



muswellbrook
shire council

Muswellbrook Shire Council

EXTRA-ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 22 OCTOBER 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
15 October, 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the STEM Lab, Donald Horne Building, 140 Bridge Street, Muswellbrook on **Tuesday 22 October 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. Acknowledgement of Country**
- 2. Civic Prayer**
- 3. Apologies and Applications for a Leave of Absence**
- 4. Disclosure of any Pecuniary or Non-Pecuniary Interests**
- 5. Business (Specific Reports)**
 - 5.1. Planning and Environment**

Nil



5.2. Infrastructure and Property

5.2.1. Review of options for the Denman to Sandy Hollow Water Pipeline

Attachments:	Nil
Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Shahzad Khizer (Asset Manager Water and Wastewater)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	5.1.4 - Maintain and continually improve community infrastructure across the Shire. 5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.
	Not applicable

PURPOSE

The report provides a further review of options for the Denman to Sandy Hollow Water Pipeline project, including estimated capital costs, operational costs, consumption tariff, and level of subsidy.

OFFICER'S RECOMMENDATION

Council approves discussion with Infrastructure NSW regarding the option of not proceeding with the Denman to Sandy Hollow water pipeline at this stage, but instead requesting that the Growing Local Economies grant funding be used to upgrade the Denman Water Treatment Plant to service future growth, including the pipeline in Almond Street, Denman, and replacing the Sandy Hollow Water Treatment Plant, reservoirs, and network.

Moved: _____ **Seconded:** _____

BACKGROUND

At the 23 July 2024 Ordinary Council meeting, Council considered an options report for the Denman to Sandy Hollow Water Pipeline project, and resolved as follows:

**10.3.3. Denman to Sandy Hollow Pipeline Options Report**

- 22 RESOLVED on the motion of Cr B. Woodruff and Cr D. Marshall that:
Council APPROVES:
1. The General Manager to advise Infrastructure NSW that the project is progressing; and
 2. A further report be provided to Council prior to tendering for detailed design and construction.
- 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

Council has, for a number of years, been investigating treatment options for water quality issues of magnesium and hardness sourced from the Goulburn River at the Sandy Hollow Water Treatment Plant (WTP). To address these issues, and to ensure the ongoing compliance with Australian Drinking Water Guidelines, it has been determined that the optimal method of treating the source water is through a Reverse Osmosis (RO) or Nanofiltration process plant, as there are no known conventional treatment solutions.

In 2015, external consultants recommended an RO treatment as a viable option, but it was not progressed at the time due to the high anticipated operational costs. The wastewater resulting from this type of treatment process is costly to transport and dispose of, with no wastewater treatment plant close enough to make the project economically viable.

In 2020, Council received conditional grant funding of \$18.9 million through the Growing Local Economies (GLE) program by the Directorate of Regional NSW (DRNSW) for a water pipeline from Denman to Sandy Hollow, with an additional \$7-9 million of funding needed to fully fund the project.

The grant application anticipated a State Significant Development (SDD) proposed feedlot and abattoir project to handle 300,000 head of cattle and generate 500 direct jobs, requiring up to 258 megalitres (ML) per year of High Security water.

However, as reported to the 23 July 2024 Ordinary Council meeting, the developer of the abattoir has gone into liquidation, and as they were the proposed significant consumer of the piped water, the viability of the pipeline project has been reviewed, as the additional operational costs, that would have been absorbed by the abattoir and feedlot, would have to be subsidised by ratepayers across Muswellbrook Shire.

Council has also received a commitment of \$1.6 million from the Department of Climate Change, Energy, Environment and Water (DCCEEW) towards the pipeline, as part of the project, instead of a contribution towards an RO treatment plant for Sandy Hollow.

Council did seek funding from the Australian Government under the Growing Regions Program to address the shortfall of \$7-9m in lieu of a Council contribution, however, this application was unsuccessful. Most recently, Council has applied for the Commonwealth Housing Support Program – Community Enabling Infrastructure Stream (HSP-CEI) for \$8,601,800. The purpose of the grant is to enable infrastructure and community amenities that support new housing developments.

Council staff have been in regular contact with Infrastructure NSW, who administer the GLE funding, providing updates on the status of the project, including Council's decision from the 23 July 2024 Ordinary Council meeting. Most recently, Infrastructure NSW has requested Council to provide a conclusive position, particularly if there remains a commitment for the project to proceed or otherwise. The deadline for this requested position is 11 November



2024.

