



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 23 JANUARY 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
17 January, 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Training Room, Level 2, University of Newcastle - Upper Hunter Campus, 87 Hill Street, Muswellbrook, NSW 2333 Australia on **Tuesday 23 January 2024** commencing at 6:00 pm.

Derek Finnigan

GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

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

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



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- 1. Applications for Attendance via Audio Visual Link**
- 2. Acknowledgement of Country**
- 3. Civic Prayer**
- 4. Apologies and Applications for a Leave of Absence**
- 5. Confirmation of Minutes**

Ordinary Council Meeting held in 19 December, 2023

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on 19 December 2023, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN AUDITORIUM, MUSWELLBROOK RSL CLUB, BRIDGE STREET MUSWELLBROOK ON TUESDAY 19 DECEMBER, 2023 COMMENCING AT 6.00PM.

PRESENT: Cr S.M. Reynolds (Mayor), Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall (VC), Cr R. Scholes and Cr B.N. Woodruff.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Mr M. Lysaught (Director – Property & Place), Ms E. Lane (Manager – Governance & Risk), Mr J. Hogan (Acting Chief Financial Officer), Mr P. Ball (Manager - Works), Mrs C. Middleton (Communications Co-Ordinator), Mrs M. Sandell-Hay (Governance Officer), Ms K. Hamm (Executive Assistant) and Four (4) people in the public gallery.

1. Applications for Attendance via Audio Visual Link

217 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:

Authority be given for Cr D. Marshall to attend the Council Meeting via video link.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Cr M. Bowditch.

3. Civic Prayer

The Civic Prayer was read by Cr J. Lecky.

4. Apologies and Applications for a Leave of Absence

Nil.



5. Confirmation of Minutes

Ordinary Council Meeting held on 28 November, 2023

218 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:

The Minutes of the Ordinary Council Meeting held on 28 November, 2023, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

Cr G. McNeill - Declared a pecuniary interest in Item 10.1.1 - Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

Cr D. Douglas - Declared a pecuniary interest in Item 10.3.2 - Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council and they are unclear if there is a claim on this land title.

Cr A. Barry - Declared a pecuniary interest in Item 10.1.1 - Cr Barry advised Council that her employer is a competitor in the Energy Industry.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 10.3.6 - Cr Reynolds advised he undertakes filming of sports in this precinct.

Cr S. Reynolds - Declared an insignificant non-pecuniary interest in Item 10.3.3 - Cr Reynolds advised Council his residence backs unto Karoola Park.

7. Mayoral Minute

Nil.



8. Public Participation

Disclosure of Interest

Cr A. Barry declared a pecuniary interest in Item 10.1.1. Cr Barry advised Council that her employer is a competitor in the Energy Industry.

Cr G. McNeill declared a pecuniary interest in Item 10.1.1. Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

At 6:05 pm Cr A. Barry and Cr G. McNeill left the Council Chambers and therefore took no part in discussion of this item.

Mr . Jan Kamstra - in opposition of Item 10.1.1 Bowmans Creek Wind Farm - Submission to the Independent Planning Commission.

An additional 2 minute extension was requested and granted.

At 6:10 pm Cr A. Barry and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.

Mr. Gus Mather - in support of Item 10.3.6 Olympic Park Precinct - Plan of Management Adoption.

9. Business Arising (From Previous Meetings)

Nil.



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Bowmans Creek Wind Farm - Submission to the Independent Planning Commission

Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in this Item. Cr McNeill advised Council that his employer is a competitor in the Energy Industry.

Cr A. Barry declared a pecuniary interest in this Item. Cr Barry advised Council that her employer is a competitor in the Energy Industry.

At 6:19pm Cr A. Barry and Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr S. Reynolds and Cr M. Bowditch that:

219 Council supports the submission to the IPCn for the Bowmans Creek wind farm provided in Attachment A subject to the inclusion of the following as paragraph 2:

Council does not consider that the concerns we have raised regarding the Project have been adequately addressed by the DPE or the Applicant. If the IPCn are of a mind to determine this application with no further changes to the Project or draft conditions, Council requests that the application be refused.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

At 6:21 pm Cr A. Barry and Cr G. McNeill returned to Council Chambers and resumed their chairs at the meeting table.

10.1.2. Change of Major Landcare Budget

220 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
Council APPROVES the reallocation of funds from the Major Landcare Projects budget to:

1. \$15,000 to natural area maintenance.
2. \$15,200 to the Landcare on Rural Land Project.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



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

221 RESOLVED on the motion of Cr D. Douglas and Cr B. Woodruff that:
The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.2. Community Infrastructure

10.2.1. FOGO Education & Communication status report

222 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council NOTES the progress of Food Organics Garden Organics (FOGO) Communications and Education activities.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.2.2. Tree Removal Requests

223 RESOLVED on the motion of Cr R. Scholes and Cr J. Drayton that:
Council APPROVES the recommendations contained in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.3. Property and Place

10.3.1. **DRAFT Recreation Needs and Management Study 2023 for Public Exhibition**

224

RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:

Council APPROVES:

1. The Draft Recreation Needs and Management Study 2022-2023 be placed on public exhibition until 16 February 2024; and
2. A further report be submitted to Council following the period of public exhibition.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.3.2. **Acquisition of Crown Land - Skellatar Stock Route**

Disclosure of Interest

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised Council that she is the CEO of Wanaruah Local Aboriginal Land Council who may have a claim on this land title.

At 6:26 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr R. Scholes and Cr B. Woodruff that:

225

Council APPROVES:

1. Proceeding with compulsory acquisition of the land described as Part Lot K/DP25666 for the purpose of building a Youth Centre in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
2. Making an application to the Minister for Local Government and/or Governor of NSW for permission to compulsorily acquire Part Lot K/DP25666 under section 186(1) of the Local Government Act 1993; and
3. The land be classified as community land under section 31 of the Local Government Act
4. To apply to acquire the remaining section of travelling stock route being the same lot and DP separately.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



At 6:32 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.

10.3.3. Karoola Park - Optus Tower Proposed Location

Disclosure of Interest

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council that his residence backs onto Karoola Park.

226 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
Council provides owner's consent for the proposal from Indara Corporation Pty Ltd to build a telecommunications facility in Karoola Park, Muswellbrook in the proposed location as specified in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.3.4. Major Projects Status Report

227 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:
Council NOTES the information contained in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.3.5. General Building Renewal Programme 2023-2024

228 RESOLVED on the motion of Cr B. Woodruff and Cr A. Barry that:
Council APPROVES the 2023-24 General Building Renewal Programme as provided in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.3.6. Olympic Park Precinct - Plan of Management ADOPTION

Disclosure of Interest

Cr S. Reynolds declared an insignificant non-pecuniary interest in this Item.
Cr Reynolds advised he undertakes filming of sports in this precinct.

- 229 RESOLVED on the motion of Cr G. McNeill and Cr M. Bowditch that:
Council:
1. ADOPTS the draft Plan of Management – Olympic Park Precinct under clause 70B of the Crown Land Management Regulation 2018; and
 2. Provides a copy of the Plan of Management – Olympic Park Precinct to the Department of Planning and Environment – Crown Lands and Public Spaces.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Cr J. Drayton.

10.3.7. Rural Fire Services - Kayuga Fire Station Plans

- 230 RESOLVED on the motion of Cr M. Bowditch and Cr D. Douglas that:
Council APPROVES the plans provided by the design and construction contractor, Shay Brennan Pty Ltd, for the Rural Fire Service Kayuga Fire Station.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.4. Corporate Services

10.4.1. Resources SEPP - Advocacy Strategy

231 RESOLVED on the motion of Cr J. Drayton and Cr G. McNeill that:
Council ENDORSES the Resources SEPP advocacy strategy as detailed in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.2. DRAFT Management of Trees on Roads and Public Land Policy for Public Exhibition

232 RESOLVED on the motion of Cr B. Woodruff and Cr R. Scholes that:
Council:
1. ENDORSES the attached *DRAFT Management of Trees on Roads and Public Land Policy* to be placed on public exhibition via Council's website for a period of 28 days, plus an additional week of exhibition to allow for public holidays; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.4.3. DRAFT Fraud and Corruption Control Policy MSC18E for Public Exhibition

233 RESOLVED on the motion of Cr J. Lecky and Cr L. Dunn that:

1. Council ENDORSES the attached *DRAFT Fraud and Corruption Control Policy* to be placed on public exhibition via Council's website for a period of 28 days, plus 2 additional weeks of exhibition to allow for public holidays; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.4. 2023/2024 Operational Plan - 30 September, Quarterly Review

234 RESOLVED on the motion of Cr R. Mahajan and Cr B. Woodruff that:
Council notes the 2023/2024 Operational Plan First Quarter Review dated 30 September 2023.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.5. Report on Investments held as at 30 November 2023

235 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
Council NOTES Council's Investments as at 30 November 2023.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.4.6. Monthly Financial Report - November 2023

236 RESOLVED on the motion of Cr R. Mahajan and Cr J. Lecky that:
Council NOTES the Financial Reports for the month ending 30 November 2023.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.7. Stores and Materials Stocktake - 21 November, 2023

237 RESOLVED on the motion of Cr B. Woodruff and Cr L. Dunn that:
Council notes the report on the stocktake carried out on 21 November 2023 and that the amount of \$467,657.86 be deducted from the inventory register. \$440,165 of that amount will be expensed to operational ledgers for 2022/23 and 2023/24.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.4.8. Authorisation Under Section 226 of the Local Government Act

238 RESOLVED on the motion of Cr A. Barry and Cr J. Lecky that:
Council notes the information provided in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



10.5. Community and Economy

10.5.1. Disability Inclusion Action Plan 2022 - 2026 for ADOPTION

239 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas that:
Council ADOPTS the Disability Inclusion Action Plan 2022-2026.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.5.2. Community Services

240 RESOLVED on the motion of Cr G. McNeill and Cr R. Mahajan that:
The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

10.5.3. Report on Council Grant Funding and Community Engagement

241 RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:
Council NOTES the information contained in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



11. Minutes of Committee Meetings

11.1. Finance Review Committee - 21 November, 2023

242 RESOLVED on the motion of Cr R. Scholes and Cr R. Mahajan that:
The minutes for the Finance Review Advisory Committee held on 21 November 2023 be NOTED.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

11.2. Events Steering Committee - 22 November, 2023

243 RESOLVED on the motion of Cr M. Bowditch and Cr A. Barry that:
The record of the Events Steering Committee meeting held on 22 November, 2023 be NOTED.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

11.3. State Significant Development Committee - 4 December, 2023

244 RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:
The minutes for the State Significant Development Committee meeting held on 4 December, 2023 be NOTED.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



11.4. Future Fund Committee - 7 December, 2023

245 RESOLVED on the motion of Cr B. Woodruff and Cr R. Mahajan that:
The minutes for the Future Fund Committee meeting held on 7 December 2023 be ADOPTED.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

12. Notices of Motion

Nil.

13. Councillors Reports

13.1 Giants Creek Road

Cr McNeill advised he would like to pass on the thanks from a Resident at Giants Creek Road to staff for their actions on safety issues that arose on Giants Creek Road.

13.2 Richard Gill School Presentation

Cr McNeill advised Council that he attended the Richard Gill School Presentation along with Cr Lecky and that attending these events make it a privilege to be a Councillor.

14. Written Questions

Nil.

15. Questions for Next Meeting

Nil.



16. Adjournment into Closed Council

246 RESOLVED on the motion of Cr A. Barry and Cr D. Douglas 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.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

Members of the Public left the meeting at this stage.

Ms Pope left the meeting at 6.55pm

17. Closed Council

17.1. Contract 2020-2021-0443A Principal Design Consultant for CI Depot (Re-Issue)

247 RESOLVED on the motion of Cr J. Drayton and Cr B. Woodruff that:

Council:

1. ACCEPTS the tender submission from CCG Architects Pty Ltd for a contract sum of \$611,500.00, exclusive of GST; and
2. Authorises the General Manager to enter into a Contract for the provision of services under the Contract.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



17.2. 2024 Australia Day Nominations Committee Meeting

248 RESOLVED on the motion of Cr R. Scholes and Cr L. Dunn that:
The minutes for the 2024 Australia Day Nominations Committee Meeting held on 11 December 2023 be NOTED and the recommendations contained therein be ADOPTED.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

17.3. Regional Procurement Tender T142324HUN - Tree Maintenance

249 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch that:
Council APPROVES the following companies to be awarded Contract T142324HUN for Tree Maintenance services as panel source suppliers to Muswellbrook Shire Council for the period 1 October 2023 to 30 September 2025, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take the contract through to 30 June 2026:

1. Active Tree Services Pty Ltd t/as Active Tree Services;
2. Asplundh Tree Expert (Australia) Pty Ltd t/as Summit Open Space Services;
3. D&C Tree Services Pty Ltd;
4. Garwood Tree Services Pty Ltd;
5. TLC Business Group Pty Ltd t/as Hunter Tree & Lawn Care; and
6. TreeServe Pty Ltd.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



17.4. Request for Bin Service

250 RESOLVED on the motion of Cr D. Douglas and Cr J. Drayton that:
Council APPROVES an exception to the Revenue Policy and authorises the provision of a waste service to the property identified in the report, despite there not being an Occupation Certificate for a dwelling for the property.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

17.5. Muswellbrook Aquatic Centre Kiosk

251 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council RESOLVES to:
1. Retain the Muswellbrook Aquatic Centre kiosk and party room within the Aquatic Centre business unit; and
2. Consider the provision of additional funding in future budgets to enable the operation of the kiosk to its full potential.
3. Review the operations for the Muswellbrook Aquatic Centre Kiosk and Art Gallery Cafe and report options back to Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

17.6. Marketplace Laneway

252 RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:
Council APPROVES proceeding as recommended in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



18. Resumption of Open Council

253 RESOLVED on the motion of Cr A. Barry and Cr M. Bowditch that:

The meeting return to Open Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

Members of the public were invited to return to the meeting.

The Mayor read out the resolutions from Closed Council.

19. Closure

The meeting was declared closed at 7.07pm.

THE MINUTES OF THE MEETING (PAGES 1 to 18) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 23 JANUARY, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 19 DECEMBER, 2023.

.....
Mr D. Finnigan	Cr S. Reynolds
General Manager	Chairperson



6. Disclosure of any Pecuniary or Non-Pecuniary Interests

7. Mayoral Minute

Nil

8. Public Participation

Nil



9. Business Arising (From Previous Meetings)

9.1. Question With Notice - Rubbish on Footpaths

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Joann Polsen (Senior Coordinator Waste Operations), Lachlan Melichar (Regulatory Services Co-Ordinator)
Community Plan Issue:	3 - Environmental Sustainability
Community Plan Goal:	An environmentally sensitive and sustainable community
Community Plan Strategy:	3.4.1 - Continue Community Education Program on water, waste and energy reduction. 3.4.1.1 - Assist Council, households and businesses to manage waste effectively and use water and energy efficiently.

PURPOSE

To submit for Council's information a response to a question raised by Councillor Scholes at the 27 November 2023 Ordinary Council Meeting.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

REPORT

At the 27 November 2023 Ordinary Council Meeting, the following question was raised by Councillor Scholes:

15.3 RUBBISH ON FOOTPATHS

Cr Scholes raised concerns about rubbish left on footpaths and what was the policy and costs involved annually.

Staff thanked Councillor Scholes for the question.

Rubbish left on footpaths is classified as either illegal dumping or street litter. This report will touch on both themes and detail the current processes in place for each scenario.

It should be noted that there is no singular unified policy for dealing with each scenario, as each scenario is triaged to the circumstances specific to each incident, with actions being commensurate with those circumstances.

Illegal Dumping

Illegal dumping comprises waste or other abandoned material dumped in any location that is not licenced for the receipt of waste. This includes on private property, public spaces, or even the kerbside of residential streets. Bulky waste placed outside the collection period advertised by Council is classified as illegal dumping.



Where kerbside illegal dumping is reported to Council, it is addressed through a process workflow involving several functional areas:

- Customer Service Officers (CSO) take the enquiry from the customer.
- All illegal dumping reports are reported through **RID Online**, to which a link is available on Council's website. CSOs can enter the details of the report on behalf of the caller, or direct the caller to the RID Online website to lodge their own report and include any photographs and location details.
- The RID Online system assigns the report to the relevant Local Government Area based on the location details provided for the dumping.
- RID reports for the Muswellbrook Shire Council area are received as an email to Muswellbrook Shire. This is registered by the Records team, and a CRM is raised and tasked to Ranger Services.
- Ranger Services action the CRM by conducting an investigation into the report. The investigation seeks identifying features which may lead to identification of the dumper. This may include door knocking nearby residents or businesses and interviewing persons.
- If Ranger Services find evidence identifying persons responsible for the incident, further investigation is undertaken with the individual in question and actions taken under the *Protection of the Environment Operations Act 1997*, which may take the form of fines, clean-up notices, or other such necessary legislative instrument.
- If Ranger Services are unable to find identifying evidence, the CRM is assigned to the Works – Parks team to undertake clean-up actions where the rubbish has been dumped within reserves, roads, or other public space.

Illegal Dumping – In Relation to the Kerbside Bulky Waste Service

The advertised timeframe of the bulky waste service is the only time residents are permitted to place any waste items out on the nature strip. At all other times, placement of rubbish or other articles is not permitted, and is classified as illegal dumping.

Placing items on the footpath, within the road reserve or on any other public place, is not permitted at any time. This is regulated by the Public Spaces Unattended Property Act 2021 where the article is unattended property. Where the item is waste, Council can utilise the *Protection of the Environment Operations Act 1997* to issue a clean-up or prevention notice.

Placing items on the kerb or verge is never permitted unless it is kerbside collection time. Even with a "for sale" sign, materials need to be within the confines of their property boundaries to be permissible. A person could potentially place something in connection with a S138 permit issued under the Roads Act 1993, but this is usually relating to works being conducted (for example, a driveway construction), not just a pile of items for disposal.

It is the responsibility of the owner of any article to understand the location of their property boundaries and ensure that material is stacked or arranged tidily and in a manner that is not prejudicial to the neighbourhood.

Council also possesses powers pursuant to the *Local Government Act 1993* to require a property owner to stack articles within their property in a manner that does not create unsightly conditions.

Council's adopted Local Orders Policy sets the framework around what constitutes a relevant article and gives guidance to the authorised officer of Council in making relevant considerations.

Street Litter



The issue of street littering is handled in a separate workflow.

For example, if a resident calls to report a box of used syringes dumped in the gutter, a CRM is raised for immediate clean up, and this is tasked to the Works – Parks team. Reports which indicate a risk to health or are dangerous are prioritised in this way to make the area safe as early as possible. All other CRMs for street litter go to Works - Parks and include such things as litter around fast-food stores, walkways, drains, overflowing public bins, etc.

The NSW EPA (Environment Protection Authority) also strongly encourages people to report littering from vehicles. Their website hosts a form where anyone can make a statement regarding their witness of littering from vehicles, for example, cigarette butts. A report requires the registration number of the offending vehicle and a brief description of what occurred. The EPA can then issue Penalty Notices for these offences, and tossers are obliged to pay the fine or contest it in the legal system.

Council's Sustainability unit actively promotes the NSW EPA "Don't be a Tosser" Campaign and have engaged with several Anti-litter grants focusing on hot spots, education, and deterrence.

The costs incurred annually for addressing rubbish on footpaths comprise a percentage of each functional unit's wages and vehicle costs.

Further, there is \$15K expenditure budget under GL 172.737.500 identified to Illegal Dumping which is in place to cover the landfilling costs. There will also be other costs associated across each functional area in addition to this figure inclusive of wages, and vehicle and equipment costs. The table below summarises the relevant workflows:

Table: Summary of workflows associated with managing incidents of illegal dumping and littering

Tasks	Functional areas:		
	Customer Service & Administration	Rangers	Works
Report	Receive reports from residents: If; Litter - CRM to Works Illegal dumping - RID Online	Receive RID reports	Receive CRM task for cleanup work
Investigate		Inspect location and attempt to identify the dumper	
Enforce		If dumper identified, issue a Clean Up Notice	
Penalise		If Notice not complied with, issue PIN	
Cleanup		If orphan waste, raise a CRM to Works - Parks for cleanup	Works – Parks action CRM for cleanup
Annual costs	% of CSO Wages	Estimate \$9K p/a Ranger Services wages and vehicle costs	% of Works – Parks wages & vehicles

**Commentary – Bulky Waste**

Council staff are aware of some Councils who offer on-call bulky waste services. Recently, Lake Macquarie Council moved to an on-call system to reduce the risks of the scheduled system, such as littering, non-compliance, hazardous waste, orphan waste, and the risk of materials interfering with the roads and footpath areas and local amenity.

Locally, Council's waste contractor, who also provides scheduled bulky waste services to Dungog, Upper Hunter, and Singleton Shires, has made suggestions that if these Council's all chose to transition to on-call services they would be able to support this with a permanent vehicle and staff. Currently, the scheduled service cadence means that the contractor recruits labour hire staff for each collection service and shares the collection vehicles across the state. As they are always on the move, it presents challenges with maintenance, and the labour hire approach means there is a lack of continuity of employment for these workers.

Commentary – Illegal Dumping

The RID Online portal is open for anyone to report illegal dumping they observe. In the past few years, Council has received the following number of reports:

Year	2020	2021	2022	2023
No. Reports	58	57	57	38

Encouraging use of the RID Online reporting portal will ensure incidents are reported and actioned.



9.2. Question With Notice - Inquiry on FOGO

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Joann Polsen (Senior Coordinator Waste Operations)
Community Plan Issue:	3 - <i>Environmental Sustainability</i> 5 - <i>Community Infrastructure</i>
Community Plan Goal:	An environmentally sensitive and sustainable community Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	3.4.3 - Advocate and support Circular Economy principles and Waste Management Initiatives. 5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements. 3.4.1.1 - Assist Council, households and businesses to manage waste effectively and use water and energy efficiently.

PURPOSE

To submit for Council's consideration information prepared in response to a question raised by Councillor Douglas at the 28 November 2023 Ordinary Council Meeting.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The following Question with Notice was submitted by Councillor Douglas to the 28 November 2023 Ordinary Council Meeting:

Subject: Financial Implications of Enhancing Bin Capacity from 120L to 240L

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.

CONSULTATION

General Manager

J R Richards & Sons – Council's waste collection contractor

Remondis – waste services contractor to Shoalhaven and Wollondilly Councils

Newcastle City Council – waste services staff

REPORT

Staff are grateful for the detailed and considered question and are pleased to provide financial investigation and exploration of community benefit.

Introduction

Council's current general waste kerbside service is provided with 140L red lidded mobile garbage bins (MGBs). These bins were initially rolled out in 2004-2005 with the change at that time to the standardised 3-bin system. The 140L bin encourages reduced waste generation, fostering increased recycling habits and more mindful purchasing choices. Some of the MGBs in service are up to 18 years old, however a large proportion will have been replaced or refurbished since the rollout.

In addition to the financial and community impact analysis identified in the question, a change to a 240L red lid bin for, hypothetically, all serviced properties, would have related effects on Council's collection contract, legislative compliance, strategic and policy commitments, and landfill asset longevity, which will also be briefly covered to provide context to the enquiry. To conclude, recommended options are provided below.

Financial Analysis

Question: 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.

Procurement

Council's current waste contractor, J R Richards & Sons, have advised, following our enquiries, that they have the capacity to upsize red lid bins to 240L. Further, that the supply of red lid bins is price equivalent to supply a 240L yellow or green lid at present. The fee for a 240L bin is currently 16% greater than for a 140L bin. There are approximately 7,000 red lid bins in service at present in Muswellbrook Shire.

Item, Contracted fee per bin, Hypothetical supply cost to replace MSC entire red bin fleet

Supply 140L bin, \$base rate (Nov 2023 rates), ~ \$300,000.00

Supply 240L bin, \$base rate + 16%, ~\$350,000.00



Distribution

J R Richards & Sons can distribute new bins, and have indicated that if Council wished to proceed, they would require a minimum 6 weeks lead in time to source supply.

Long-term waste management

- Waste of 140L bins:

If new 240L bins are rolled out, the old 140L bins will become scrap and likely landfilled unless the original manufacturers agree to accept them back to melt down (unknown).

- Increase in waste generation:

With an additional 100L capacity, it would encourage increased generation of waste. This growth in waste volume would need to be accounted for in annual Domestic Waste Management charges to cover the additional cost of landfilling this material.

- Increased waste into landfill attracting Waste & Environment Levy

The Waste & Environment Levy currently sits at \$94/tonne disposed to landfill and increases annually, therefore increasing waste leads to increasing levy paid to NSW EPA.

- Reduced incentive to use the recycling bin & separate food to FOGO

If residents can fit all their waste into a red lidded bin, they may not feel the need to divert eligible wastes into the other bins as it is convenient to just use the red bin for everything.

- Landfill and disposal costs

Larger 240L red bins may encourage residents to dispose of more waste, resulting in more truckloads of waste to transport and contributing to increased disposal costs for a greater volume of waste. Increased waste volumes lead to a faster fill rate of landfill cells.

Community Benefits

Question: 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.

There are some potential benefits of a 240L red bin, for example, for those residences with young children, or where an above average number of people are living in the household, and that reasonably produce more than the average household generation of waste:

- Only one 240L bin to put to the kerbside each fortnight, which takes up less kerb space than two 140L bins side by side,
- Only one bin to take to the kerb each fortnight, to clean and maintain.
- Providing the option of a larger bin can enhance community satisfaction with the Council by accommodating the diverse needs of residents.

However, upsizing bins across all households where the majority aren't in need of increased space has several negative aspects. For the majority of residents who make the average household waste amount or less:

- The red bin is not full each fortnight (oversized) which means the household would be paying for additional space they do not actually need;
- Reduces incentive to divert paper and card, glass, plastic, and steel containers to the recycling bin;



- Reduces incentive to correctly separate food to (future) FOGO bin;
- 240L = Less volume than 2 x 140L; and
- More rubbish due to convenience to just throw things away instead of change behaviour.

Potential increase in costs associated with provision of 240L red lid bin

Unfortunately, there would inevitably be an increase in costs associated with the provision of a 240L red lid bin in comparison with the provision of a 140L red lid bin.

It is estimated that the following charges may apply:

- \$100 one off upsize fee upon application, to cover bin supply, delivery, and rates administration; plus
- ~\$266 increase on the annual Domestic Waste Management charge on the rates per service premise for an upsized bin.

These figures are based on the bins being 40% larger volume. This factor has been multiplied against the total amount of waste currently coming in annually from red lidded bins (3,500 tonnes) to generate an estimated waste increase (to 4,900 tonnes) forecast if all bins were upsized. Multiplying this by the current landfilling fee (\$380/tonne) will result in an additional cost of \$1.86M. Dividing this by the total number of red lid bins in use (~7,000) results in a figure of \$266 for annual rating increase.

As a comparison, Newcastle City Council charges an additional \$320, in 2023-24, for a 240L red lid bin when compared with the charge for a 140L red lid bin.

For bin supply and changeover, the supply base cost is \$65, to which is added a 40% on cost to cover the additional administration and customer service costs, as well as relevant contract management components.

Council's Financial Impacts:

Question: An analysis of the financial implications for the council, both immediate and long-term, ensuring fiscal responsibility and sustainability.

The budgetary impact of upsizing all red lid MGBs across the Shire would be significant, starting with around \$350K for initial bin supply. There would be a need for more truck trips to carry the increased amount of waste, which will result in increased costs for both transport and for landfilling.

Increasing the amount of waste contributes to fill up landfill cells faster, meaning the asset reaches closure sooner than currently forecast, shortening up the useable life and bringing forward closure and rehabilitation costs. Carbon emissions increase due to increased transport and disposal.

Domestic Waste Management charges would need to increase for bigger bins to cover the larger amount of waste, the greater volume attracting the Levy, and the bin collection charges.

References

Muswellbrook Shire Council (2018) Kerbside Waste Services – Contract 2017-2018-0303

NSW Department of Planning and Environment (2023) Waste and Sustainable Materials [website], accessed 17 November 2023

NSW Environment Protection Authority (2023) Strategic direction for waste in NSW [website], accessed 18 November 2023

Waste Avoidance and Resource Recovery Act 2001

OPTIONS



Discussions with Council's current contractor reveal that upsizing to a 240L red bin is physically possible, however, 240L is the maximum size bin that can be handled with the side lift mechanism currently installed on the collection vehicles.

As an example, Newcastle City Council (population 171,528) offers a standard 140L red lidded bin. They offer a 240L as a commercial upgrade option, which is obtained via a resident filling out an application form to submit online or mail in. Staff review eligibility is having an existing 140L service, and the fee for the upgrade is invoiced (~\$320 in 2023/2024). Accepted applications result in the existing 140L bin being removed and replaced with a 240L bin. The 240L bin has a small sticker placed on front of the bin to identify that it was upgraded and the year that it was upgraded, to prevent theft. They do experience some minor issues, sometimes drivers will miss a bin, sometimes other residents 'borrow' them, and there are some residents who take issue with the cost.

The risks of offering differently sized bins at different properties include bin theft increasing (that is, can't afford a big bin so instead steal one), contamination increasing (e.g., can't afford a big bin so instead put overflow into green or yellow bin), and increasing administrative burden for Council and Contractor staff to address bin thefts.

CONCLUSION

Contemplating the replacement of all 140L bins with 240L bins, this would be the most expensive approach which also encourages residents to increase waste generation.

However, offering an option to upsize for just those properties that need it, is a practical approach which would ensure the 'user pays' principle is maintained, properties are not overserved and overpaying, and the service meets the needs of the residence in question.

This second option would satisfy the Council's desire to support those residents with high needs for waste management that are challenging to reduce, such as high numbers of residents per household, and households with additional needs such as medical related or sanitary waste materials.

Staff recommend Councillor's support the establishment of a new service and rate category for the upsizing of red lidded general waste bins to 240L upon application by the property owner.

STATUTORY IMPLICATIONS

The NSW Waste Avoidance and Resource Recovery (WARR) Act 2001, specifies that the NSW Waste and Sustainable Materials Strategy 2041—Stage 1: 2021–2027, published by the Department of Planning, Industry and Environment in June 2021, is taken to be the State Waste Strategy. Part 3, Section 14 of the WARR Act, grants the following power:

Table 1: Waste Avoidance and Resource Recovery Act 2001 No 58, Part 3, Section 14

14 Power to request councils to report on waste strategy compliance

- (1) The EPA may request a local council to provide the reasons for any specified non-compliance by the local council with the objectives of the current waste strategy.*
- (2) Such a request must be in writing and must specify the date by which the local council is requested to provide the reasons to the EPA.*

The NSW Waste and Sustainable Materials Strategy 2041—Stage 1: 2021–2027, commits the State to the following targets:

- reduce total waste generated by 10% per person by 2030;
- have an 80% average recovery rate from all waste streams by 2030;
- significantly increase the use of recycled content by governments and industry;
- phase out problematic and unnecessary plastics by 2025;



- halve the amount of organic waste sent to landfill by 2030;
- reduce litter by 60% by 2030 and plastics litter by 30% by 2025; and
- triple the plastics recycling rate by 2030.

Council is required by the WARR Act to exercise functions in compliance with the NSW Waste and Sustainable Materials Strategy 2041—Stage 1: 2021–2027, and therefore must work toward achievement of these targets specified in the Strategy.

