,652.14	7,979,965.21	31.00	69.00	5,479,965	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	4,149,652.14	Book	30.00	% of 79,799,652.14	23,939,895.64	17.00	83.00	19,790,244	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 79,799,652.14	15,959,930.43	13.00	87.00	13,959,930	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 79,799,652.14	15,959,930.43	35.00	65.00	10,309,930	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		4,149,652.14	Book	30.00	% of 79,799,652.14	23,939,895.64	17.00	83.00	19,790,244	0.00	0
			107,748,608.56				570,567,512.80			462,818,901		0
			(Excluding Parent Group Duplicates)				79,799,652.14					

2 Security Rating Group Trading Limits

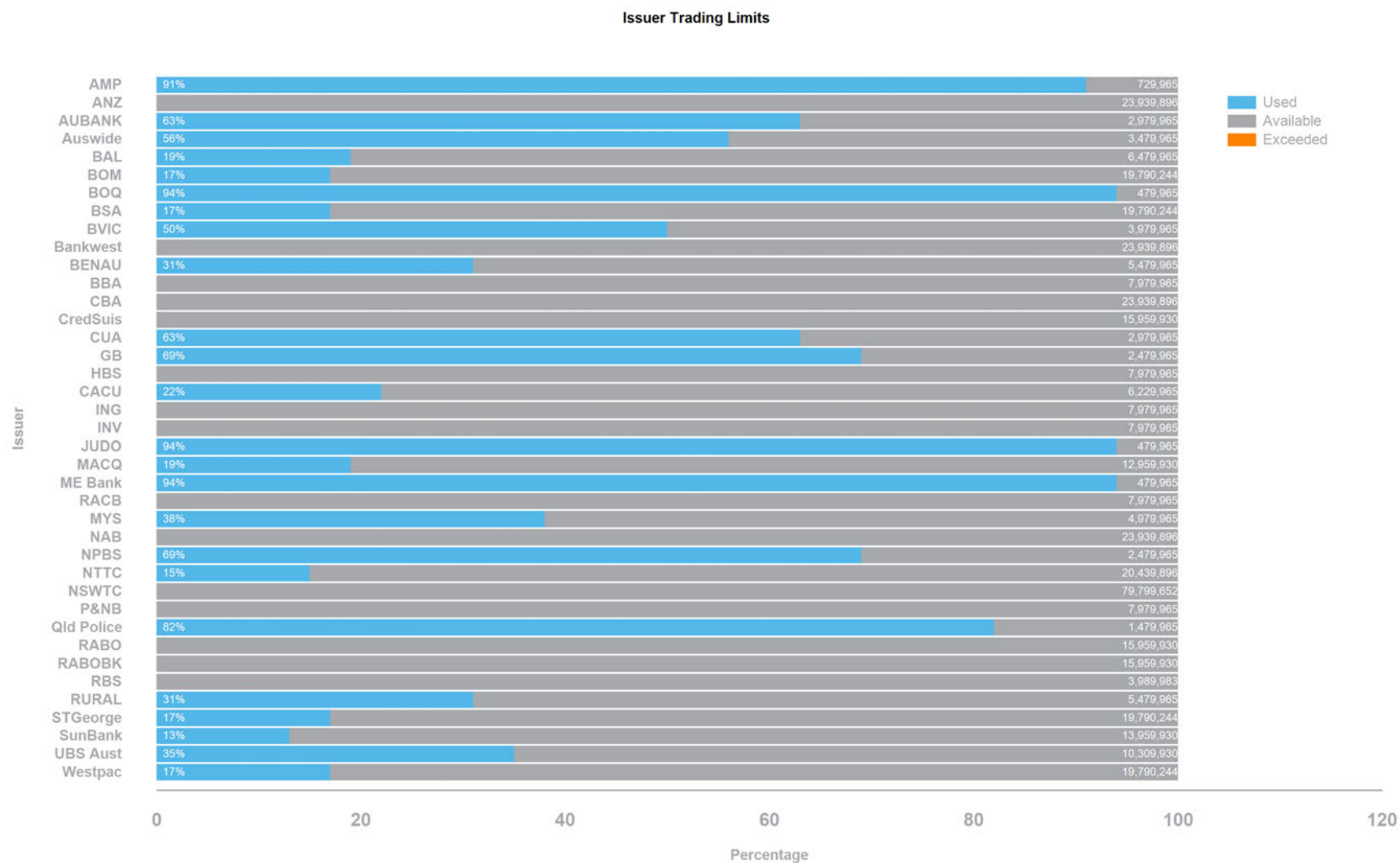
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 79,799,652.14	79,799,652.14	0.00	100.00	79,799,652	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 79,799,652.14	79,799,652.14	4.00	96.00	76,299,652	0.00	0
A+ to A-	12,150,000.00	Book	70.00	% of 79,799,652.14	55,859,756.50	22.00	78.00	43,709,757	0.00	0
A1+	4,149,652.14	Book	100.00	% of 79,799,652.14	79,799,652.14	5.00	95.00	75,650,000	0.00	0
A1	2,000,000.00	Book	100.00	% of 79,799,652.14	79,799,652.14	3.00	97.00	77,799,652	0.00	0
A2	19,000,000.00	Book	70.00	% of 79,799,652.14	55,859,756.50	34.00	66.00	36,859,757	0.00	0
A3	5,500,000.00	Book	60.00	% of 79,799,652.14	47,879,791.28	11.00	89.00	42,379,791	0.00	0
BBB+ to BBB-	33,500,000.00	Book	60.00	% of 79,799,652.14	47,879,791.28	70.00	30.00	14,379,791	0.00	0
	79,799,652.14				526,677,704.12			446,878,052		0

Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	31,149,652.14	Book	100.00	% of 79,799,652.14	79,799,652.14	39.00	61.00	48,650,000	0.00	0
1-3 Year	38,150,000.00	Book	70.00	% of 79,799,652.14	55,859,756.50	68.00	32.00	17,709,757	0.00	0
3-5 Year	10,500,000.00	Book	40.00	% of 79,799,652.14	31,919,860.86	33.00	67.00	21,419,861	0.00	0
5+ Year	0.00	Book	10.00	% of 79,799,652.14	7,979,965.21	0.00	100.00	7,979,965	0.00	0
	79,799,652.14				175,559,234.71			95,759,583		0







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Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 October 2023
Balance Date: 3 November 2023 (but 31 Oct 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

**10.4.9. Monthly Financial Report - October 2023**

Attachments:	1. Monthly Council Report October 2023 [10.4.9.1 - 11 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Mandy Fitzgerald (Senior Financial Accountant), Manav Sharma (Finance Business Partner)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide 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 31 October 2023.

OFFICER'S RECOMMENDATION

Council NOTES the Financial Reports for the month ending 31 October 2023.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the October 2023 details of:

- Monthly & Year To Date operating performance by Fund.
- Project Spend.
- Details of Current Loans.
- Outstanding Debtor Balances.

Overview

The October period is presenting expected outcomes. The rates were levied in full in July and this program will continue to show a favourable result throughout the year. The Insurance and Rates are paid in full at the start of the year and, as a result, Other Costs in most funds will show an unfavourable result in October and throughout most of the year.

End of financial year processing is nearing completion. Year-end adjustments, including revaluations and reserves balancing, are still being processed.

**Material Exceptions:****General Fund**

- **Revenue:**
 - Rates are levied and recognised in July each year, which results in a favourable variance against Budget throughout most of the year. Total revenue is \$30.81m against YTD budget of \$15.75m, with rates and charges a major contributor.
- **Expenses:**
 - Other Costs shows an unfavourable variance of \$0.43m due to rates and insurances being paid in full in July and August.
 - YTD Legal Expenses of \$432k show an unfavourable variance against budget, at 49% of full-year budget. This is being closely monitored.
 - Overall, the expenses have favourable variance of \$1.24m (\$14.50m actual vs YTD budget of \$15.75m).

Water Fund

- Rates are levied and recognised in July each year.
- User Charges shows an unfavourable variance, due to four monthly water billing cycle of water. The charges are expected to be par in next billing cycle in Feb 2024.
- Expenses have favourable variance of \$0.45m.

Sewer Fund

- Overall, sewer costs show a favourable variance against budget of \$0.20m.
- Revenue is favourable by \$3.79m, as rates are levied at the start of the year.

Future Fund

- **Revenue:**
 - Total revenue shows a favourable variance of \$0.32m.
- **Expenses:**
 - Overall, total expenses have now favourable variance of \$0.04m. The other costs have unfavourable variance of \$0.20m mainly due to the full payment of Rates and Insurances.

Capital Projects

Year To Date capital spend is \$6.63M, which equates to 9% of the total Capital Budget.

Muswellbrook Shire Council

Financial Report - October 2023



Council Consolidated								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$33,472,362	\$11,666,761	\$21,805,601	187%	\$35,000,283	\$35,000,283	96%	
User Charges and Fees	\$5,802,914	\$6,230,090	(\$427,176)	-7%	\$18,689,982	\$18,690,270	31%	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. * Overall revenue is at 62% of the FY Budget.
Interest and Investments Revenues	\$428,190	\$344,665	\$83,525	24%	\$1,027,844	\$1,033,994	41%	
Other Revenues	\$800,766	\$828,661	(\$27,895)	-3%	\$2,485,983	\$2,485,983	32%	
Operating Grants and Contributions	\$1,136,733	\$2,535,434	(\$1,398,701)	-55%	\$7,525,226	\$7,606,301	15%	See individual funds for commentary specific to that fund
Internal Revenue	\$1,639,776	\$1,547,395	\$92,381	6%	\$4,642,186	\$4,642,186	35%	
Total Revenue	\$43,280,741	\$23,153,006	\$20,127,735	87%	\$69,371,504	\$69,459,017	62%	
Expenses								
Wages and Salaries	\$5,148,716	\$5,686,023	\$537,307	9%	\$17,135,068	\$17,058,068	30%	
Materials and Contracts	\$5,534,925	\$6,686,029	\$1,151,104	17%	\$19,900,761	\$20,058,088	28%	Other costs are at 41% against FY budget. Rates(\$0.33m) and Insurances(\$1.05m) are paid at the start of the year.
Other Costs	\$2,919,304	\$2,379,400	(\$539,904)	-23%	\$7,131,015	\$7,138,201	41%	
Borrowing Costs	\$414,032	\$858,573	\$444,541	52%	\$2,575,718	\$2,575,718	16%	
Overheads	\$1,596,516	\$1,619,356	\$22,840	1%	\$4,858,069	\$4,858,069	33%	See individual funds for commentary specific to that fund
Depreciation	\$4,874,472	\$5,193,259	\$318,787	6%	\$15,579,778	\$15,579,778	31%	
Total Expenses	\$20,487,965	\$22,422,641	\$1,934,676	9%	\$67,180,409	\$67,267,922	30%	
Result	\$22,792,776	\$730,365	\$22,062,411		\$2,191,095	\$2,191,095		