CONSULTATION

Infrastructure NSW

Morrison Low

GHD Pty Ltd

NSW Public Works Advisory

REPORT

Options analysis considered in different forms to date have included:

1. Continue operating Sandy Hollow WTP as is (base case - no pipeline);
2. Pipeline from Denman to Sandy Hollow (removing the Sandy Hollow WTP);
3. Upgrading Sandy Hollow WTP to RO or Nano (no pipeline); and
4. Upgrade of Sandy Hollow WTP to RO or Nano for 20-25% flow demand, blending RO-treated water with the existing treated water (no pipeline).

Option 1a and 1b are included for comparison purposes only, providing the base case of existing treatment operations for both Sandy Hollow and Denman respectively. The Sandy Hollow option, though, cannot continue in the long-term because it may not continue to meet Australian Drinking Water Guidelines.

Option 2 is construction of the pipeline, consistent with the grant funding specification;

Option 3 is to replace the Sandy Hollow Water Treatment Plant (WTP) with a Reverse Osmosis (RO) or Nanofiltration (Nano) treatment plant, however, wastewater is a byproduct of both these treatments; and

Option 4 is to replace Sandy Hollow with a 25% side stream RO or Nano plant, reducing wastewater.

To separate the portions of costs between Denman infrastructure improvements and Sandy Hollow for the pipeline work, Option 2 is further separated into 2a and 2b.

Option 2a – Sandy Hollow costs only for the Denman to Sandy Hollow pipeline.

Option 2b – Denman costs only for the Denman to Sandy Hollow pipeline.

Similarly, the depreciation costs have been identified, respectively, for Denman and Sandy Hollow.

Assumptions

The capital and operational cost estimates developed and provided below are preliminary only because the project is at a concept design stage and not at a detailed design stage, include the following assumptions:

- Total project capital expenditure for Denman to Sandy Hollow Pipeline is \$26,500,000 (CAPEX).
- Useful life of the Denman to Sandy Hollow Pipeline assumed to be 80 years. The useful lives for WTP civil, mechanical, and electrical assets have been sourced from the NSW Reference Rate Manual for annual depreciation cost evaluation.
- Capital cost for the Sandy Hollow WTP is sourced from the NSW Reference Rate Manual, assumed to be 50% civil, 25% mechanical, and 25% electrical.
- Capital cost for Option 4 utilised 2024 detailed cost estimates from Sandy Hollow WTP upgrade, reducing specific civil, mechanical, and electrical items. The containerised RO was sized to 50 KL per day.



Schedule of Information

Item	#	Annual Maintenance % Capex-Cost	Useful Life	Straight-line Annual Depreciation SH – Sandy Hollow DWTP - Denman
Average consumption (Muswellbrook Shire)	265 KL per annum Equivalent Tenement (ET)	-	-	-
Availability charge	\$270 per annum fixed rate applied to all users	-	-	-
Average KL tariff	\$2.80/KL <350KL per annum	-	-	-
Total Water Connections	5,300 Muswellbrook 600 Denman 60 Sandy Hollow	-	-	-
Total Capital Cost of Pipeline Project	\$26,522,484	-	-	-
Pipeline Denman to Sandy Hollow	\$15,069,664	1% - \$150,697	80 years	SH \$188,371
Denman Treatment Plant Upgrade	\$4,816,270	4% - \$192,651	40 years	DWTP \$120,407 SH \$22,877
2 x Reservoirs	\$4,499,646	1% - \$44,997	80 years	SH \$56,246
2 x Booster Pumping Stations	\$2,136,904	4% - \$85,476	40 years	SH \$53,423
Totals	\$26,522,484	\$473,821		SH & DWTP \$441,324 SH \$320,917
Production of Sandy Hollow Treatment Plant	40 ML/year	-	-	-
Production for both Denman Treatment plant for Denman and Sandy Hollow	248 ML/year	-	-	-
Production for both Denman Treatment plant for Denman, Sandy Hollow and Abattoir	248ML +258ML(Abattoir)/year			
Production for Muswellbrook only	2,000 ML/year	-	-	-

Summary of Options

Consultants GHD and Morrison Low conducted assessments of operational and project costs, and economic assessment to inform options to supply potable water to the town of Sandy Hollow. Public Works Advisory undertook a preliminary review of these options, and Council internal staff have reviewed the analysis and findings. The table below provides a summary of these options for financial analysis.