Further, Part 3, Section 49 of the WARR Act enables the EPA to provide funding to exercise its functions under the Act, and this includes grant monies. It would be reasonable to assume that actions that result in increased waste and moving away from the waste reduction targets, could risk future attempts at winning EPA funding offered under the Strategy.



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Submission on draft NSW Energy Policy Framework

Attachments:

1. Attachment A - draft NSW Energy Policy Framework [10.1.1.1 - 12 pages]
2. Attachment B - Draft submission on draft Energy Policy Framework [10.1.1.2 - 11 pages]

Responsible Officer:

Sharon Pope - Director - Planning & Environment

Author:

Sharon Pope (Director - Planning & Environment), Theresa Folpp (Development Compliance 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: Not Applicable

Not applicable

PURPOSE

The NSW Government has prepared a draft Energy Policy Framework to help achieve the transition to renewable energy, reduce emissions, and secure a supply of electricity for the people of NSW. The framework involves a suite of planning policies and guidelines for wind, solar, and transmission infrastructure. The framework also establishes a pathway for communities that host renewable energy projects to benefit from these projects, despite them not creating many operational jobs.

Submissions on the draft Energy Policy Framework are due on 29 January 2024. The purpose of this report is to finalise Council's submission.

OFFICER'S RECOMMENDATION

Council resolves that Staff forward the submission provided in Attachment B, regarding the draft Energy Policy Framework, to the Department of Planning, Housing and Infrastructure.

Moved: _____ **Seconded:** _____

BACKGROUND

A significant amount of new transmission infrastructure, renewable energy generation and storage, and firming infrastructure will be required over the coming decades to meet the NSW Government's net zero target. By 2035, four of the state's five coal-fired power stations (which currently generate approximately 75% of NSW's annual electricity) will come to their scheduled end of life.

The draft Energy Policy Framework comprises a series of guidelines for wind and solar energy generation and transmission infrastructure. The framework focuses on the development assessment process under the *Environmental Planning and Assessment Act 1979*. It provides guidance to help the industry, communities, and consent authorities in identifying, assessing, avoiding, and mitigating impacts. A copy of the Draft Energy Policy



overview document is provided in Attachment A.

Key components of the Framework are:

- Transmission Guideline – proposed for large scale transmission infrastructure and manages visual impacts and other assessment issues;
- Wind Energy Guideline - deals with visual impacts, decommissioning, and other issues;
- Solar Energy Guidelines updates – Revises the 2022 Solar Energy Guidelines to align with the new benefit sharing Guideline and to address decommissioning;
- Benefit Sharing Guideline – Guidance for benefit sharing with the host communities and planning agreements; and
- Private Agreement Guideline –A template agreement for landowners entering into host or impact agreements.

CONSULTATION

MANEX has discussed aspects of the renewable energy transition occurring in NSW and those impacts already being experienced in the Shire, and this has informed the draft submission in Attachment B.

REPORT

The draft submission has been prepared by staff and is provided in Attachment B.

Key comments include the following:

- Consideration of cumulative impacts and assessment (discussed further below);
- Bushfire preparedness (consistent with the recent comments for the Bowmans Creek Wind Farm);
- Clarification of scope for assessment of transport impacts;
- Issues around decommissioning;
- Preparation of a final land use plan (including a requirement to maintain operational employment numbers onsite);
- A commitment that solar panels and wind turbine blades are recycled/reused rather than being disposed of to landfill;
- Inclusion of detailed information in relation to rating category changes and its impact on Benefit Sharing;
- Commentary on allocation and types of expenditure for Benefit Sharing Arrangements (discussed further below); and
- Placement of transmission infrastructure in existing easements or co-location to minimise land disturbance and vegetation clearing on greenfield sites.

Further information on scope and community benefit sharing issues is provided below:

Scope of the draft Energy Policy Framework

The Policy Framework lacks provisions for cumulative impact studies that account for broader social, economic, and environmental impacts, and focuses primarily on individual proponents assessing their projects on their own merits.

Staff have highlighted the likely cumulative impacts on local services, infrastructure, and housing, using several examples (including the report '*Managing the impacts of State Significant Development*', prepared for the Mid-Western Regional Council).



The Policy Framework is limited to solar panels, wind turbines, and electricity transmission infrastructure. In Muswellbrook Shire, we also have battery storage systems, pumped hydro, and a gas pipeline proposal. In the future there is potential for waste to energy projects, green hydrogen, and geothermal power. While detailed guidelines may not be necessary for each of these, they still have the potential for cumulative impacts around construction housing, vehicle movements, visual impact, and vegetation loss. A consistent approach to addressing community benefit sharing would also assist councils and proponents.

Community Benefit Sharing

The Draft Benefit Sharing Guideline would apply to State Significant Development (SSD) applications for solar and wind energy development.

The Guideline does not materially change the existing method that Council uses to negotiate a Planning Agreement, however there are some nuances in comparison. The total funding benefit sharing as proposed in the Guideline is:

- \$850 per megawatt per annum for solar energy development, or
- \$1050 per megawatt per annum for wind energy development.

Paid over the life of the development and indexed to the Consumer Price Index.

As a comparison, Council recently negotiated \$686/MW for the Bowmans Creek Windfarm and \$400/MW for the Muswellbrook Battery Energy Storage System. These were for what the guideline refers to as “Local Community benefits”.

The Guideline states that the \$850 or \$1050 should be divided into two funding amounts:

1. **Neighbourhood benefit** initiatives (landholders in the direct vicinity of the development who may be impacted visually, through landscape changes, or by extra traffic movements); and
2. **Local community benefit** initiatives (to fund projects of broader benefit to the local government area). The Guideline encourages development of a Planning Agreement for local community benefits to be managed by Council.

Neighbourhood benefits, as outlined in the Guideline, are suggested to include minor capital works and improvements (such as roof top solar), sponsorship of local community events or clubs, and establishment of various local community programs. The draft submission includes the following comment:

From a Council managed perspective, offering a land rate rebate to neighbouring landholders could serve as an effective compensation mechanism. This approach has the advantage of not creating ongoing financial liabilities for the Council, unlike the maintenance costs associated with streetscape vegetation and playgrounds.

The draft submission also includes a comment that ‘any neighborhood expenditure that places a long-term financial burden on Council, must be agreed to by Council prior to its implementation’.

Staff have included a detailed comment on how the Policy could be improved, as follows:

- Including a section that clearly explains how changes in land rating systems could impact community benefit sharing contributions from renewable energy development;
- Consultation with the NSW Valuer General and Office of Local Government prior to finalisation of the Guideline; and
- Ensuring the Guideline is regularly updated to reflect the latest developments in land rating systems and renewable energy. Regular communication of these updates to all stakeholders is crucial for maintaining transparency.



OPTIONS

With regard to making a submission on the draft Energy Policy Framework, Council may resolve to:

- A. Endorse the submission provided in Attachment B;
- B. Amend the draft submission provided in Attachment B, as identified by Councillors, and forward the amended submission to DPHI; or
- C. Not make a submission to the draft Energy Policy Framework.

CONCLUSION

Staff are satisfied that the draft Energy Policy Framework provides good general guidance on assessment requirements, and have put forward several suggested changes in relation to decommissioning, firefighting resource, and community benefit sharing.

SOCIAL IMPLICATIONS

Funding opportunities through the proposed Benefit Sharing will support Community Strategic Plan initiatives.

FINANCIAL IMPLICATIONS

Community Benefit sharing funds under this Framework would be allocated to projects that Council is satisfied have a positive business case that supports the long-term sustainability of Council.

POLICY IMPLICATIONS

The use of rate rebates for nearby affected landowners, as the Neighbourhood Benefit initiatives would become a potential policy position of Council.

LEGAL IMPLICATIONS

The Framework will guide the future applications for renewable energy projects, and the response submissions by councils.

Department of Planning and Environment

dpie.nsw.gov.au



Draft Energy Policy Framework



An overview of the new policy framework
for the assessment of energy development
and infrastructure in NSW

November 2023



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Draft Energy Policy Framework

Draft published: November 2023

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Introduction

We're implementing an Energy Policy Framework to help achieve the transition to renewable energy, reduce emissions and secure an affordable supply of electricity for the people of NSW.

We're doing this through a suite of planning policies and guidelines for wind, solar, and transmission infrastructure.

These will support faster and more consistent decisions, provide industry greater investment certainty, and give communities more transparency about how we will assess and manage impacts.

The framework will also ensure that communities benefit from renewable energy projects and is estimated to generate \$413 million in benefits for host communities over 25 years.

The Department of Planning and Environment's (the department) draft Energy Policy Framework aims to support the transition to renewable energy in NSW. It aims to do this quickly enough to futureproof a cheap and reliable supply of renewable energy for the people of NSW.

A significant amount of new transmission infrastructure, renewable energy generation and storage and firming infrastructure will be required over the coming decades to meet the NSW Government's net zero target. By 2035, 4 of the state's 5 coal-fired power stations

(which currently generate approximately 75% of NSW's annual electricity) will come to their scheduled end of life. Because of this, we will need to rapidly build a new renewable network. The NSW Government's [Electricity Infrastructure Roadmap](#) sets out a 20-year plan to deliver the necessary infrastructure.

It will be increasingly important for the NSW planning system to operate efficiently to ensure a fast and measured rollout of energy generation and transmission infrastructure while giving certainty to investors and the community. It must do this by providing clear guidance and robust planning policy.

With that said, renewable energy development is not without impacts, and it must enable infrastructure while also managing land use conflict, balancing environmental and social impacts, addressing community concerns and supporting robust and meaningful community engagement.

The NSW Government recently commissioned the [Electricity Supply and Reliability Check-Up](#) to review progress and policy settings of the NSW Electricity Infrastructure Roadmap. The Check-Up identified the need to enhance the planning system by standardising the assessment of key issues and providing clearer guidelines.

We have developed the Energy Policy Framework (the Framework) to address the recommendations of the Check-Up and emerging issues raised by communities and the industry.

Policy Framework

The Energy Policy Framework comprises a series of guidelines for wind and solar energy generation and transmission infrastructure. These are summarised in Figure 1 and described in further detail throughout this document. The framework focuses on the development assessment process under the *Environmental Planning and Assessment Act 1979*. It provides guidance to help the industry, communities and consent authorities in identifying, assessing, avoiding, and mitigating impacts. The framework is designed to:

- provide clearer, more transparent assessment requirements and policy settings to ensure the level of assessment matches the level of risk and to help speed up the assessment process
- help the industry make informed investment decisions by providing more objective development standards
- allow communities to anticipate changes to their areas more readily by identifying the

most desirable locations for large-scale solar and wind energy development

- ensure that development is guided by meaningful consultation with affected communities
- introduce clear setbacks to avoid significant visual impacts from wind energy and transmission infrastructure and to set clear expectations for the industry and communities
- provide more transparency about the likely costs of decommissioning solar and wind energy development so the industry and landowners can make more informed investment decisions
- provide greater support to applicants and landowners entering into agreements to host infrastructure or manage the impacts of development
- ensure the benefits of energy development are directly realised by the localities and regions that host the infrastructure

Through these measures, we expect the framework to support the accelerated delivery of infrastructure and host communities.

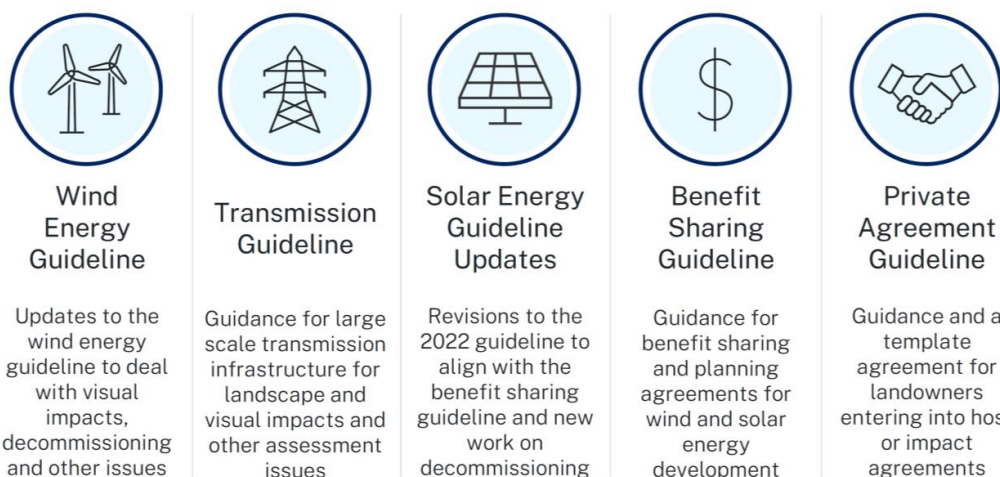


Figure 1. Key components of the framework

Relationship between documents and tools

A range of documents, guidelines and tools fit together to form the framework. Their relationship to wind, solar and transmission infrastructure is shown in Figure 2 below.

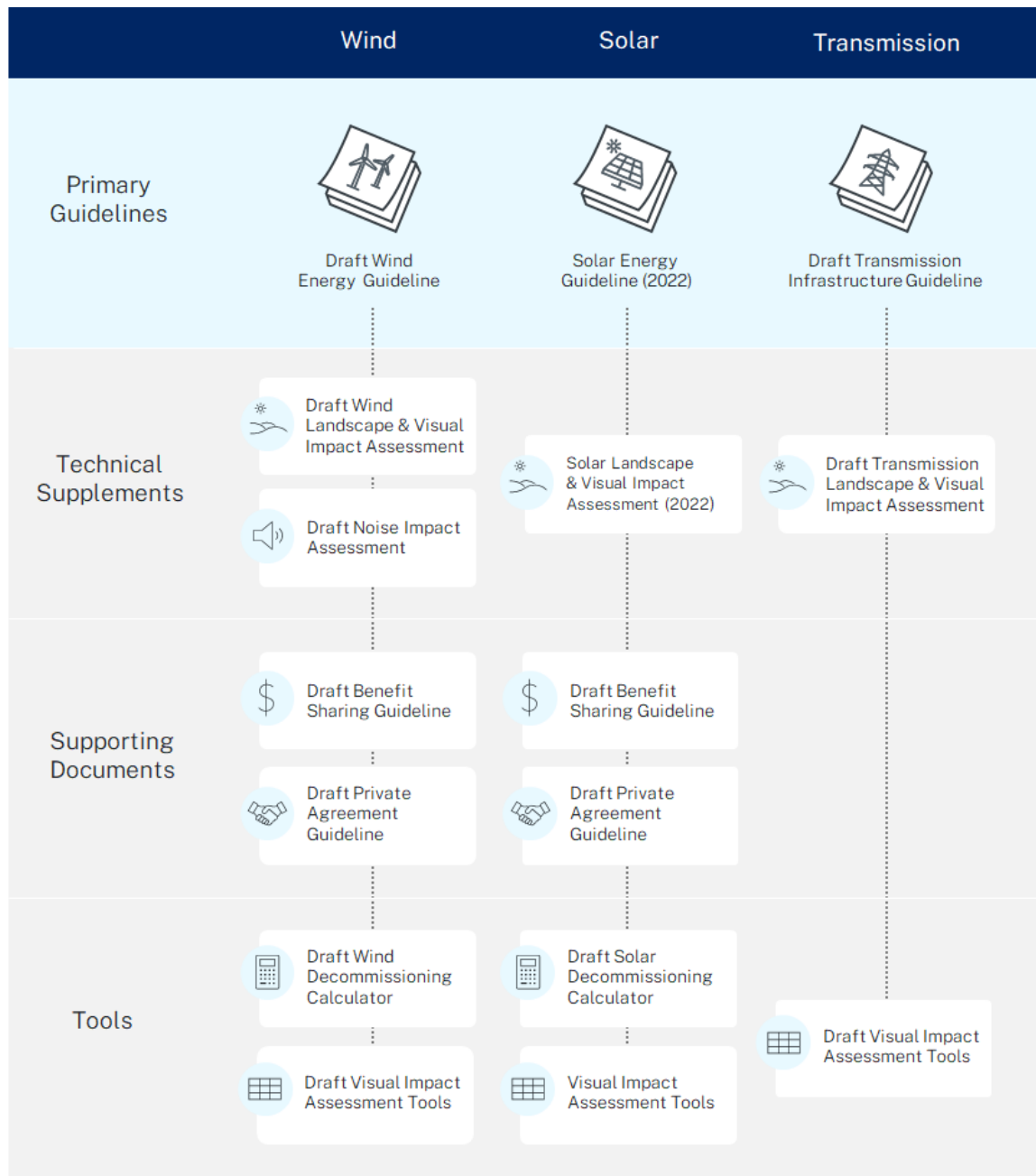


Figure 2. Relationship between elements of the Framework

Wind Energy Guideline



In 2016, the department released the current [Wind Energy Guideline \(2016\)](#) and technical guidance for noise and visual impact assessment. Since then, the industry has developed rapidly, and the heights of turbines have increased considerably.

This necessitates a review and update of the guideline and provides an opportunity to address emerging issues and feedback from the industry and communities.

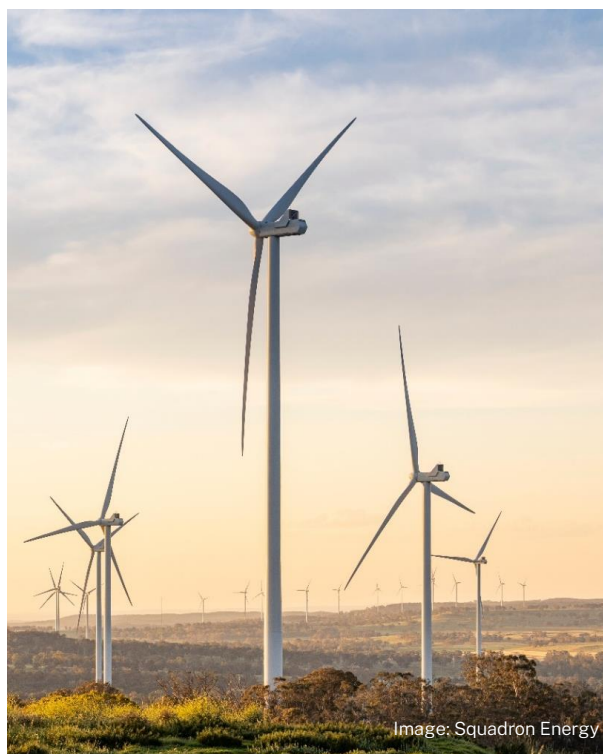
The new guideline builds on the policy directions and intent of the existing guideline and will improve the way in which the planning system can manage landscape and visual amenity impacts, decommissioning and a range of other issues.

The draft Wind Energy Guideline:

- identifies desirable areas for wind energy development based on a range of considerations including wind resource potential, proximity to transmission, and land use constraints.
- provides advice to assist the industry in selecting sites and designing projects
- includes new guidance on landscape and visual impact assessment in a technical supplement.

The new visual impact methodology builds on foundational principles from the existing guideline but provides a wholly revised approach to provide greater certainty and expedite decision-making. This includes a setback for wind turbines that are fully visible from people's homes (for example 2 km from a turbine 250 m tall).

- includes minor updates to align the noise impact assessment methodology with updates to the South Australian wind farm noise guidelines (2021) (these updates do not change the noise criteria and would not materially change modelling results)
- adopts a new noise criterion of 50dB(A) for passive recreation areas within National Parks to minimise land use conflicts
- includes a calculator for estimating the potential costs of decommissioning to ensure host landowners are well informed about the likely costs, and
- addresses commonly raised concerns including traffic and transport management, aviation risk and night-lighting.



Transmission Guideline



A significant amount of transmission infrastructure is needed to connect renewable energy sources to the electricity grid and to ensure NSW has the cleanest and most affordable energy into the future.

The existing transmission network is estimated to have a connection capacity of 16 gigawatts in areas with favourable renewable energy resources. This is much less than the 125 gigawatts of new grid-scale renewable energy required by 2050.

Approximately 4,000km of new transmission infrastructure will need to be built over the next 2 decades to unlock the additional capacity required.



Without investment in new transmission infrastructure, the existing transmission network will reach capacity and new sources of energy generation will not be commercially viable. This will result in higher power prices and an uncertain and unreliable energy future for NSW electricity customers and communities.

We have prepared the draft Transmission Guideline to support major upgrades and expansions of the State's transmission network. It aims to provide communities, industry and regulators with clear and consistent information and guidance on the planning and development of this infrastructure.

The guideline is supported by a technical supplement for landscape and visual impact assessment. The supplement adopts a visual assessment methodology consistent with the revised Wind Energy Guideline to assess visual impacts more consistently and objectively.

The guideline clearly outlines when measures may be required to avoid or mitigate visual impacts on private landowners. It includes a setback for fully visible transmission towers (for example, 380 m from a tower 80 m tall).

The draft Transmission Guideline also includes advice on route selection, community engagement, biodiversity impacts, agricultural impacts, bushfire risk and other issues.

Updates to the Solar Energy Guideline



In 2022, the department released the revised [Large-scale Solar Energy Guideline](#) (Solar Energy Guideline) and its supporting technical supplement for landscape and visual impacts.

The Solar Energy Guideline provides the community, industry and regulators with guidance on the assessment framework, site

selection process, landscape and visual impacts and agricultural land use conflicts.

We are proposing minor updates to the Solar Energy Guideline to reflect the key policy changes under the draft Energy Policy Framework. The key changes are described in Table 1.

Table 1. Changes to the Large-scale Solar Energy Guideline

Area of Change	Proposed Change
Planning framework	<ul style="list-style-type: none"> Consistent with section 2.6 of the draft Wind Energy Guideline, identify that the Minister will consider requests to declare solar energy development as Critical State Significant Infrastructure if it includes a significant energy storage system (for example, a delivery capacity of 750 megawatts or more).
Site selection	<ul style="list-style-type: none"> Update section 4.2 of the existing Solar Energy Guideline to identify suitable locations for solar energy development (as shown in Figure 3) to help communities anticipate development and change.
Decommissioning	<ul style="list-style-type: none"> Provide a calculator for estimating decommissioning costs to ensure landholders are well informed about the likely costs.
Benefit sharing	<ul style="list-style-type: none"> Repeal existing guidance on benefit sharing in section 5.3.2 of the Solar Guideline and replace with a reference to the draft Benefit Sharing Guideline (2023). This encourages applicants to pay \$850 per megawatt per annum (in 2023 dollars) in benefit sharing.
Private agreements	<ul style="list-style-type: none"> Repeal existing guidance on private agreements in section 5.3.3 and Appendix B of the Solar Energy Guideline and replace it with a reference to the draft Private Agreement Guideline (2023).
Landscape and visual impact assessment	<ul style="list-style-type: none"> Define dwelling and clarify assessment requirements for dwelling entitlements, in accordance with the draft Wind Energy Guidelines (2023), where relevant. Update the assessment methodology in line with the proposed approach for wind and transmission to allow a more proportionate approach that does not rely exclusively on photomontages.

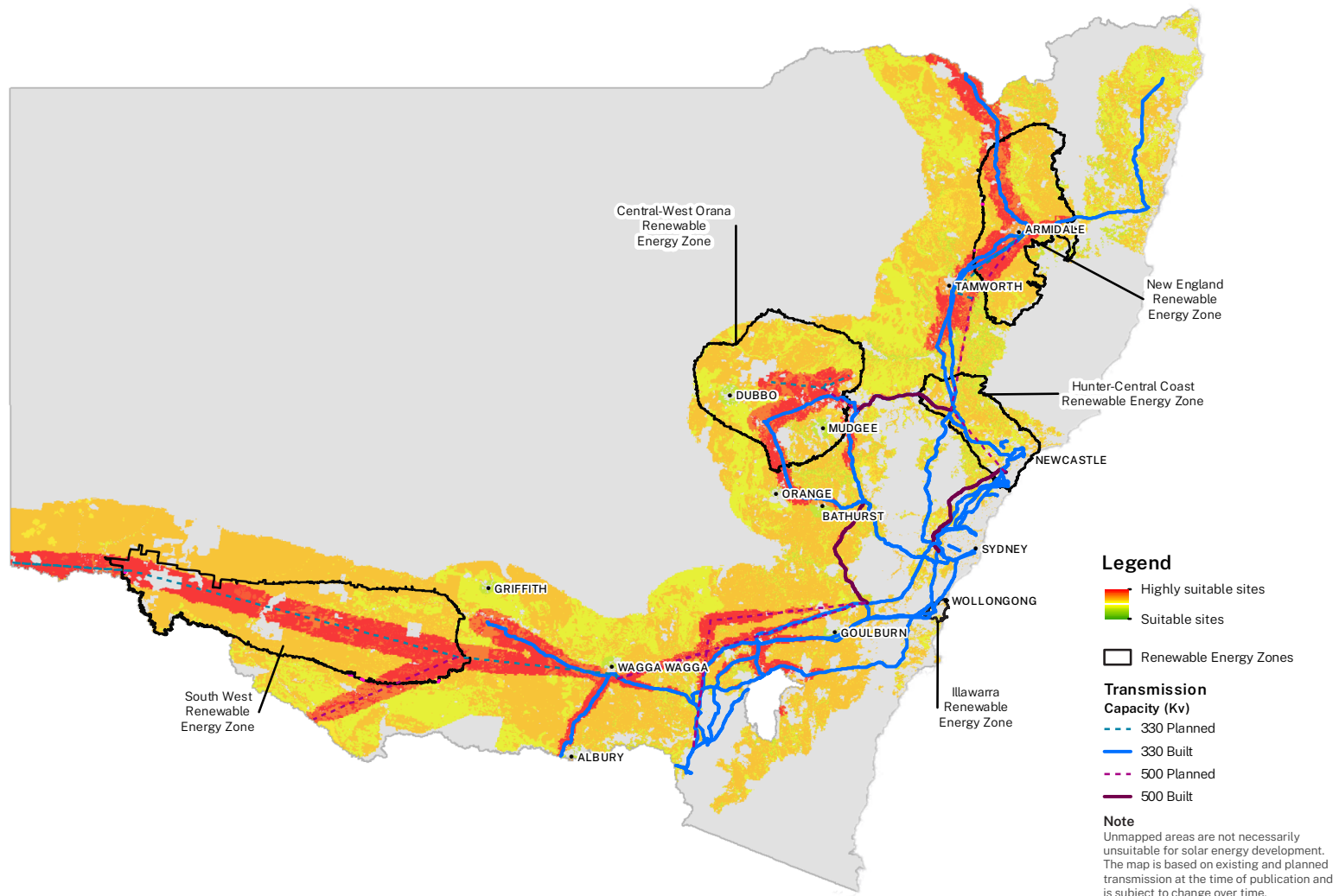


Figure 3. Suitable locations for solar development

Benefit Sharing Guideline



The uptake of large-scale renewable energy development provides significant benefits for the state, including reduced reliance on fossil fuels, reduced emissions, and a secure and affordable power supply.

While it also has a range of direct and indirect benefits for host communities (including temporary construction jobs, ongoing operational jobs and lease payments to landholders and neighbours,) it is our regional communities that experience the most pressure and change from the renewable energy transition.

The Benefit Sharing Guideline provides advice on how the industry can share proceeds of solar and wind energy development (financial and other benefits) with host communities to ensure they benefit from the transition to renewable energy.

The guideline sets out a range of principles to ensure that benefit sharing is transparent, focussed on communities, and delivers positive, tangible and long term social and economic benefits.

There is a growing practice in Australia and internationally of developing community benefit sharing initiatives for renewable energy projects. These help foster greater local acceptance and support.

The draft Benefit Sharing Guidelines will help local communities be more resilient to change and will deliver estimated benefits of up to \$413 million over 25-years (in present value terms).

The guideline proposes a rate for benefit sharing of:

- \$850 per megawatt per annum for solar energy development, or
- \$1050 per megawatt per annum for wind energy development,

paid over the life of the development and indexed to the Consumer Price Index.



Private Agreement Guideline



Renewable energy development is usually located or hosted on private land. This typically requires the applicant to enter into a private agreement with the host landowner to allow the project to go ahead.

Renewable energy projects can also impact land surrounding the project. Applicants can enter into agreements with neighbouring landowners when impacts from the project may affect their land or the amenity of their property and when these impacts cannot be managed or mitigated in other ways.

The draft Private Agreement Guideline contains advice on the role of these agreements for solar and wind energy development, including issues that should be considered.

The guideline aims to help the industry and landowners navigate the process in a fair and informed manner. It includes a template that can be used as the basis for any agreement.



Have your say

The Energy Policy Framework is on public exhibition until **29 January 2024**.

To view the contents of framework and provide feedback, please visit our webpage at www.planning.nsw.gov.au/energy-policy-framework.

Your feedback will help us refine the framework before we finalise it.

For more information contact us on energy.resourcespolicy@dpie.nsw.gov.au

26 January 2024

Muswellbrook Shire Council comments on Draft Energy Policy Framework

The former Department of Planning and Environment (DPE) is exhibiting a Draft Energy Policy Framework (the Framework) to support the State's transition to renewable energy. The framework includes guidelines to provide Council with guidance on how the impacts of renewable energy projects and transmission infrastructure will be assessed and managed.

Muswellbrook Shire Council is directly and indirectly affected by approved and planned renewable energy projects. The Local Government Area (LGA) contains transmission infrastructure required, or planned to be provided, to enable the transition to renewable energy (plus a gas pipeline to serve the Kurri Gas Peaking Plant). It also currently contains six coal mines, one operating coal fired power station, and one historic coal fired power station (soon to be decommissioned).

Council has reviewed the following documents contained within the Framework and has provided comments below:

- 1) Draft Energy Policy Framework;
- 2) Wind Energy Guideline;
- 3) Transmission Guideline;
- 4) Solar Energy Guideline; and
- 5) Benefit-Sharing Guideline.

Council has not reviewed the Private Agreement Guideline.

1.0 Draft Energy Policy Framework

Scope – Cumulative Impacts

The Policy Framework lacks provisions to guide a cumulative impact analysis in the project impact assessment reports. Assessment of broader social, economic, and environmental impacts will be as determined by individual proponents reviewing their project on merit.

The cumulative impact of the 'transition' will significantly affect local services, infrastructure, and housing, including from increased water demand, waste generation, strain on emergency services, and the need for more classrooms, as highlighted in the report '*Managing the impacts of State Significant Development*', prepared for the Mid-Western Regional Council in 2023.

In Muswellbrook Shire, the peak construction phase in 2025 is expected to require 1,909 workers, potentially demanding up to 955 accommodation rooms.

Council also has a standing objection to any SSD that proposes to use Council's local roads to transport OSOM to another LGA due to the inadequacy of local roads and bridges, and the potential for the cumulative impact of these movements to negatively impact on the Muswellbrook local community and businesses.

While EnergyCo is conducting some assessment of cumulative impacts, the outcomes/recommendations of this work should be integrated into the Policy Framework, aligning with recommendations from the 'Managing the impacts of State Significant Development' report prepared for the Mid-Western Regional Council.

Scope – Sequencing and Cumulative Impact Guide to Address Cumulative Impacts

The majority of SSD applications propose unrealistic construction start dates around 2025 and 2026 due to uncertainties in material deliveries. Implementing a sequencing system for project commencement, such as through EnergyCo's ballot system, could mitigate these issues by providing more realistic timelines, thereby aiding in better infrastructure planning, like the upgrade of Muswellbrook's local roads, and better Agency planning for impacts on social infrastructure such as schools, hospitals, and medical services.