Muswellbrook Shire Council

Financial Report - October 2023



General Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$25,144,995	\$8,657,148	\$16,487,847	190%	\$25,971,445	\$25,971,445	97%	Revenue commentary will focus on material exceptions and concerns * Rates are levied and recognised in July.
User Charges and Fees	\$1,821,015	\$2,009,197	(\$188,182)	-9%	\$6,027,304	\$6,027,592	30%	
Interest and Investments Revenues	\$312,259	\$240,517	\$71,742	30%	\$715,400	\$721,550	43%	
Other Revenues	\$800,766	\$828,661	(\$27,895)	-3%	\$2,485,983	\$2,485,983	32%	
Operating Grants and Contributions	\$1,136,733	\$2,510,362	(\$1,373,629)	-55%	\$7,450,010	\$7,531,085	15%	
Internal Revenue	\$1,596,516	\$1,504,135	\$92,381	6%	\$4,512,406	\$4,512,406	35%	
Total Revenue	\$30,812,284	\$15,750,020	\$15,062,264	96%	\$47,162,548	\$47,250,061	65%	
Expenses								
Wages and Salaries	\$4,401,437	\$4,834,513	\$433,076	9%	\$14,580,539	\$14,503,539	30%	Other costs are at 42% against FY budget. Rates(\$0.19m) and Insurances(\$0.66m) are paid at the start of the year. Legal expenses are 432k against FY budget of 876k(49%).
Materials and Contracts	\$4,070,097	\$4,862,572	\$792,475	16%	\$14,430,178	\$14,587,715	28%	
Other Costs	\$2,013,686	\$1,583,393	(\$430,293)	-27%	\$4,743,203	\$4,750,179	42%	
Borrowing Costs	\$54,656	\$203,626	\$148,970	73%	\$610,877	\$610,877	9%	
Overheads	\$774,152	\$796,993	\$22,841	3%	\$2,390,978	\$2,390,978	32%	
Depreciation	\$3,193,184	\$3,468,924	\$275,740	8%	\$10,406,773	\$10,406,773	31%	
Total Expenses	\$14,507,212	\$15,750,020	\$1,242,808	8%	\$47,162,548	\$47,250,061	31%	
Result	\$16,305,072	\$0	\$16,305,072		\$0	\$0		

Muswellbrook Shire Council

Financial Report - October 2023



Water Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$2,242,144	\$788,315	\$1,453,829	184%	\$2,364,946	\$2,364,946	95%	
User Charges and Fees	\$1,165,742	\$1,664,423	(\$498,681)	-30%	\$4,993,270	\$4,993,270	23%	* 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. * Water User Charges and Fees revenue show an unfavourable variance.
Interest and Investments Revenues	\$77,295	\$71,667	\$5,628	8%	\$215,000	\$215,000	36%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$12,509	(\$12,509)	-100%	\$37,526	\$37,526	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$3,485,181	\$2,536,914	\$948,267	37%	\$7,610,742	\$7,610,742	46%	
Expenses								
Wages and Salaries	\$319,597	\$463,536	\$143,939	31%	\$1,390,607	\$1,390,607	23%	
Materials and Contracts	\$583,301	\$803,419	\$220,118	27%	\$2,410,466	\$2,410,256	24%	
Other Costs	\$122,450	\$175,903	\$53,453	30%	\$527,500	\$527,710	23%	* Overall, costs show a favourable variance sitting at 27% for the October period.
Borrowing Costs	\$0	\$4,667	\$4,667	100%	\$14,000	\$14,000	0%	
Overheads	\$385,900	\$385,899	(\$1)	0%	\$1,157,698	\$1,157,698	33%	
Depreciation	\$679,932	\$703,492	\$23,560	3%	\$2,110,475	\$2,110,475	32%	
Total Expenses	\$2,091,180	\$2,536,915	\$445,735	18%	\$7,610,746	\$7,610,746	27%	
Result	\$1,394,001	(\$1)	\$1,394,002		(\$4)	(\$4)		

Muswellbrook Shire Council

Financial Report - October 2023



Sewer Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$6,085,223	\$2,221,297	\$3,863,926	174%	\$6,663,892	\$6,663,892	91%	* 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	\$115,603	\$178,716	(\$63,113)	-35%	\$536,148	\$536,148	22%	
Interest and Investments Revenues	\$38,636	\$32,481	\$6,155	19%	\$97,444	\$97,444	40%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$12,563	(\$12,563)	-100%	\$37,690	\$37,690	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$6,239,462	\$2,445,058	\$3,794,404	155%	\$7,335,174	\$7,335,174	85%	
Expenses								
Wages and Salaries	\$325,985	\$303,342	(\$22,643)	-7%	\$910,025	\$910,025	36%	* Overall, costs show a favourable variance sitting at 31% for the October period.
Materials and Contracts	\$437,424	\$565,679	\$128,255	23%	\$1,697,038	\$1,697,038	26%	
Other Costs	\$224,177	\$265,628	\$41,451	16%	\$796,883	\$796,883	28%	
Borrowing Costs	\$177,285	\$213,333	\$36,048	17%	\$640,000	\$640,000	28%	
Overheads	\$317,580	\$317,580	\$0	0%	\$952,740	\$952,740	33%	
Depreciation	\$741,020	\$760,510	\$19,490	3%	\$2,281,530	\$2,281,530	32%	
Total Expenses	\$2,223,471	\$2,426,072	\$202,601	8%	\$7,278,216	\$7,278,216	31%	
Result	\$4,015,991	\$18,986	\$3,997,005		\$56,958	\$56,958		

Muswellbrook Shire Council

Financial Report - October 2023



Future Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$2,700,554	\$2,377,753	\$322,801	14%	\$7,133,260	\$7,133,260	38%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	* User Charges and Fees show a favourable variance against FY Budget (38%) .
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$43,260	\$43,260	\$0	0%	\$129,780	\$129,780	33%	
Total Revenue	\$2,743,814	\$2,421,013	\$322,801	13%	\$7,263,040	\$7,263,040	38%	
Expenses								
Wages and Salaries	\$101,697	\$84,632	(\$17,065)	-20%	\$253,897	\$253,897	40%	
Materials and Contracts	\$444,103	\$454,360	\$10,257	2%	\$1,363,079	\$1,363,079	33%	
Other Costs	\$558,991	\$354,476	(\$204,515)	-58%	\$1,063,429	\$1,063,429	53%	* Other Costs are showing an unfavourable result due to the Rates and Insurance expenses being fully paid in July.
Borrowing Costs	\$182,091	\$436,947	\$254,856	58%	\$1,310,841	\$1,310,841	14%	
Overheads	\$118,884	\$118,884	\$0	0%	\$356,653	\$356,653	33%	
Depreciation	\$260,336	\$260,333	(\$3)	0%	\$781,000	\$781,000	33%	
Total Expenses	\$1,666,102	\$1,709,633	\$43,531	3%	\$5,128,899	\$5,128,899	32%	
Result	\$1,077,712	\$711,380	\$366,332		\$2,134,141	\$2,134,141		

Muswellbrook Shire Council
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		YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
General Fund Projects		General Fund Projects					
Planning, Community and Corporate Services Projects	Planning, Community and Corporate Services Projects						
Adventure Playground - Wollombi Road	Adventure Playground - Wollombi Road	9,199	452,410	452,410	2%		
Aquatic Centres Programme	Aquatic Centres program	12,181	-	263,000	5%		
Art Acquisitions	Art Acquisitions	-	-	70,000	0%		
Buildings New and Replacement	Buildings New and Replacement	21 195	1 459 061	1 579 061	1%		
Bushfire Assets	Bushfire Assets	14 836	564 520	564 520	3%		
Capital Works Contingency	Capital Works Contingency	-	-	100,000	0%		
CBD Stage 7 (Town Centre)	CBD Stage 7 (Town Centre)	9 706	226 092	226 092	4%		
Civic Precinct (Town Square)	Civic Precinct (Town Square)	55 442	2 256 524	2 256 524	2%		
COVID 19	COVID 19	67 586	-	150 000	45%		
Denman Childrens Centre - Expansion (Contribution)	Denman Childrens Centre - Expansion	20 242	415 308	415 308	5%		
Denman Heritage Shed	Denman Heritage Village	208 944	250 327	250 327	83%		
Denman Netball Courts	Denman Netball Courts	1,155	283,638	283,638	0%		
Future Fund Contribution	Future Fund Contribution	-	-	1,300,000	0%		
General Design Program	General Design Program	-	-	52,500	0%		
Hunter Beach	Hunter Beach	9,163	19,324	19,324	47%		
Information Technology Strategy	Information Technology Strategy	11,032	-	200,000	6%		
Karoola Park Citizens Walk Pathway	Karoola Park Citizens Walk Pathway	-	17,222	17,222	0%		
Library Books General Capital Purchases (General)	Library Books General Capital Purchases	30,008	15,852	105,437	28%		
Library Subsidy Projects	Library Subsidy Projects	-	66,071	66,071	0%		
Local Priority Grant	Local Priority Grant	-	43,594	54,594	0%		
Major Landcare Projects	Major Landcare Projects	20,392	14,357	139,357	15%		
Muscle Creek Catchment Strategy	Muscle Creek Catchment Strategy	36,946	-	-	25%		
Purchase Paxton Street Denman	Purchase Paxton Street Denman	438,972	-	-	100%		
Mbk and Dnm Indoor Sports Centre Upgrades	Mbk and Dnm Indoor Sports Centre Upgrades	230,012	233,874	233,874	98%		
MSC Depot	MSC Depot	50,160	-	4,838,247	1%		
Olympic Park Project	Olympic Park Project	50 138	2 836 170	4 009 466	1%		
Performance and Convention Centre	Performance and Convention Centre	34 090	3 273 204	3 273 204	1%		
Public Art Sculpture	Public Art Sculpture	-	-	-	0%		
Purchase of Land - Companion Animal Impounding Facilit	Companion Animal Impounding Facility	161 784	470 737	470 737	34%		
Recreation Capital Works	Recreation Capital Works	122 186	3 319 212	3 684 212	3%		
Resources for Regions 9	Resources for Regions 9	18 001	956 228	956 228	1%		
STEM Equipment Replacement	STEM Equipment Replacement	32 044	88 709	191 209	17%		
Total Planning, Community and Corporate Services	Total Planning, Community and Corporate Services	1,665,414	17,262,434	26,222,562	6%	-	