Table: Summary of Options Financial Analysis

#	Item	Option 1a	Option 1b	Option 2	Option 2a	Option 2b	Option 3	Option 4
		SH Present	Denman Present	Pipeline project	D2SH - Water Supply –	D2SH - Denman Water	RO/Nano Treatment - Sandy	Side Stream 20-25% RO



		Treatment	Treatment	(D2SH) *	SH only	supply only	Hollow	blending - Sandy Hollow
1	Maintenance costs (\$/year)	\$197,000	\$150,000	\$473,821	\$90,025	\$253,796	\$133,431	\$114,751
2	Chemical expenses (\$/year)	\$4,756	\$70,000	\$60,693	\$11,532	\$49,161	\$3,656	\$3,656
3	Electricity expenses (\$/year)	\$9,875	\$20,000	\$74,623	\$14,178	\$60,445	\$6,642	\$6,642
4	Raw water cost (\$/year)	\$817	\$40,000	\$45,963	\$8,733	\$37,230	\$817	\$817
5	Additional operating costs (\$/year)	\$-	\$100,000	\$115,000	\$21,850	\$ 93,150	\$287,621	\$214,380
6	Raw Water Pumping Expenditure	\$-	\$50,000	\$77,000	\$14,630	\$ 62,370	\$-	\$-
7	Upgrade costs (if any) (\$/year)	\$-	\$-	\$-	\$-	\$-	\$151,290	\$86,380
	Total operational & maintenance cost	\$212,448	\$430,000	\$777,800	\$160,948	\$ 556,152	\$583,457	\$426,626
8	Depreciation	\$36,545	\$150,000	\$418,447	\$320,917	\$253,000	\$40,004	\$24,669
	Total Production expense	\$248,993	\$580,000	\$1,196,247	\$481,865	\$809,152	\$623,461	\$451,295
	Total cost (\$/ML)	\$ 6,225	\$2,789	\$4,823	\$12,046	\$3,890	\$15,587	\$11,289
	Total cost (\$/KL)	\$6.23	\$2.80	\$4.82	\$12.00	\$3.89	\$15.60	\$11.30
	Subsidy provided (\$/KL)	\$3.43	\$0.00	\$2.02	\$9.20	\$1.09	\$12.80	\$8.50

* Considering combined Denman and Sandy Hollow ML water production then the pipeline option costs is \$4,823 ML or \$4.82 KL.

OPTIONS

The current production costs for Sandy Hollow treatment plant is subsidised by \$3.43 KL by the operations of Muswellbrook and Denman.

When considering water production for Sandy Hollow, only Option 4: the upgrade of Sandy Hollow WTP to RO or Nano for 20-25% flow demand, blending RO-treated water with the existing treated water is the most cost effective, however, the cost and level of subsidy is high.

However, when recognising the benefits of having funding available to upgrade the Denman WTP, extending the useful life through the Denman to Sandy Hollow Pipeline project, then the cost to supply both Denman and Sandy Hollow with water is estimated to be \$4.82 per



KL, with a required subsidy of \$2.02 per KL.

The current total production cost of all three plants in the Shire, being Sandy Hollow, Denman, and Muswellbrook, is \$2,829,000 to produce 2,248 ML per annum, costing \$1.26 per KL. The remaining cost of \$1.55 KL is the network transport costs. The current residential KL tariff charged for 2024-25 is \$2.80/KL for < 350 KL per annum.

The estimated subsidy required for the Sandy Hollow and Denman Pipeline is \$2.02 KL for 248 ML. This subsidy would increase the current average KL tariff charged for Muswellbrook Shire from \$2.80 KL to an estimated \$2.96 KL (not accounting for other increases).

The \$2.96/KL tariff is calculated by taking the current production costs of the three treatments plants, being \$2,829,000, divided by total Shire wide production of 2,248 ML being \$1,259 per ML or \$1.26 KL, and then adjusting for the additional production costs for the Denman to Sandy Hollow pipeline.

Reasoning: The total production costs for the current treatment plants is \$2,829,000 and, if the current Denman and Sandy Hollow costs of \$828,993 is taken away, then the cost is \$2,000,007. By adding the estimated production costs for the pipeline project of \$1,196,247, then the total production costs Shire wide is \$3,196,254. If this total cost is divided by 2,248 ML, then the new cost per ML and KL is \$1,422 or \$1.42. The additional KL cost Shire wide then is \$1.42 KL minus \$1.26 KL being \$0.16 KL. All things being the same, the average KL tariff charge for Muswellbrook Shire would need to increase to \$2.96 KL (\$2.80KL plus \$.16 KL).

It is important to recognise that, at this stage of the design, the estimated tariff is preliminary, as the production costs are informed by a concept design only. When the abattoir was going to be an end user, consuming 258 ML per annum, a consumption approximating Denman and Sandy Hollow, there was no risk of needing to increase the tariff. However, without the abattoir or another large user, then Council needs to be careful to limit production costs and any increases in consumption tariff for ratepayers.