A Cumulative Impact Guide could provide an assessment methodology for sub-regions that includes baselines, targets, limits, tipping points, and expectations. This guide should also include the temporal scope of impact.

Scope – Project Type

The range of renewable energy projects with the potential to occur in the Upper Hunter Region include wind, solar, battery storage, pumped hydro, green hydrogen, geothermal, biodigesters and methane capture, and other types of waste to energy. Guidelines for these technologies would be of benefit to standardise best practice, ensure environmental protection and enable better cumulative impact assessment in the Hunter REZ.

Decommissioning will be of equal importance for all these renewable energy types, and where they occur in close proximity, they will likely have impact on local/regional firefighting capacity and skills.

The Framework should stipulate that turbine blades, solar panels, and batteries are not to be disposed of to landfill, and instead all damaged or non-functioning blades, solar panels, and batteries be recycled or rehabilitated and reused. Having this statement in the Policy would provide many economic benefits, including innovation and growth in the recycling and refurbishment industries as well as supporting the principles of the circular economy.

Scope – Site Selection

The Framework should encourage and incentivise renewable energy development on rehabilitated mine land, or mine owned buffer land, especially within the Hunter and Central West Orana Renewable Energy Zones. In 2022, mine owned land accounted for 2.4% (or 83km²) of the total area of Muswellbrook LGA.

Renewable energy projects should avoid fragmentation of biodiversity corridors at a regional level and consider the cumulative impact of loss of local remnant native vegetation in a landscape that is already highly modified, with many plant community types already cleared at levels of more than 70% of extent compared to extent in 1770.

Bushfire

Council has concerns regarding the capability of the local Rural Fire Service (RSF) network to manage chemical fires and electrical fires from renewable energy projects,

particularly battery storage and wind farms, gas pipelines, and possibly waste to energy and green hydrogen plants.

The RFS currently relies on volunteers. It is impractical to depend solely on their response capabilities. Council recommends employment of a full-time professional team dedicated to managing and mitigating the emerging fire risk. A dedicated response service within each REZ could be established to respond to fire emergencies and function like the Mines Rescue & Training organisation established for underground mining.

Additionally, Council recommends that the local RFS stations receive the following:

- Tailored training - for example, chemical fire response, working at heights, wind turbine awareness, hazardous materials, communication protocols, community relations, and simulated drills; and
- Equipment upgrades – chemical fire suppression systems, high-reach appliances, communication and rescue equipment, and community awareness programs.

A review of the firefighting resource needs in each sub-region should be triggered by a threshold based on the on-travel distance to stations and the number of Projects in each sub-region.

2.0 Updates to the Solar Energy Guideline

The 2022 Large Scale Solar Guidelines recognise agricultural land (other than prime cropping land) as ideal for solar projects, yet the 2023 report 'Pursuing an Agrivoltaic Future in Australia,' (for which EnergyCo was a key partner) highlights slow agrivoltaic adoption due to various impediments (including lack of clear policy). Council suggests the Policy should explicitly promote agrivoltaic practices in new solar developments to maximise land use and regional economic benefits, and avoid land being underutilised (as is often seen in the open cut mining sector).

Consistent with the Wind Energy Guideline, the Solar Guideline should include a requirement that the proponent has a set time frame within which to commence construction and a definition as to what comprises substantial commencement for a renewable energy project. This provision will ensure that solar projects approvals are not simply used to improve a company's Environment, Social and Governance performance metrics, and that the State doesn't inadvertently create "zombie approvals" that are reactivated well into the future.

3.0 Wind Energy Guideline

Scope

Council supports the proposal that the Wind Energy Guideline 'applies to wind energy projects both inside and outside of the REZs'.

Council recommends that the Wind Energy Guideline and associated documentation include a five-year review period.

Transport Assessment

Section 5.5.2 of the Wind Energy Guideline states that applicants must undertake an assessment over the 'entire length of the transport route (i.e from Port to site)'. Clarification is required, as Council is of the understanding that EnergyCo and Transport for NSW

(TfNSW) are undertaking this work (see attached), for the common route corridors from the Port to the REZs.

In 2021, Council resolved to object to all SSD that nominates the use of local roads in the Shire for transport of components to another LGA, until EnergyCo, TfNSW, and DPIE find a more strategic solution to managing transport issues that is acceptable to Council. Having to negotiate with multiple project proponents in the three REZs is a significant strain on Muswellbrook Shire Council's resources.

Road Maintenance

An independent dilapidation survey must be undertaken on practical completion of road upgrades required to enable the transport of wind farm components. Currently, the Guidelines only require a dilapidation survey prior to undertaking the road upgrades and then following construction of the Project (which means that traffic will use the reconstructed roads for construction of the turbines before the second dilapidation survey). This approach does not allow an accurate assessment of the damage to the upgraded roads caused by the road usage during construction. A comparison should be made between the road's condition before any upgrades and immediately after the upgrades are completed.

The Proponent should develop a maintenance management plan for local roads associated with the transport route for the life of the Project to ensure that maintenance occurs to an applicable standard.

Road Upgrades

Details of road upgrade agreements with Council should be included in the EIS.

Infrastructure within the Road Corridor

Where any project infrastructure is proposed to be constructed within Council owned land (e.g. underground powerline transmission lines), the general terms of any voluntary planning agreement must include related commitments and obligations about future removal of this infrastructure.

Decommissioning - Bond

Note that this comment is also applicable to the Solar and Battery Energy Storage Systems.

Council is concerned that there is a lack of financial security to prevent Council, landowners, and the community from bearing environmental risks and economic costs associated with potential abandonment of the site before decommissioning or adequate rehabilitation.

The Guideline includes a decommissioning calculator, however, there is no clear need for the Proponent to provide financial security for decommissioning. Rather, the Guideline simply states that a host agreement may prescribe assurances including (emphasis added):

*'ongoing evidence that the applicant **has the capacity** to fund decommissioning activities'.*

The *Draft Private Agreement Guidelines* requires a security and states that a 'Landowner may call on a Security provided under this Agreement if.... The Developer becomes insolvent or is required to undertake the decommissioning'. However, the guideline does not clearly define how the security will be calculated and whether it will include decommissioning. The definition for Security is 'means a Bank Guarantee or bond that is reasonably satisfactory to the Landowner provided in accordance with the terms of this Agreement'.

DPHI currently consider that a Proponent will not be required to pay a security deposit for decommissioning as a renewable project will always 'remain profitable' while operating, and it is only within the last few years of operation that they may lose profitability. This assumption is incorrect for the following reasons:

- The renewable energy market will be subject to fluctuations influenced by economic, regulatory, and technological changes. Unforeseen market dynamics, policy shifts, or economic downturns during the lifetime of the Project could impact the profitability of the Project, challenging the assumption of perpetual profitability;
- Renewable energy projects face operational risks such as equipment failures, changes in resource availability, and evolving technology. These operational challenges could affect the project's financial performance and, if not adequately addressed, could lead to unexpected financial burdens; and
- Predicting the financial performance of a renewable energy project over its entire lifecycle is inherently uncertain. Factors such as advancements in technology, energy storage solutions, and emerging market trends can influence the long-term viability of projects.

Council requests the Guideline be updated to clearly stipulate lodgement of a security deposit with the Planning Authority to cover the full cost of decommissioning and rehabilitation calculated in accordance with the decommissioning calculator.

Decommissioning - Plan

Note that this comment is also applicable to the Solar and Battery Energy Storage Systems.

Section 5.7.3 of the Wind Energy Guideline states that '*conditions of consent generally contain decommissioning and rehabilitation performance objectives which are outcomes-based and do not include post-approval requirements such as management plans*'.

With multiple renewable energy projects proposed within the Shire, Council requires confidence that the decommissioning and rehabilitation of the site is undertaken using an agreed approach. A Decommissioning Plan should be prepared that includes details in relation to the following:

- a) A program for the decommissioning of all Project elements, above and any below ground infrastructure, redundant buildings, and other infrastructure related to the approved development.
- b) A strategy for the rehabilitation of the site to an agreed post-decommissioning land use plan (see comment below).
- c) Establish a timeline for the completion of decommissioning and rehabilitation works within 12 months of the conclusion of the premises' operational lifetime.

Section 8.2 of the draft Private Agreement Guideline gives the host landowner the ability to determine that removal of wind turbines and associated infrastructure need not occur.

The wider community could be impacted by such a decision – so this section needs to be amended to require the agreement of the host landowner, the host Council, and the Department's Secretary.

Final Land Use

Council supports economic stability in the Shire, therefore a post-decommissioning land use plan should be prepared a minimum of five years before the end of the life of the approval, to determine the most appropriate mix of land uses for the site, including maintaining employment opportunities for a percentage of the operational staff. The plan should be prepared in consultation with Council, the local business community, local environmental experts, and Aboriginal representatives.

Any post decommissioning vegetation establishment should be undertaken in consultation with local environmental experts and Aboriginal representatives (to ensure relevant native species are re-established).

Waste

Note that this comment is also applicable to the Solar and Battery Energy Storage Systems.

A Waste Management Plan should be required, and prepared in consultation with Council's Waste Operations unit, and a copy of the plan be provided to Council's Waste Operations unit to prepare for incoming waste volumes, types, and disposal methods outlined in the plan.

The Guideline should stipulate that turbine blades (and solar panels and batteries) are not to be disposed of to landfill, and instead all damaged or non-functioning blades (and solar panels and batteries) be recycled or rehabilitated and reused. Having this statement in the Guideline would have many economic benefits, including innovation and growth in the recycling and refurbishment industries as well as supporting the circular economy.

To support the circular economy, the Policy should stipulate that project components are purchased from companies that employ sustainable manufacturing practices, prioritise recycled or recyclable materials, and commit to the principles of reduce, reuse, and recycle in their production processes.

Habitat Connectivity

Potential biodiversity offset sites to replace disturbed threatened vegetation often falls outside the Muswellbrook LGA, so this mechanism inadequately addresses local ecological impacts. To remedy this, proponents should conduct direct revegetation and habitat restoration within the project area, aligning with responsible environmental stewardship in the Muswellbrook Shire and fostering community relations.

Subdivisions

For sites requiring land subdivision that create lots below the minimum lot size, a registration of a restrictive covenant against the title of each newly created lot should be created. This covenant should prohibit the construction of additional dwellings on these lots and serve as a notification that these lots do not possess dwelling entitlements.

4.0 Benefit-Sharing Guideline

Council supports the concept that communities hosting renewable energy will experience a range of pressures from the transition to renewable energy, and should derive benefit, particularly as ongoing new employment opportunities will be low.

Council also supports the application of the Benefit Sharing guideline to projects in or outside a REZ, so that a consistent approach is taken and to avoid investment decisions that seek to avoid benefit sharing payments.

The main concerns of Council are as follows:

Scope

Contributions are a form of compensation to the local community toward the residual impact of any development. While the Guideline asserts that it applies exclusively to solar and wind energy projects, other renewable energy technologies, such as battery storage, hydrogen production, pumped-hydro, geothermal, waste to energy, and transmission infrastructure also carry environmental and social implications. More so when there are multiple projects in the one sub-region and the cumulative impacts are obvious.

The Guideline should recognise that the environmental and social impacts of renewable energy are not isolated to the primary energy generation phase. The communities within the REZs will be hosting projects and bearing the social and environmental consequences on behalf of the communities outside the REZs. The secondary energy generation may be occurring in a different local government area to the primary energy generation, so the community may not have benefited from benefit sharing from the primary energy source.

Excluding these technologies from the Guideline leaves it to individual councils to request planning agreements under relevant s7.12 Plans.

The Guideline should consider all potential types of renewable energy and non-renewable energy projects (including coal mine and coal fired power stations) to:

- Provide a consistent, fair basis for determining benefit sharing; and
- Provide certainty/transparency in approach for as many types of energy related SSD as are currently known.

Benefit Sharing Rate and Administration

Council supports the proposed rate for benefit sharing and payment timing, as follows:

- *\$850 per megawatt per annum for solar energy development; or*
- *\$1050 per megawatt per annum for wind energy development,*

paid over the life of the development and indexed to the Consumer Price Index

Council notes that the Guidelines indicates that project proponents may directly manage their community benefit initiatives rather than rely on a council-managed benefit fund. From Council's experience with mines, a regulatory framework would need to be provided to require the privately managed approach to be as transparent and accountable as the council-managed approach. That is, the privately managed funds would require a public register that identifies:

- the amount of funding provided by the renewable energy proponent annually;

- each initiative that has been funded and how it meets the Guidelines;
- the consultation that was undertaken to identify and deliver each initiative; and
- the cost and delivery timeframe of each initiative.

Type of Expenditure

The Guideline should also include reference to the following principles that could guide the allocation of project expenditure under a community benefit fund managed by a council:

- projects that allow the community to successfully adapt to the impacts of climate change;
- projects that minimise adverse impacts on housing affordability and social issues arising from changes to the housing market;
- assistance with improvements to health outcomes and health services for the community;
- Projects that introduce Smart Place technology and initiatives to local communities;
- Projects that promote and support initiatives that preserve regional biodiversity and improve biodiversity corridors and connections;
- initiatives that minimise waste, improve long-term community sustainability, and environmental outcomes for future generations;
- initiatives that build upon historic heritage and traditional Aboriginal values; and
- initiatives that recognise other environmental aspects such as water resources, air quality, bushfire, greenhouse gas, soil, and agriculture.

For funds managed by Council, any proposed project will need to satisfy a business case to evaluate its benefit, cost, and long-term sustainability to Council. This will ensure investments are strategically aligned with delivering community benefit and will prevent the development of financial liabilities related to assets that deliver limited community benefits.

Any neighbourhood expenditure that places a long-term financial burden on Council, must be agreed to by Council prior to its implementation.

Neighbourhood Benefit

From a Council managed perspective, offering a land rate rebate to neighbouring landholders could serve as an effective compensation mechanism. This approach has the advantage of not creating ongoing financial liabilities for the Council, unlike the maintenance costs associated with streetscape vegetation and playgrounds. It also doesn't create unintended consequences that don't align with other State policies, for example, offering discounted power prices to nearby landowners would provide less incentive for energy reduction/saving practices by these households.

Regional Benefit

Consistent with the proposed rate for benefit sharing at the neighbourhood and local levels, it would be useful to include the proposed regional benefit to allow better financial planning for Council.

Impact on Land Rating System

The Benefit Sharing Guideline states the following:

'The policy approach will be reviewed if changes are made to infrastructure contributions or the local government land rating system that materially affect renewable energy development'.

'Planning agreements should include a provision requiring the planning agreement to be reviewed and renegotiated in the event of any changes to the local government rating system that would materially affect rates payable for renewable energy development'.

Land rating is complicated and not directly linked to land zone. For example, if a rural property is not used for an agricultural business, and it contains a house, it is normally classified as residential for rating purposes, rather than rural. If the whole of a rural holding is committed to a solar array, so the owner derives more income from energy generation than any subsidiary rural activity, the land may be classified as business for rating purposes.

Land rates are not entirely within the full control of Council, for example, the value of the land is determined by the NSW Valuer General. The approval of a renewable energy project may lead to an increase in the land's value.

Suggested improvements to the draft guideline include:

- A dedicated section that clearly explains how changes in land rating systems could impact renewable energy development. This should include thresholds and triggers to guide councils and project proponents;
- Define what constitutes a 'material effect' on renewable energy development. This would help in objectively determining when a review of the guideline/planning agreement is necessary due to changes in land rating;
- Consult with the NSW Valuer General and Office of Local Government prior to finalisation of the guideline; and
- Ensure the guideline is regularly updated to reflect the latest developments in land rating systems and the renewable energy sector. Regular communication of these updates to all stakeholders is crucial for maintaining transparency.

5.0 Transmission Guideline

The Guideline should prioritise sustainable infrastructure development over immediate cost savings. While Section 3.1 of the Transmission Guideline highlights the impact of infrastructure costs on consumer electricity bills, a minor increase in short-term electricity costs is a worthwhile investment for the long-term benefits of more sustainable and resilient infrastructure.

The Policy should prioritise:

- co-locating infrastructure within existing easements, for example, existing transmission easements;
- co-location with other infrastructure, for example, the Hunter Gas Pipeline; or
- upgrades to existing infrastructure to increase capacity.

Section 3.1 of the Transmission Guideline emphasises efficiency and timeliness, which may inadvertently lead proponents to favour greenfield sites for new projects. This preference may result from simpler and faster development approval and property owner

agreement processes compared to the complexity and time required for using existing easements or upgrading of existing infrastructure.

The transition to renewable energy has been discussed for several decades. Despite this, significant implementation and infrastructure development have only recently accelerated, leading to urgency. This delay should not now justify hasty decisions and substandard community engagement. It is crucial to maintain a focus on quality and sustainability in the transition process, ensuring that the efforts are effective and long-lasting.

The Transmission Guideline's section on undergrounding presents the process as overly burdensome, potentially discouraging its consideration despite its long-term benefits on flat terrain. The framing of undergrounding as excessively challenging undermines the opportunity to explore this option fully. It is important for future revisions to present a more balanced view.

Section 7 should clearly detail the availability of compulsory land acquisition, outlining the associated processes and specifying the conditions under which this option becomes viable. This will ensure clarity and transparency for all stakeholders.

6.0 Other

Consultation

Council is aware that landholders are experiencing consultation fatigue and anxiety related to the number of projects being proposed in the Shire. It is recommended that DPHI or EnergyCo undertake broadscale consultation within the REZ's to explain the changes.

Impacts to Adjoining Land

Any land that will require planning controls/restrictions on new uses to avoid a hazard (for example, proximity to batteries due to noise and run-away fire), must be communicated to local authorities so that issues are adequately identified on planning certificates and in development assessment.

If the productivity of any neighbouring land is compromised due to the impacts of a renewable energy project, such as a heat island effect from a solar farm, the project's proponent should endeavor to compensate for this loss. This could involve efforts to restore or enhance the productivity of the affected land through alternative methods or suitable compensatory measures.

Vegetative Screening

Vegetative screening proposed as a mitigation measure for a renewable energy project should be maintained by the Proponent throughout the duration of the Project.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Development Compliance Officer, on 02 6549 3700 or email council@muswellbrook.nsw.gov.au.

Yours faithfully

Sharon Pope

Director Environment and Planning

**10.1.2. Road Naming Application**

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Hamish McTaggart (Development 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:	Not Applicable
	Not applicable

PURPOSE

To determine the suitability of proposed street names for new roads related to DA 2003/144 for community exhibition and notification to the Geographic Names Board.

OFFICER'S RECOMMENDATION

Council:

1. Approves the proposed street names for exhibition and notification to the Geographical Names Board:
 - Red Gum Parade
 - Jasmine Close
 - Honeysuckle Place
2. Delegates to the General Manager determination of the road naming application following the conclusion of the advertising and notification period.

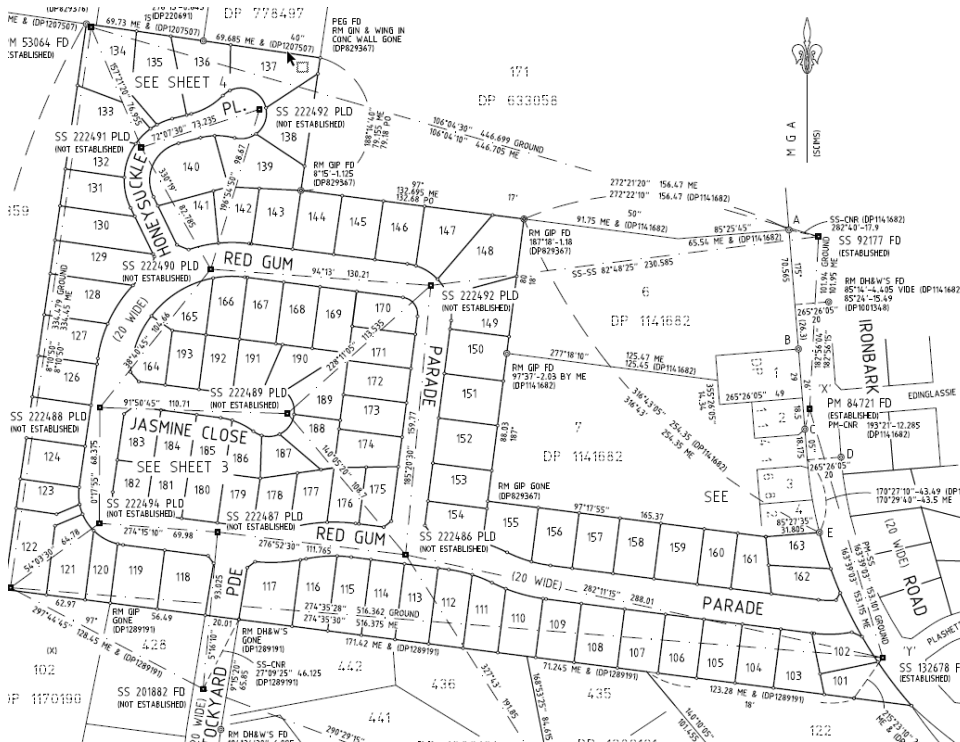
Moved: _____ **Seconded:** _____

BACKGROUND

Council has issued an approval for the residential subdivision of two Lots into ninety two (92) lots under DA 144/2003. The land concerned is frequently referred to as Highbrook Estate subdivision and is located at Ironbark Road, Muswellbrook, adjacent to Highbrook Park.

The applicant is progressing the Subdivision Works Certificate to carry out the subdivision and create the new approved lots.

The image below identifies the proposed subdivision lot arrangement.



As part of the development the applicant has put forward street names to Council for the new roads created by the development.

The proposed road names are:

- Red Gum Parade
- Jasmine Close
- Honeysuckle Place

Under Section 162 of the Roads Act 1993 Council may name and number all public roads for which it is the Roads Authority. However, in accordance with Section 162(3), Council must provide the Geographical Names Boards with at least one (1) month notice of the proposed names.

CONSULTATION

If Council supports the proposed names the next step in the process is formal public notification.

Outcomes will be reported back to the General Manager and back to Council where required before finalising the proposed street naming.

OPTIONS

Council may endorse or reject the proposed street names for community notification and a referral to the Geographical Names Board.

Should Council resolve not to endorse the proposed names it is recommended that they provide reasoning for the rejection of the names and any feedback which they wish the applicant to consider when proposing future names.

CONCLUSION

It is recommended that Council adopts the recommendation of Council Officers to endorse the proposed names for public consultation and referral to the Geographical Names Board.



FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report.



10.2. Community Infrastructure

10.2.1. Classification of Shire Local Roads

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	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:	5.1.4 - Maintain and continually improve community infrastructure across the Shire. 1.1.1.3 - Collaboratively progress investment, infrastructure and industry opportunities for the Region. 5.1.3.2 - Conduct regular asset condition assessment inspections.

PURPOSE

To advise Council that Transport for NSW (TfNSW) has informed Council they wish to progress discussions concerning the reclassification of several Muswellbrook Shire local roads to support the state's transition to renewables, specifically to allow the transportation of project components that require Over Size Over Mass (OSOM) vehicles.

OFFICER'S RECOMMENDATION

Council:

1. APPROVES staff commencing negotiations with TfNSW regarding the reclassification and upgrading of identified local roads to support the transport of renewable energy project components; and
2. Requests further reports be provided to Council prior to selection of a preferred approach to the classification and upgrading of the identified local roads.

Moved: _____ **Seconded:** _____

REPORT

Since 2021, Council has been receiving enquires from proponents of renewable energy projects in the New England Renewable Energy Zone (REZ) and the Central West-Orana REZ, requesting to use Muswellbrook Shire local roads to transport OSOM components.

Current physical restrictions and limitations on the State Road network through the Shire have been identified as barriers to the movement of OSOM freight movements for the development of the State's Renewable Energy Zones and State Significant Developments (SSD). This is now impacting the development of the Renewable Energy Zones (REZ) in the central west and north of the State.

When staff raise the matter with the NSW Department of Planning, Housing and Infrastructure (DPHI), Council was initially advised to simply assess each proposal on its



individual merits and not consider the cumulative impacts of a large increase in OSOM traffic movements on the identified roads or the resultant impacts on the safety of the community.

Of additional concern is that there is no direct benefit to the ratepayers of Muswellbrook Shire for allowing these transport movements on the Shire's local road network. Risks include:

- increased funding costs associated with accelerated deterioration of the local road network;
- the inconvenience of temporary road closures;
- the safety issues of encountering large numbers of Over Size Over Mass (OSOM) vehicles on local roads at night-time;
- the amenity impacts for residents of traffic noise, flashing lights, and other unfavourable impacts as the OSOM travel through the Shire at night; and
- significant staff time is involved in meeting with the different proponents, including EnergyCo, TfNSW, and DPHI. Significant staff time would be involved in monitoring and managing the transport of components and the impacts on the local road network. Yet Council would receive no funding to cover these costs.

On 3 November 2021, Council's State Significant Development (SSD) Committee resolved as follows:

(Council) Authorises staff to object to all SSD that nominates the use of local roads in the Shire for transport of components to another LGA, until EnergyCo, TfNSW and DPHI find a more strategic solution to managing transport issues that is acceptable to Council.

Since the SSD Committee resolved the Objection, there have been numerous subsequent reports to the SSD Committee regarding related matters, including:

- 10/10/22: Intention to object to Liverpool Range MOD1 - Use of Council Local Roads for OSOM;
- 21/11/22: Renewable Energy Zone – EnergyCo Briefing; and
- 11/09/23: Hills of Gold Wind Farm - IPC Meeting Council Representation.

Throughout 2023, meetings were held with EnergyCo, TfNSW, and DPHI staff to discuss the issue of transporting OSOM components through Muswellbrook Shire using local roads. In late December 2023, Council received correspondence from Transport for New South Wales (TfNSW), advising that TfNSW wishes to enter into discussions with Council with the aim of achieving a strategic outcome for us of local roads required to support the State's transition to renewable energy, as well as addressing critical issues regarding Over Size Over Mass (OSOM) movements.

Given the fact that the development of the renewables is expected to last beyond ten (10) years, TfNSW agrees that a coordinated response with MSC to all OSOM movements in and around Muswellbrook Shire would provide a safer and more certain outcome for communities and will allow industries to grow and be attracted to the area.

The **Central West Orana (CWO) REZ** route requires the use of Denman Bridge on the Golden Highway. Due to the vertical height restrictions of the bridge, approximately 30% of loads will require an alternate OSOM route. Bengalla road and Wybong Road (west) have been nominated by TfNSW and Energy Co., based on these roads being used as an alternate to the State Road Network in the event of planned/unplanned closures in this area and or for other OSOM that cannot use Denman Bridge over the Hunter River.

The **New England (NE) Renewable Energy Zone** route would ordinarily use of the New



England Highway, however there are vertical height and width restrictions at the underpass through Bridge Street, Muswellbrook, that prevent the movement of OSOM vehicles. The construction of the Muswellbrook Bypass would alleviate much of this, however completion may be expected to occur beyond 2027, and this does not support the New England Renewable Energy Zone program. The TfNSW proposed New England REZ route overlaps with a part of the CWO REZ route along Bengalla Link Road, and then deviating right onto Wybong Road east, Kayuga Road, Stair Street, and a private road before re-joining the New England Highway north of Muswellbrook.

TfNSW acknowledge that the roads proposed for use within the Shire are largely local and unclassified at this point in time, and that TfNSW proposes to reclassify the roads, with the options to either:

- declare regional road status with MSC provided with access to block grant funding for maintenance; or
- declare as state managed road status with TfNSW funding the maintenance (MSC could take on routine maintenance and also the Road Maintenance Council Contract, if desired).

TfNSW would be keen to understand the roles/responsibilities for both MSC and TfNSW under each scenario to ensure the right balance for all other matters moving forward.

TfNSW also advises that they understand MSC has invested considerable time and money into the Mine Affected Roads Network Plan Review and that this document can provide an opportunity to guide immediate actions and/or improvements that may require inclusion into the scope in preparation for the haulage activities. TfNSW also understands that the NE REZ route will lead to some property matters.

Additionally, TfNSW acknowledges that the Muswellbrook Bypass will necessitate some reclassification and resolution of Thomas Mitchell Drive and other significant roads in the network such as Market, Victoria, and Bell Street that are currently being used by OSOM movements due to the identified State Road restrictions. Transport for NSW indicates that these can also be considered into the overall road reclassification discussion.

With respect to next steps, TfNSW has requested that the matter be reported to Council, with the view that from February 2024 they can convene with Council staff to have more discussion on this matter and work towards a mutually satisfactory outcome.



10.3. Property and Place

10.3.1. Major Projects Status Report

Attachments:	1. Major Project Spreadsheet 20240115 [10.3.1.1 - 7 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 for January 2024.

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 15 January 2024.