Muswellbrook Shire Council
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		YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects		Roads and Drainage Projects					
Bridge St Footpath	Bridge St Footpath	16,561	-	67,056	25%		
Bridges Renewal Programme	Bridges Renewal program	3,334	-	105,000	3%		
Carpark Renewal Programme	Carpark Renewal program	2,358	-	135,000	2%		
CPTIGS - Bus Shelter	CPTIGS - Bus Shelter	-	321,964	321,964	0%		
Drainage	Drainage	-	615,188	938,255	0%		
Drainage Devices Programme	Drainage Devices program	3,144	-	180,000	2%		
Flood Warning Systems	Flood Warning Systems	-	50,000	50,000	0%		
FOGO - Design and EIS	FOGO	-	62,060	62,060	0%		
Footpath and Cycleway Renewal Programme	Footpath and Cycleway Renewal program	173,775	-	185,625	94%		
Heavy Patching Programme	Heavy Patching program	216,099	-	1,000,000	22%		
Resilience Works Karoola Park	Resilience Works Karoola Park	-	484,174	484,174	0%		
Kerb and Gutter Replacement Programme	Kerb and Gutter Replacement program	59,587	-	146,250	41%		
Kirk and Peberdy Bridges	Kirk and Peberdy Bridges	-	-	85,141	0%		
Large Plant tems	Large Plant Items	596 430	1 607 245	2 207 245	27%		
Leachate Dam	Leachate Dam	3 875	-	475 795	1%		
LISF - Roads Infrastructure Backlog	LISF - Roads Infrastructure Backlog	-	-	202 209	0%		
ARGN 960 Natural Disaster Event - Baerami Creek Caus	Natural Disaster Event - Baerami Creek Causeway	-	689,654	689,654	0%		
New Footpath and Cycleway Programme	New Footpath and Cycleway program	9 538	60 549	60 549	16%		
Purchase of Vehicles	Purchase of Vehicles	-	-	340 000	0%		
Rainbow Creek Bridge	Rainbow Creek Bridge	-	274 687	274 687	0%		
Regional Road Renewal Programme	Regional Road Renewal program	8 733	-	500 000	2%		
Resources for Regions - Round 5	Resources for Regions - Round 5	151,435	226,781	226,781	67%		
Resources for Regions- Round 7	Resources for Regions- Round 7	474 424	904 016	904 016	52%		
Resources for Regions 9	Resources for Regions 9	-	1 409 735	1 409 735	0%		
Road Resealing Programme	Road Resealing program	119 039	577 898	2 677 898	4%		
Roads Capital Contingency	Roads Capital Contingency	-	-	135 000	0%		
Roads to Recovery Program	Roads to Recovery Program	199 199	-	577 898	34%		
Rosebrook Bridge	Rosebrook Bridge	320 269	324 590	324 590	99%		
Rural Road Regravelling Programme	Rural Road Regravelling Program	288,364	-	283,815	102%	(4,549)	Allocation to be adjusted in November
Rural Road Renewal Programme	Rural Road Renewal program	8,699	-	498,027	2%		
Safety Device Renewal Programme	Safety Device Renewal program	1,753	-	94,069	2%		
Transport Vehicles	Transport Vehicles	-	-	150,000	0%		
Urban Road Renewal Programme	Urban Road Renewal Program	6,987	-	400,000	2%		
Victoria Street Rehab	Victoria Street Rehab	12,950	721,433	721,433	2%		
Widden Creek Stabilisation Works	Widden Creek Stabilisation Works	-	152,891	152,891	0%		
Wilkinson Bridge	Wilkinson Bridge	36,819	-	110,996	33%		
Yarraman Road Upgrade	Yarraman Road Upgrade	92,508	180,946	180,946	51%		
Total Roads and Drainage	Total Roads and Drainage	2,805,880	8,663,811	17,358,759	15%	(4,549)	
Total General Fund	Total General Fund	4,471,294	25,926,245	43,581,321	10%	(4,549)	

Muswellbrook Shire Council
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		YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects							
Donald Home Building	Donald Home Building	-	-	218 691	0%		
Marketplace	Marketplace	893 774	-	2 957 464	30%		
Renewal of Existing Assets/New Acquisitions	Renewal of Existing Assets/New Acquisitions	77 758	222 919	641 905	12%		
Throsby ACT	Throsby ACT	173 333	-	520 000	33%		
Upgrade of Loxton House	Upgrade of Loxton House	31 782	454 532	754 532	4%		
Total Future Fund	Total Future Fund	1,176,647	677,451	5,092,592	23%	-	
Sewer Fund							
Access & Security Improvements RWTW	Access & Security Improvements RWTW	12,035	-	130,000	9%		
Mains Renewal and Replacement	Mains Renewal and Replacement	127,499	-	260,000	49%		
Operations Contingency Project	Operations Contingency Project	63,777	-	150,000	43%		
Sewer Plant and Equipment	Sewer Plant and Equipment	316	-	80,000	0%		
Solar Array	Solar Array	-	1,745,336	1,745,336	0%		
System Plant Asset Renewals	System Plant Asset Renewals	128,697	254,065	649,065	20%		
Transportation System Improvement	Transportation System Improvement	47,028	-	300,000	16%		
Loan - Sewer RWTW	Loan - Sewer RWTW	189 543	-	680 496	28%		
Skellatar Main	Skellatar Main	-	-	97 934	0%		
Total Sewer Fund	Total Sewer Fund	568,895	1,999,401	4,092,831	14%	-	

Muswellbrook Shire Council
Financial Report - October 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Water Fund	Water Fund						
Asbestos, Earthworks, Security	Asbestos, Earthworks, Security	19,392	-	175,000	11%		
Laboratory Equipment	Laboratory Equipment	-	-	20,000	0%		
Mains Renewal and Replacement (inc Carryover)	Mains Renewal and Replacement	20,167	-	650,000	3%		
Office Upgrade	Office Upgrade	-	-	17,518	0%		
Operations Contingency Project	Operations Contingency Project	78,789	-	100,000	79%		
Replacement of Water Meters Programme	Replacement of Water Meters program	28,390	-	65,000	44%		
GLE Pipeline	Denman-Sandy Hollow Pipeline	25,374	1,062,215	18,460,415	0%		
South Muswellbrook Reservoir	South Muswellbrook Reservoir	-	-	262,755	0%		
System Plant Asset Renewals	System Plant Asset Renewals	65,017	230,474	730,474	9%		
Upgrade Fluoride Dosing System WTP	Upgrade Fluoride Dosing System WTP	-	294,732	294,732	0%		
Vehicle-Equipment Replacement	Vehicle-Equipment Replacement	-	-	65,000	0%		
Water Stop Valve Replacement	Water Stop Valve Replacement	180,313	-	200,000	90%		
Total Water Fund	Total Water Fund	417,442	1,587,421	21,040,894	2%	-	
Consolidated Total	Consolidated Total	6,634,278	30,190,518	73,807,638	9%	(4,549)	

Details of Current Council Loans



Balance at 30/06/2023	Payment Type	2020/21 Repayments	2021/22 Repayments	2022/23 Repayments	2023/24 Repayments	2024/25 Repayments	2025/26 Repayments	2026/27 Repayments	2027/28 Repayments	2028/29 Repayments	2029/30 Repayments	2030/31 Repayments
Water Fund												
\$280,272	Principal	\$330,160	\$351,400	\$375,624	\$280,273	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Interest	\$67,791	\$46,551	\$23,815	\$13,843	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total	\$397,951	\$397,951	\$399,439	\$294,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Fund												
\$14,166,104	Principal	\$677,873	\$710,385	\$743,509	\$778,430	\$816,997	\$856,300	\$780,502	\$815,416	\$850,535	\$886,347	\$922,883
	Interest	\$728,218	\$693,706	\$660,582	\$628,763	\$587,094	\$549,281	\$509,827	\$474,913	\$439,794	\$403,982	\$367,446
	Total	\$1,404,091	\$1,404,091	\$1,404,091	\$1,407,193	\$1,404,091	\$1,405,581	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329
General Fund												
\$5,570,491	Principal	\$614,941	\$715,625	\$747,212	\$801,124	\$415,542	\$249,678	\$223,682	\$234,748	\$246,382	\$258,614	\$271,478
	Interest	\$245,540	\$233,183	\$201,596	\$201,557	\$181,451	\$154,972	\$182,272	\$171,206	\$159,571	\$147,339	\$134,477
	Total	\$860,481	\$948,808	\$948,808	\$802,681	\$596,993	\$404,650	\$405,954	\$405,954	\$405,953	\$405,953	\$405,953
Future Fund												
\$38,382,647	Principal	\$3,277,145	\$3,564,671	\$4,270,338	\$3,231,639	\$2,073,593	\$1,753,229	\$1,906,961	\$1,078,848	\$1,122,802	\$1,168,547	\$1,216,155
	Interest	\$702,824	\$624,137	\$994,087	\$1,109,142	\$1,409,292	\$1,345,357	\$1,251,611	\$1,152,196	\$1,108,242	\$1,062,498	\$1,014,889
	Total	\$3,979,969	\$4,188,808	\$5,264,425	\$4,340,781	\$3,482,885	\$3,098,586	\$3,158,572	\$2,231,044	\$2,231,044	\$2,231,045	\$2,231,044
\$58,399,514		\$6,642,492	\$6,939,658	\$8,016,763	\$6,844,771	\$5,483,969	\$4,908,817	\$4,854,855	\$3,927,327	\$3,927,326	\$3,927,327	\$3,927,326

Purpose	Original Amount	Interest Rate	Balance at 1/7/2023	2023/24 Principal Repayments	2023/24 Interest Repayments	2023/24 Total Payments	Year of Final Payment	Notes (If any)
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$280,272	\$280,272	\$13,843	\$294,115	2023/24	
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$314,801	\$97,934	\$18,931	\$116,865	2025/26	
General - Widden Bridge	\$1,750,000	6.00%	\$1,079,032	\$85,141	\$60,925	\$146,066	2034/35	
General - Smiths Bridge	\$1,673,967	4.28%	\$1,116,108	\$67,056	\$45,442	\$112,498	2024/25	
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$201,945	\$201,945	\$4,015	\$205,960	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,532,184	\$110,996	\$21,495	\$132,491	2025/26	
Future Fund	\$3,300,000	1.60%	\$2,805,000	\$165,000	\$43,670	\$208,670	2024/25	
Future Fund - Seven Hills, Campbell's Corner	\$7,980,502	4.35%	\$7,307,744	\$701,512	\$311,190	\$1,012,702	2026/27	
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$11,575,350	\$157,560	\$34,631	\$192,191	2023/24	
Future Fund - Muswellbrook Marketplace***\$13,276,500 To be Refinanced 14/08/23	\$11,417,790	5.53%	\$0	\$98,489	\$318,297	\$416,786	2026/27	
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$7,946,720	\$1,370,387	\$177,697	\$1,548,084	2024/25	
Future Fund - Donald Home building	\$2,500,000	4.80%	\$2,291,166	\$218,691	\$107,677	\$326,368	2026/27	
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$5,810,434	\$275,712	\$255,260	\$530,972	2038/39	
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,040,869	\$404,785	\$354,572	\$759,357	2037/38	
Aquatic Centre	\$2,000,000	4.30%	\$1,641,222	\$135,986	\$69,680	\$205,666	2024/25	
Throsby ACT	\$7,800,000	1.88%	\$6,456,667	\$520,000	\$115,980	\$635,980	2025/26	
TOTAL	\$90,383,759		\$58,399,514	\$4,891,466	\$1,953,305	\$6,844,771		

Debtor Balances as at 31 October 2023

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$47,890	\$0	\$0	\$161,787	\$271,134	\$480,712
Inspection Fees	\$17,703	\$100	\$500	\$0	\$300	\$18,603
Sam Adams College Rent	\$0	\$0	\$0	\$760	\$475	\$1,235
Council Properties - Future Fund *	\$142,416	\$55,754	\$87,356	\$89,304	\$186,208	\$561,039
Council Properties - Marketplace *	\$151,633	\$0	\$13,720	\$42,951	\$285,572	\$493,876
Council Properties - Education Fund	\$70,811	\$0	\$6,650	\$0	\$27,091	\$104,552
Recreation	\$1,452	\$856	\$0	\$385	\$2,258	\$4,950
Sundries**	\$55,579	\$203	\$172,094	\$4,064	\$2,109,977	\$2,341,392
Water Tanker Sales	\$233	\$277	\$90	\$11,270	\$21,214	\$33,085
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$35,902	\$0	\$0	\$0	\$34,767	\$70,668
GST Tax Debtor	\$0	\$0	\$0	\$0	\$11,944	\$11,944
TOTAL	\$523,960	\$57,190	\$280,411	\$310,521	\$2,950,940	\$4,122,398

* Balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services.