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 15 JANUARY 2024
MULTIPLE YEAR PROJECTS											
Olympic Park											
2019-2020-0417	Olympic Park Amenities and Grandstand	D & C	3710.7824.504	\$8,150,000	\$4,009,466	Existing Cover to \$2M	Jan-21	Apr-26	Jan-21		Olympic Park Amenities and Grandstand 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. Council is awaiting notice of the funding. An amended Capital Expenditure Review for the Olympic Park Precinct will be reported to the February 2024 Ordinary Council meeting.
2021-2022-0520	Olympic Park Field Improvements	D & C	3710.7829.504	\$1,500,000	\$933,904	Existing Cover to \$2M	Jul-22	Apr-26	Jul-22		Olympic Park field improvements 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. Field works to be tendered and awarded to be completed concurrently with construction of buildings. The field works are envisaged to start following the majority of construction that encroach near the fields are completed.
TBA	Olympic Park Projects (multiple)	D	3710.1405.504	TBD	\$56,848	Existing Cover to \$2M	Jul-22	Apr-26	Jan-21		Olympic Park projects Funding for Olympic Park Precinct has been allocated for investigation and design of other precinct stages, including precinct landscape design, for example, fencing has been installed around the Olympic Park Bridge. Separately, Crown Lands, Department of Planning and Environment, have provided consent for the draft Plan of Management - Olympic Park Precinct, which was placed on public exhibition and has subsequently been endorsed by Council.
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	Dec-25	Oct-21		Regional Entertainment and Conference Centre - enabling works Development Application (DA) lodged for demolition of Bridge Street buildings following the endorsement by CBD 7 - Pocket Park concept design at the May 2023 Ordinary Council meeting. Removal of Hazardous materials works with the removal of Asbestos Containing Material completed 18 December 2023. Additional scope identified and quotes currently being requested.
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		Regional Entertainment and Centre Staff have commenced discussions with the Principal Design Consultant (PDC) regarding changes in design including an alternative Town Centre location and lodgment of the development application. The architect has prepared a return brief. Geotechnical and ground contamination investigation to be undertaken for the proposed new location. The Studio component of the development is to be staged. The architect's proposal to deliver the stages for the new location has been received and was reported to the Development Advisory Committee on 18 October 2023. An independent review of the architect's proposal was carried out by a Quantity Surveyor. The recommendations of the Quantity Surveyor were reported to the November 2023 Ordinary Council meeting, where Council resolved to approve the Architect's Variation proposal, including provisional sums for consultant design reports, on the condition that the architect collaborates with Council to ensure that the project meets value management and functionality requirements. The Council project team is working closely with the Principal Design Consultant and Theatre Consultant in preparation for the scheduling of a Design Workshop for the Regional Entertainment Centre Development Advisory Committee and Councillors in mid-February.
Other											
TBA	Civic Precinct (Town Square)	D & C	3690.5498.504	\$14,500,000	\$2,256,524	Council insured	Oct-21	Dec-27	Oct-21		Civic Precinct (Town Square) Planning for demolition and scoping of the Pocket Park has commenced. Council is awaiting formal confirmation of funding of \$10.5m under the Priority Community Infrastructure Program (PCIP) program. The details of the Australian Government Grant Application reported to the September Ordinary Council meeting for the application under the PCIP, and was submitted 6 November 2023. Development Application for demolition of 88-108 Bridge Street buildings lodged in December 2023 and is under assessment. A design brief for preparation of detailed design and IFC drawings is being drafted for issue to seek quotations for this work to progress future construction of the pocket park in the Civic Precinct.
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	Denman Heritage Village 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 conducted 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	Dec-25	Jul-21		MSC Depot Construction \$4.8M Resources for Regions Round 9 funding has been announced. Concept design provided to staff for feedback. Final concept and costs reported to the July 2023 Ordinary Council meeting. Council went out for a Design consultant to take the project to Design and Construct Tender. The call for tender closed on 20 November 2023. Tenders were assessed and reported to the December 2023 Ordinary Council meeting. Council resolved to award the Principal design consultant contract to CCG Architects and a start-up meeting is to be held week commencing 22 January 2024.
2020-2021-0452	Muswellbrook Animal Shelter	C	3910.5887.504	\$3,191,041	\$470,737	Council Insured	Feb-21	Mar-23	May-21	Jul-23	Muswellbrook Animal Care and Sustainability Hub The construction project is complete and the facility is open. Currently managing the Defect Liability Period.
2019-2020-0413	Muswellbrook Indoor Sport Centre - Youth Centre	D & C	3910.5844.504	\$1,242,452	\$1,177,934	Existing Cover to \$2M	Oct-19	Jun-24	Oct-19		Upper Hunter Youth Centre 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	\$226,092	Council insured	Jul-19	Oct-23	Jul-19	May-23	Tertiary Education Centre - Stage 2 (Donald Horne Building) Official opening held Tuesday, 18 July 2023.
FUTURE FUND											
TBA	Loxton House	D & C	3665.4910.504	\$1,250,000	\$754,532	Council insured	Dec-22	Dec-24	Dec-22		Loxton House Design with future tenants completed for development application modification. Heritage advice was received, and s65A minor modification lodged and accepted by the Heritage Council. The architect's proposal to finalise the design received and accepted. A contract for the design consultants is being prepared. A surveyor was been engaged to survey the internal and external parts of the building. The heritage approval assessment required a DA modification following application acceptance by the Heritage Council. DA has been lodged.
TBA	Marketplace Asset Renewal (incl. Lift)	D & C	3690.5540.504	\$331,194	\$295,816	Existing Cover to \$2M	Jul-22	Jun-24	Jul-22		Muswellbrook Marketplace Asset Renewal 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	\$331,938	\$331,938	Existing Cover to \$2M	Jul-22	Jun-24	Jul-22		Renewal of Existing Assets 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	C	3700.5312.504	\$213,000	\$213,000	Existing Cover to \$2M	Jul-23	Jun-24			Aquatic Centre Programme 2024 Installation of dehumidifier in Spa. Request for Quotes (RFQ) received. Awarding of works is currently being finalised.
N/A	General Building Renewal Programme	C	3910.5819.504	\$120,000	\$120,000	Existing Cover to \$2M	Oct-22	Jun-24			General Building Renewal Programme 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	\$52,500	\$52,500	Existing Cover to \$2M	Jul-21	Dec-24	Jul-21		General Design Programme 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			Reactivation of Campbells Corner Resources for Regions Round 9 funding announced of \$974,686. Development Application (DA) has been approved. Finalising Request for Quote (RFQ) for engagement of architect for detailed design.
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	Outdoor Pool Plant Upgrades Tender Package completed. Tender subject to capital funding.
TBA	CBD Stage 7 (Town Centre)	D & C	3690.5479.504	\$1,685,796	\$980,475	Existing Cover to \$2M	Jan-22	May-24	Jan-22		CBD Stage 7 (Town Centre) Reallocation of Resources for Regions Round 7, \$2,850,318. Now includes additional Public Domain Works: 1. Public Domain Works between Donald Horne Building and Library. 2. Loxton House Refurbishment. DA mod lodged and Design contract completed. 3. Hill St Construction. This project has been completed. 4. Part Bridge Street Footpath. Design and preparation of IFC drawings and tender documents are being prepared under the following schedule: receipt of detailed design and documentation has been reviewed by Council. Revisions and updated documents to be delivered ready for future tendering. Tenders are planned to be advertised pending receipt of drawings. 5. Bridge Street Median. As above project 3. 6. Marketplace Public Car Park. This work has been completed. 7. Marketplace laneway. As above project 3.

2021-2022-0509	Denman Children Centre	D & C	3920.5658.504	\$1,229,714	\$1,229,714	Existing Cover to \$2M	Jun-18	Dec-24	Mar-21		Denman Childrens Centre 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 in first quarter of 2024.
2022-2023-0554	Denman Netball Courts	D & C	3710.7825.504	\$311,451	\$311,451	Existing Cover to \$2M	Oct-21	Dec-24	Sep-22		Denman Netball Courts 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	\$2,084,305		Jan-23	Apr-24	Oct-23		Denman Recreation Reserve Works 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-24	Oct-21		Karoola Park Plan of Management Plan of Management is awarded and progressing. 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			Karoola Park - Resilience Works 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.
2022-2023-0563	Simpson Park - Everyone Can Play	C	3710.7828.504	\$250,000	\$239,743	Existing Cover to \$2M	Jul-23	Jan-24	Sep-23		Simpson Park - Everyone Can Play The rubber soft fall has been successfully installed, complementing the previously installed play equipment; Carousel, Bouncing pad, Rain wheel and Tall chimes. The installation of Titan Swing and Bongo Tree is progressing as planned and are expected to be finished by the end of January. Practical completion and handover are also scheduled for the same timeframe.
2022-2023-0562	Adventure Playground - Wollombi Park Pump Track	I, D & C	3710.7831.504	\$480,000	\$480,000		Jan-23	May-24	Jan-24		Adventure Playground - Wollombi Park Pump Track The contract awarding and signing has been completed. The kick-off meeting is scheduled to take place during the third week of January, followed by Final Design approvals and commencement of construction works.
TBA	Kayuga Rural Fire Station	D & C	3860.5415.504	\$1,000,000	\$914,520	Existing Cover to \$2M	Dec-21	Mar-24	Aug-23		Kayuga Rural Fire Station Additional funding announced and confirmation of tender returned to the July 2023 Ordinary Council meeting and awarded. Sod turning event held 22 November 2023. Construction underway.
TBA	Lighting for Weeraman Fields and Highbrook Park	D & C	TBA	\$939,800	\$939,800	Existing Cover to \$2M	Apr-23	Jun-24	Apr-24		Lighting for Weeraman Fields and Highbrook Park 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 June 24. The existing lights should remain functional while the new towers and lights are installed.
N/A	General Recreation Programme	C	3710.5293.504	\$100,000	\$100,000	Existing Cover to \$2M	Sep-22	Jun-24	Sep-22		General Recreation Programme Funding allocated to Simpson Park works.
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	Landscaping and Tree Management Programme 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	Major Large Capital Grants Programme (Dollar for Dollar Grant Programme) 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	Cemetery General Programme 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	Sport and Recreation Small Capital Grants Applications have closed and were reported to the 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		Bridges Renewal Programme The programme of bridge inspections is currently being undertaken to inform a programme of proposed work that 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	Bell Street Bridge 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 Disaster Recovery Funding Arrangements 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	Nov-23		CPTIGS - Bus Shelter Programme 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 Councillor workshop was held in September 2023, to provide information regarding the bus shelter concept. This matter was reported to the October meeting of Council where Council endorsed to seek quotations for the design and supply of shelters. Quotations are currently being prepared by the manufacturer. <i>Note: CPTIGS is the Country Passenger Transport Infrastructure Grants Scheme.</i>
TBA	Carpark Renewal Program	C	3580.4234.504	\$135,000	\$135,000	Existing Cover to \$2M	Nov-23	Dec-23	Dec-23	Dec-24	Carpark Renewal Program A prioritised program was endorsed by Council at the August Meeting. Works have been completed for this project to renew the pavement in the Carpark adjacent to the Muswellbrook Railway Station - Bus Stop Interchange. The outstanding works are to reinstate the wheel stops and line mark pending contractor availability.
TBA	Footpath & Cycleway Renewals	C	3500.4072.504	\$185,625	\$185,625	Existing Cover to \$2M	Sep-23	Jun-24	Aug-23	Sep-23	Footpath & Cycleway Renewals 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		Heavy Patching Programme A prioritised program was endorsed by Council at the August 2023 Ordinary Council 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 with 60% of work complete.
TBA	Kerb & Gutter Replacement	C	3560.4065.504		\$146,250	Existing Cover to \$2M	Sep-23	Dec-24	Aug-23	Nov-23	Kerb & Gutter Replacement A prioritised program was reported and endorsed by Council at the August 2023 Ordinary Council 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, Ruth White Ave, and Parkinson Ave Muswellbrook. This programme is 90% complete.
TBA	Large Plant Items	D	3985.5870.504	\$2,207,245	\$1,233,878	Contractor/ Council insured	Jul-23	Jun-24	Jul-23		Large Plant Items 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 was reported to the November 2023 Ordinary Council Meeting. Programme for 22/23 and 23/24 have been consolidated.
TBA	Merton Street Drainage, Denman	C	TBA	\$2,589,582	\$2,589,582	Council & Contractor insured	Jul-23	Oct-24	Aug-23		Merton Street drainage, Denman 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. Council recently received the deed of agreement provided by the funding body and this will be reviewed and signed accordingly. This is needed to allow Tendering to proceed. Tender Documents have been prepared and will be advertised pending signing of the funding deed of agreement. A S138 application for the construction of the culvert crossing of the Golden Hwy has been received. Tentative date for tendering will be early February 2024. 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	Feb-24	New Shared Path Turtle St Denman This project is substantially complete, with final quality checking and any identified defect rectification required to be undertaken in February.
TBA	Purchase of vehicles	I	3900.5660.504	\$342,558	\$342,558	Council & Contractor insured	Jul-23	Jun-24	Jul-23		Purchase of vehicles 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. Light fleet programme to be reported first quarter of 2024.
2022-2023-0555	Regional Road Renewal Programme	I and D	3502.4135.504	\$1,000,000	\$550,000	Council & Contractor insured	Oct-23	Jun-24	Sep-23		Regional Road Renewal Programme 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	Dec-23	Thompson St signalisation Works on this project were suspended due to Contractual issues. The contractor demobilised from the site in late January. A post construction inspection 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					UHSC - Murulla St causeway 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	Carpark Renewal Program - Hill St Laneway drainage upgrade Construction of the Council Carpark off Hill St, Muswellbrook, has been completed.
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	Hill St Road Reconstruction 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		Road Resealing Program A prioritised programme was endorsed at the August 2023 meeting of Council as part of the Capital Works Programme. Resealing works commenced 23 October 2023, with Widden Valley, Emu Ck, Rosemount Rd, Turner St, Jerdan St, Babbington St, Burkill St, Coral St, Weemalla Pl, Ford St, Wilkins Ave, Thompson St, Traminer St, Cousins St, Queen St, Hill St, King St now complete. The programme recommenced in January 2024, with preparatory works currently programmed for Sandy Creek Road, Cedar Close, and Thomas Mitchell Drive.
TBA	Roads to Recovery Programme	I	3500.2068.504	\$577,898	\$577,898	TBA	Oct-23	Jun-24			Roads to Recovery Programme 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	Rosebrook Bridge replacement 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	Dec-23	Rural Roads Regravelling The project is complete.
TBA	Safety Device Renewal	C	3590.4145.504		\$94,069	Existing Cover to \$2M	Sep-23	Dec-23	Jan-24		Safety Device Renewal A prioritised program was reported and endorsed at the August meeting of Council. This program is continuing.
TBA	Victoria Street	C		\$721,433	\$721,433		Oct-23	Dec-23	Oct-23	Feb-24	Victoria Street Grant funding accepted from Fixing Local Roads Round 4. Project preliminaries were undertaken including geotech, preparatory works, community consultation, and engagement of contractors. Asphalt works to renew and strengthen the road pavement are now complete. Line marking will be undertaken pending contractor availability.
	Wybong Road - Betterment	I			\$1,633,500		Pending EPAR approval				Wybong Road Betterment 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	Existing Cover to \$2M	Feb-24	Jun-24			Access and Security Improvements Upgrade of access and improvement to drying beds for non-destructive digging that will improve 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	Oct-23	Jul-24	Oct-23		Mains Renewal and Replacement For Financial year 2023/24, two Projects will be undertaken from the 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	Mar-24	Jul-24			Solar Array 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 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-23	Jun-24	Jul-23		Sewer Operational Contingency 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. Installed new above-ground cable tray for the Denman Sewer Treatment Plant; Built a stainless steel bund for the new 2000 litres additional chlorine storage tank at the RWTW; Purchased cutting tools for the inlet screen augers at the RWTW to remove excessive rag and wet wipes build-up. Purchased new converters for the recycled water supply flowmeters from the recycled water maturation to the golf course and from the golf course storage tank to irrigation supply for Denman Sewer Treatment. Purchased spare float switches for the sewer pumping stations for surcharge monitoring. Replaced the dissolved oxygen sensor in IDEAT2 (Intermittent Decanted Extended Aeration Tank) at the RWTW.
TBA	System Plant Asset Renewals	I, D & C	6340.4488.504	\$650,000	\$650,000	Existing Cover to \$2M	Jul-23	Jun-24	Jul-23		System Plant Asset Renewals 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	Jul-23	Jun-24	Jul-23		Transportation System Improvements Transportation System Improvement Program will include projects: MSPS -8 & 10 Electrical Mechanical upgrade. These Projects will commence in Oct 2023 and planned completion by Jun 2024.
TBA	Upgrade Sewer Pumping Station-1	I, D & C	6310.4364.504	\$2,000,000	\$2,000,000	TBA	Jun-24	Jun-25			Upgrade Sewer Pumping Station - 1 New pumping Station no 1 will be upgraded through Investigation design and construct. one of the main pumping station which is taking the max load of Muswellbrook and pumping direct o sewer treatment plant. The Project is in investigation stage. in process of hiring consultants for concept and preliminary design which will allow council to go for D& C tenders and contract likely by June 2024 and completion pf project is planned by June 2025.
WATER CAPITAL BUDGET											
N/R	Asbestos Removal, Earth Work and Security	C	5310.4575.504	\$175,000	\$175,000	Existing Cover to \$2M	Feb-24	Jun-24			Asbestos Removal, Earth Work and Security For Financial year 2023/24 this program is planned to fund the project- Muswellbrook water treatment facility fence and security upgrades.
TBA	Denman to Sandy Hollow Pipeline	D & C		\$28,473,519							Denman to Sandy Hollow Pipeline Funding Deed executed. Land acquisition, preparation of tender documentation and review of environmental factors are in process. Land acquisition is in progress. Section 60 has been approved by DPE water. Supplementary funding is being sought in order for tenders to be invited to carry out the works.
TBA	Mains Renewal And Replacement	I, D & C	5320.4340.504	\$650,000	\$650,000	Council & Contractor insured	Aug-23	Jun-24	Aug-23		Mains Renewal and Replacement For Financial year 2023/2024, the water main replacement program will undertake water main replacement in Flanders Avenue, Ramrod Creek, King Street, Coal Road reservoir rising main, and Ford Street. The coal road reservoir rising main and valve replacement was completed end of Aug 2023. Contractor has been awarded the contract for replacing water main in Flanders Avenue. Execution is planned to start in mid-February and planned completion by first week of April.
TBA	Replacement of Water Meters	C	5320.4376.504	\$65,000	\$65,000	Council insured	Jul-23	Jun-24	Jul-23		Replacement of Water Meters 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-23	Jun-24	Jul-23		System Plant Asset Renewals Prioritised list of projects has been approved by Council. The projects are in investigation and design stage, and include telemetry system upgrades and Denman reticulation system upgrades. The projects are in investigation and design stage construction is likely to commence in Feb 2024. Purchased six Ultra- Filtration Membrane modules for the Denman Water Treatment Plant from Pentair - this was emergency works. Replacement of High Lift Pump 1 motor at MWTP. Critical spare parts purchase for OMRON Programmable Logic Controllers.
TBA	Upgrade Fluoride Dosing System	I, D & C	5310.4577.504	\$294,732	\$294,732	TBA	Apr-24	Jun-24			Upgrade Fluoride Dosing System The proposed site general arrangement drawings for the new fluoride dosing plant was reviewed and approved. Detailed design and construct drawings and documents are currently being reviewed for final approval. The current dosing fluoride plant will be turned off and decommissioned in Q3. The contractor, Prominent, will initiate the construction works in Q3 once the dosing room is prepared for the new installation, which will be undertaken by Council. The project is expected to be completed in Q4 FY 2023-2024.
TBA	Vehicle Replacement	C	5330.4370.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-23	Jun-24			Vehicle Replacement 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	Mar-24	Jun-24			Vehicle - Equipment Replacement Programme being prepared.
TBA	Water Operations Contingency Project	I	5340.4406.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-23	Jun-24	Jul-23		Water Operations Contingency Project 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; Upgraded SCADA network mapping and telemetry hardware for Queen Street Drinking Water Booster Pump. Refurbishment (major overhaul) of existing lime pump at MWTP.
TBA	Water Stop Valve Replacement Programme	I, D & C	5320.4379.504	\$200,000	\$200,000	Existing Cover to \$2M	Jul-23	Jun-24	Aug-23	Sep-23	Water Stop Valve Replacement Programme 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	Reverted to reserve	Existing Cover to \$2M					Waste & Recycling Centre Leachate Dam Design and Construction Cost Estimates complete (~\$500,000). Biodiversity Assessment RFQ issued and required prior to Development Application. Geotechnical report for project area received, which has triggered a dam design revision due to lack of winnable clay on site. Currently preparing for DA lodgment.
TBA	FOGO Infrastructure	I		N/A		TBA					FOGO Infrastructure 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. Monthly Financial Report - December 2023

Attachments:	1. Monthly Council Report December 2023 [10.4.1.1 - 11 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Mandy Fitzgerald (Senior Financial Accountant), Manav Sharma (Finance Business Partner)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide 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 December 2023.

OFFICER'S RECOMMENDATION

Council NOTES the Financial Reports for the month ending 31 December 2023.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the December 2023 details of:

- Monthly & Year To Date operating performance by Fund.
- Project Spend.
- Details of Current Loans.
- Outstanding Debtor Balances.

Overview

The December 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 will show an unfavourable result throughout most of the year as insurance and Rates expenses are recognised in their entirety in the first month of the year.

End of financial year processing and audit 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 \$35.57m against Year to Date (YTD) budget of \$24.00m, with rates and charges a major contributor.

• Expenses:

- Other Costs shows an unfavourable variance of \$0.18m due to rates and insurances being paid in full in July and August.
- YTD Legal Expenses of \$598k show an unfavourable variance against budget, at 53.67% of full-year budget. This is being closely monitored.
- Overall, the expenses show a favourable variance of \$1.80m (\$22.20m actual vs YTD budget of \$24.00m).

Water Fund

- Rates are levied and recognised in July each year.
- User Charges shows an unfavourable variance, due to the four-monthly water billing cycle of water. The next billing cycle will finish in Feb 2024 and will provide a clearer indication of the how the revenue is trending.
- Expenses show a favourable variance of \$0.62m.

Sewer Fund

- Overall, sewer costs show a favourable variance against budget of \$0.28m.
- Revenue is favourable by \$2.70m, as rates are levied at the start of the year.

Future Fund**• Revenue:**

- Total revenue shows a favourable variance of \$0.18m.

• Expenses:

- Other Costs show an unfavourable variance of \$0.10m, primarily due to the full recognition of Rates and Insurances. Overall, however, expenses show a favourable variance of \$0.23m.

Capital Projects

Year To Date capital spend is \$10.51M, which equates to 14% of the total Capital Budget.

Muswellbrook Shire Council

Financial Report - December 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	\$33,472,952	\$17,500,142	\$15,972,811	91%	\$35,000,283	\$35,000,283	96%	
User Charges and Fees	\$8,069,731	\$9,821,354	(\$1,751,623)	-18%	\$18,689,982	\$19,642,707	41%	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 70% of the FY Budget.
Interest and Investments Revenues	\$913,862	\$517,497	\$396,365	77%	\$1,027,844	\$1,034,994	88%	
Other Revenues	\$1,224,364	\$1,243,129	(\$18,765)	-2%	\$2,485,983	\$2,486,258	49%	
Operating Grants and Contributions	\$3,285,482	\$3,672,328	(\$386,846)	-11%	\$7,525,226	\$7,344,656	45%	See individual funds for commentary specific to that fund
Internal Revenue	\$2,459,664	\$2,396,293	\$63,371	3%	\$4,642,186	\$4,792,586	51%	
Total Revenue	\$49,426,055	\$35,150,742	\$14,275,313	41%	\$69,371,504	\$70,301,484	70%	
Expenses								
Wages and Salaries	\$7,753,643	\$8,646,092	\$892,449	10%	\$17,135,068	\$17,292,185	45%	
Materials and Contracts	\$9,015,484	\$10,160,918	\$1,145,434	11%	\$19,900,761	\$20,321,836	44%	Other costs are at 46% against FY budget. Rates(\$0.33m) and Insurances(\$1.05m) are paid at the start of the year.
Other Costs	\$3,819,275	\$3,679,532	(\$139,743)	-4%	\$7,131,015	\$7,359,064	52%	
Borrowing Costs	\$814,610	\$1,287,859	\$473,249	37%	\$2,575,718	\$2,575,718	32%	
Overheads	\$2,394,774	\$2,429,035	\$34,261	1%	\$4,858,069	\$4,858,069	49%	See individual funds for commentary specific to that fund
Depreciation	\$7,318,690	\$7,851,759	\$533,069	7%	\$15,579,778	\$15,703,518	47%	
Total Expenses	\$31,116,476	\$34,055,195	\$2,938,719	9%	\$67,180,409	\$68,110,389	46%	
Result	\$18,309,579	\$1,095,548	\$17,214,032		\$2,191,095	\$2,191,095		

Muswellbrook Shire Council

Financial Report - December 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)
Revenue	YTD				Full Year			
Rates and Charges	\$25,146,461	\$12,985,723	\$12,160,739	94%	\$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	\$2,889,025	\$3,445,195	(\$556,170)	-16%	\$6,027,304	\$6,890,389	42%	
Interest and Investments Revenues	\$710,599	\$361,275	\$349,324	97%	\$715,400	\$722,550	98%	
Other Revenues	\$1,224,364	\$1,242,094	(\$17,730)	-1%	\$2,485,983	\$2,484,187	49%	
Operating Grants and Contributions	\$3,208,240	\$3,634,720	(\$426,480)	-12%	\$7,450,010	\$7,269,440	44%	
Internal Revenue	\$2,394,774	\$2,331,403	\$63,371	3%	\$4,512,406	\$4,662,806	51%	
Total Revenue	\$35,573,463	\$24,000,409	\$11,573,055	48%	\$47,162,548	\$48,000,817	74%	
Expenses								
Wages and Salaries	\$6,632,899	\$7,368,003	\$735,104	10%	\$14,580,539	\$14,736,007	45%	Other costs are at 54% against FY budget. Rates(\$0.19m) and Insurances(\$0.66m) are paid at the start of the year. Legal expenses are 598k against FY budget of 1.11m(53.67%).
Materials and Contracts	\$6,870,824	\$7,444,185	\$573,361	8%	\$14,430,178	\$14,888,369	46%	
Other Costs	\$2,667,458	\$2,483,907	(\$183,551)	-7%	\$4,743,203	\$4,967,814	54%	
Borrowing Costs	\$72,585	\$305,439	\$232,854	76%	\$610,877	\$610,877	12%	
Overheads	\$1,161,228	\$1,195,489	\$34,261	3%	\$2,390,978	\$2,390,978	49%	
Depreciation	\$4,796,758	\$5,203,387	\$406,629	8%	\$10,406,773	\$10,406,773	46%	
Total Expenses	\$22,201,752	\$24,000,409	\$1,798,657	7%	\$47,162,548	\$48,000,817	46%	
Result	\$13,371,711	\$0	\$13,371,711		\$0	\$0		

Muswellbrook Shire Council

Financial Report - December 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)
Revenue	YTD				Full Year			
Rates and Charges	\$2,242,144	\$1,182,473	\$1,059,671	90%	\$2,364,946	\$2,364,946	95%	* 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.
User Charges and Fees	\$1,218,245	\$2,496,635	(\$1,278,390)	-51%	\$4,993,270	\$4,993,270	24%	
Interest and Investments Revenues	\$116,568	\$107,500	\$9,068	8%	\$215,000	\$215,000	54%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$38,447	\$18,763	\$19,684	105%	\$37,526	\$37,526	102%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$3,615,404	\$3,805,371	(\$189,967)	-5%	\$7,610,742	\$7,610,742	48%	
Expenses								
Wages and Salaries	\$516,680	\$695,304	\$178,624	26%	\$1,390,607	\$1,390,607	37%	* Overall, costs show a favourable variance sitting at 42% for the December period.
Materials and Contracts	\$858,646	\$1,172,628	\$313,982	27%	\$2,410,466	\$2,345,256	37%	
Other Costs	\$199,846	\$263,855	\$64,009	24%	\$527,500	\$527,710	38%	
Borrowing Costs	\$9,178	\$7,000	(\$2,178)	-31%	\$14,000	\$14,000	66%	
Overheads	\$578,850	\$578,849	(\$1)	0%	\$1,157,698	\$1,157,698	50%	
Depreciation	\$1,019,898	\$1,087,738	\$67,840	6%	\$2,110,475	\$2,175,475	47%	
Total Expenses	\$3,183,098	\$3,805,373	\$622,275	16%	\$7,610,746	\$7,610,746	42%	
Result	\$432,306	(\$2)	\$432,308		(\$4)	(\$4)		

Muswellbrook Shire Council

Financial Report - December 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)
Revenue	YTD				Full Year			
Rates and Charges	\$6,084,347	\$3,331,946	\$2,752,401	83%	\$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	\$167,327	\$268,074	(\$100,747)	-38%	\$536,148	\$536,148	31%	
Interest and Investments Revenues	\$86,695	\$48,722	\$37,973	78%	\$97,444	\$97,444	89%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$38,795	\$18,845	\$19,950	106%	\$37,690	\$37,690	103%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$6,377,164	\$3,667,587	\$2,709,577	74%	\$7,335,174	\$7,335,174	87%	
Expenses								
Wages and Salaries	\$457,709	\$455,011	(\$2,699)	-1%	\$910,025	\$910,021	50%	* Overall, costs show a favourable variance sitting at 46% for the December period.
Materials and Contracts	\$675,754	\$819,149	\$143,395	18%	\$1,697,038	\$1,638,298	41%	
Other Costs	\$316,147	\$398,444	\$82,297	21%	\$796,883	\$796,887	40%	
Borrowing Costs	\$318,981	\$320,000	\$1,019	0%	\$640,000	\$640,000	50%	
Overheads	\$476,370	\$476,370	\$0	0%	\$952,740	\$952,740	50%	
Depreciation	\$1,111,530	\$1,170,135	\$58,605	5%	\$2,281,530	\$2,340,270	47%	
Total Expenses	\$3,356,491	\$3,639,108	\$282,617	8%	\$7,278,216	\$7,278,216	46%	
Result	\$3,020,673	\$28,479	\$2,992,194		\$56,958	\$56,958		

Muswellbrook Shire Council

Financial Report - December 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)
Revenue	YTD				Full Year			
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$3,795,134	\$3,611,450	\$183,684	5%	\$7,133,260	\$7,222,900	53%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$0	\$1,036	(\$1,036)	-100%	\$0	\$2,071	0%	* User Charges and Fees show a favourable variance against FY Budget (53%) .
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$64,890	\$64,890	\$0	0%	\$129,780	\$129,780	50%	
Total Revenue	\$3,860,024	\$3,677,376	\$182,649	5%	\$7,263,040	\$7,354,751	52%	
Expenses								
Wages and Salaries	\$146,355	\$127,775	(\$18,580)	-15%	\$253,897	\$255,550	57%	
Materials and Contracts	\$610,260	\$724,957	\$114,697	16%	\$1,363,079	\$1,449,913	42%	
Other Costs	\$635,824	\$533,327	(\$102,498)	-19%	\$1,063,429	\$1,066,653	60%	
Borrowing Costs	\$413,866	\$655,421	\$241,555	37%	\$1,310,841	\$1,310,841	32%	* Other Costs are showing an unfavourable result due to the Rates and Insurance expenses being fully paid in July.
Overheads	\$178,326	\$178,327	\$1	0%	\$356,653	\$356,653	50%	
Depreciation	\$390,504	\$390,500	(\$4)	0%	\$781,000	\$781,000	50%	
Total Expenses	\$2,375,135	\$2,610,305	\$235,170	9%	\$5,128,899	\$5,220,610	45%	
Result	\$1,484,889	\$1,067,071	\$417,819		\$2,134,141	\$2,134,141		