** Includes \$1.97M in VPA Funding and \$281k Grant Funding.



10.5. Community and Economy

10.5.1. Denman Chamber of Commerce - Denman Christmas Markets

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Stephen Wright – Partnerships officer – Community & Economy
Community Plan Issue:	4 - Cultural Vitality
Community Plan Goal:	A culturally rich and diverse Community with strong identities, history and sense of belonging.
Community Plan Strategy:	4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors 1.2.1.3 - Progress opportunities to grow the visitor economy.

PURPOSE

To provide an overview of the sponsorship that Council will provide to the Denman Chamber of Commerce Christmas Markets 2023.

OFFICER'S RECOMMENDATION

Council approves the total contribution of \$4,000 towards the Denam Chamber of Commerce Christmas Markets and events.

Moved: _____ **Seconded:** _____

BACKGROUND

Denman Chamber of Commerce have reactivated post COVID and been actively providing a range of events in the Denman Community over the past two years the Christmas Markets and April Motors & Markets Day (Diesel Rust & Dust Truck & Machinery Show). All these events have been well planned and delivered by the Chamber, further to this they have been well attended and supported by the community and rated as highly successful.

Council has previously worked in partnership with the Denman Chamber of Commerce through the support of the Council staff and financial assistance.

CONSULTATION

Community Partnerships Officer

Manager Community Services

Chief Financial Officer

Grants & Engagement Officer

Director Community and Economy



REPORT

The Denman Chamber of Commerce has requested assistance from Council to deliver the Denman Christmas Markets on the 7 December 2023 and the April Motors and Markets Day in April 2024. Any funding received would cover entertainment, waste management, preparation work for the markets such as cleaning and maintenance of equipment and market sites.

The Denman Chamber of Commerce have indicated that many of the small businesses in the Denman Community are experiencing financial hardship in the current economy. The Chamber seek financial support to engage specialist expertise to develop a social media platform, this platform will be used to promote the local small businesses and increase tourism to Denman and the surrounding area.

In the 2023/24 Council allocated a portion of funding to assist the Chamber of Commerce to deliver Chamber related events or programs, Muswellbrook LGA has two established Chambers of Commerce (Muswellbrook and Denman), Sandy Hollow has an active group of Community Members who represent the community and business houses within the Sandy Hollow area. This financial year Council has assisted the Muswellbrook Chamber of Commerce through sponsorship of The Great Cattle Dog Muster and the Sandy Hollow Charity Motorfest.

OPTIONS

Council could:

- a) Approve the request for the financial assistance of \$4000 to support the activities of the Denman Chamber of Commerce
- b) Not approve the request for the financial assistance of \$4000 to support the activities of the Denman Chamber of Commerce

CONCLUSION

Supporting the Denman Chamber of Commerce request for financial assistance will build capacity for the small business in Denman and the surrounding area, this assistance will provide local events and attract tourism local and from out of the area.

SOCIAL IMPLICATIONS

These events are free for all members of the community to attend and enjoy the displays and performances or purchase low-cost items through market stalls. These events encourage families to attend by promoting itself as a Market Day and the events do not permit alcohol.

FINANCIAL IMPLICATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil.

2. Financial Implications – Operational

Chamber of Commerce Budget (0402.2843.500) allocation of \$15,000.

POLICY IMPLICATIONS

Nil known.



STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

This activity is in line with the Operational Plan Objective.

RISK MANAGEMENT IMPLICATIONS

Nil known.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.



10.5.2. Community Services

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Kim Manwarring (Manager Community Services), Elissa Emerson (Muswellbrook Regional Arts Centre Director), Stephen Wright (Records Officer), Susanne Tobin (Administration Officer), Archit Bele (Aquatic Centre Manager), Lauren Allan (Head Librarian), Rosslyn Thomson (Community Partnerships Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

PURPOSE

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

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK AND DENMAN

The Muswellbrook and Denman Branches were well attended in October with Library spaces being utilised for HSC Examinations, School Visits, School holiday programming, community groups, and study.

- **Increasing and maintaining library memberships**
Muswellbrook and Denman libraries registered **50 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 October this service conducted **3 deliveries** to **20 households**.
- Library Promotions and Online Engagement:
Over the past month the library has had **3,847** 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 including updates to eBook & eAudio platforms and to promote new items to the library collection.

- Collections:
During October the library added **249 new items** to the physical collections. Over the month the library loaned **5,893 physical items** and **565 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	30	460
Informed and connected citizens	1	21
Digital Inclusion	0	0
Personal development and wellbeing	6	37
Stronger and more creative communities	5	47
Economic and workforce development	0	0
TOTAL	42	565

- Children and Young Adult Programs
Muswellbrook and Denman Library branches hosted a number of school visits throughout the month with visits from Richard Gill School, Muswellbrook Preschool, Pacific Brook Christian School, Muswellbrook High School and St Josephs Denman. Denman continued to host regular Intergenerational Programming sessions with a strong focus of building stronger, connected communities.

School Holiday activities concluded in the first week of October with a watercolour Concertina Workshop hosted by exhibiting artist Jennifer Stuerzl and two Pillowcase program workshops hosted by the Red Cross.

Story Time, Baby Rhyme Time, LEGO Club and STEM Story Time sessions continued as usual with a strong focus on Sensory and STEM based activities during these sessions. These sessions were attended by **390 children**.
- Adults Programs:
During October the Library launched a Mindfulness Art Station each Friday morning for our visiting groups. All regular adult events including Book Club, Brain Training, Coffee & Craft, Crochet Crew, Tech help and Home Library continued in October.

Exhibits: Remembrance Day by Terry Gill

COMMUNITY PARTNERSHIPS

- Maintain, responded and distribute emails to the **Upper Hunter Community Services Interagency**.
- Attended and participated in the following Networks - Youth Network Meeting, MindLink Upper Hunter Meeting, Upper Hunter Community Services Interagency Meeting.
- Attended and participated in the following meetings – **Aboriginal Cultural Inclusion Committee** Meeting, Sustainability Unit – FOGO Meeting.



- Governance support has been provided to Upper Hunter Homeless Support, Upper Hunter Youth Services and Drug & Alcohol Health Services.
- Mentoring and supporting a **TAFE Student** on their work placement who has been working on a partnership project with Upper Hunter Community Services to update the Muswellbrook Community Contacts Database.

PARTNERSHIPS & ENGAGEMENT

- A **Citizenship Ceremony** will be held on the 22 November welcoming 14 new citizens into our community;
- Preparations for **Australia Day 2024 Awards and Citizenship Ceremony** are underway.
- The **Denman Visitor Information Centre** (VIC) is open 6 days per week pending the availability of Volunteers, this Centre receives a continual stream of visitors to the area, **Muswellbrook VIC** is open Mondays when staff are available the Centre is being opened on Tuesday and Wednesdays.

MUSWELLBROOK REGIONAL ARTS CENTRE

The opening of the **2023 Viola Bromley Art Prize** was well attended, this local acquisitive art competition winners were:

- Painting: Jennifer Stuerzl, 'Rhythms in water and light'
- Works on Paper: Maude Butta, 'Tangles'
- Sculpture: Simon Barrett, 'Honest Goodness'
- Photography: Philip Du Rhone, 'A Light at the End of the Tunnel'

These four works join the **Muswellbrook Shire Art Collection**, the exhibition is open until 21 December.

MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN

- The **Learn to Swim** (LTS) program is currently being delivered to 300 swimmers, as additional LTS Instructors are recruited to the Centre more swimmers will be added to the Program,
- Enrolments will be open soon for the 9 days **Learn to Swim Intensive Program**, this program will be delivered in the January 2024 school holidays at both Muswellbrook and Denman Aquatic Centres.
- **Aqua Aerobic** classes are being well supported by the community, more classes will be offered in late November/December at the Muswellbrook and Denman Aquatic Centres.



10.5.3. Report on Council Grant Funding and Community Engagement

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Ivan Skaines (Grants and Community Engagement Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

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

OFFICER'S RECOMMENDATION

Council:

1. NOTES the information contained in the report;
2. APPROVES Council applying for funding under the Community Improvement District Pilot Program for funding for physical and non-physical interventions to activate the public space of the Hunter Innovation Precinct as a component of the Muswellbrook Town Centre Plan;
3. APPROVES Council submitting an Expression of Interest to participate in the Australian Government's next round of National Water Grid for funding for the Denman to Sandy Hollow pipeline, with alternate projects being the installation of a water softening plant at Denman, the replacement of the South Muswellbrook water main and the replacement of the high voltage transformers at the Muswellbrook water treatment plant.
4. APPROVES Council applying for funding under the Get NSW Active program as per the suggested projects nominated in the table contained in this report;
5. APPROVES Council applying for funding under the Disaster Ready Fund Round 2 program for the undertaking of an audit of Council's drainage infrastructure/works and the construction of a detention/retention basin at Karoola Park;
6. APPROVES Council applying for funding under the Clubgrants Category 3 Infrastructure Grants (Arts and Culture) for upgrading of the Muswellbrook Regional Arts Centre, including design, interior/exterior painting, and other renewal works; and
7. APPROVES Council applying for funding under the Commonwealth Regional Precincts and Partnerships Program as per the suggested projects nominated in the table contained in this report.

Moved: _____ **Seconded:** _____



BACKGROUND

Council has been successful in obtaining grants which have been decided via competitive applications and continues to receive grant allocations from both State and Federal government sources for which Council nominates appropriate projects for funding.

CONSULTATION

Grant applications are aligned to projects identified by the Muswellbrook Shire 2022-2026 Delivery Program and are 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 Announced

- Muswellbrook Shire Council has been successful in obtaining funding of \$15,000 from the National Australia Day Council for Australia Day 2024, the message being "Reflect. Respect. Celebrate. We're all part of the story".

Unsuccessful Grant Applications

- Council's application for funding under the 2023 round of the **Audience Development Fund**, a devolved funding program of the NSW Government through Create NSW and administered by Museums & Galleries of NSW was unsuccessful. The panel assessed 15 applications from public galleries across NSW and awarded five grants. The general feedback received was that successful applicants developed proposals that targeted identified needs or gaps in their engagement programming, with strong consultation and involvement of target groups and audiences to inform that development.

Grant Applications Recently Submitted

- The **NSW Crown Reserves Improvement Fund** supports Crown Land Managers by providing funding for repairs, maintenance, and improvements on Crown reserves. The funding aims to benefit the community, boost the local economy, and contribute to the cultural, sporting, and recreational life of NSW. Council submitted an application for funding to replace the softfall at Simpson Park, Muswellbrook.
- Council has submitted applications for funding from the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications, and the Arts for the "Olympic Park Master Plan - Stage 2 Grandstand" project, which has been identified for funding of \$5.5 million through the **Priority Community Infrastructure Program**. Council has also submitted an application for \$10.5 million in funding for "the completion of the Muswellbrook Town Square" project.
- Council has applied for funding through the **NSW Public Library Infrastructure Grants 2023/24** program to establish a podcasting studio within the Muswellbrook Library. Council was unable to submit an application for funding to digitise the Shire's coal mining records and local newsletter publications, as Council is currently awaiting legal guidance on how to address potential copyright issues related to this endeavour.
- Council also submitted an application under the **Community Building Partnership** grant funding program for \$150,000 for building a shared pathway from Tarinpa (Hunter Beach) to facilitate pedestrian access between Tarinpa and the Muswellbrook town centre.

Upcoming Grant and Funding Opportunities

- Applications are now open for the **Community Improvement District (CID) Pilot Program**. The CID Pilot Program is a \$2.75 million grant program that will provide



successful applicants with funding ranging from \$150,000 up to \$400,000, and applications close **Tuesday 28 November 2023**. The program has a two-stage application process:

- Preliminary Application which is designed to confirm eligibility and will ask applicants to articulate their proposal early in its development; and
- Final Application where shortlisted applicants will be invited to develop their project applications.

Eligible projects must have a mix of non-physical and physical, and a funding contribution from Council is encouraged but is not mandatory. Non-physical interventions (such as strategic planning, partnerships and collaboration, district brand and vision, or smart technology) commence from May 2024, and physical interventions commence between September 2024 and April 2025.



Council staff suggest Council applies for the maximum funding amount to activate the public space between the Muswellbrook Library and the Donald Horne Building (as shown above) through a range of temporary and permanent infrastructure interventions, as well as a range of small-scale events, temporary activations, and promotions.

- The NSW Government has committed up to \$30 million to the **Level the Playing Field program**. The Program investment will revive sport facilities by providing new or upgrading existing sport facilities, amenities, and sporting fields. Funding will also support the provision of new and upgraded lighting that will enable more women and girls to train and compete in sport in a safe and inclusive environment. The Program is for the capital cost of a project only, and the grant amount requested by an applicant must be a minimum of \$200,000 and cannot exceed \$2 million. All applications from Councils are required to provide a minimum 50% financial co-contribution of the grant requested. An effective option for Muswellbrook Shire option may be for Council to support interested local sports organisations with developing an application, as these groups are not required to provide a co-contribution.

Applications close **Thursday 30 November 2023**, and outcomes will be advised mid-March 2024 onwards. The funding is contingent upon applicants having in place an approved Equitable Access and Usage Policy by 30 June 2024. Construction should commence by 30 September 2024, and projects must be completed by 30 September



2026.

- The NSW Government is calling for expressions of interest to participate in the Australian Government's next round of **National Water Grid** funding applications in January 2024. The fund is for priority water infrastructure projects to improve the reliability and security of water for Australia's regional and remote towns, agriculture, and primary industry sectors. Local councils and authorities, as well as water utilities, are eligible for funding which is available for new water infrastructure. The Department of Planning and Environment's Water Group will assess proposals for eligibility, identify those which best meet the selection criteria, and will work with shortlisted organisations to help develop funding proposals for consideration by the Australian Government.

Funding proposals must demonstrate how projects will provide long-term benefit to water security, the agriculture and primary industry sectors, regional economic development, and water supply resilience. Eligible projects include:

- recycling plants;
- groundwater storage;
- dams and weirs;
- pipelines;
- desalination plants;
- irrigation district modernisation or expansion; and
- other projects that facilitate the movement of water (equipping bores, fixing leaking pipes, installing water treatment systems).

This funding will be for up to 50 per cent of the project value. Expressions of Interest must be submitted by **Tuesday 5 December 2023** for the January 2024 funding round. Council staff suggest that the Denman to Sandy Hollow pipeline will be a high priority if our Expression of Interest for the Commonwealth Growing Regions Program for funding for the pipeline is unsuccessful (see below under Grants to be announced shortly). Alternative projects include the installation of a water softening plant at Denman, the replacement of the South Muswellbrook water main and the replacement of the high voltage transformers at the Muswellbrook water treatment plant.

- The **Get NSW Active** program supplies funding to councils to improve the planning, development, and delivery of functional and safe walking and cycling infrastructure. Councils can make up to five submissions for funding. A total program budget of \$60 million is available for the 2024/25 financial year, with \$50 million for the Get NSW Active program and \$10 million for the Active Travel to and from School program. Funding is available for strategy/plan, project design, and project construction. However, for the For Active Travel to and from School programme, funding is available for project construction only. Applications close **Thursday 7 December 2023**.

Proposals to undertake multiple construction projects under one grant are eligible up to a maximum value of \$2,000,000 (the projects need to be of a similar facility type and have similar project outcomes). The following funding limits (excluding GST) apply for Get NSW Active grants (up to 100% of the project cost can be funded). Council is requested to consider approving the sections of new path nominated in the table below under 'Suggested Projects' for the grant funding application. The projects nominated have been selected as the next highest-ranking priorities from the Council endorsed footpath and cycle way program for Muswellbrook Shire, and in the case of the Aberdeen Street path from recent feedback about the need for improved access to Hunter Beach.

Category	Type	Min.	Max.	Suggested projects
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Get NSW Active	Design project	\$50,000	\$1 million	Aberdeen St – from Hunter Beach to Wilkins and Bridge Sts
				Connection of paths from Thompson and Kamilaroi Sts and Cassidy Ave to Calvary Aged Care
	Construction project	\$50,000	\$10 million	George, King, Brentwood (close the loop)
				Brecht St (King to Brentwood)
Active Travel to and from School	Construction project	\$50,000	\$800,000	Adams St – from Thompson St to Osborn Ave (South Muswellbrook School)

- On 6 November 2023, the New South Wales Reconstruction Authority (NSWRA) opened the process for Expressions of Interest (EOI) for projects to be considered for the NSW Application for **Round 2 of the Australian Government's Disaster Ready Fund**. The fund is the Australian Government's flagship disaster resilience and risk reduction initiative, and only Australian state and territory governments are eligible to submit an application. NSWRA is the jurisdictional lead agency and 'applicant' on behalf of NSW. There is no limit on the number of proposals that an eligible applicant can submit, however the NSWRA encourages the consolidation of projects where feasible under one project submission, with a single management structure. The EOI process closes **Friday 8 December 2023**, and successful EOIs will be invited to submit a final proposal by March 2024 with Council required to contribute, or have previously contributed, at least 50 per cent to the total project expenditure. For Round 2 Council staff suggest:
 - funding for an external detailed study of all Council's detention/retention basins and associated drainage infrastructure resulting in a safety/risk assessment of the infrastructure, condition assessment, a prioritised work plan for maintenance and capital works required based on the findings of the study. Council's contribution to this project would be sourced from Council's Special Rate Variation allocation to stormwater drainage.
 - the construction of the detention/retention basin in Karoola Park. Council has detailed designs and estimated costings for the project and has already been awarded \$968,348.78 under the Essential Community Sport Assets Program for resilience works at Karoola Park, including improvements to the stormwater channel, which could be used as a co-contribution.
- The objective of the **Clubgrants Category 3 Infrastructure Grants** program is to fund the costs of construction, alteration, renovation, completion, and fit-out of buildings and community infrastructure to deliver outcomes for disadvantaged NSW communities, including regional, remote, drought-affected areas, culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander communities, and disaster-affected communities. Infrastructure Grants can be used toward the costs of construction, alteration, renovation, completion, and fit-out of buildings and community infrastructure in the following categories:
 - Arts and Culture - funding to support arts and culture infrastructure such as museums, art galleries, or cultural centres - \$50,000 to \$200,000 available per project;



- Community Infrastructure - funding to support community infrastructure, such as a multipurpose community hub or a service for an eligible community group - \$50,000 to \$250,000 available per project;
- Disaster Readiness - funding to support disaster readiness infrastructure, such as evacuation centres, capital equipment, or a multipurpose community facility - \$50,000 to \$200,000 available per project; and
- Sport and Recreation - funding to support sport and recreation infrastructure, such as sports centres, playgrounds, and swimming pools - \$50,000 to \$300,000 available per project.

Muswellbrook Shire Council can only submit one application each round. **Applications close on Monday 18 December 2023** and Council staff recommend submitting an application for approximately \$200,000 for upgrading of the Muswellbrook Regional Arts Centre including design, interior/exterior painting, and other renewal works.

- Applications are now open for small to medium regional tourism businesses and councils to install EV charging infrastructure. Successful applicants will receive 75% of the cost of purchasing and installing up to 4 charge points at each site and applications close **Friday 3 May 2024**. The **Destination Charging Program** is part of a \$209 million investment in charging infrastructure that also includes \$10 million in grants to retrofit apartments with EV chargers, \$10 million for more kerbside charging, and \$149 million for ultra-fast charging infrastructure. The NSW Government has also committed an additional \$260 million in the 2023–2024 Budget to underpin the rollout of a new NSW EV Strategy being delivered in partnership with industry stakeholders, which is a key driver to achieving the State's net zero emissions targets.

Staff suggest that Council needs an EV strategy to inform the best options for charger installation across the Shire (locations, types, and the opportunities and constraints of various potential sites). A pilot EV charger has recently been installed at Muswellbrook Marketplace, and there are ongoing operational costs such as software and maintenance costs, as well as electrical supply costs. These need to be thoroughly considered to ensure that Council's investment is both cost effective and manageable.

- A previous report to Council has described the opportunity provided by the Commonwealth **Regional Precincts and Partnerships Program**, which will provide a strategic, nationally consistent mechanism for funding and coordinating projects that transform a place, to benefit communities in regions, regional cities, and rural Australia. The program will also be the mechanism for delivering all future regional partnerships to help regions move towards net-zero emissions, a de-carbonised economy, and sustained regional growth. The program will invite proposals nationally from State, Territory, and Local Governments, as well as not-for-profit organisations, to come together in genuine collaboration to apply for a Precinct Partnership under Stream 1 or Stream 2. The funding streams are essentially for planning and construction, respectively, and staff have revised their suggestions with the following projects for each stream:
 - Stream One: Precinct development and planning. Grants of between \$500,000 to \$5 million will be available for master planning, consultation, design, business cases and partnership establishment. Suggested projects for Stream 1 would be the development of an investment ready precinct plan for the Wollombi Road Precinct and the Industrial Start-up Hub at Glen Munro Road.
 - Stream Two: Precinct delivery. Grants of between \$5 million and \$50 million will be available to help deliver one or more elements of a precinct. It could be enabling infrastructure (roads, pathways, underground infrastructure), public infrastructure, or open spaces between elements or a particular building that activates other investment. The suggested project(s) for funding under Stream 2 are the currently unfunded components of the Town Centre Precinct, including the replacement of the



footpath on the eastern side of Bridge Street opposite the Uniting Church.