Muswellbrook Shire Council
Financial Report - December 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	September Review 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	10,120	452,410	452,410	452,410	2%		
Aquatic Centres Programme	Aquatic Centres program	38,225	-	263,000	263,000	15%		
Art Acquisitions	Art Acquisitions	-	-	70,000	70,000	0%		
Buildings New and Replacement	Buildings New and Replacement	26,052	1,459,061	1,579,061	1,649,061	2%		
Bushfire Assets	Bushfire Assets	23,764	564,520	564,520	926,680	3%		
Capital Works Contingency	Capital Works Contingency	-	-	100,000	100,000	0%		
CBD Stage 7 (Town Centre)	CBD Stage 7 (Town Centre)	10,166	226,092	226,092	226,092	4%		
Civic Precinct (Town Square)	Civic Precinct (Town Square)	85,585	2,256,524	2,256,524	2,256,524	4%		
COVID 19	COVID 19	67,586	-	150,000	150,000	45%		
Denman Childrens Centre - Expansion (Contribution)	Denman Childrens Centre - Expansion	24,883	415,308	415,308	415,308	6%		
Denman Heritage Shed	Denman Heritage Village	211,126	250,327	250,327	250,327	84%		
Denman Netball Courts	Denman Netball Courts	1,444	283,638	283,638	283,638	1%		
Future Fund Contribution	Future Fund Contribution	-	-	1,300,000	1,300,000	0%		
General Design Program	General Design Program	-	-	52,500	52,500	0%		
Hunter Beach	Hunter Beach	9,163	19,324	19,324	19,324	47%		
Information Technology Strategy	Information Technology Strategy	15,342	-	200,000	200,000	8%		
Karoola Park Citizens Walk Pathway	Karoola Park Citizens Walk Pathway	175	17,222	17,222	17,222	1%		
Library Books General Capital Purchases (General)	Library Books General Capital Purchases	51,018	15,852	105,437	105,437	48%		
Library Subsidy Projects	Library Subsidy Projects	-	66,071	66,071	66,071	0%		
Local Priority Grant	Local Priority Grant	-	43,594	54,594	54,594	0%		
Major Landcare Projects	Major Landcare Projects	37,854	14,357	139,357	139,357	27%		
Muscle Creek Catchment Strategy	Muscle Creek Catchment Strategy	36,946	-	-	150,000	25%		
Purchase Paxton Street Denman	Purchase Paxton Street Denman	438,972	-	-	439,000	100%		
Mbk and Dnm Indoor Sports Centre Upgrades	Mbk and Dnm Indoor Sports Centre Upgrades	230,012	233,874	233,874	233,874	98%		
MSC Depot	MSC Depot	-	-	-	-	0%		
Olympic Park Project	Olympic Park Project	69,213	2,836,170	4,009,466	4,009,466	2%		
Performance and Convention Centre	Performance and Convention Centre	41,920	3,273,204	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	194,443	470,737	470,737	470,737	41%		
Recreation Capital Works	Recreation Capital Works	134,933	1,234,907	1,599,907	1,599,907	8%		
Resources for Regions 9	Resources for Regions 9	-	-	-	-	0%		
Resources for Regions 9 - Denman Rec Area	Resources for Regions 9 - Denman Rec Area	43,348	2,084,305	2,084,305	2,084,305	2%		
Resources for Regions 9 - Depot	Resources for Regions 9 - Depot	60,574	-	4,838,247	4,838,247	1%		
Resources for Regoins 9 - Campbells Corner	Resources for Regoins 9 - Campbells Corner	36,896	956,228	956,228	956,228	4%		
STEM Equipment Replacement	STEM Equipment Replacement	41,270	88,709	191,209	191,209	22%		
Total Planning, Community and Corporate Services	Total Planning, Community and Corporate Services	1,941,030	17,262,434	26,222,562	27,243,722	7%	-	

Muswellbrook Shire Council
Financial Report - December 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects	Roads and Drainage Projects							
Bridge St Footpath	Bridge St Footpath	33,299	-	67,056	67,056	50%		
Bridges Renewal Programme	Bridges Renewal program	7,793	-	105,000	105,000	7%		
Carpark Renewal Programme	Carpark Renewal program	2,948	-	135,000	135,000	2%		
CPTIGS - Bus Shelter	CPTIGS - Bus Shelter	5,746	321,964	321,964	321,964	2%		
Drainage	Drainage	-	615,188	938,255	938,255	0%		
Drainage Devices Programme	Drainage Devices program	17,582	-	180,000	180,000	10%		
Flood Warning Systems	Flood Warning Systems	893	50,000	50,000	150,000	1%		
FOGO - Design and EIS	FOGO	-	-	-	-	0%		
Footpath and Cycleway Renewal Programme	Footpath and Cycleway Renewal program	174,555	-	185,625	185,625	94%		
Heavy Patching Programme	Heavy Patching program	530,650	-	1,000,000	1,000,000	53%		
Resilience Works Karoola Park	Resilience Works Karoola Park	8,642	484,174	484,174	484,174	2%		
Kerb and Gutter Replacement Programme	Kerb and Gutter Replacement program	140,153	-	146,250	146,250	96%		
Kirk and Peberdy Bridges	Kirk and Peberdy Bridges	-	-	85,141	85,141	0%		
Large Plant Items	Large Plant Items	973,367	1,607,245	2,207,245	2,207,245	44%		
Leachate Dam	Leachate Dam	4,844	-	475,795	475,795	1%		
LISF - Roads Infrastructure Backlog	LISF - Roads Infrastructure Backlog	195,320	-	202,209	202,209	97%		
ARGN 960 Natural Disaster Event - Baerami Creek Caus	Natural Disaster Event - Baerami Creek Causeway	13,808	689,654	689,654	689,654	2%		
New Footpath and Cycleway Programme	New Footpath and Cycleway program	60,549	60,549	60,549	60,549	100%		
Purchase of Vehicles	Purchase of Vehicles	-	-	340,000	340,000	0%		
Rainbow Creek Bridge	Rainbow Creek Bridge	-	274,687	274,687	274,687	0%		
Regional Road Renewal Programme	Regional Road Renewal program	36,991	-	500,000	500,000	7%		
Resources for Regions - Round 5	Resources for Regions - Round 5	213,910	226,781	226,781	226,781	94%		
Resources for Regions- Round 7	Resources for Regions- Round 7	523,541	904,016	904,016	904,016	58%		
Resources for Regions 9	Resources for Regions 9	31,683	1,409,735	1,409,735	2,586,735	1%		
Road Resealing Programme	Road Resealing program	530,658	577,898	2,677,898	2,677,898	20%		
Roads Capital Contingency	Roads Capital Contingency	3,504	-	135,000	135,000	3%		
Roads to Recovery Program	Roads to Recovery Program	574,623	-	577,898	577,898	99%		
Rosebrook Bridge	Rosebrook Bridge	323,054	324,590	324,590	324,590	100%		
Rural Road Regravelling Programme	Rural Road Regravelling Program	274,505	-	283,815	283,815	97%		
Rural Road Renewal Programme	Rural Road Renewal program	10,874	-	498,027	498,027	2%		
Safety Device Renewal Programme	Safety Device Renewal program	13,527	-	94,069	94,069	14%		
Transport Vehicles	Transport Vehicles	-	-	150,000	150,000	0%		
Urban Road Renewal Programme	Urban Road Renewal Program	8,734	-	400,000	400,000	2%		
Victoria Street Rehab	Victoria Street Rehab	28,701	721,433	721,433	721,433	4%		
Widden Creek Stabilisation Works	Widden Creek Stabilisation Works	7,763	152,891	152,891	152,891	5%		
Wilkinson Bridge	Wilkinson Bridge	46,052	-	110,996	110,996	41%		
Yarraman Road Upgrade	Yarraman Road Upgrade	100,682	180,946	180,946	180,946	56%		
Footpath - Turtle St Denman	Footpath - Turtle St Denman	189,697	-	-	322,459	59%		
Total Roads and Drainage	Total Roads and Drainage	5,088,648	8,601,751	17,296,699	18,896,158	27%	-	
Total General Fund	Total General Fund	7,029,678	25,864,185	43,519,261	46,139,880	15%	-	

Muswellbrook Shire Council
Financial Report - December 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects		Future Fund Projects						
	Donald Horne Building	108,045	-	218,691	218,691	49%		
	Marketplace	1,268,246	-	2,957,464	2,957,464	43%		
	Renewal of Existing Assets/New Acquisitions	110,418	222,919	641,905	641,905	17%		
	Throsby ACT	216,666	-	520,000	520,000	42%		
	Upgrade of Loxton House	49,002	454,532	754,532	754,532	6%		
Total Future Fund	Total Future Fund	1,752,377	677,451	5,092,592	5,092,592	34%	-	
Sewer Fund		Sewer Fund						
	Access & Security Improvements RWTW	40,656	-	130,000	130,000	31%		
	Mains Renewal and Replacement	171,299	-	260,000	260,000	66%		
	Operations Contingency Project	90,429	-	150,000	150,000	60%		
	Sewer Plant and Equipment	316	-	80,000	80,000	0%		
	Solar Array	-	1,745,336	1,745,336	645,336	0%		
	System Plant Asset Renewals	349,807	254,065	649,065	649,065	54%		
	Transportation System Improvement	48,975	-	300,000	300,000	16%		
	Loan - Sewer RWTW	336,436	-	680,496	680,496	49%		
	Upgrade Sewer Pump Station 1	-	-	-	2,000,000	0%		
	Skellatar Main	48,317	-	97,934	97,934	49%		
Total Sewer Fund	Total Sewer Fund	1,086,235	1,999,401	4,092,831	4,992,831	22%	-	

Muswellbrook Shire Council
Financial Report - December 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Water Fund	Water Fund							
Asbestos, Earthworks, Security	Asbestos, Earthworks, Security	22,750	-	175,000	175,000	13%		
Laboratory Equipment	Laboratory Equipment	2,027	-	20,000	20,000	10%		
Mains Renewal and Replacement (inc Carryover)	Mains Renewal and Replacement	31,441	-	650,000	650,000	5%		
Office Upgrade	Office Upgrade	8,514	-	17,518	17,518	49%		
Operations Contingency Project	Operations Contingency Project	89,503	-	100,000	100,000	90%		
Replacement of Water Meters Programme	Replacement of Water Meters program	29,990	-	65,000	65,000	46%		
GLE Pipeline	Denman-Sandy Hollow Pipeline	40,174	1,062,215	18,460,415	18,460,415	0%		
South Muswellbrook Reservoir	South Muswellbrook Reservoir	127,712	-	262,755	262,755	49%		
System Plant Asset Renewals	System Plant Asset Renewals	105,333	230,474	730,474	730,474	14%		
Upgrade Fluoride Dosing System WTP	Upgrade Fluoride Dosing System WTP	-	294,732	294,732	294,732	0%		
Vehicle-Equipment Replacement	Vehicle-Equipment Replacement	-	-	65,000	65,000	0%		
Water Stop Valve Replacement	Water Stop Valve Replacement	186,505	-	200,000	200,000	93%		
Total Water Fund	Total Water Fund	643,949	1,587,421	21,040,894	21,040,894	3%	-	
Consolidated Total	Consolidated Total	10,512,239	30,128,458	73,745,578	77,266,197	13%	-	

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	\$726,218	\$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	\$601,124	\$415,542	\$249,678	\$223,682	\$234,748	\$246,382	\$258,614	\$271,476
	Interest	\$245,540	\$233,183	\$201,596	\$201,557	\$181,451	\$154,972	\$162,272	\$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	\$1,573,967	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 Horne 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	1.86%	\$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 December 2023

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$0	\$46,385	\$38,705	\$46,753	\$280,994	\$412,836
Inspection Fees	\$17,827	\$0	\$300	\$713	\$0	\$18,840
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$0	\$0
Council Properties - Future Fund *	\$99,689	\$14,583	\$49,780	\$67,014	\$144,703	\$375,768
Council Properties - Marketplace *	\$147,483	\$1,893	\$13,127	\$12,296	\$129,939	\$304,738
Council Properties - Education Fund	\$70,811	\$0	\$0	\$0	\$16,470	\$87,281
Recreation	\$2,020	\$385	\$260	\$18,264	\$411	\$21,340
Sundries**	\$230,482	\$2,237	\$1,181,942	\$104,573	\$31,330	\$1,550,563
Water Tanker Sales	\$426	\$843	\$0	\$0	\$10,959	\$12,228
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$0	\$0	\$0	\$0	\$27,423	\$27,423
GST Tax Debtor	\$0	\$0	\$0	\$0	\$219,504	\$219,504
TOTAL	\$569,079	\$66,325	\$1,284,114	\$249,614	\$861,732	\$3,030,864

* Balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services.

** Includes \$1.18M in VPA Funding and \$168k Grant Funding.

**10.4.2. Report on Investments held as at 31 December 2023****Attachments:**

1. Portfolio Valuation Report - 31 December 2023 [10.4.2.1 - 3 pages]
2. Trading Limit Report - 31 December 2023 [10.4.2.2 - 8 pages]

Responsible Officer: Derek Finnigan - General Manager

Author: Mandy Fitzgerald (Senior Financial Accountant)

Community Plan Issue: 6 - Community Leadership

Community Plan Goal: 24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Community Plan Strategy: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To 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 December 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 December 2023, are shown in the attachments.

COMMENT:

As at 31 December 2023, Council held \$81.61M in cash and investments, with a weighted running yield of 4.77%.

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		3,860,097.16	1.00000000	3,860,097.16	100.000	0.000	3,860,097.16	4.67%	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%	
			3,960,097.16		3,960,097.16			3,960,097.16	4.79%		0.34%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	97.852	0.542	2,459,850.00	2.97%	1.68%	
	JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	99.819	1.688	507,535.00	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	0.048	2,000,960.00	2.42%	1.10%	
	NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.048	1,500,720.00	1.81%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	98.280	0.774	1,981,080.00	2.39%	1.80%	
			8,500,000.00		8,500,000.00			8,450,145.00	10.21%		1.75%
Floating Rate Note											
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.989	0.123	1,501,680.00	1.81%	4.97%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.466	0.868	1,013,340.00	1.22%	5.87%	
	Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.229	0.209	2,008,760.00	2.43%	5.86%	
	BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	1,500,000.00	1.00000000	1,500,000.00	100.260	0.632	1,513,380.00	1.83%	5.88%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.115	1.060	1,011,750.00	1.22%	5.22%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.226	0.924	505,750.00	0.61%	5.44%	
	CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	5,000,000.00	1.00000000	5,000,000.00	100.632	0.862	5,074,700.00	6.13%	6.00%	
	CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	100.001	0.166	1,752,922.50	2.12%	6.06%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.502	0.265	2,993,010.00	3.62%	4.85%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.468	0.179	2,989,410.00	3.61%	5.01%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.954	0.824	5,542,790.00	6.70%	5.47%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.952	0.126	1,501,170.00	1.81%	5.12%	
	Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.436	0.418	2,017,080.00	2.44%	6.10%	
	Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	100.176	0.214	3,011,700.00	3.64%	6.01%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.796	0.885	1,661,236.50	2.01%	5.13%	
	UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	101.094	0.785	4,075,160.00	4.93%	5.88%	
			37,900,000.00		37,900,000.00			38,173,839.00	46.14%		5.60%
Term Deposit											
	AMP 5.75 12 Jul 2024 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.694	1,026,938.36	1.24%	5.75%	
	AMP 5.75 21 Jan 2025 550DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	2.568	1,282,097.60	1.55%	5.75%	
	AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.917	4,116,673.96	4.98%	5.35%	
	AMP 5.25 01 Dec 2025 732DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.446	1,004,458.90	1.21%	5.25%	
	AUBANK 5.35 31 Jul 2024 365DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	2.228	5,111,397.25	6.18%	5.35%	
	BOQ 5.5 28 Jun 2024 365DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	2.788	3,083,630.13	3.73%	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	1.624	3,048,731.52	3.68%	4.90%	
BVIC 4.65 11 Jan 2024 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	4.510	4,180,394.52	5.05%	4.65%	
DFB 5.45 04 Dec 2025 730DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.388	2,007,764.38	2.43%	5.45%	
JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	5.205	4,208,191.80	5.09%	4.25%	
JUDO 5.7 06 Jan 2025 557DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	2.889	2,057,780.82	2.49%	5.70%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.686	1,026,860.27	1.24%	5.70%	
		31,250,000.00		31,250,000.00			32,154,919.51	38.86%		5.16%
Fixed Interest Total		81,610,097.16		81,610,097.16			82,739,000.67	100.00%		4.77%

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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 81,610,097.16	8,161,009.72	89.00	11.00	911,010	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 81,610,097.16	24,483,029.15	0.00	100.00	24,483,029	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	61.00	39.00	3,161,010	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	55.00	45.00	3,661,010	0.00	0
Bank Australia Limited	BBB+ to BBB-		1,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	18.00	82.00	6,661,010	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	3,960,097.16	Book	30.00	% of 81,610,097.16	24,483,029.15	16.00	84.00	20,522,932	0.00	0
Bank of Queensland Ltd	A+ to A-		7,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	92.00	8.00	661,010	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	3,960,097.16	Book	30.00	% of 81,610,097.16	24,483,029.15	16.00	84.00	20,522,932	0.00	0
BankVic	BBB+ to BBB-		4,000,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	49.00	51.00	4,161,010	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 81,610,097.16	24,483,029.15	0.00	100.00	24,483,029	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		2,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	31.00	69.00	5,661,010	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 81,610,097.16	24,483,029.15	0.00	100.00	24,483,029	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 81,610,097.16	16,322,019.43	0.00	100.00	16,322,019	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	61.00	39.00	3,161,010	0.00	0
Defence Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	25.00	75.00	6,161,010	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 81,610,097.16	8,161,009.72	67.00	33.00	2,661,010	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	21.00	79.00	6,411,010	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
Judo Bank	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	92.00	8.00	661,010	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 81,610,097.16	16,322,019.43	18.00	82.00	13,322,019	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 81,610,097.16	8,161,009.72	92.00	8.00	661,010	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	37.00	63.00	5,161,010	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 81,610,097.16	24,483,029.15	0.00	100.00	24,483,029	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	67.00	33.00	2,661,010	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 81,610,097.16	24,483,029.15	14.00	86.00	20,983,029	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 81,610,097.16	81,610,097.16	0.00	100.00	81,610,097	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 (\$)
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		6,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	80.00	20.00	1,661,010	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 81,610,097.16	16,322,019.43	0.00	100.00	16,322,019	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 81,610,097.16	16,322,019.43	0.00	100.00	16,322,019	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 81,610,097.16	4,080,504.86	0.00	100.00	4,080,505	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	2,500,000.00	Book	10.00	% of 81,610,097.16	8,161,009.72	31.00	69.00	5,661,010	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	3,960,097.16	Book	30.00	% of 81,610,097.16	24,483,029.15	16.00	84.00	20,522,932	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 81,610,097.16	16,322,019.43	12.00	88.00	14,322,019	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 81,610,097.16	16,322,019.43	35.00	65.00	10,672,019	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		3,960,097.16	Book	30.00	% of 81,610,097.16	24,483,029.15	16.00	84.00	20,522,932	0.00	0
			108,990,388.64				591,673,204.41			482,682,819		0
			(Excluding Parent Group Duplicates)									
			81,610,097.16									

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 81,610,097.16	81,610,097.16	0.00	100.00	81,610,097	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 81,610,097.16	81,610,097.16	4.00	96.00	78,110,097	0.00	0
A+ to A-	11,650,000.00	Book	70.00	% of 81,610,097.16	57,127,068.01	20.00	80.00	45,477,068	0.00	0
A1+	3,960,097.16	Book	100.00	% of 81,610,097.16	81,610,097.16	5.00	95.00	77,650,000	0.00	0
A1	2,000,000.00	Book	100.00	% of 81,610,097.16	81,610,097.16	2.00	98.00	79,610,097	0.00	0
A2	18,500,000.00	Book	70.00	% of 81,610,097.16	57,127,068.01	32.00	68.00	38,627,068	0.00	0
A3	5,500,000.00	Book	60.00	% of 81,610,097.16	48,966,058.30	11.00	89.00	43,466,058	0.00	0
BBB+ to BBB-	36,500,000.00	Book	60.00	% of 81,610,097.16	48,966,058.30	75.00	25.00	12,466,058	0.00	0
	81,610,097.16				538,626,641.26			457,016,543		0

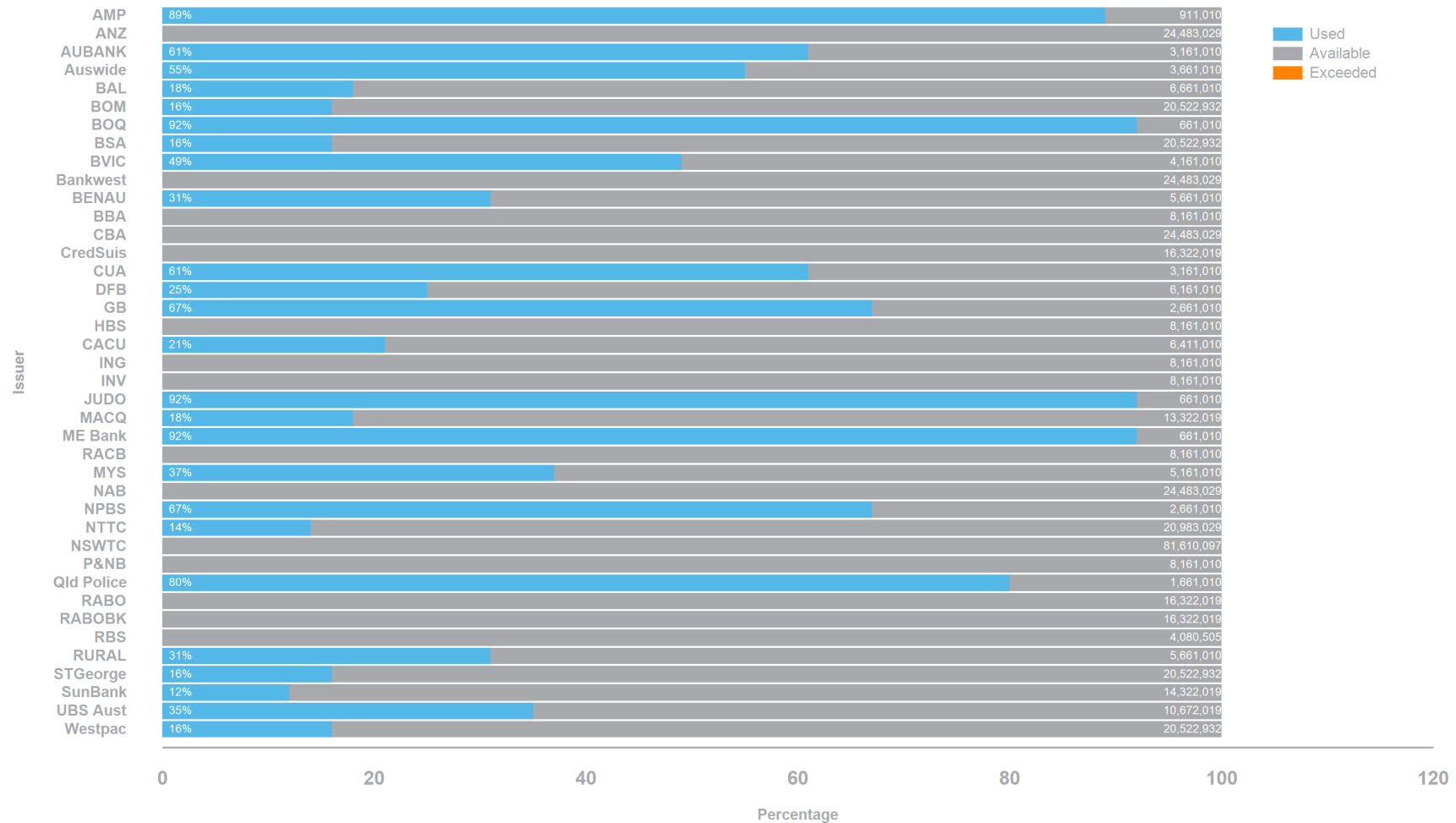
Notes

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.

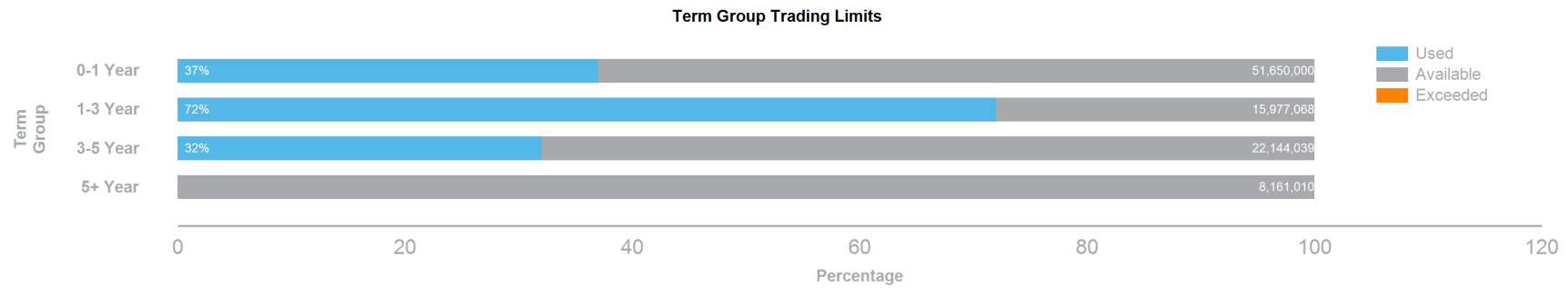
3 Term Group Trading Limits

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	29,960,097.16	Book	100.00	% of 81,610,097.16	81,610,097.16	37.00	63.00	51,650,000	0.00	0
1-3 Year	41,150,000.00	Book	70.00	% of 81,610,097.16	57,127,068.01	72.00	28.00	15,977,068	0.00	0
3-5 Year	10,500,000.00	Book	40.00	% of 81,610,097.16	32,644,038.86	32.00	68.00	22,144,039	0.00	0
5+ Year	0.00	Book	10.00	% of 81,610,097.16	8,161,009.72	0.00	100.00	8,161,010	0.00	0
	81,610,097.16				179,542,213.75			97,932,117		0

Issuer Trading Limits







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Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 December 2023
Balance Date: 7 January 2024 (but 31 Dec 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

**10.4.3. Section 355 Committee Guidelines MSC22E for ADOPTION**

Attachments:	1. Section 355 Committee Guidelines MSC22E [10.4.3.1 - 17 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 submit for Council's consideration the attached *Section 355 Committee Guidelines* for adoption, which has completed 28 days of public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the *Section 355 Committee Guidelines*.

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.

A review of the *Section 355 Committee Guidelines* has been conducted and amendments were made to position titles, and formatting was completed.

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

CONSULTATION

MANEX

Manager Governance and Risk

Governance Officer

Business Improvement Officer

Community via public exhibition on Council's website 30 November 2023 to 4 January 2024.



REPORT

At the 28 November 2023 Ordinary Council Meeting, Council endorsed the *draft Section 355 Committee Guidelines* to be placed on Public Exhibition, via Council's website for a period of 28 days. As the public exhibition period occurred over the Council closure period, an additional week of public exhibition was added to allow for the public holidays.

The Policy was exhibited on Council's website from 30 November 2023 to 4 January 2024.

No submissions were received by Council during the submission period.

The Policy was emailed to Council's Audit, Risk and Improvement Committee and no feedback was received by Council.

OPTIONS

Council may:

1. Resolve to adopt the *Section 355 Committee Guidelines*; or
2. Resolve to adopt the *Section 355 Committee Guidelines* with amendments.

CONCLUSION

It is recommended that Council adopts the attached *Section 355 Committee Guidelines*.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

This guideline 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 (*2023-2024 Operational Plan – Muswellbrook Shire Council*).

RISK MANAGEMENT IMPLICATIONS

Nil known.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of the Policy on Council's website from 30 November 2023 to 4 January 2024 provided the Community with an opportunity to make submissions. No submissions



were received by Council during the submission period.



**muswellbrook
shire council**

Section 355 Committee Guidelines

MSC22E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
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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1. Purpose and Delegations

1.1. Introduction

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 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 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 & 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 requirements.

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 reappointment.

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 by such 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 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

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. 1/2023, 2/2023, 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, but are provided as a general framework for Committees. It is important that each member of a Committee understands their roles and responsibilities, and what 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 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 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, the method of conducting meetings, and ensures statutory regulations and 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 summarise 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;
 - (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, 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 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, weddings, birthday celebrations or the like are covered under Council's Casual hirer's insurance Policy.

For a Casual or Regular Hirer, the claims excess is \$1,000.00 for each and every claim, payable by the casual or regular hirer.

A record by the Committee of the history of bookings is essential for a claim to be made.

Note: Fundraising for an individual, a charity, or community organisation or group will be covered under Council's Casual Hirer's Policy if the hirer:

- (a). is not a sporting group, club, association, corporation, or incorporated body;
- (b). is not a sole trader or registered business;
- (c). is not making a personal financial gain from the activity;
- (d). is not undertaking an activity of a commercial nature;
- (e). is not a large (for example, 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, yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee;
- (b). makes a personal financial gain from the activity;

- (c). a sole trader or registered business;
- (d). a corporation or incorporated bodies; or
- (e). sporting body, club, or associations of any kind.

It is the Committee's responsibility to ensure that users of the facility that meet any of the categories in this clause have adequate Public Liability insurance.

If there are situations not identified above where a hirer of the facility does not have its own Public Liability Insurance and there is uncertainty as to whether the hirer meets the "Casual or Regular Hirer" or "Other Hirer Guidelines" the matter must be referred to Council to confirm with its insurer.

7.7. Definitions of Clause 7

Casual Hirer	Person or group of persons (not being a sporting body, club, association, corporation, or incorporated body), who hires a council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve (12) times per calendar year.
Regular Hirer	Person or group of persons (not being a sporting body, club, association, corporation, or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, more frequently than once per calendar month or twelve (12) times per calendar year.
Personal Injury	<ol style="list-style-type: none"> 1. Bodily injury, death, sickness, disease, disability, shock, fright, mental anguish, and mental injury; 2. False arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution, and humiliation; 3. Assault and battery not committed by or at the direction of the Casual or Regular hirer unless committed for the purpose of preventing or eliminating danger to person or property.

8. Care, Control and Management of a Council Facility

Hiring a facility and making it readily accessible to the community is central to the purpose of most Committees.

8.1. Conditions of Hire

It is essential that hirers sign a Hire Agreement which demonstrates their agreement to abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. It is best practice for a Committee member to ensure each hirer understands their obligations when hiring the facility, explaining the conditions with the hirer if required.

8.2. Inclusion

The Committee is acting on behalf of Council, and it is important to uphold the principles of equity, accessibility, and inclusivity. Consideration of disability and inclusion is managed under the *Disability Inclusion Act 2014* (NSW), which requires all government departments and certain public authorities, including councils, in NSW to have a Disability Inclusion Action Plan.

For Committees, this means that inclusion needs to be considered in all areas of planning and operation of the relevant hall or facility. Critical areas requiring consideration include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and/or hearing-impaired people, and supporting access to sporting and recreation opportunities.

8.3. Fees and Charges

The schedule of fees and charges is set by Council, taking into the consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to Council. The Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. Figures submitted should show the GST (Goods and Services Tax) exclusive amount to which Council will add the ruling rate of GST. Once Council has adopted the fees and charges, a list will be supplied to each Committee.

The Committee is not able to provide subsidies or waive hire fees. Requests concerning fee reduction must be referred to Council.

8.4. Bonds

As a safeguard against possible damage, the Committee may hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this bond amount will be refunded if conditions of hire are satisfactorily met.

Abnormal costs associated with the hire of the facility will be deducted from the bond, including the GST proportion. This may include extra removal of garbage, extra cleaning, etc.

8.5. Keys and Security

Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key pick-ups and drop offs. If a key safe is used, the combination should be changed regularly for security purposes (for example, 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. Dispute Resolution

The General Manager is the interpreter of this policy.

10. 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.
2	10.11.2021	Governance Officer	Updated position title and formatting. Draft policy on public exhibition 30/11/2023 - 04/01/2024.



10.5. Community and Economy

10.5.1. Regional Development Roadmap Submission

Attachments:	1. Attachment A - Review of the Regional Development Act-2004- Issues Paper [10.5.1.1 - 22 pages]
	2. Attachment B - Regional Development Act 2004 Review - Feedback Submission [10.5.1.2 - 4 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Shaelee Welchman (Director - Community & Economy), Sharon Pope (Director - Planning & Environment), Fiona Wilton (Economic Development Officer)
Community Plan Issue:	<i>1 - Economic Prosperity</i> <i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i> An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Goal:	An environmentally sensitive and sustainable community A culturally rich and diverse Community with strong identities, history and sense of belonging. Effective and efficient infrastructure that is appropriate to the needs of our community. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	<i>Not Applicable</i> Not applicable

PURPOSE

The purpose of this report is to provide information to Council on the State Government's review of the Regional Development Act 2004 and the content of Council's submission to the review due on 31 January 2024.