Component	Cost
Precinct Landscaping (includes allowance for Uniting Church)	\$2,500,000
Noise Wall Construction - Rail Corridor (Double Side)	\$1,500,000
Possum Gully Realignment - East of Rail Corridor	\$1,800,000
Brook Street footpath (Bridge to Railway line)	\$1,000,000

- Applications are open to Round 2 of the NSW Government's **Community War Memorials Fund 2023/24**. Eligible organisations including local councils and community groups can apply online for grants of up to \$10,000 to conserve local war memorials. Applications close on **Sunday, 11 February 2024**.

Grants to be announced

- The NSW Seniors Festival** celebrates the role and contribution of older adults to local communities and will run from 11-24 March 2024. Muswellbrook Shire Council applied for funding of \$10,000 to stage several events at the Muswellbrook Aquatic Centre and libraries, the conducting of events in partnership with others, and to compile a calendar of local activities which will occur during the Seniors Festival.
- In August, Council submitted an application for funding of \$8,601,800 under Round 1 of the \$300 million **Commonwealth Growing Regions Program** for the shortfall in the Denman to Sandy Hollow Pipeline project (estimated total project cost of \$27.5 million). Council expects to hear in November whether the project will be approved to progress to full application stage.

Muswellbrook Shire Council Grants Portal

The report for data from March to October 2023 for Council's grant finding portal at <https://muswellbrook.grantguru.com.au/> is listed in the table below:

Indicator	Oct	Sep	Aug	Jul	Jun	May	Apr
Total unique portal visitors ^[1]	N/A	N/A	N/A	N/A	N/A	56	35
Number of page views ^[2]	N/A	N/A	N/A	N/A	N/A	241	147
Total cumulative registrations to the portal ^[3]	99	98	97	97	95	92	91
Grant alerts sent by email to registered users	719	607	694	650	637	846	612

^[1] A visitor is someone who has viewed the portal - the same person is not double counted.

^[2] Page views are the total number of a visitor's 'clicks' within the portal and includes viewing grant information. Repeated views of a single page are counted.

^[3] Registrations are people that have registered to our portal via the signup form and are still active.

Community interaction with the grant finding portal is generally positive. **The number of registered users remains unchanged at 97 users.**

CONCLUSION



Council notes recent grant applications submitted, grant funding recently announced or to be announced shortly, upcoming grant opportunities, and other grants 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

The majority of grant funding announcements contained in this report are no longer under embargo. Those that remain under embargo may not be publicly announced until the removal of the embargo restriction.



11. Minutes of Committee Meetings

11.1. Finance Review Advisory Committee - 19 September, 2023 and 17 October, 2023

Attachments:	1. Minutes - Finance Review Advisory Committee - 19/09/2023 [11.1.1 - 2 pages] 2. Minutes - Finance Review Advisory Committee - 17/10/2023 [11.1.2 - 2 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Michelle Sandell-Hay (Governance Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To inform Council of a meeting of the Finance Review Advisory Committee Meetings held on 19 September, 2023 and 17 October, 2023.

OFFICER'S RECOMMENDATION

The minutes for the Finance Review Advisory Committee meetings held on 19 September, 2023 and 17 October, 2023 be NOTED.

Moved: _____ Seconded: _____

REPORT

The Acting Chief Financial Officer reports that the Finance Review Advisory Committee met on 19 September, 2023 and 17 October, 2023.

The minutes of the meetings 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 19 SEPTEMBER
2023 COMMENCING AT 4:00PM.**

PRESENT: Cr S. Reynolds (Chair), Cr J. Lecky, Cr L. Dunn, Cr R. Mahajan, Cr R. Scholes, Mr D. Finnigan (General Manager) and Mr J. Hogan (Acting Chief Financial Officer).

IN ATTENDANCE: Cr D. Marshall, Cr G. McNeill and Mr M. Lysaught (Director - Property and Place).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr S. Reynolds.

2 Apologies

RESOLVED on the motion of Cr R. Mahajan and Cr R. Scholes that:

The apology 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 L. Dunn that:

The Minutes of the Finance Review Advisory Committee Meeting held on **15 August 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 - August 2023

Cr L. Dunn raised questions around why the Operating Grants and Contributions were down by 46%.

Mr J. Hogan advised that this is the full year budget, so the 12 months allocation for the 2 months that have passed so far. It is just a timing difference and the revenue will come later on in the year. He also advised that this was the same situation for Internal Revenue and Sewerage - User Charges and Fees.

Cr L. Dunn also raised a question around the Future Fund and if it was taking a long time to get contractors etc.

Mr M. Lysaught advised that the capital this year with the Future Fund is spread out over two areas, one being Marketplace and the other encompassing the rest



of Councils commercial properties and that they are in fact having issues getting contractors, particularly with the small to medium jobs.

Mr J. Hogan discussed the system limitations around how the budgets are reflected and currently they are done as an annual allocation and they are not distributed across the months in the system. This is something they would like to address in the future and advised that there is a new employee starting that will be able to help with that and putting a lot more detail into the analysis.

RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:

Council NOTES the Financial Reports for the month ending 31 August 2023.

6.2 Report on Investments held as at 31 August 2023

RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:

Council NOTES Council's Investments as at 31 August 2023.

8 Date of Next Meeting

17 October 2023

9 Closure

The meeting was declared closed at 4:38pm.

Mr D. Finnigan
General Manager

Cr S. Reynolds
Chairperson

**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 17 OCTOBER 2023
COMMENCING AT 4:00PM.**

PRESENT: Cr S. Reynolds (Chair), Cr J. Lecky, Cr L. Dunn, Cr R. Mahajan,
Mr D. Finnigan (General Manager), Mr J. Hogan (Acting Chief
Financial Officer).

IN ATTENDANCE: Cr A. Barry, Cr D. Marshall, Cr G. McNeill, Cr B. Woodruff and
Mr M. Lysaught.

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr S. Reynolds.

2 Apologies

RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:

The apology for inability to attend the meeting submitted by Cr R. Scholes be
ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr L. Dunn and Cr R. Mahajan that:

The Minutes of the Finance Review Advisory Committee Meeting held on **19
September, 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 Report on Investments held as at 30 September 2023

RESOLVED on the motion of Cr L. Dunn and Cr R. Mahajan that:

Council NOTES Council's Investments as at 30 September 2023.



6.2 Monthly Financial Report - September 2023

RESOLVED on the motion of Cr A.Barry and Cr L. Dunn that:

The Finance Review Advisory Committee NOTES the Financial Reports for the month ending 30 September 2023.

7 Date of Next Meeting

21 November 2023

8 Closure

The meeting was declared closed at 4:31pm.

Mr D. Finnigan
General Manager

Cr S. Reynolds
Chairperson

**11.2. Regional Entertainment Centre Development Advisory Committee - 18 October, 2023**

Attachments:	1. Minutes - Regional Entertainment Centre Development Advisory Committee - 18/10/2023 [11.2.1 - 2 pages]
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Matthew Lysaught (Director Property & Place)
Community Plan Issue:	5 - <i>Community Infrastructure</i>
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	4.2.1 - Progress a Regional Entertainment and Conference Centre.

PURPOSE

To inform Council of a meeting of the Regional Entertainment Centre Development Advisory Committee held on 18 October 2023.

OFFICER'S RECOMMENDATION

The minutes for the Regional Entertainment Centre Development Advisory Committee meeting held on 18 October 2023 be ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Director Property and Place reports that the Regional Entertainment Centre Development Advisory Committee met on 18 October 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 WEDNESDAY 18 OCTOBER 2023 COMMENCING AT 5:30PM.

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) and Ms K. Scholes (Manager - Roads, Drainage & Technical Services).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr L. Dunn.

2 Apologies

RECOMMENDED that the apologies for inability to attend the meeting submitted by Mrs V. French, Cr S. Reynolds and Ms S. Welchman be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The Minutes of the Regional Entertainment Centre Development Advisory Committee Meeting held on **10 July 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

A discussion was held around the essential criteria relating to the advertisement for Community Members.

The Committee noted the report.

6 Business

Nil

7 Member Updates

Nil

8 Adjournment into Closed Committee

RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with



Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.

9 Closed Committee

RESOLVED on the motion of Cr R. Scholes and Mr S. Delforce that:

An independent quantity surveyor is to be engaged to review the design architect 'Variation Fee', including provisional sums for consultants' design reports.

10 Resumption of Open Committee

RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

The meeting return to Open Committee

11 Date of Next Meeting

20 November, 2023

12 Closure

The meeting was declared closed at 6:22PM.

Mr D. Finnigan
General Manager

Cr L. Dunn
Chairperson

**11.3. Grants Review Committee - 12 October, 2023 and 9 November, 2023**

Attachments:	1. Minutes - Grants Review Committee - 12/10/2023 [11.3.1 - 2 pages] 2. Minutes - Grants Review Committee - 9/11/2023 [11.3.2 - 3 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (Executive Assistant)
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:	Not Applicable

PURPOSE

To inform Council of a meetings of the Grants Review Committee held on 12 October, 2023 and 9 November, 2023.

OFFICER'S RECOMMENDATION

The minutes for the Grants Review Committee meetings held on 12 October, 2023 and 9 November, 2023 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Acting Chief Financial Officer reports that the Grants Review Committee met on 12 October, 2023 and 9 November, 2023.

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

COMMENT

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**MINUTES OF THE GRANTS REVIEW COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK
ON THURSDAY 12 OCTOBER 2023 COMMENCING AT 4:00PM.**

PRESENT: Cr L. Dunn (Chair) and Cr D. Douglas.

IN ATTENDANCE: Cr J. Lecky, Cr D. Marshall, Cr R. Scholes, Cr G. McNeill, Cr A. Barry, Cr B. Woodruff, Mr D. Finnigan (General Manager), Mr J. Hogan (Acting Chief Financial Officer), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director - Property & Place), Ms K. Scholes (Manager - Roads, Drainage & Technical Services), Mr I. Skaines (Grants & Community Engagement Advisor), Mr P. Chandler (Technical Officer, Recreation and Property) and Mr M. Leman (Innovation Co-ordinator).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr D. Douglas.

2 Apologies

RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:

The apology for inability to attend the meeting submitted by Cr S. Reynolds 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 Grants Review Committee Meeting held on 14 September 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 Report on Council Grant Funding and Community Engagement

RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:

The Grants Review Committee:

1. NOTES the information contained in this report;



2. APPROVES Council applying for funding under the Public Library Infrastructure Grants program for a project involving the digitisation of our local mining collection.

8 Date of Next Meeting

TBD

9 Closure

The meeting was declared closed at 4:25pm

Mr D. Finnigan
General Manager

Cr L. Dunn
Chairperson

**MINUTES OF THE GRANTS REVIEW COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON
WEDNESDAY, THURSDAY 9 NOVEMBER, 2023 COMMENCING AT 4.05PM.**

PRESENT: Cr R. Scholes (Chair), Cr D. Douglas and Cr L. Dunn.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Mr J. Hogan (Acting Chief Financial Officer), Mr M. Lysaught (Director - Property & Place), Ms S. Scholes (Manager - Roads, Drainage & Technical Services) and Mr I. Skaines (Grants & Community Engagement Advisor).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr Douglas.

2 Apologies

RESOLVED on the motion of Cr D. Douglas and Cr L. Dunn that:

The apology for inability to attend the meeting submitted by Cr S. Reynolds be ACCEPTED.