OFFICER'S RECOMMENDATION

Council ENDORSES the attached draft submission to the State Government on the review of the Regional Development Act 2004 provided in Attachment B of the report.

Moved: _____ **Seconded:** _____

BACKGROUND

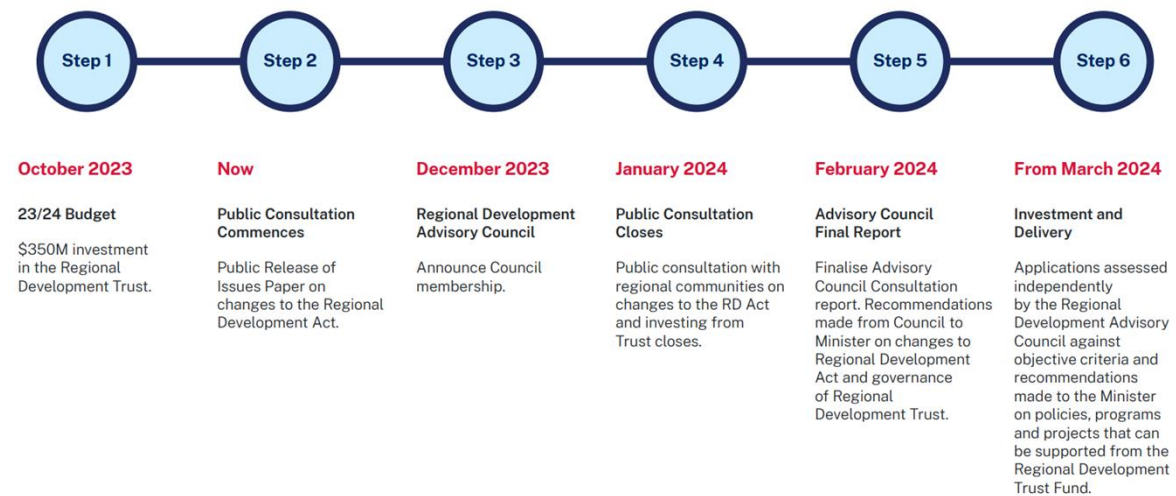
The NSW Government is modernising the *Regional Development Act 2004* to ensure it meets the needs of regional communities. A review issues paper is provided in Attachment A to the report.

The *Regional Development Act 2004* provides a framework to guide government action and



improve outcomes for regional NSW and ensure transparency and accountability in how public funds are invested to deliver better outcomes in regional and rural communities.

The proposed timeframe of the review is outlined below



CONSULTATION

Consultation has occurred with the Department of Regional NSW, Community and Economy Directorate, Planning and Environment Directorate, Grants and Community Engagement Officer and Manager Governance.

REPORT

Since October 2023, the NSW Government has been engaging with Councils across NSW on the review of the Regional Development Act 2004, following the announcement of the 2023/25 budget and the \$350M Regional Development Trust.

Mayor Steve Reynolds, along with other key stakeholders from the region, were invited to a roundtable with Minister Moriarty on 20 December 2023, where key issues were discussed.

The existing objects are to provide a framework for strategic intervention in the economies of regional NSW to:

- i. help fill gaps left by the market system
- ii. promote economic and employment growth in regions
- iii. assist regional communities to capitalise on their regional strengths, to broaden and reposition the industry base of their regions, and to develop new products and new markets, and
- iv. develop regional or local solutions for regional or local business development problems.

Contemporary objectives for regional investment to be reflected in the Act may include:

- a focus on ecologically sustainable development;
- providing equal access to quality essential services;
- support for the diversification, adaptation, and resilience of regional economies;
- providing economic opportunities for disadvantaged regional communities;



- improving living standards, service delivery, and quality of life in regional communities; and
- supporting social, economic, and cultural outcomes for Aboriginal people, businesses, and communities.

OPTIONS

Council can choose to endorse the draft submission, make changes, or reject the draft submission.

CONCLUSION

It is important that Council contributes ideas toward the review of the Regional Development Act. It is recommended that Council endorses the draft submission to the State Government on the review of the Regional Development Act 2004 as provided in Attachment B of the report.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The financial implications of the Regional Development Roadmap are that there will be less grant funding available from State Government to support the economic, social, and environmental progression of the Shire.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Submission is in relation to the Regional Development Act 2004.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

Reduced funding may have an impact on the delivery of Council's Operational Plan objectives.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

Review of the Regional Development Act 2004

Issues Paper

November 2023

nsw.gov.au/regional-nsw



Published by the Department of Regional NSW

Title: Review of the Regional Development Act 2004

Subtitle: Issues Paper

More information

Visit our website at www.nsw.gov.au/regional-development-roadmap

or email us at regionaldevelopmentroadmap@regional.nsw.gov.au.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2023) and may not be accurate, current or complete. The State of New South Wales (including Regional NSW), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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Acknowledgement of Country

The NSW Government acknowledges Australia's First Nations peoples as the Traditional Custodians of Country throughout NSW and recognises and respects their continuing connections to lands, waters and communities. The NSW Government pays respect to Elders past and present and to all First Nations peoples, and recognises the continuation of diverse cultural, spiritual and educational practices.

Message from the Minister



The NSW Government is supporting regional communities to ensure they continue to grow and thrive. The 2023-24 NSW Budget committed \$1.8 billion in new regional investments to build on the strengths of our regions, invest in essential services and infrastructure, and improve service delivery and quality of life in our rural and regional communities.

Now, through the review of the Regional Development Act 2004, we will support the delivery of these commitments with a modern investment framework. Reviewing the Regional Development Act is part of the NSW Government Regional Development Roadmap, our plan to ensure we are doing everything we can to improve outcomes for regional communities.

Our regional communities have changed significantly in recent years, presenting new opportunities and challenges. The Regional Development Act has not been reviewed in more than a decade and needs to be modernised to ensure it meets the current needs of regional areas and the public's expectations of how the Government serves them. A crucial part of this review will be engaging directly with regional communities. We want to hear from everyone about how we can continue to support their communities in a meaningful way, and this process begins with you.

This consultation will help address the priorities for regional communities and ensure they have a say in reviewing the principles that underpin future Government investment. What matters to the communities of regional NSW matters to us, and through this review we can ensure our investments improve outcomes in rural and regional communities now and into the future.

The Honourable Tara Moriarty, MLC

Minister for Agriculture

Minister for Regional NSW

Minister for Western NSW

Summary

The Department of Regional NSW is seeking your feedback on the future of regional development in NSW, including how Government invests in the regions for the greatest impact within our regional communities.

Regional NSW is home to one-third of the state's population, and provides the food, fibre, energy and resources that help all NSW communities live and grow.

We want to hear from all members of the NSW community. The feedback you provide will inform how the Government supports the sustainable growth of regional NSW now and into the future.



1

Consultation

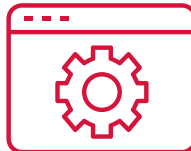
Regional roundtables and release of issues paper in November 2023.



2

Review

Reviewing feedback received on the future for regional development in NSW and release of consultation report by March 2024.



3

Development

Feedback considered in developing:

- amendments to the Regional Development Act, and
- a new Investment Strategy for the Regional Development Trust.



4

Implementation

Regional Development Bill introduced to parliament.

Regional Development Investment Strategy released and implemented by June 2024.

Have your say

In seeking your feedback, the Minister for Regional NSW, the Hon. Tara Moriarty, MLC is visiting regions across NSW where local industry, community groups and councils will have the opportunity to discuss their local needs and priorities and help guide Government investment in regional areas.

Roundtables will be held in Bega, Wagga Wagga, Orange, Broken Hill, Cobar, Wyong, Maitland, Moree/ Narrabri and Coffs Harbour commencing in November 2023.



To ensure your voice is heard, we're asking all members of the community to give feedback on the future of regional development in NSW. To help guide this feedback, we have included a number of guiding questions throughout this document.

When ready to lodge your submission, you can provide feedback:

Online by visiting www.haveyoursay.nsw.gov.au or our website at www.nsw.gov.au/regional-development-roadmap and completing the online survey.

Email by completing the submission form and emailing it to regionaldevelopmentroadmap@regional.nsw.gov.au.

Mail by sending the submission form to:

Regional Development Act Submissions
Department of Regional NSW
1 Monaro Street
Queanbeyan NSW 2620

Submissions close on Wednesday 31 January 2024.

How feedback will be used

With the introduction of a new modern investment framework and reforms to the Regional Development Act 2004, your feedback will be influential in shaping how the Government invests in regional NSW into the future.

All feedback will be considered in making amendments to the Regional Development Act and developing a new Regional NSW Investment Strategy that's fit for purpose and reflects the current opportunities and challenges in our regional communities.

Once consultation has concluded, we will share the outcomes of this engagement process through a consultation report. The consultation report will be reviewed by the Regional Development Advisory Council and be made publicly available in a recommendations report.

For more information, visit www.nsw.gov.au/regionaldevelopment.

Introduction

Regional NSW is home to about one-third of the state's residents¹, with regional communities across NSW projected to grow significantly in the next decade. In 2020-21 regional NSW was the only jurisdiction in the country to increase its growth rate, as people continue to enjoy the lifestyle and relative affordability of our regional communities².

Regional NSW also plays an important role in the NSW economy, accounting for over one-fifth (\$157 billion) of NSW's Gross State Product³. It supports a range of engine industries, including agriculture, mining, tourism, and manufacturing. Over the coming years, regional areas will be increasingly important to the growth of emerging industries, such as the renewable energy sector and advanced manufacturing⁴.

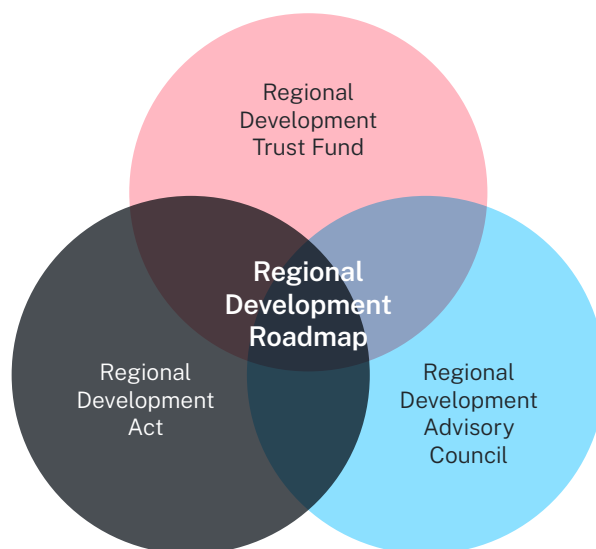
The Regional Development Act was introduced in 2004 to provide a framework that supports economic development and employment growth in regional NSW. The Act includes a provision to invest in a Regional Development Trust and enables the appointment of a Regional Development Advisory Council⁵.

Regional NSW has experienced significant changes in the time since the Regional Development Act was first introduced. Nation-wide changes to working arrangements and the trend towards 'working from home' has encouraged a movement of people away from metropolitan centres into the regions. However, many regional areas are experiencing a protracted shortage of skilled labour and housing stock, as well as broad-scale pressure on regional supply chains driven by the residual impact of the COVID-19 pandemic.

The recent growth of regional NSW and its importance to the future of NSW provides an opportunity to re-evaluate the Regional Development Act, and how investment through the Regional Development Trust and the oversight of the Regional Development Advisory Council can best support communities, industries and economic growth in regional NSW.

As part of the 2023-24 Budget, the NSW Government announced a record investment of \$350 million into the Regional Development Trust to invest in the future needs of regional communities⁶. This forms part of the Regional Development Roadmap (the Roadmap) that includes:

1. investing in the Regional Development Trust Fund
2. appointing a Regional Development Advisory Council, and
3. modernising the Regional Development Act.



1 Australian Bureau of Statistics (2021). 2021 Census data: population and people. Available at <https://www.abs.gov.au/methodologies/data-region-methodology/2011-22#list-of-data-items>.

2 Centre for Population (2022). Regional Population, Australia, 2020-21. Available at: <https://population.gov.au/data-and-forecasts/key-data-releases/regional-population-2020-21>.

3 National Institute of Economic and Industry Research via .id economic profiles.

4 NSW Climate and Energy Action (2023). Net Zero Plan. Available at <https://www.energy.nsw.gov.au/nsw-plans-and-progress/government-strategies-and-frameworks/reaching-net-zero-emissions/net-zero>.

5 Regional Development Bill 2004, second reading speech. Available at <https://www.parliament.nsw.gov.au/bill/files/896/A5804.pdf>.

6 NSW Government (2023). NSW Budget 2023-24 – Our Plan for Regional NSW. Available at https://www.budget.nsw.gov.au/sites/default/files/2023-09/2023-24_Our-plan-for-Regional-NSW.pdf.

As part of the Roadmap, and to help inform how the Regional Development Act can better guide investment, employment growth and economic development in regional NSW communities, this issues paper is seeking your feedback and comment on how we can improve the Regional Development Act.

What else helps guide investment in regional communities?

NSW Industry Development Framework: details how the NSW Government works in partnership with the private sector, research institutions and other levels of Government to support the growth of priority industries.

Australian Government Regional Investment Framework: identifies principles and focus areas for regional investment by the Australian Government, including investing in people, services, places, industry and local economies, and how best to align efforts across all levels of Government to best support rural and regional NSW.

The development of a new Investment Strategy to guide investment through the Regional Development Trust will align with these frameworks as required.

The Commonwealth Regional Investment Framework outlines a new approach to delivering regional investment, and supports ways to coordinate across Government to respond to challenges across regional Australia.

- i. realising an ambition of ‘no one held back and no one left behind’ requires specific regional investment across portfolios
- ii. Australia’s regions and their economies are diverse, with each having unique strengths and challenges
- iii. delivering on the potential of regional Australia requires building on each region’s unique strengths, including helping regions undergoing significant economic change to transition or adapt to specific structural challenges, and
- iv. place-based decision-making that draws on the experience of local Government alongside regional bodies must guide investment in our regions.

Regional NSW in 2023: a snapshot

People and community

The regional NSW population is growing

Around 35% of NSW residents (around 2.8 million people) live across regional NSW in over 450 towns and regional centres⁷. The population of regional NSW has grown by an estimated 155,060 people (5%) over the past 5 years⁸, with projections estimating an increase to 3.7 million by 2041⁹.

Migration patterns in regional NSW have changed over recent years, influenced in part by recent events such as the global COVID-19 pandemic. Overall, there has been a near doubling in domestic migration from 2017 – 2020, with people migrating from metropolitan Melbourne and Sydney to regional centres like Coffs Harbour, Dubbo, Newcastle, Tamworth and Wagga (Figure 1).

In the decade between 2006 – 2016, 13.2% of moving residents were people relocating from Greater Sydney into regional NSW⁹, increasing to around 15% in 2018-19¹⁰. Over the years 2021 – 2023, movement out of Sydney and into regional NSW was 33% of the total migration out of capital cities in Australia¹¹.

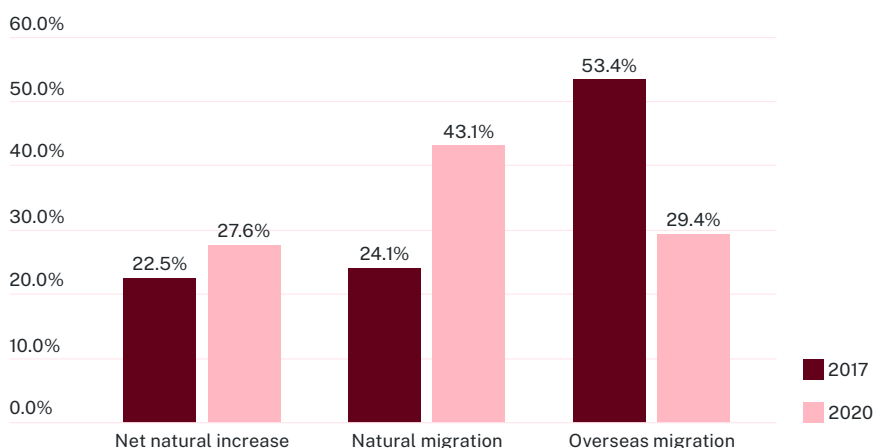


Figure 1: Components of population growth: regional NSW¹²

7 Australian Bureau of Statistics (2021). 2021 Census data: population and people. Available at <https://www.abs.gov.au/methodologies/data-region-methodology/2011-22#list-of-data-items>.

8 NSW Department of Planning and Environment (2023). Population projections. Available at <https://www.planning.nsw.gov.au/research-and-demography/population-projections>.

9 Angus, C. (2020). Regional NSW: A demographic and economic snapshot. Briefing Paper No 01/2020. Available at <https://www.parliament.nsw.gov.au/researchpapers/Documents/Regional%20NSW%20Snapshot.pdf>.

10 Australian Government Centre for Population (2020). Migration between Cities and Regions: A quick guide to COVID-19 impacts. Available at <https://population.gov.au/sites/population.gov.au/files/2021-09/the-impacts-of-covid-on-migration-between-cities-and-regions.pdf>.

11 Regional Australia Institute. (2023). Regional Movers Index: June 2023 Quarter Report. Available at https://regionalaustralia.org.au/common/Uploaded%20files/Files/Regional%20Movers%20Index/July%202023/July_2023_RMI_Report.pdf.

12 Australian Bureau of Statistics (2021). 2021 Census data: population and people. Available at <https://www.abs.gov.au/methodologies/data-region-methodology/2011-22#list-of-data-items>.



Bega

In contrast, the number of dwellings in regional NSW grew by just 80,000 from the years 2016 – 2021, to 1.21 million 2021¹³. With an average household size of 2.41 persons per dwelling¹³, housing supply is just one of the key issues facing regional NSW and it is anticipated that many regional areas will need to evaluate how their infrastructure and essential services will meet the needs of regional communities into the future.

Diverse and unique communities

Regional NSW communities are incredibly diverse in terms of size and scale, distance from their closest cities and each other, and their unique culture and history. Across regional NSW, around 6.6% or approximately 185,870 of residents identify as Aboriginal and/or Torres Strait Islander, compared with the state average of 3.4%¹³.

In total, around 12% of regional residents are from multicultural backgrounds including those born overseas¹⁴. NSW welcomed around 57,000 migrants in 2022-23, nearly 30% of the nation's total. Of these, around 6,200 were migrating to provide skilled labour to regional NSW¹⁵. The overall transition of regional migration from overseas to domestic sources has had implications for regional communities, particularly for industries that have traditionally relied on overseas migration for labour.

While the age profile across regional NSW is variable, it is generally home to a greater number of older residents and a lower proportion of younger, working age residents. In total just over 20% of regional NSW's population is aged 65 or over, compared to 13.5% in Greater Sydney. In contrast, young people of working age show the greatest difference between metropolitan and regional NSW – for example, there is a difference of 11% vs. 16.1% in residents aged 25 – 34 in regional NSW and Greater Sydney, respectively.

Income and affordability in regional communities

Generally, household incomes across regional NSW are lower than in Greater Sydney. Based on 2021 Census data, there is a difference in median weekly income of \$335 between regional NSW and metropolitan areas¹⁶.

Regional NSW is home to more disadvantaged households¹⁷ compared with metropolitan communities, with the highest rates of disadvantage in the Mid and Far North Coast, North West NSW and parts of New England and Central West¹⁸. Overall, up to 37% of households in regional NSW were in rental stress in 2021, an increase from 11% in 2016. Similarly, 13% of households were in mortgage stress in 2021, up from 6% of households in 2016¹⁹.

¹³ Australian Bureau of Statistics (2021). Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021 (Usual residence). Available at <https://profile.id.com.au/australia/population?WebID=180#:~:text=The%20Census%20usual%20resident%20population,average%20household%20size%20of%202.41>.

¹⁴ Australian Bureau of Statistics (2021). 2021 Census – Australia's Population by Country of Birth. Available at <https://www.abs.gov.au/statistics/people/population/australias-population-country-birth/2021>.

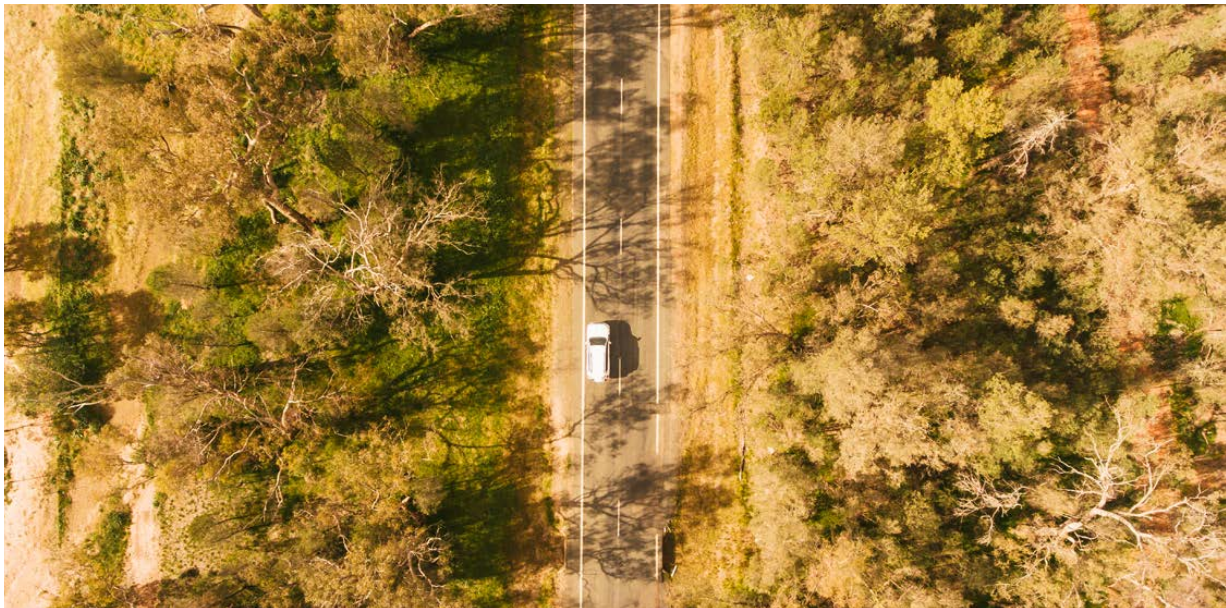
¹⁵ Australian Government Department of Home Affairs (2023). 2022-23 Migration Program Report. Available at <https://www.homeaffairs.gov.au/research-and-stats/files/report-migration-program-2022-23.pdf>.

¹⁶ Angus, C. (2020). Regional NSW: A demographic and economic snapshot. Briefing Paper No 01/2020. Available at <https://www.parliament.nsw.gov.au/researchpapers/Documents/Regional%20NSW%20Snapshot.pdf>.

¹⁷ measured as having an income less than 50% of the state's median household income

¹⁸ NSW Council of Social Service (NCOSS). (2023). Mapping Economic Disadvantage in New South Wales 2023. Available at <https://www.ncoss.org.au/policy-advocacy/policy-research-publications/mapping-economic-disadvantage-in-nsw/>.

¹⁹ Australian Bureau of Statistics (2021). Australian Bureau of Statistics, Family and Community Population. Available at <https://www.abs.gov.au/methodologies/data-region-methodology/2011-22/14100D00007-2011-22.xlsx>.



Local and regional service delivery

Due to the remoteness and geography of many areas in regional NSW, regional communities struggle with access to services, which impacts the liveability and prosperity of rural and remote communities. Ensuring regional people have access to quality education, health and social services, as well as mobile and digital connectivity is critical for promoting thriving communities.

Access to health services is variable across regional NSW. A recent NSW parliamentary inquiry into access to health and hospital services in rural, regional and remote NSW found that residents in these areas have inferior access to health and hospital services when compared with their metropolitan counterparts, especially those living in remote locations and Indigenous communities²⁰. There are particular challenges in accessing hospital and specialist treatment across West and Far West NSW. Many vulnerable residents in these areas are Aboriginal and Torres Strait Islander people, which highlights the need to develop the Aboriginal health workforce and support adequate care in these regions²¹.

While a total of 43.5% of NSW's schools are in rural and remote areas, attraction and retention of teaching staff is a key challenge for regional schools^{22,23}. Generally, there is a gap in performance against key educational indicators between children in regional and remote areas compared to major cities²⁴. Students in regional schools are less likely to complete Year 12 schooling and less likely to take advanced English and mathematics subjects²³, demonstrating a need to more effectively support regional students, teachers and education support services into the future.

In 2023, digital connectivity is proving critical to helping regional communities stay connected and access key services, especially following the rise of telehealth services in recent years, and the recognised importance of mobile alerts with weather and natural disaster event warnings. However, 18.6% of households in regional NSW reported having no access to internet – less than the Australian average of 13.6% in the 2016 Census²⁵. In 2018, regional NSW had more than 5 times the number of black spots than metropolitan centres.

²⁰ NSW Parliament Portfolio Committee No. 2 - Health (2022). Health outcomes and access to health and hospital services in rural, regional and remote New South Wales. Available at <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2615/Report%20no%2057%20-%20PC%202%20-%20Health%20outcomes%20and%20access%20to%20services.pdf>.

²¹ Mission Australia (2020). Health outcomes and access to health and hospital services in regional, rural and remote NSW 2020.

²² NSW Department of Education (2021). Rural and remote education strategy (2021 – 2024). Available at <https://education.nsw.gov.au/content/dam/main-education/en/home/teaching-and-learning/curriculum/rural-and-distance-education/rural-and-remote-education/rural-and-remote-education-strategy-2021-2024.pdf>.

²³ Centre for Education Statistics and Evaluation (2020). Evaluation of the Rural and Remote Education Blueprint – Final report. Available at <https://education.nsw.gov.au/content/dam/main-education/about-us/educational-data/cese/2020-rural-and-remote-blueprint-final-report.pdf>.

²⁴ Audit Office of New South Wales (2023). Regional, rural and remote education, NSW Auditor General's Report. Available at https://www.audit.nsw.gov.au/sites/default/files/documents/FINAL%20REPORT%20-Regional%20rural%20and%20remote%20education_0.pdf.

²⁵ Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016.

Landscape and environment

Regional NSW's communities, industries and economy all have a strong link with the region's environment and landscape through recreation, tourism, agriculture and natural resource industries. A total of 7.59 million hectares of NSW is incorporated into NSW's National Park Estate, of which 93% occurs in regional NSW. Nearly all of the NSW's State Forest estate occurs in regional NSW, comprising around 2.2 million hectares of multiple use native forests and plantation. All of the state's six marine parks occur in regional NSW.

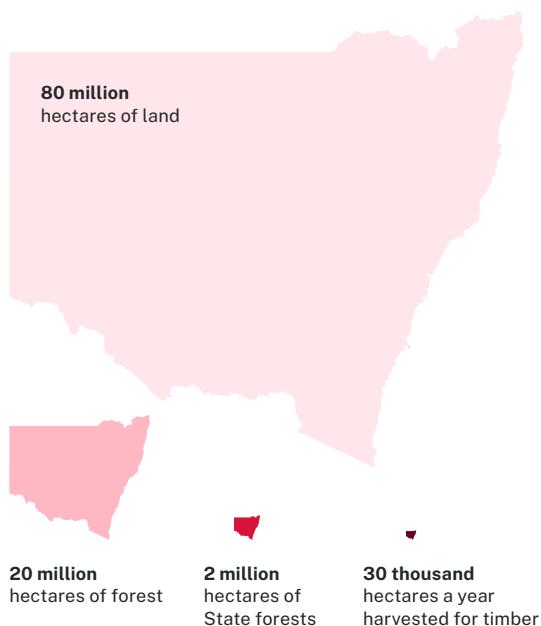


Figure 2: Sustainable management of the State forest estate in NSW

Regional NSW communities and industries are more vulnerable to impacts from natural disasters than metropolitan areas, with 77 of a total 81 natural disaster declarations affecting regional NSW since July 2018²⁶. Regional NSW's economy is also more vulnerable to changes in climate and environmental conditions.

For example, between 2016 – 2018 the agriculture industry contracted by almost 20% as a result of drought events²⁷ and has since grown 23% year on year from 2020-21 to 2021-22 following favourable growing conditions and strong commodity prices²⁸.

In response to the challenges presented by a changing climate, we are seeing Governments, industry and regional stakeholders working in new ways to balance sustainable development, environmental stewardship, community wellbeing and economic productivity. The structural shift to a more service-based economy and improved practices in energy generation, agriculture and mining have seen carbon emissions intensity and energy intensity reducing compared with economic output since 1990²⁹.

The NSW Government is committed to reducing emissions by 50% compared with 2005 levels by 2030 and achieving net zero by 2050. A key part of the plan to grow NSW's electricity and energy networks is the delivery of Renewable Energy Zones, all of which are located in the regional communities of the Central West Orana, New England, Hunter Central Coast, Illawarra and South West.

The transition to renewable energy requires both land for energy generation, such as solar and wind farms, and land for energy networks and enabling infrastructure. Cleared land in proximity to existing power networks is favoured by new renewable developments, making farmland a preferred option in many circumstances³⁰. Renewable energy provides an opportunity for some primary producers to diversify their income, and analysis undertaken by the NSW Agriculture Commissioner indicates that impacts on agricultural land are more likely to occur on a local scale³¹. However, case studies such as the development of the HumeLink transmission project demonstrate the potential for land use conflict with both agricultural and other rural and regional landholders³². As a result, renewable energy development will need to be carefully managed through considered and strategic land use planning.

The Department of Regional NSW will continue to work closely across all levels of Government as well as across private sector to ensure regional economies are adaptive and resilient to changes in climate and environmental conditions, and that regional communities can benefit from the growth of new industry sectors.

²⁶ <https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations>.

²⁷ SGS Economics (2019). GDP report: Economic Performance of Australia's Cities and Regions.

²⁸ NSW Department of Primary Industries (2022). Performance, Data & Insights 2022. Available at <https://www.dpi.nsw.gov.au/about-us/publications/pdi/2022>.

²⁹ NSW State of the Environment 2021, www.soe.epa.nsw.gov.au/all-themes/drivers/economic-activity-and-the-environment, ABS 2020a (cat. no. 5220.0), Science, energy and Resources, National Greenhouse Accounts 2019 and Australian Energy Statistics, Table F.

³⁰ Taylor, M. (2022). Planning the Energy Transition: A Comparative Examination of Large-Scale Solar Energy Siting on Agricultural Land in Australia. Utrecht L. Rev., 18, 70.

³¹ NSW Agriculture Commissioner (2022). Renewable energy generation and agriculture in NSW's rural landscape and economy – growth sectors on a complementary path. Available at https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/1449860/210395fd12ea058abf3b424f4370204d64e105bb.pdf.

³² Standing Committee on State Development (2023) Feasibility of undergrounding the transmission infrastructure for renewable energy projects. Available at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2966#tab-termsreference>.