In Favour: Cr R. Scholes, Cr D. Douglas and Cr L. Dunn.

Against: Nil.

3 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr L. Dunn and Cr D. Douglas that:

The apology for inability to attend the meeting submitted by resolution} be ACCEPTED.

In Favour: Cr R. Scholes, Cr D. Douglas and Cr L. Dunn.

Against: Nil.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

5 Business Arising

Nil



6 Business

6.1 Report on Council Grant Funding and Community Engagement

A report was submitted to the Committee advising 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.

RESOLVED on the motion of Cr D. Douglas and Cr L. Dunn that:

The Grants Review Committee:

1. NOTES the information contained in the report;
2. APPROVES Council applying for funding under the Crown Reserves Improvement Fund to apply for funding of approximately \$100,000 to replace the softfall at Simpson Park;
3. APPROVES Council applying for funding under the Community Improvement District Pilot Program for funding for physical and non-physical interventions to activate the public space of the Hunter Innovation Precinct as the first stage of the Muswellbrook Town Centre plan;
4. APPROVES Council working with local sports groups to submit an application or applications under the Level the Playing Field program;
5. Recommends that funding applications are submitted to the Get NSW Active program as per the suggested projects nominated in the table contained in the report; and
6. APPROVES Council applying for funding under the Disaster Ready Fund Round 2 program for the construction of a detention/retention basin at Karoola Park.

In Favour: Cr R. Scholes, Cr D. Douglas and Cr L. Dunn.

Against: Nil.

7 Closed Committee

Nil

8 Date of Next Meeting

14 December, 2023

9 Closure

The meeting was declared closed at 4.35pm

.....
Mr D. Finnigan
General Manager

.....
Cr R. Scholes
Chairperson



**11.4. Local Traffic Committee Minutes - 14 November, 2023**

Attachments:	1. Minutes - Local Traffic Committee - 14/11/2023 [11.4.1 - 2 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Imelda Williams (Traffic & Roads Status Officer)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

PURPOSE

To inform Council of a meeting of the Local Traffic Committee held on 14 November 2023.

OFFICER'S RECOMMENDATION

The minutes for the Local Traffic Committee meeting held on 14 November 2023 be NOTED and the recommendations contained therein be adopted by Council.

Moved: _____ **Seconded:** _____

REPORT

The Executive Officer reports that the Local Traffic Committee met on 14 November 2023. The minutes of the meeting are attached for the information of the Councillors.

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 14 NOVEMBER, 2023 COMMENCING AT 2.00PM.

PRESENT: Cr M. Bowditch (Chair), Cr D. Marshall, Sgt.J. Cassidy and Ms W Wallace

IN ATTENDANCE: Mrs I. Williams

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr M. Bowditch.

2 Apologies

RECOMMENDED on the motion of Cr D. Marshall and Ms W. Wallace that:

The apologies for inability to attend the meeting submitted by Mr M. Kelly and Ms K. Scholes be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Cr D. Marshall and Ms W. Wallace that:

The Minutes of the Local Traffic Committee Meeting held on **12 September, 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

The parking restrictions in Osborn Avenue may need to be reported back to the committee pending the outcome of the investigation of the removal of the pedestrian fence at this location.

6 Business

6.1 Closure of Ogilvie Street for Denman Christmas Markets

RECOMMENDED that:

Council uses its delegated authority to approve the closure of Ogilvie Street, Denman, between Paxton and Palace Streets, on Thursday 7 December 2023 from 2:00pm to 9pm under the following conditions:

- Road users must be advised of the road closure prior to the event (variable message boards/notification in the local paper, etc);



- Traffic management plan (prepared by suitably qualified personnel) to include traffic guidance scheme, parking, and access arrangements to the event;
- A letterbox drop must be undertaken to the affected Businesses and Residents;
- All emergency services must be advised of the road closure and provisions made for access through the site if required;
- All traffic control personnel to have the appropriate TfNSW approved qualifications;
- The event is to be covered by public liability insurance for a minimum of \$20m coverage;
- NSW Police are to be advised of the event and provisions for any counter terrorism threat to be followed if required.

VOTE: Unanimous Support

General Business

Cr Marshall asked what was happening with the line marking in Market Street.

The line marking will be undertaken following the resealing of Market Street which is programmed prior to Christmas.

7 Closed Committee

Nil.

8 Date of Next Meeting

12 December, 2023

9 Closure

The meeting was declared closed at 2.24pm.

.....
Cr M. Bowditch
CHAIR



12. Notices of Motion

12.1. Electric Vehicle Strategy and Feasibility Plan

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

Councillor Amanda Barry has indicated her intention to move the following motion at the Ordinary Council Meeting to be held on 27 November, 2023, as follows:

MOTION

Council seeks funding opportunities to initiate the development of an Electric Vehicle (EV) Strategy, encompassing a feasibility plan, identifying optimal charging station locations, and a comprehensive community communication package to promote sustainable transportation in our Shire.

Moved: _____ **Seconded:** _____

INFORMATION:

The strategy will play a crucial role in reducing emissions, enhancing air quality, and positioning our community as a destination for those Electric Vehicle owners to stop, recharge and visit. It will also prepare our community for the global transition to electric vehicles.

The aim is to collaborate with relevant stakeholders, including experts, residents, and businesses, to ensure the successful implementation of this strategy.

Key Areas of the Strategy to include:

1. Assess Local Needs:
 - Identify the community and tourism transportation needs, including commuting patterns and current vehicle types.
2. Set Goals:
 - Define SMART goals for EV adoption in the community, such as a target percentage of EVs that frequent charging stations per year.
3. Charging Infrastructure:
 - Develop a plan to expand EV charging infrastructure, including public charging stations in key locations and possibly home charging incentives.
 - Plan to integrate EV charging into future decision-making, with a focus on small infrastructure that supports smart transport options for all parts of the community.
 - Infrastructure to be fit for purpose – the right chargers installed in the right places by the right organisations.
4. Education and Outreach:
 - Launch educational campaigns to raise awareness about the benefits of EVs, cost savings, and the locations available in our Shire.
5. State and Federal Government Support:
 - Work with State and Federal government agencies to streamline permitting for



charging infrastructure and funding opportunities due to the benefit of our geographical location to the grid.

- Strategy should align with National, State, and local regional strategies already in place.

6. Work with Utilities:

- Collaborate with utility companies to ensure grid capacity and reliability for EV charging needs.
- Encourage smart energy and smart grid management.

7. Data Collection:

- Implement data collection systems to monitor EV adoption rates, charging station usage, and environmental impacts.

8. Community Engagement:

- Involve the community in decision-making processes and gather feedback on EV-related related locations of benefit.

9. Partnerships:

- Collaborate with fast food outlets, café zones, businesses, and other relevant stakeholders to promote best practices.

10. Leverage economic opportunities:

- Identify and secure funding sources, such as grants, public-private partnerships, or community investments.

11. Regulatory Support:

- Advocate for supportive policies and regulations at the Federal and State levels, including emissions reduction targets while making the process streamlined and policy-friendly.

12. Long-Term Sustainability:

- Plan for the long-term sustainability of the strategy, considering technological advancements and evolving community needs.

RESPONSE BY GROUP MANAGER

Council is currently seeking grant funding for the development of an EV Strategy for Muswellbrook Shire Council. Should Council's grant funding submission be unsuccessful, funding for an EV Strategy will be sought through the Quarterly Budget Review process.

Advocacy has also been carried out with Hunter JO by the Mayor in relation to the development of an EV Strategy for the Hunter Valley, including the upper Hunter and, specifically, Muswellbrook Shire.

Staff continue to monitor the effectiveness of the pilot EV charging station at the Muswellbrook Marketplace, and usage statistics will be provided to Council on a monthly basis.



12.2. Enhancing Public Asset Protection through CCTV Surveillance

Attachments: 1. Closed Circuit Television CCTV in Public Places Policy
[12.2.1 - 7 pages]

Responsible Officer: Derek Finnigan - General Manager

Councillor Mark Bowditch has indicated his intention to move the following motion at the next Ordinary Council Meeting to be held on 27 November, 2023, as follows:

MOTION

The protection of public assets is vital for the well-being and security of our community;

The implementation of Closed-Circuit Television (CCTV) surveillance systems has proven to be an effective tool in deterring and investigating criminal activities in public spaces;

The use of CCTV cameras can also aid in monitoring and managing public assets, such as infrastructure, parks, and government facilities;

I hereby recommend that Muswellbrook Shire Council proposes the implementation of CCTV surveillance systems in public places with an emphasis on protecting public assets.

Be it Resolved:

1. Muswellbrook Shire Council source appropriate funds via grants for the installation, maintenance, and monitoring of CCTV cameras in strategically selected public areas.
2. Muswellbrook Shire Council will collaborate with law enforcement agencies to ensure effective utilization of the CCTV surveillance systems in preventing and investigating criminal activities that may threaten public assets.
3. Muswellbrook Shire Council will adhere to privacy and data protection regulations, ensuring that CCTV surveillance is used responsibly and transparently.
4. Muswellbrook Shire Council will conduct regular reviews to assess the effectiveness of the CCTV surveillance program in protecting public assets and make necessary adjustments as required.
5. Muswellbrook Shire Council will engage with the community through public consultations and awareness campaigns to address any concerns and gather input regarding the implementation of CCTV surveillance in public places.

This motion, once adopted, will enhance public asset protection, improve community safety, and contribute to the overall well-being of our local residents.

Moved: _____ **Seconded:** _____



RESPONSE BY GROUP MANAGER

The attached *Closed Circuit Television (CCTV) in Public Places Policy MSC036E* (the Policy) was adopted by Council at the 22 August 2022 Ordinary Council Meeting.

The Policy is a new policy, developed to provide a framework for the implementation, installation, management, and operation of a closed-circuit surveillance system, comprising cameras and associated equipment, software, and systems in a range of public places within the Muswellbrook Shire Council Local Government Area.

Implementation of the Policy requires a procedure and a notice to employees to support it. this is currently being developed with a report to be provided to the next Staff Consultative Committee.

Council currently has CCTV at 26 locations around Muswellbrook Shire. New installations are networked, and staff are working to bring older installations into the network.



Closed Circuit Television (CCTV) in Public Places Policy

MSC036E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	Every 4 years, or upon any changes to the NSW Government CCTV Guidelines, whichever is the earlier.		
Review due date:			
Department:	Office of the General Manager		
Document Owner:	Public Officer		
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		

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1 Policy Objective

This policy provides a framework for the implementation, installation, management and operation of a closed circuit surveillance system comprising cameras and associated equipment, software and systems ("CCTV") in a range of public places within the Muswellbrook Shire Council ("Council") local government area.

2 Risks being addressed

This Policy aims to ensure:

- a) consistency and clarity in Council's role and obligations regarding the establishment, operation and management of CCTV in public places by or on behalf of Council;
- b) a consistent, unified, equitable and transparent approach is applied by Council to the processing of requests for the establishment, operation and management of CCTV in public places or on behalf of Council; and
- c) that CCTV footage is managed in accordance with the *Privacy and Personal Information Protection Act*.

3 Scope

This policy applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.

This Policy does not apply to:

- a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;
- b) mobile cameras including dash cams, and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- c) cameras attached to Council's contracted garbage trucks for operational purposes;
- d) privately owned and operated CCTV on private property; or
- e) CCTV installed by Council as part of its facility management obligations.

Although CCTV schemes installed by a community-based organisation who lease Council facilities are outside the scope of this Policy, these schemes will need approval from Council prior to installation. Council staff will consider how the proposed scheme aligns with the principles (below) prior to approving such a scheme. If approved, the scheme will be owned and operated by the organisation in accordance with appropriate legislation and guidelines.

For the avoidance of doubt, the phrase "facility management obligations" for the purposes of this policy means those facilities owned and/or operated by Council which members of the public are not ordinarily permitted access to. For example, Council's Recycled Water Treatment Works.

4 Policy Statement

CCTV may be used for many purposes including monitoring facility use, maintenance of assets, risk management, assisting with monitoring traffic, and crime prevention.

When considering and determining the establishment, operation and management of CCTV, Council applies relevant guiding principles as required, such as the *NSW Government policy statement and guidelines for the establishment and implementation of closed-circuit television (CCTV) in public places* ("NSW Government CCTV Guidelines").

4.1 Principles

Council considers and determines the establishment, operation and management of CCTV in public places by Council, in accordance with applicable guiding principles as required, such as those outlined in the NSW Government CCTV Guidelines.

1. Council ensures that where CCTV is established, operated and managed for crime prevention and community safety purposes, that the implementation of CCTV is part of an integrated, multi-agency approach to crime control and community safety.
2. CCTV is only considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and that prior to installation, a safety and security audit is completed. The audit considers:
 - (a) whether the problem is on-going or the result of a one-off event;
 - (b) whether the perception of crime is supported by evidence and data;
 - (c) how the establishment, operation and management of CCTV fits within a broader crime prevention strategy;
 - (d) evidence as to the effectiveness of CCTV in addressing the identified crime;
 - (e) the lawfulness of the collection of personal information via CCTV; and
 - (f) the costs associated with establishing, operating and managing the CCTV.
3. Council ensures that the ownership of public area CCTV schemes is clear and publicly known.
4. Council will erect signs informing the public of the existence of CCTV in a public place, and will take steps to ensure that the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998*.
5. Council maintains a public register of all of its CCTV schemes.
6. When considering establishing or significantly expanding a public area CCTV scheme, Council will ensure that the relevant concerns of all parties affected are considered through an effective consultation process. People or groups that may be affected by the proposal could include:
 - (a) residents;
 - (b) users of the public place;
 - (c) local businesses;
 - (d) Police or other regulatory authorities; and
 - (e) Council staff.

Information available through the consultation process includes the potential benefits of the scheme, possible costs involved, and privacy implications, including people's rights and Council's responsibilities.

Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005* and ensure that staff are given due notice prior to the installation of a scheme.

7. Council will identify the purpose and will develop and document objectives for the establishment, operation and management of CCTV in a public place. CCTV is only used in accordance with its established objectives and not for any other purpose. Objectives may include:
 - (a) to assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
 - (b) improving public confidence in the safety and security of public places;
 - (c) to deter anti-social behaviours in high-risk public places;
 - (d) to assist with the safety of Council staff or authorised contractors within public places;
 - (e) to assist with the management/operations or maintenance of public places, or monitoring their use; or
 - (f) identifying potential environmental safety risks.
8. Where CCTV is established in a public place for crime prevention purposes, Council will consult with Police to ensure that the installation of CCTV fits within a broader crime prevention strategy and meets its objectives.
9. Council ensures that its CCTV schemes are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including that:
 - (a) the recording and retention of images is undertaken lawfully;
 - (b) the purpose for which the information is being obtained is known;
 - (c) the information is not used for any purpose other than that stated;
 - (d) people are made aware that they may be subject to CCTV surveillance; and
 - (e) the owners of the scheme are known and accountable for its operation.
10. Council will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives. The evaluation framework provides guidance on appropriate mechanisms to enable Council to assess whether the CCTV scheme is:
 - (a) achieving its objectives (including an assessment of its impact upon crime and community safety, for those schemes implemented for crime prevention or community safety purposes);
 - (b) being used in accordance with its established objectives, and not for any other purpose;
 - (c) impacting on any groups;

- (d) providing an overall benefit (after consideration of the costs involved in operating the scheme); and
 - (e) requires changes to the extent or location of the cameras, or technology utilised.
11. Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes (in person at Council's Administration Centre, or via phone, letter or email).
 12. Complaints in relation to Council's handling of a person's personal information may be made, and will be managed in accordance with Council's *Privacy Management Plan*.
 13. Complaints in relation to Council's handling of a person's personal information may also be made to the NSW Privacy Commissioner.
 14. Council will review its CCTV systems every 4 years to assess compliance with this policy and any associated procedures. The review examines such matters as:
 - (a) assessment of the scheme and any technological problems;
 - (b) processes used to receive, access and process footage requests;
 - (c) complaints received and responses provided;
 - (d) compliance with relevant legislation, regulations and Australian Standards; and
 - (e) whether the systems and processes utilised remain good practice.
 15. CCTV footage will generally be retained for no less than 21 days, and thereafter will be deleted, unless identified as containing an incident, required to be retained in relation to the investigation of crime, for Court proceedings notified to Council, or for ongoing intelligence and investigations.
 16. Council retains ownership of and has copyright in all recordings, photographs and documentation pertaining to the CCTV.

4.2 Access to CCTV Footage

1. All requests for access to recorded material, other than by authorised Council officers or NSW Police, must be made to Council by means of an access application pursuant to the *Government Information (Public Access) Act (GIPA Act)*. Access applications will be determined by Council's Public Officer in accordance with the provisions of the GIPA Act.
2. All requests for access to recorded material by the NSW Police will only be granted:
 - (a) in compliance with the needs of NSW Police in the investigation and detection of a crime or suspected crime;
 - (b) for use in NSW Police intelligence gathering relevant to a crime or suspected crime;
 - (c) for use in relation to special or covert operations;
 - (d) for providing evidence in actual or possible criminal and/or civil proceedings; or
 - (e) for identification of witnesses to a crime or suspected crime.
3. Recorded material will be treated according to all relevant and appropriate legislation and standards.

4. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

5 Review and Evaluation

This Policy will be reviewed every 4 years, or upon any changes to the NSW Government CCTV Guidelines, whichever is the earlier.

The review will consider the results of the audits of Council's CCTV schemes, to ensure that this Policy is effective and has been implemented appropriately.

6 Delegations and Dispute Resolution

The General Manager is the interpreter of this policy.

7 Legislation and Guidelines

Privacy and Personal Information Protection Act 1998 (NSW)

Workplace Surveillance Act 2005 (NSW)

Government Information (Public Access) Act 2009 (NSW)

[NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television \(CCTV\) in public places](#)

8 Associated Council Documentation

Muswellbrook Shire Council Model Code of Conduct

Privacy Management Plan

9 Procedures

Closed Circuit Television (CCTV) in Public Places Procedure

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	06.03.2023	Public Officer	First version. Public exhibition of draft policy 29/06/2023-27/07/2023.



12.3. Commencement of Town Beautification Plan upon Completion of Town Bypass

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

Councillor Steve Reynolds has indicated his intention to move the following motion at the next Ordinary Council Meeting to be held on 28 November 2023, as follows:

MOTION

The Muswellbrook Town Bypass project is nearing commencement, and the community recognizes the need for a comprehensive beautification plan to enhance the aesthetic appeal and overall atmosphere of our community;

A well-planned beautification initiative can contribute to economic development, tourism, and the well-being of our residents;

I put forward the following motion to council to commence the preparation for this;

1. Muswellbrook Shire Council initiates a Town Beautification Plan in anticipation of the Town Bypass, by constructing a committee immediately.
2. The Town Beautification Plan shall include the following key components:
 - a) Landscaping and green spaces enhancements along the bypass and within the town.
 - b) Installation of aesthetically pleasing signage welcoming visitors to our community.
 - c) Maintenance and restoration of historic landmarks and heritage sites.
 - d) Street art and public art installations to promote cultural expression.
 - e) Development of pedestrian-friendly pathways and recreational areas.
3. Muswellbrook Council shall establish a dedicated committee or task force responsible for overseeing the planning, implementation, and funding of the Town Beautification Plan and Delivery.
4. Funding for the beautification plan shall be allocated from the town's budget, grants, public-private partnerships, and community fundraising efforts.
5. Muswellbrook Council shall actively seek input from the residents, local businesses, and community organizations to ensure that the beautification plan aligns with the desires and needs of our community.
6. Regular updates on the progress of the Town Beautification Plan shall be provided to the public, and transparency in decision-making and budget allocation will be a priority.
7. Muswellbrook Council shall work in collaboration with relevant government agencies, experts, and consultants to ensure that the beautification plan is well-informed and sustainable.



8. A timeline for the execution of the Town Beautification Plan shall be developed, with the aim of completing the plan within a reasonable timeframe.

This motion is hereby presented for discussion and approval by the Muswellbrook Shire Councillors. It is our collective responsibility to enhance the beauty and charm of our town, making it an even more attractive and welcoming place for all residents and visitors.

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

A Muswellbrook Town Beautification Committee shall be formed as detailed in the Notice of Motion. The Terms of Reference of the Committee will include the items detailed in the Notice of Motion.



13. Councillors Reports

14. Written Questions

14.1. Financial Implications of Enhancing Bin Capacity from 120L to 240L

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

Councillor Douglas has asked the following question with notice for the Council meeting on 28 November 2023, as follows:

Considering our ongoing commitment to improving the quality of life for our residents, we previously discussed the impacts that could be a burden to our residents with large families. Given this and that we are trying to encourage growth in our shire and entice families to relocate.

I propose that discussion of the transition from the current 120L red bins to 240L red bins collected fortnightly needs to be thoroughly investigated. This enhancement is aimed at better accommodating the waste disposal needs of our community. To ensure a well-informed decision-making process, I request detailed information on the following aspects for our next council meeting:

1. **Financial Analysis:** An in-depth review of the costs associated with upgrading from 120L to 240L red bins, including aspects such as procurement, distribution, and long-term waste management.
2. **Community Benefits:** An evaluation of how this change will positively impact residents, especially those with larger households, in managing their waste more effectively whilst encouraging the FOGO process to its entirety.
3. **Council's Financial Impacts:** An analysis of the financial implications for the council, both immediate and long-term, ensuring fiscal responsibility and sustainability.

Gathering this information will aid in our understanding of the financial aspects and practical benefits of this proposed change, allowing us to continue serving the community's needs effectively and efficiently.

MOTION

The information contained in the report be noted.

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

A report providing a detailed response to the matters raised will be submitted to the 19 December 2023 Ordinary Council Meeting.



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. Contract 2022-2023-0575 - Facility Renovations - Victoria Park

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 Entertainment Centre - QS Review of FJCT Studio's Variation Proposal for Design Development

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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



17.3. Offer to Join Hunter Resource Recovery

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. Review of Workplace Structure

This report is CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors).

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

17.5. 54 Kunapalari Street Throsby - Wonderschool - Tenant Review

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

18. Resumption of Open Council

19. Closure

Date of Next Meeting: 19 December, 2023