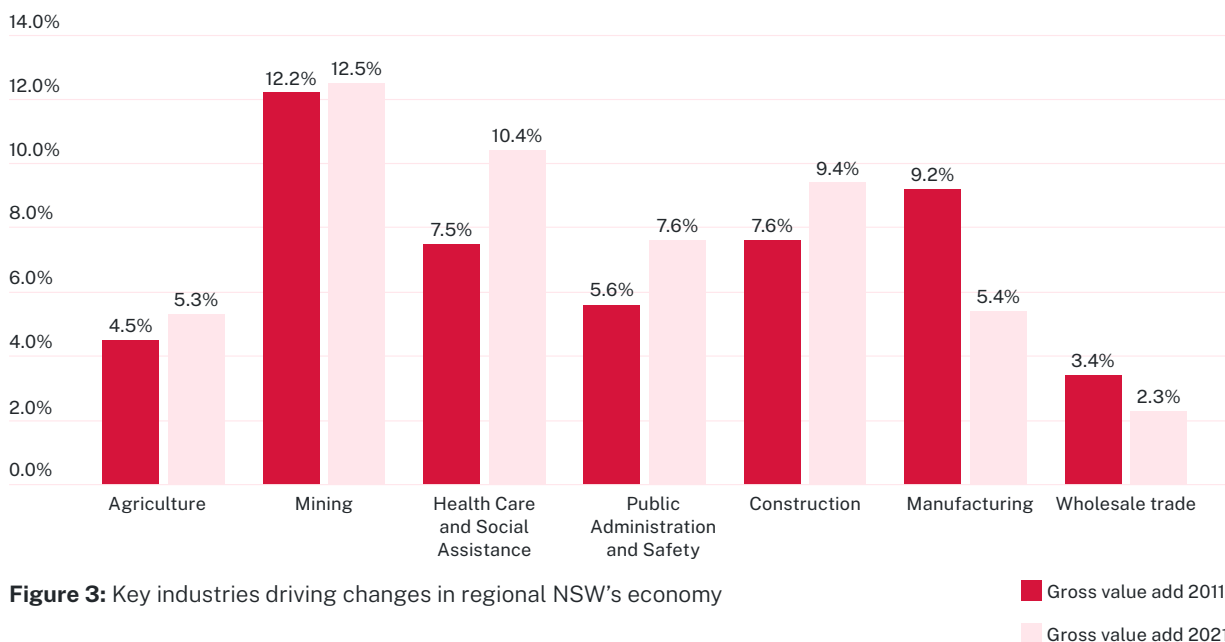
Regional economy and industries

Regional NSW industries represent a \$157 billion economy³³, contributing over a fifth of the total NSW Gross State Product. It is the largest and most diverse regional economy in Australia with key industries including agribusiness and food, tourism, energy and mining, as well as emerging industries such as renewable energy and advanced manufacturing³⁴.

There are a total of 38 functional economic regions (FER) in regional NSW, each of which are driven by local economic factors and industries³⁵. In a 2017 report on FERs in NSW, the Productivity Commission found that the resilience of FERs across regional NSW was varied and strongly linked to:

“The skills and education of regional workforces, access to infrastructure and services, availability of natural resources, financial resources available to businesses and individuals, and industry diversity.”³⁶

Over the past decade (2011-2021), there has been a structural shift to a more service-based economy in regional NSW. The main industries underpinning this shift (based on gross value add) include health care and social assistance, public administration and safety, and construction³⁷. This compares with the manufacturing and wholesale trade sectors, which decreased in the same period. In 2021, the agriculture sector represented 5.3% of the regional NSW economy, up from 4.5% in 2011 and mining represented 12.5% in 2021, up from 12.2% in 2011³⁸.



33 National Institute of Economic and Industry Research via .id economic profiles.

34 Angus, C. (2020). Regional NSW: A demographic and economic snapshot. Briefing Paper No 01/2020. Available at <https://www.parliament.nsw.gov.au/researchpapers/Documents/Regional%20NSW%20Snapshot.pdf>.

35 NSW Government Regional Economic Development Strategies: www.nsw.gov.au/regional-nsw/regional-economic-development-strategies.

36 Productivity Commission (2017). Transitioning Regional Economies. Available at <https://www.pc.gov.au/inquiries/completed/transitioning-regions/report>.

37 REMPLAN 2021.

38 REMPLAN 2021.



Further, the transition to a net zero economy as outlined in the previous section presents broader economic diversification opportunities in regional NSW. These include identifying emerging markets in hydrogen production and research, critical minerals, ecotourism and technology-enabled primary industries.

The structural shift to service provision, coupled with the strength of the agriculture and mining sectors and future opportunities in renewable energy all highlight the increasingly diverse economic profile of regional NSW. These opportunities will vary across the regions based on proximity to other industries, access to supply chains and skilled labour, and proximity to enabling infrastructure.

These drivers are also likely to continue to change the industry mix in some rural and regional economies over the next 40 years. By planning ahead, communities can position themselves to take advantage of opportunities and ensure those with emissions-intensive industries are ready for the transformation.

The Australian Government is establishing a national Net Zero Authority to help drive the transformation to a clean energy economy and ensure Australia's regions, workers and First Nations people benefit from the transition. It will include a focus on the regions, industries and workers that have traditionally powered Australia's economy. This will be further supported by the Department of Regional NSW through the Future Jobs and Investment Authorities announced in the 2023-24 Budget for Regional NSW³⁹.

³⁹ NSW Government (2023). NSW Budget 2023-24 – Our Plan for Regional NSW. Available at https://www.budget.nsw.gov.au/sites/default/files/2023-09/2023-24_Our-plan-for-Regional-NSW.pdf.

Employment

Around 1.25 million people are employed in regional NSW, an increase from 1.1 million in 2016⁴⁰. The main industries that employ people in regional NSW are shown in Figure 4 below.

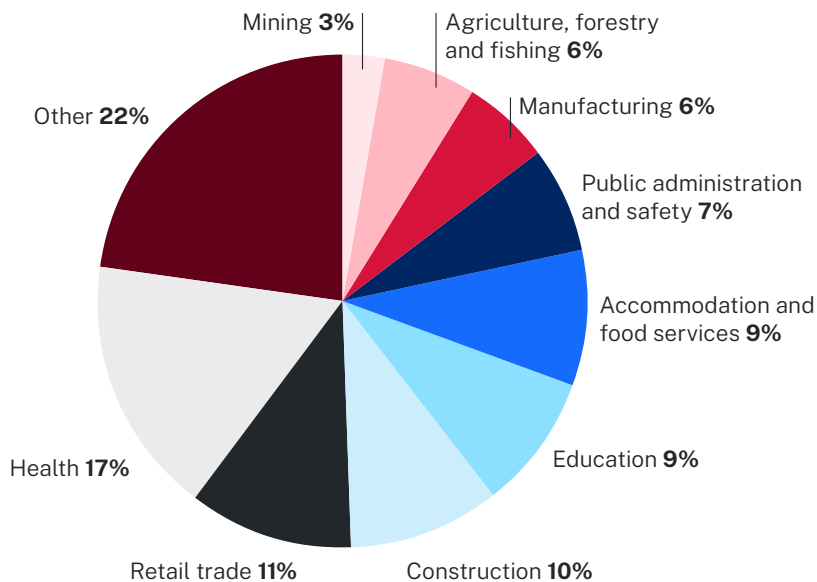


Figure 4: Regional NSW employment by industry sector

While agriculture and mining are strong contributors to the state's economy, together they employ 8.8% of regional NSW residents. In part, this reflects productivity improvements in these sectors from mechanisation, improved management and the increasing use of technology.

In 2021, 8% of the regional NSW workforce did not reside in regional NSW. This trend reflects emergence of the drive-in drive-out (DIDO) and fly-in fly-out (FIFO) workforces, which in-turn impacts on service provision and wealth retention in many regional communities.

The recently released 2023 Intergenerational Report observes that access to employment opportunities and labour markets may be more challenging in regional areas, and is of particular concern given around 70% of young adults continue to live in the same local labour market where they grew up⁴¹.

Ensuring we have a skilled workforce and competitive labour market supported by adequate education and training pathways will help regional NSW capitalise on its competitive and comparative advantages, as well as effectively respond to changing economic conditions both now and into the future.

⁴⁰ Source: Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021 (Usual residence). Available at <https://profile.id.com.au/australia/population?WebID=180#:~:text=The%20Census%20usual%20resident%20population,average%20household%20size%20of%202.41>.

⁴¹ Australian Government (2023). Intergenerational Report 2023: Australia's future to 2063. Available at <https://treasury.gov.au/sites/default/files/2023-08/p2023-435150.pdf>.

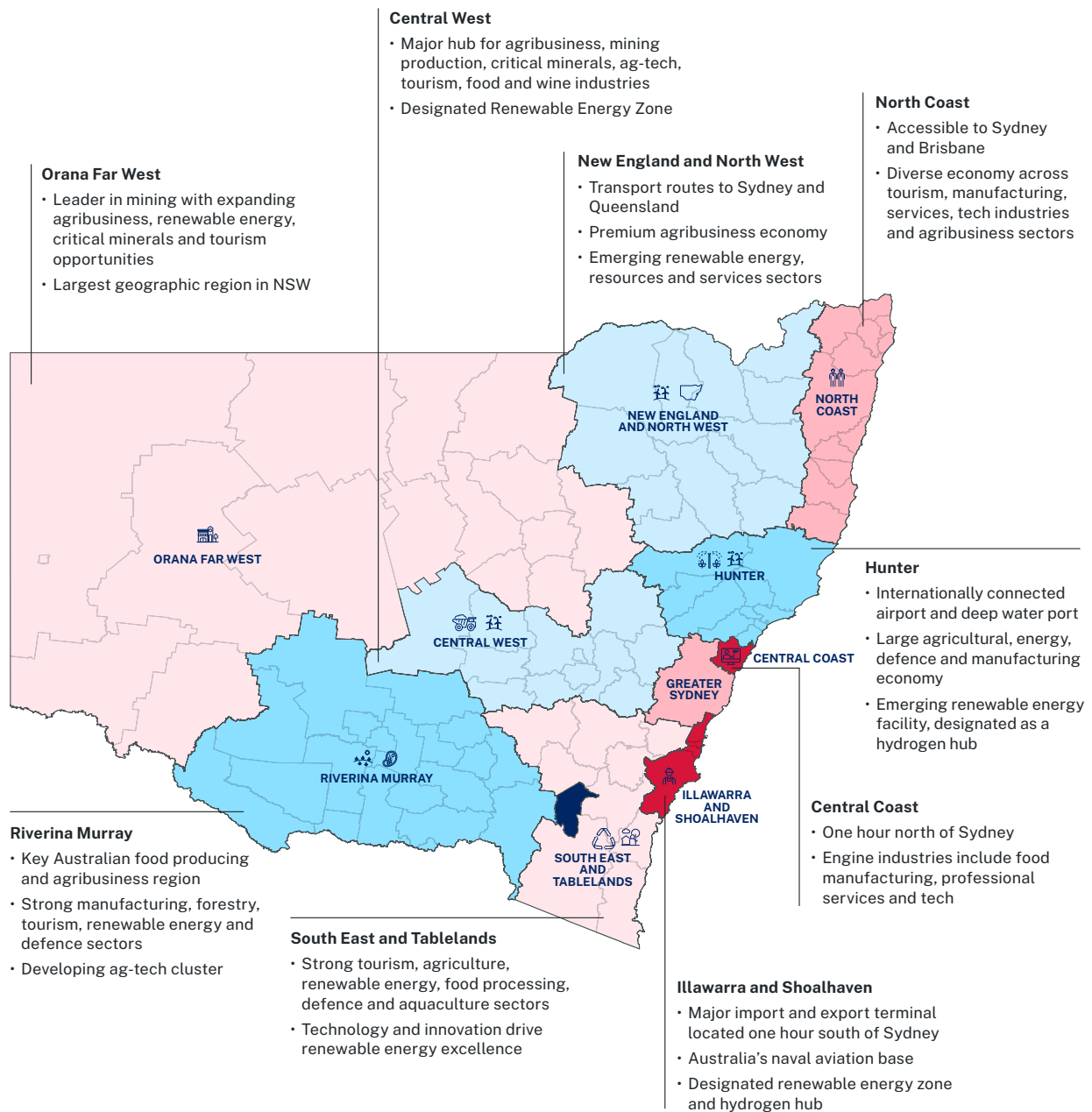


Figure 5: Engine industries and endowments of regional NSW

Review of the Regional Development Act 2004

The NSW Government is undertaking a review of the Regional Development Act to ensure it can respond to the current and changing needs of regional communities and reflects the NSW Government's commitment to transparency, accountability and probity in the use of public funds. Moving forward, the Regional Development Act will help underpin the delivery of future investment in regional communities.

As part of the 2023-24 Budget, the NSW Government initially committed \$350 million for the Regional Development Trust Fund (the Trust) to support long-term strategic investment and reduce the reliance on ad-hoc grants funding as a primary source of Government support for regional communities.

The Minister for Regional NSW has also announced the re-establishment of the Regional Development Advisory Council (the Council) which is given effect under the Regional Development Act. The Minister will ask the Council to support consultation on changes to the Act and ensure the interests of rural and regional communities are central to Government decision-making.

The Council will include members with experience and expertise in a range of fields including regional and rural economics, climate adaptation and resilience, finance and public administration, community services and primary industries. Further information about the Council is available at www.nsw.gov.au/regionaldevelopment.

Focus areas for review

The Act's objectives

The Regional Development Act commenced on 1 December 2004 to provide a framework for financial assistance that attracts investment and boosts jobs in regional NSW. The existing objects are to provide a framework for strategic intervention in the economies of regional NSW to:

- i. help fill gaps left by the market system
- ii. promote economic and employment growth in regions
- iii. assist regional communities to capitalise on their regional strengths, to broaden and reposition the industry base of their regions and to develop new products and new markets, and
- iv. develop regional or local solutions for regional or local business development problems.

While many of these objects remain relevant, much has changed in rural and regional NSW since the Act was first introduced. Consequently, we are seeking your input on potential changes to ensure the Act reflects the long-term needs of regional communities and industries.

Contemporary objectives for regional investment to be reflected in the Act may include:

- a focus on ecologically sustainable development
- providing equal access to quality essential services
- support for the diversification, adaptation and resilience of regional economies
- providing economic opportunities for disadvantaged regional communities
- improving living standards, service delivery and quality of life in regional communities
- supporting social, economic and cultural outcomes for Aboriginal people, businesses and communities.

Guiding questions

1. Are there any other matters that should be included in the objects of the Regional Development Act?
2. Are there any objects currently in the Act that are no longer relevant to regional NSW and should be changed or removed?

Financial assistance and compensation

The Regional Development Act gives the Minister authority to grant financial assistance to support industry or business in a region, or to assist economic development. Under the existing Act, the Minister may grant money, a subsidy or a payroll tax rebate and may make the assistance conditional on performance targets, co-investment or other requirements identified by the Minister. In part, the existing Act anticipates measures to compensate for the closure of industry and major businesses in regional and rural communities.

Consistent with the current drivers, opportunities and recent changes in the regional economy, the Government is considering how the Act can recalibrate decision-making towards strategic investment that is likely to improve outcomes and better address the needs of regional communities. This may include a shift in focus away from compensation as the principal driver for investing the Regional Development Trust, towards enabling investment and support services to generate regional prosperity.

Additionally, the Government is considering how the Act can support more transparent expenditure of public funds by developing clear investment principles that align with the Australian Government's [Regional Investment Framework](#) released in July 2023⁴² to help integrate decision-making across both levels of Government.

The Commonwealth Regional Investment Principles are:

- i. realising an ambition of 'no one held back and no one left behind' requires specific regional investment across portfolios
- ii. Australia's regions and their economies are diverse, with each having unique strengths and challenges
- iii. delivering on the potential of regional Australia requires building on each region's unique strengths, including helping regions undergoing significant economic change to transition or adapt to specific structural challenges, and
- iv. place-based decision-making that draws on the experience of local Government alongside regional bodies must guide investment in our regions.

The NSW Government has announced four initial focus areas for the Trust:

1. Sustainable regional industries, including engine and emerging industries
2. Aboriginal economic development and enterprise
3. Community infrastructure and capacity building
4. Improving regional service delivery



Guiding questions

3. What else should the Government consider when making investment decisions to support regional communities and industries?
4. What factors should drive investment in each region?
5. What are the most important areas to you for investment over the next 1-2 years? (Rank in order of most to least preferred.)
 - Improving community services
 - Aboriginal business and partnerships
 - Growth of new industries
 - Supporting regional supply chains
 - Local and regional infrastructure
 - Sustainable food and fibre industries
 - Capacity-building in local Government
 - Other (please specify)
6. How can Government, through the Trust, help encourage and support investment from other sources (including outside Government) to maximise outcomes for regional communities?

⁴² Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts (2023). Regional Investment Framework. Available at <https://www.infrastructure.gov.au/territories-regions-cities/regional-australia/regional-investment-framework>.

Regional Development Trust Fund



Tamworth



The Regional Development Trust Fund (the Trust) allows for money to be set aside by the Government, or the payment of gifts or bequests of money for the purposes of the Regional Development Act.

Strong governance frameworks are essential for delivering appropriate place-based investment, ensuring transparency and accountability, providing effective service delivery and coordination between Government, non-government organisations, industry, the business sector and the community.

The Government will consider how the Trust should be revised to provide community with greater confidence in how investment is prioritised and delivered for regional communities, and to enable investment from other jurisdictions (such as the Commonwealth), industry and non-government organisations. If adopted, these changes will enable the Trust to work in partnership with other jurisdictions, industry and non-government organisations.

To improve community confidence, the Act will revise the governance arrangements associated with the Trust. This will include developing an investment strategy to inform future investment and expenditure through the Trust including consideration of the Australian Government's Regional Investment Framework. The Trust could also be used in conjunction with complementary funds such as the NSW Government's \$250 million Working Regions Fund to maximise benefits for regional communities. Additionally, consideration will be given to the role of the Regional Development Advisory Council in providing oversight and recommendations on investment from the Trust (see 'Advisory Council' section on the next page).

Guiding questions

7. Should investment through the Trust allow for a range of approaches to support regional communities (e.g., joint partnerships, funding agreements, service delivery)?
8. What are some of the key outcomes that would help track the benefits of investment decisions over time?

Regional Development Advisory Council

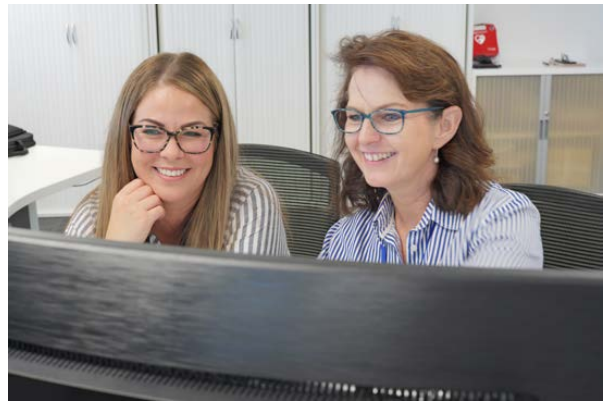
The Regional Development Act allows for the establishment of a Regional Development Advisory Council, with members appointed on the basis of having relevant expertise and experience. The purpose of the Council is to advise the Minister for Regional NSW on any matters relevant to the objects of the Act (see page 18) or any matters referred to it by the Minister. The Regional Development Regulation requires that the Advisory Council must comprise:

- a. 2 – 4 members with relevant experience in one or more of the following:
 - i. regional and rural economics
 - ii. climate adaptation and resilience
 - iii. the delivery of services in regional areas
 - iv. community service activities
 - v. the development of new industries
 - vi. finance
 - vii. public administration
 - viii. regional planning and infrastructure
 - ix. primary industries
 - x. natural resource management
- b. 1 member who is an Aboriginal person and has knowledge and experience in supporting economic development within Aboriginal communities
- c. the Secretary of the Department of Regional NSW, and
- d. a representative from Regional Development Australia or another Commonwealth body which deals with regional matters.

The Government will consider the role and responsibilities of the Council in the context of the current regional development landscape. The review will also consider how best to ensure the Advisory Council can effectively represent our regional communities and has the expertise to provide practical advice on regional issues.

Guiding questions

9. Are there any other skills/expertise that Advisory Council members should have to effectively guide investment in regional NSW?
10. How can the Advisory Council help build the resilience, capacity and long-term sustainability of communities and industry?

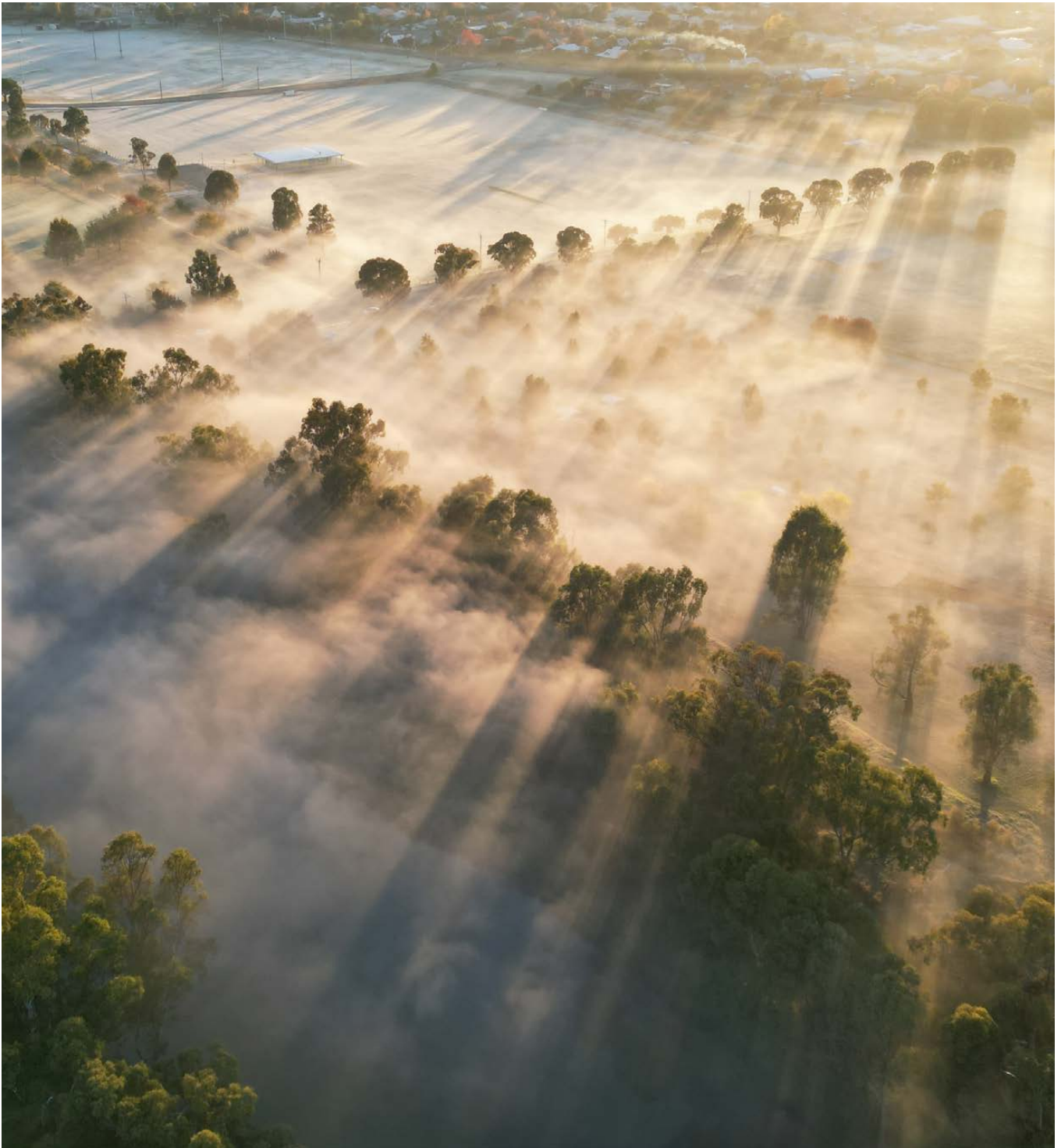


Other matters

The Act may also be updated to capture other matters important to how the NSW Government will work to support regional communities. This could include establishing strong reporting, assurance and evaluation frameworks to ensure regional investment decisions are evidence-based and delivering on regional priorities.

Guiding questions

11. Do you have any further suggestions for how the NSW Government can effectively respond to regional issues as part of this work?



© State of New South Wales through Regional NSW 2023. The information contained in this publication is based on knowledge and understanding at the time of writing September 2023. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Regional NSW or the user's independent adviser.

Department of Regional NSW



Regional Development Act 2004 Review Feedback Form

Thank you for your interest in the review of the *Regional Development Act 2004*.

The Department of Regional NSW is seeking feedback on several topics, if you would like to provide your input you can do so by filling in the below and returning to:

Email: regionaldevelopmentroadmap@regional.nsw.gov.au

Mail: Regional Development Act Submissions
Department of Regional NSW 1
Monaro Street
Queanbeyan NSW 2620

Please refer to the [Issues Paper](#) for more detail on each topic.

The Act's Objectives

1. Are there any other matters that should be included in the objects of the Regional Development Act?

The objects of the act should also include:

- facilitating public and private investment into regional communities.
- job creation and an increase in regional wages.
- cultural integration for new workers moving to regional areas.
- closing the gap of social disadvantage.
- providing diverse housing options.
- investment into essential public infrastructure including water, sewer, and electrical.
- improving access to public transport.
- Assisting and acknowledging the importance of regional NSW in achieving NSW's net zero objectives and targets.
- Assisting the transition to a circular economy in regional areas.
- Assisting regional communities to adapt to the impacts of climate change.
- Supporting initiatives that preserve regional biodiversity and landscapes, and improve biodiversity corridors and connections.

2. Are there any objects currently in the Act that are no longer relevant to regional NSW and should be changed or removed?

NIL

Financial Assistance and Compensation

3. What else should the Government consider when making investment decisions to support regional communities and industries?

Consideration must be given to funding the Council's operational functions and resources. Funding should not be just for capital projects that result in assets that the Council needs to depreciate and maintain with ongoing funding.

Government needs to focus on:

- a. fast tracking the availability of land to grow and attract new industries, particularly mining related land.
- b. reducing or underwriting the cost of essential infrastructure to enable new industrial and residential development.
- c. incentivising the attraction and growth of new industries, innovation, and education in regional NSW
- d. developing areas of core capabilities that contribute to the State's economic viability and diversity.

4. What factors should drive investment in each region?

Factors to drive investment in each region should include:

- leveraging existing infrastructure and core industry capabilities.
- reinforcing regional know-how and proven capability of Council and industry to deliver.
- leveraging the location and proximity to road, rail, energy, water, and human capital.
- Leveraging the quality-of-life people can have living in regional areas.
- the ability to increase export capability of high value agricultural and manufactured products.
- innovation and regional industry capability.

5. What are the most important areas to you for investment over the next 1-2 years? (Rank in order of most to least preference)

- Business and partnerships to support the development and growth of new industries.
- Capacity-building in local government.
- Local and regional infrastructure.
- Supporting regional supply chains.
- Improving community services.
- Employment, education, and economic opportunity for First Nations people.
- Sustainable food and fibre industries.
- Initiatives to support the retention of young people in their local, rural communities, for example, equity of access to higher education.

6. How can the Government, through the Trust, help encourage and support investment from other sources (including outside Government) to maximise outcomes for regional communities?

There is not enough funding in the Trust to significantly encourage investment in Regional NSW.

The Government needs to review planning policy to reduce the barriers to entry for business in regional areas, to reduce timeframes for rezoning of land and to consider new ways of providing water and wastewater infrastructure to support new uses.

The Trust needs to support regional councils, with funding and resource planning, economic, environmental, and social initiatives to deliver programs and build sustainable long-term capacity in the community.

Councils rely on grant funding from the State Government to maintain service levels and improve the livability of regional areas. Councils need certainty on the quantum of funds available to them. There must be established criteria for allocating funds to mining impacted communities, and this funding must be unencumbered.

Regional Development Trust Fund

7. Should investment through the Trust allow for a range of approaches to support regional communities (e.g., joint partnerships, funding agreements, service delivery)?

Yes, the fund should allow for Government and Councils to act more commercially to enable financial returns.

Investment through the Regional Development Trust Fund should allow for a range of approaches to support regional communities, particularly funding agreements to support the most mining affected and impacted communities in NSW.

Prescribed allocations of funding should be assigned to eligible Local Government Areas to ensure funding agreements are weighted towards supporting the most affected and impacted mining communities in NSW.

The prescribed allocations for Directly Mine Impacted LGAs should be a set allocation from coal royalties each year, and incrementally increased from a determined base rate calculation per year. The incremental progression would be determined from the base rate through a tiered formula.

8. What are some of the key outcomes that would help track the benefits of investment decisions over time?

- retention and growth of regional populations.
 - increase in education attainment rates.
 - increase in regional wages.
 - increase in export capability.
 - increase and diversification of Gross Regional Product.
 - increase in number and diversity of jobs/ labour participation rates.
 - decrease in suicide and preventable illness.
 - increase in standard of living metrics.
-

Regional Development Advisory Council

9. Are there any other skills/ expertise that Advisory Council members should have to effectively guide investment in regional NSW?

The Advisory Council should have the following skills and expertise:

- regionally representative of all areas of the State.
- local government experience.
- high level of financial literacy.
- investment attraction and economic development.
- regional industry development.
- net zero economy.
- circular economy.
- super investment funds.
- infrastructure delivery.
- community engagement and stakeholder management.
- sound governance.

**Regional Development Act 2004
Review Feedback Form**

10. How can the Advisory Council help build the resilience, capacity and long-term sustainability of communities and industry?

Ensure communities have access to essential services, including health care, mental health services, access to all levels of education, availability of career opportunities and high value jobs, access to art and cultural services. There is a need to foster regional tourism through promotion, product and experience development, and the implementation of wholistic planning reform to reduce barriers to entry, facilitate new industry growth, and attract investment.

Muswellbrook Shire's key issue is the reuse of mining land and mining infrastructure to attract future industry and jobs. This needs to be a priority for the State to coordinate departments to master plan, develop, and deliver large tract industrial land to attract and grow new industry.

Other matters

11. Do you have any further suggestions for how the NSW Government can effectively respond to regional issues as part of this work?

No



11. Minutes of Committee Meetings

11.1. Olympic Park Precinct Development Advisory Committee - 21 November 2023 and 12 December 2023

Attachments:

1. Agenda - Olympic Park Precinct Development Advisory Committee Meeting - 21/11/2023 [**11.1.1** - 16 pages]
2. Minutes - Olympic Park Precinct Development Advisory Committee - 21/11/2023 [**11.1.2** - 2 pages]
3. Agenda - Olympic Park Precinct Development Advisory Committee - 12/12/2023 [**11.1.3** - 10 pages]
4. Minutes - Olympic Park Precinct Development Advisory Committee - 12/12/2023 [**11.1.4** - 2 pages]
5. Olympic Park - Action List Updated - 04/01/2024 [**11.1.5** - 1 page]

Responsible Officer: Matthew Lysaught - Director Property & Place

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: 5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

PURPOSE

To inform Council of a meeting of the Olympic Park Precinct Development Advisory Committee held on 21 November and 12 December 2023.

OFFICER'S RECOMMENDATION

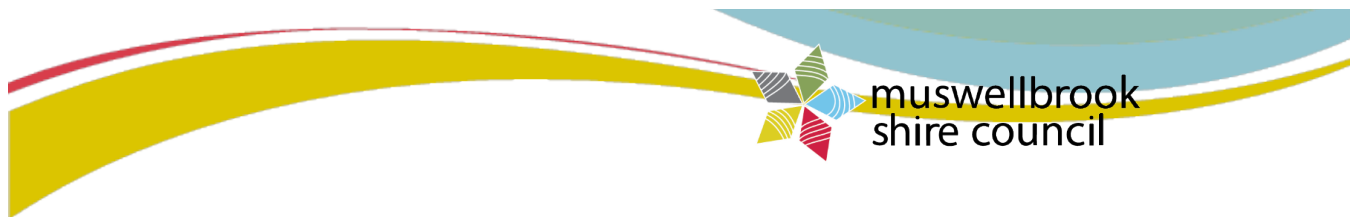
The Minutes for the Olympic Park Precinct Development Advisory Committee meeting held on 21 November and 12 December 2023 be ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Director Property and Place reports that the Olympic Park Precinct Development Advisory Committee met on 21 November and 12 December 2023.

The Agendas and Minutes of the meetings are attached for the information of the Councillors.

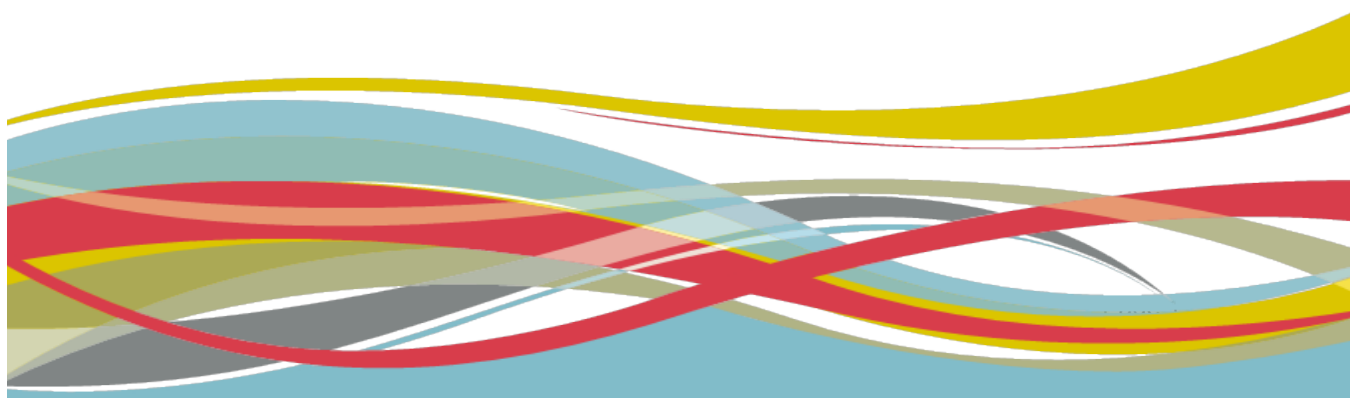


Muswellbrook Shire Council

OLYMPIC PARK PRECINCT DEVELOPMENT

BUSINESS PAPER

14 NOVEMBER 2023





OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY
COMMITTEE AGENDA

14 November
2023

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK

20 November, 2023

Cr A. Barry (Chair)
Cr G. McNeill
Mr J. Marco - Muswellbrook Junior Rugby League
Mr G. Mather - Muswellbrook Senior Rugby League
Mr P. Benkovic - Muswellbrook Touch Association
Mr T. McTaggart - Olympic Park Tennis Club
Ms P. King - Park Tennis Club
Mr A. Greentree - Muswellbrook Cycle Club
Mr M. Jeans – Muswellbrook Amateur RSL Swimming Club
Authorised representative of ARTC
Mr R. Hartin
Mr T. Martin
Mr D. Finnigan
Mr M. Lysaught

You are hereby requested to attend the Olympic Park Precinct Development to be held in the Loxton Room, Administration Centre, Campbell's Corner 60-82 Bridge St, Muswellbrook NSW 2333 on **14 November 2023** commencing at 5:30 pm.

Matt Lysaught

DIRECTOR – PROPERTY & PLACE



Order of Business

1 Acknowledgement of Country.....	5
2 Apologies	5
3 Confirmation of Minutes of Previous Meeting	5
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6.1 Plan of Management	13
6.2 Olympic Park Development Application Status Report	14
6.3 Olympic Park Precinct - Preliminary Programme	15
8 Date of Next Meeting	17
9 Closure	17



1 Acknowledgement of Country

Acknowledgement of Country

Council would like to respectfully acknowledge the local Aboriginal people who are the Traditional Owners and custodians of the land on which this meeting takes place

2 Apologies

3 Confirmation of Minutes of Previous Meeting

RECOMMENDATION

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on **5 September, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 5 SEPTEMBER 2023 COMMENCING AT 5:30PM.

PRESENT: Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Marco (Muswellbrook Junior Rugby League), Mr G. Mather (Muswellbrook Senior Rugby League), Mr P. Benkovic (Muswellbrook Touch Association), Mr T. McTaggart (Olympic Park Tennis Club), Mr M. Jeans (Muswellbrook Amateur RSL Swimming Club), Mr R. Hartin and Mr D. Layzell (Member for Upper Hunter).

IN ATTENDANCE:

1 Acknowledgement of Country

The Acknowledgement of Country of Country was read by Cr Barry.

2 Apologies

RECOMMENDED that the apologies for inability to attend the meeting submitted by Troy Martin, Pam King and Adam Greentree be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Paul Benkovic and Gus Mather that:

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on **26 June 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

Cr S. Reynolds - Declared a non-pecuniary interest. Cr Reynolds advised the Committee that he videos sporting games for Paul Benkovic.

5 Business Arising

5.1 Olympic Park Action List

RECOMMENDED on the motion of Cr G. McNeill and Tony McTaggart that:
The Committee NOTES the report.

6 Business

6.1 Olympic Park Development Application Status Report

RECOMMENDED on the motion that:

1. The General Manager draft a letter to the Regional Planning Panel to express the urgency of a decision in relation to Councils Olympic Park Submission as well as the financial impact;
2. The Committee NOTES the report.



6.2 Olympic Park Plan of Management

RECOMMENDED on the motion of Tony McTaggart and Gus Mather that:
The Committee NOTE the report.

6.3 Olympic Park Event Management Plans

RECOMMENDED on the motion of John Marco and Russell Hartin that:
The Committee NOTES the report.

7 Date of Next Meeting

10 October 2023

8 Closure

The meeting was declared closed at 6:50PM.

.....
Mr D. Finnigan
General Manager

.....
Cr A. Barry
Chairperson



4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

5 Business Arising

Nil



5.1 Olympic Park Action List

Attachments:	1. Action List Olympic Park 20231120 [5.1.1 - 3 pages]
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:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire. 1.4.1.2 - Facilitate Olympic Park Development Advisory Committee meetings.

PURPOSE

To provide Olympic Park Advisory Committee the current Action List.

OFFICER'S RECOMMENDATION

The committee notes the report

Moved: _____ **Seconded:** _____

REPORT

Attached to the report is the current action list.

OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE AGENDA November 2023

- | No. | Item |
|-----|---|
| 1 | Keys Memorial Gates |
| 2 | Does the new building have a lockup area for the three sporting clubs to store their items as per the current building and gear shed? |
| 3 | Wilkinson Avenue Lighting glare affecting Olympic Park tennis. |
| 4 | Olympic Park tennis fence repairs. |
| 5 | Fencing for Olympic Park Fields 1, 2, & 3. |
| 6 | Emergency access at Olympic Park. |
| 7 | Parking on roundabout at Olympic Park. |
| 8 | Proximity of proposed Grandstand to roundabout. |
| 9 | Event Management Plans |
| 10 | Principal Design Consultant for Detailed Design |
| 11 | Grant Funding |

OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE AGENDA November 2023

Status	Action
Currently in storage.	To be returned proximate to previous location.
Included design.	No further action.
Identified lights will have visors installed. Contractor has confirmed they will repair. Longstanding issue with design solution to be considered.	Date to be confirmed. Fence has been repaired. Concept plan fencing is indicative only as per Council resolution 27 June 2023.
Access is available from Bell Street. Press metal ramp to be considered.	To be determined. Temporary ramps ordered.
Staff are conducting inspections.	Statutory signs to be installed. Avoid parking on roundabout. Rangers have been asked to review signs and enforceability.
No action at this stage.	Subject to Development Approval. Consideration will be given to reducing space between Field 1 & 2 facilitating the grandstand to move east.
Prepared. An under 1,500 Draft Event Management Plan has been prepared for review.	Plans have been submitted to Regional Planning Panel.
GHD currently engaged to respond to any RFIs from the Regional Planning Panel. Tender documents in draft to be advertised subject to Development Approval.	Call tenders for Principal Design Consultant.
NSW Office of Sport are aware of the Australian Government Grant application.	Details of the Australian Government Grant Application will be reported to the 26 September Ordinary Council meeting. Application lodged 30 October 2023.

OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE AGENDA November 2023

Date Included

2/16/2023

~~2/16/2023~~

2/28/2023

~~2/28/2023~~

5/8/2023

2/16/2023

5/8/2023

5/8/2023

5/8/2023

9/1/2023

9/1/2023



6 Business

6.1 Plan of Management

Attachments:	Nil
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:	6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. 1.4.1.2 - Facilitate Olympic Park Development Advisory Committee meetings.

PURPOSE

To advise the Olympic Park Advisory Committee an update on the Final Draft Olympic Park Plan of Management.

OFFICER'S RECOMMENDATION

Committee note the report.

Moved: _____ **Seconded:** _____

REPORT

The requested changes and minor amendments have been made following Crown Lands' review and the Final Draft Plan of Management for Olympic Park has been placed on Public Exhibition from 2 November 2023 until 30 November 2023

<https://www.muswellbrook.nsw.gov.au/draft-plan-of-management-olympic-park-precinct/>

Subject to no changes following public exhibition, Crown Land as the delegate for the Minister for Lands and Property, has provided consent for Council to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018.



6.2 Olympic Park Development Application Status Report

Attachments:	Nil
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:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire. 1.4.1.2 - Facilitate Olympic Park Development Advisory Committee meetings.

PURPOSE

To provide the Olympic Park Development Advisory Committee with a status report regarding the Regional Planning Panel development application PPSHCC-140 – Muswellbrook – DA 2022-095 – Wilkinson Avenue, Muswellbrook – New Grandstand.

OFFICER'S RECOMMENDATION

The Committee notes the report

Moved: _____ **Seconded:** _____

REPORT

Council as developer have been advised that the Regional Planning Panel are scheduling a meeting date for determination on DA 2022-095 Olympic Park Grandstand, and we anticipate an outcome to be reported to the February 2024 Ordinary Council meeting.

Council is planning the detailed design and construction programme around this date.



6.3 Olympic Park Precinct - Preliminary Programme

Attachments:	Nil
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:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre. 1.4.1.1 - Deliver consolidated Olympic Park construction program.

PURPOSE

To supply the Olympic Park Precinct Development Advisory Committee a preliminary project programme for detailed design and construction.

OFFICER'S RECOMMENDATION

The Committee notes the report.

Moved: _____ **Seconded:** _____

REPORT

Below is a preliminary project programme for the Olympic Park Precinct. The dates included are tentative and subject to external approvals.

PROJECT ITEM	COMMENCEMENT DATE OR EXPECTED	COMPLETION OR EXPECTED COMPLETION	Comment
Development Approval	Aug 2022	Feb 2024	Awaiting planning approval. Planning Panel scheduling determination meeting. Anticipated date of report to Council.
Capital Expenditure Review (CER) Updated	Dec 2023	Jan 2024	CER related to Special Rate Variation application to be updated.
Prepare Tender Documentation for Design and Construct	Jan 2024	Mar 2024	GC21 documentation required is large. Requirement for design changes and value



			engineering to be included in scope. Procurement method to be determined.
Advertise Tender	Mar 2024	Apr 2024	Minimum 28 Days to advertise and a project this size would require longer to get accurate tenders.
Tender Assessment	May 2024	Jun 2024	Large tender will take some time to assess and report to Council.
Award Tender and Execute Contract	Jun 2024	Jun 2024	Letters of award and contract execution.
Detailed Design	Jul 2024	Oct 2024	Detailed design will be significant by successful tenderer to ensure no cost blowout during construction.
Authority Approvals	Oct 2024	Nov 2024	External project factor.
Demolition/Construction	Nov 2024	Mar 2026	Build anticipated to take between 12-18 months.
Completion	Feb 2026	Apr 2026	Construction completed and commissioning.
Field Renovations	Oct 2025	Apr 2026	Field works will need to be tendered and awarded to be completed concurrently with construction. The field works are envisaged to start upon majority of construction that encroach near the field are completed.



8 Date of Next Meeting

12 December, 2023

9 Closure

MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 21 NOVEMBER 2023 COMMENCING AT 5:30PM.

PRESENT: Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Marco (Muswellbrook Junior Rugby League), Mr G. Mather (Muswellbrook Senior Rugby League), Mr T. McTaggart (Olympic Park Tennis Club) and Mr R. Hartin.

IN ATTENDANCE: Nil

1 Acknowledgement of Country

The Acknowledgement of Country was read by Mr M. Lysaught.

2 Apologies

RECOMMENDED on the motion of Mr R. Hartin and Mr G. Mather that:

The apologies for inability to attend the meeting submitted by Mr P. Chandler and Mr P. Benkovic be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr T. McTaggart and Mr G. Mather that:

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on **5 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

5.1 Olympic Park Action List

RECOMMENDED on the motion of Mr G. Mather and Mr R. Hartin that:

The committee notes the report.

6 Business

6.1 Plan of Management

Cr A. Barry and Cr G. McNeill joined the meeting.

RECOMMENDED on the motion of Cr A. Barry and Mr G. Mather that:

Committee note the report.



6.2 Olympic Park Development Application Status Report

RECOMMENDED on the motion of Mr G. Mather and Mr J. Marco that:
The Committee notes the report.

6.3 Olympic Park Precinct - Preliminary Programme

RECOMMENDED on the motion of Mr T. McTaggart and Cr G. McNeill that:
The Committee notes the report.

8 Date of Next Meeting

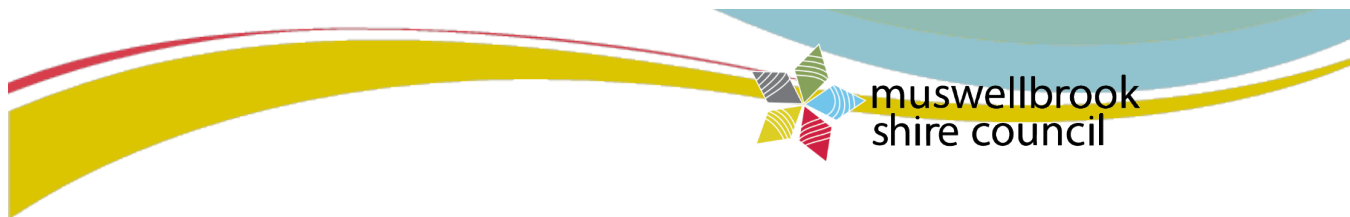
12 December, 2023

9 Closure

The meeting was declared closed at 6:50pm.

.....
Mr D. Finnigan
General Manager

.....
Cr A. Barry
Chairperson

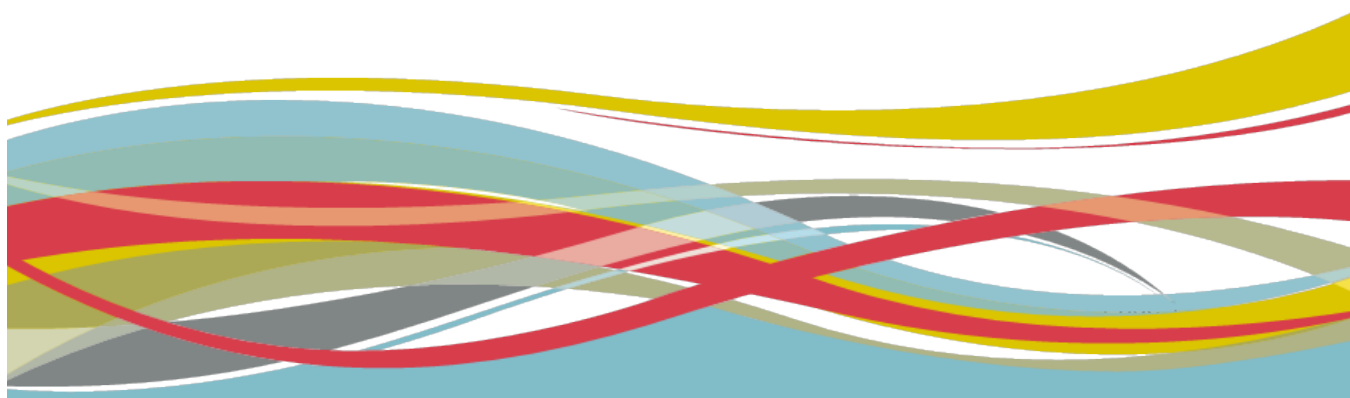


Muswellbrook Shire Council

OLYMPIC PARK PRECINCT DEVELOPMENT

BUSINESS PAPER

12 DECEMBER 2023





OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY
COMMITTEE AGENDA

12 December
2023

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK

12 December, 2023

Cr A. Barry (Chair)
Cr G. McNeill
Mr J. Marco - Muswellbrook Junior Rugby League
Mr G. Mather - Muswellbrook Senior Rugby League
Mr P. Benkovic - Muswellbrook Touch Association
Mr T. McTaggart - Olympic Park Tennis Club
Ms P. King - Park Tennis Club
Mr A. Greentree - Muswellbrook Cycle Club
Mr M. Jeans – Muswellbrook Amateur RSL Swimming Club
Authorised representative of ARTC
Mr R. Hartin
Mr T. Martin
Mr D. Finnigan
Mr M. Lysaught

You are hereby requested to attend the Olympic Park Precinct Development to be held in the Loxton Room, Administration Centre, Campbell's Corner 60-82 Bridge St, Muswellbrook NSW 2333 on **12 December 2023** commencing at 5:30 pm.

Matt Lysaught

DIRECTOR – PROPERTY & PLACE



Order of Business

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6.1 Progress Update.....	10
8 Date of Next Meeting	11
9 Closure	11



1 Acknowledgement of Country

Acknowledgement of Country

Council would like to respectfully acknowledge the local Aboriginal people who are the Traditional Owners and custodians of the land on which this meeting takes place

2 Apologies

3 Confirmation of Minutes of Previous Meeting

RECOMMENDATION

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on 21 November, 2023 a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 21 NOVEMBER 2023 COMMENCING AT 5:30PM.

PRESENT: Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Marco (Muswellbrook Junior Rugby League), Mr G. Mather (Muswellbrook Senior Rugby League), Mr T. McTaggart (Olympic Park Tennis Club), Ms P. King (Park Tennis Club), Mr A. Greentree (Muswellbrook Cycle Club), Mr M. Jeans (Muswellbrook Amateur RSL Swimming Club), Mr R. Hartin and Mr T. Martin

IN ATTENDANCE:

1 Acknowledgement of Country

The Acknowledgement of Country was read by Mr M. Lysaught.

2 Apologies

RECOMMENDED on the motion of Mr R. Hartin and Mr G. Mather that:

The apologies for inability to attend the meeting submitted by Mr P.Chandler and Mr P. Benkovic be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr T. McTaggart and Mr G. Mather that:

The Minutes of the Olympic Park Precinct Development Advisory Committee Meeting held on **5 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

5.1 Olympic Park Action List

RECOMMENDED on the motion of Mr G. Mather and Mr R. Hartin that:

The committee notes the report.

6 Business

6.1 Plan of Management

Cr A. Barry and Cr G. McNeill joined the meeting.

RECOMMENDED on the motion of Cr A. Barry and Mr G. Mather that:

Committee note the report.

6.2 Olympic Park Development Application Status Report

RECOMMENDED on the motion of Mr G. Mather and Mr J. Marco that:

The Committee notes the report

6.3 Olympic Park Precinct - Preliminary Programme

RECOMMENDED on the motion of Mr T. McTaggart and Cr G. McNeill that:

The Committee notes the report.

8 Date of Next Meeting

12 December, 2023

9 Closure

OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE AGENDA 14 November 2023



OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY
COMMITTEE MINUTES

14 November
2023

The meeting was declared closed at 6:50PM.

.....
Mr D. Finnigan
General Manager

.....
Mr M. Lysaught
Chairperson

Page 3

Attachment 3.1.1 MINUTES - Olympic Park Precinct Development
Advisory Committee Meeting - 21112023

Page 7

Attachment 11.1.3 Agenda - Olympic Park Precinct Development
Advisory Committee - 12/12/2023

Page 178



4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

5 Business Arising

Nil



6 Business

6.1 Progress Update

Attachments:	Nil
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	
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:	6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. 1.4.1.2 - Facilitate Olympic Park Development Advisory Committee meetings.

Briefing to be provided at the meeting by Council Staff.



8 Date of Next Meeting

TBD

9 Closure

MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 12 DECEMBER 2023 COMMENCING AT 5:30PM.

PRESENT: Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Hogan (Acting Chief Financial Officer), Mr J. Marco (Muswellbrook Junior Rugby League), Mr G. Mather (Muswellbrook Senior Rugby League), Mr P. Benkovic (Muswellbrook Touch Association), and Mr T. McTaggart (Olympic Park Tennis Club)

IN ATTENDANCE: Nil

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr A. Barry.

2 Apologies

RECOMMENDED on the motion of Mr T. McTaggart and Cr A. Barry that:

The apologies for inability to attend the meeting submitted by Adam Greentree and Russell Hartin be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

The Committee indicated that the Minutes of the previous meeting required significant amendments and requested that they be reviewed and resubmitted to the next Meeting.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

5 Business Arising

Nil

6 Business

6.1 Progress Update

Discussion was held around the progress and process of the approval relating to the Olympic Park Precinct Development Application.

The Committee was advised that the Draft Plan of Management was being submitted to next week's Council Meeting and that once the Draft Plan of Management is adopted by Council.

The Committee was further advised that the Plan of Management would then be forwarded to the Regional Planning Panel for review and consideration which are due to meet mid-February 2024.



The Committee was also advised that the Draft Plan of Management would be distributed to Committee Members.

The Committee was also advised that an action list would be updated and included in agenda for meetings moving forward.

RECOMMENDED on the motion of John Marco and Gus Mather that:

The Committee endorses moving forward with the creation of a new carpark wit in the Olympic Park Precinct.

8 Date of Next Meeting

12 March 2024

9 Closure

The meeting was declared closed at 6:22pm.

.....
Mr D. Finnigan
General Manager

.....
Cr A. Barry
Chairperson

No.	Item	Status	Action	Date Included
1	Keys Memorial Gates	Currently in storage.	To be returned proximate to previous location.	16/02/2023
2	Does the new building have a lockup area for the three sporting clubs to store there items as per the current building and gear shed?	Included design.	No further action.	16/02/2023
3	Wilkinson Avenue Lighting glare affecting Olympic Park tennis.	Identified lights will have visors installed.	Date to be confirmed.	
4	Olympic Park tennis fence repairs.	Contractor has confirmed they will repair.	Contractor provided advice on adjusting light directions and Council's Building Works Coordinator to make adjustment. 04/01/2024	28/02/2023
5	Fencing for Olympic Park Fields 1, 2, & 3.	Longstanding issue with design solution to be considered.	Fence has been repaired. Concept plan fencing is indicative only as per Council resolution 27 June 2023.	28/02/2023
6	Emergency access at Olympic Park.	Access is available from Bell Street. Press metal ramp to be considered.	To be determined. Temporary ramps ordered.	8/05/2023
7	Parking on roundabout at Olympic Park.	Staff are conducting inspections.	Temporary ramp left in canteen. Statutory signs to be installed. Avoid parking on roundabout. Rangers have been asked to review signs and enforceability.	16/02/2023
8	Proximity of proposed Grandstand to roundabout.	No action at this stage.	Following 22 November 2023 Sport and Recreation Committee meeting, Council's Road Officer is reviewing traffic arrangements for the Local Traffic Committee. 22/11/2023 Subject to Development Approval. Consideration will be given to reducing space between Field 1 & 2 facilitating the grandstand to move east.	8/05/2023
9	Event Management Plans	Prepared. An under 1,500 Draft Event Management Plan has been prepared for review.	Plans have been submitted to Regional Planning Panel.	8/05/2023
10	Principal Design Consultant for Detailed Design	GHD currently engaged to respond to any RFIs from the Regional Planning Panel. Tender documents in draft to be advertised subject to Development Approval.	Call tenders for Principal Design Consultant.	
11	Grant Funding	NSW Office of Sport are aware of the Australian Government Grant application.	Due to lengthy approval process the agreed approach is to now go to design and construction tender. 21/11/2023 Details of the Australian Government Grant Application will be reported to the 26 September Ordinary Council meeting. Application lodged 30 October 2023.	1/09/2023
12	Confirmation of interest and commitment to Committee.	Attendance of members to meetings.	Grants Officer liaising with NSW funding bodies on progress of Australian Government grant to align funding and project milestones. 21/11/2023 Discussions being had and following confirmation required in writing.	1/09/2023 21/11/2023



11.2. Sports and Recreation Committee - 22 November 2023

Attachments: 1. Minutes - Sport and Recreation Committee -
23/11/2023 [11.2.1 - 3 pages]

Responsible Officer: Matthew Lysaught (Director Property & Place)

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.*

PURPOSE

To inform Council of a meeting of the Sports and Recreation Committee held on 22 November 2023.

OFFICER'S RECOMMENDATION

The minutes for the Sports and Recreation Committee meeting held on 22 November 2023 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Director Property and Place reports that the Sports and Recreation Committee met on 22 November 2023.

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



MINUTES OF THE SPORT AND RECREATION COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON WEDNESDAY 22 NOVEMBER 2023 COMMENCING AT 5:33PM.

PRESENT:

Cr G. McNeill (Chair), Cr A. Barry, Pam King (Muswellbrook Park Tennis), Rhearne Hagan (Denman Jr Rugby League), Paul Benkovic (Muswellbrook Touch Football Association), Alex Newton (Denman Tennis Club, Denman Little Athletics and Denman Amateur Swimming Club), John Broadley (Muswellbrook Football Club), John Marco (Muswellbrook Junior Rugby League), Peter Cooper (Muswellbrook Senior Rugby League Club & Muswellbrook Senior Cricket Club), Mark McLaughlin (Muswellbrook Cats) and Sandra Watts (Olympic Park Tennis Club Inc).

IN ATTENDANCE:

Matthew Lysaught (Director - Property & Place), Paul Chandler (Technical Officer Property & Building Services) and Mark Winning (Administration Officer).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr A. Barry.

2 Apologies

RECOMMENDED that:

The apologies for inability to attend the meeting submitted by Cr S. Reynolds, Mr J. Martin, Mr T. McTaggart and Mr A Regan be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr P. Cooper and Mr J. Broadley that:

The Minutes of the Sport & Recreation Committee Meeting held on **29 March, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

5 Business Arising

Nil

6 Business

6.1 Olympic Park Precinct development and Plan of Management Update

The Committee was advised that feedback from the local member was that Joint Regional Planning Panel (JRPP) were waiting on a report from Council endorsing Plan of Management which is currently on public exhibition until 30 November 2023.



The Committee was also advised that the General Manager had written to the JRPP asking if they would consider meeting in December, f Council resolves to hold and extra-ordinary meeting in early December and supports the Plan of Management.

RECOMMENDED on the motion of Mr P. Benkovic and Mr J. Marco that:

The information be noted.

6.2 Recreation Needs and Management Study

The Recreation and Property Officer provided a brief presentation on the Recreation Needs and Management Study with general discussion held. User groups were advised to direct any additional submissions through the public exhibition period.

RECOMMENDED on the motion of Cr A. Barry and Mr P. Benkovic that:

The information contained in this report be noted.

6.3 General Recreation Programme Update

The Recreation and Property Officer provided comprehensive updates on the status of the General Recreation Program.

RECOMMENDED on the motion of Mr J. Broadley and Mr J. Marco that:

The information contained in this report be noted.

6.4 Small and Large Capital Grants Programme

The Recreation and Property Officer provided an update on the small and large capital grants program. General discussion took place.

The Grants and Community Engagement Officer spoke briefly on the grants available and coming up and offered assistance to user groups regarding information around these opportunities.

RECOMMENDED on the motion of Mr J. Marco and Ms R. Hagan that:

The information contained in this report be noted.

6.5 Pre-Season Bookings

General discussion took place regarding the importance of submitting booking forms for all bookings to avoid booking conflicts and ensure costs are correctly captured.

RECOMMENDED on the motion of Mr P. Cooper and Mr J. Broadley that:

The information be noted.

7 General Business

Denman Junior Rugby League

Ms Hagan advised the Committee that the club would like hand dryers in the toilets. Mr Chandler advised that this would be investigated.



Ms Hagan also requested irrigation at field 3 and Allan Mills oval. Mr Chandler advised that this would be included in the Recreation Needs Study while the document is on Public Exhibition.

Muswellbrook Senior Cricket Club

Mr Cooper inquired whether the synthetic wickets at Highbrook Park were able to be used. Mr Chandler advised that they were.

Denman Tennis Club, Denman Little Athletics and Denman Amateur Swimming Club

Mr Newton requested that a copy of the Denman Master Plan for Denman Recreation Area and Denman Tourist Park be provided – Paul to send to Alex

Mr Newton also inquired about the lock at Denman Tennis Courts. Mr Chandler advised that this is currently with Tennis NSW to progress.

Muswellbrook Junior Rugby League Club,

Mr Marco requested that schools be advised to contact the Club regarding the use of gear. Mr Chandler advised that customers are advised at time of booking.

Mr Marco also requested that the Grant's Officer's details be provided to user groups to contact in relation to grants. The Committee was advised that details would be distributed to user groups.

Discussion also took place on the Key audit.

Junior Director of Muswellbrook Touch Football Club,

Mr Benkovic requested to have the speed limit on Wilkinson Avenue reduced. Mr Chandler advised the Committee that he would liaise with the Local Traffic Committee.

RECOMMENDED on the motion of Mr P. Cooper and Mr J. Broadley that:

The information be noted.

8 Date of Next Meeting

TBD

9 Closure

The meeting was declared closed at 7:10pm.

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Mr D. Finnigan
General Manager

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Cr G. McNeill
Chairperson



12. Notices of Motion

Nil

13. Councillors Reports

14. Written Questions

Nil

15. Questions for Next Meeting

16. Adjournment into Closed Council

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

17. Closed Council

RECOMMENDATION

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

Moved: _____ **Seconded:** _____



17.1. Muswellbrook Shire Council Voluntary Planning Agreement Allocation 2023/2024 and 2024/2025

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.

17.2. Approval of Price Variation 2021-2022-0538 Solar PV Array at RWTW

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. Animal Care and Sustainability Hub - Fencing Layout and Contribution

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

18. Resumption of Open Council

19. Closure

Date of Next Meeting: 27 February 2024