The Denman to Sandy Hollow Pipeline project would provide several benefits for Muswellbrook Shire, including upgrading the Denman WTP for a growing population, including the West Denman development, removing the need for the Sandy Hollow WTP, and ensuring water security, as well as providing economic development opportunities for intensive agriculture. However, once the pipeline project is completed, there would still remain the cost of replacing the water network reticulation and water storage infrastructure for Sandy Hollow in the future.

Prior to providing Infrastructure NSW with a conclusive position, it may be worthwhile for Council to discuss alternative projects with the funding body other. These projects could include not proceeding with the Denman to Sandy Hollow pipeline at this stage, but upgrading the Denman WTP to service future growth, including the pipeline in Almond Street, Denman, and constructing a new treatment plant in Sandy Hollow, with new reservoirs and reticulation network.

This proposal could still meet some of the objectives of Growing Local Economies in terms of supporting economic development in both Denman and Sandy Hollow, without the risks of additional production costs by not having a large end user in place. These options may also not require all of the Growing Local Economies funding.

CONCLUSION

It is recommended that Council proposes to Infrastructure NSW the upgrade of the Denman Water Treatment Plant and replacement of Sandy Hollow Water Treatment Plant and associated infrastructure.



SOCIAL IMPLICATIONS

The construction of the Denman to Sandy Hollow water pipeline would provide secure, high quality potable water to the community of Sandy Hollow.

FINANCIAL IMPLICATIONS

Denman to Sandy Hollow Pipeline:

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

\$26,522,484

2. Financial Implications – Operational

To be confirmed.

POLICY IMPLICATIONS

Complies with Council's water servicing strategy.

STATUTORY IMPLICATIONS

As the Local Water Utility, Council is acting within its powers under the Local Government Act 1993.

LEGAL IMPLICATIONS

To be determined.

OPERATIONAL PLAN IMPLICATIONS

'5.1 Construct and maintain well planned community infrastructure that is safe, reliable, and provides agreed levels of service' *Muswellbrook Shire Council 2024 - 2025 Operational Plan*

RISK MANAGEMENT IMPLICATIONS

There are risks associated with the project, including ensuring the chosen option is sustainable in the long term.

WASTE MANAGEMENT IMPLICATIONS

A discrete waste management plan will be developed for the construction project.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation has been undertaken around the proposal of the Denman to Sandy Hollow Water pipeline project.

Further community consultation will be carried out as the project progresses.



5.3. Corporate Services

5.3.1. Delegations to the Mayor and General Manager

Attachments:	1. Delegation of Authority Mayor Draft [5.3.1.1 - 4 pages] 2. General Manager Delegation Draft [5.3.1.2 - 4 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (Manager Governance and Risk), Michelle Sandell-Hay (Governance Officer)
Community Strategic Plan:	6 - Community Leadership Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community 6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.
Delivery Program:	
Operational Plan:	Not applicable

PURPOSE

For Councillors to review the delegations to the Mayor and General Manager.

OFFICER'S RECOMMENDATION

The delegations to the:

1. Mayor of Muswellbrook Shire Council, attached as appendix A, and
 2. General Manager of Muswellbrook Shire Council, attached as appendix B,
- be ENDORSED.

Moved: _____ **Seconded:** _____

BACKGROUND

In accordance with the Local Government Act 1993 (the Act), Chapter 12, Part 3, **Section 377 General power of the council to delegate:**

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—

- (a) the appointment of a general manager,*
- (b) the making of a rate,*
- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*



- (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
- (j) *the adoption of an operational plan under section 405,*
- (k) *the adoption of a financial statement included in an annual financial report,*
- (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) *this power of delegation,*
- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

In accordance with the Local Government Act 1993, Chapter 12, Part 3, Section 380 Review of delegations: Each council must review all its delegations during the first 12 months of each term of office.

CONSULTATION

Not applicable

REPORT

The attached delegations outline the specific authority provided to the Mayor and the General Manager in order to ensure the expedient exercise and performance of Council's powers and duties, and the efficient management of Council's business and responsibilities. The delegations to both the Mayor and General Manager are in accordance with the Act.

OPTIONS

Not applicable

CONCLUSION

That Councillors consider the delegations for the Mayor and General Manager.

SOCIAL IMPLICATIONS

Not applicable



FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Local Government Act 1993: Chapter 12, Part 3, S377.

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

WASTE MANAGEMENT IMPLICATIONS

Not applicable

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable

INSTRUMENT OF DELEGATION TO MAYOR

Muswellbrook Shire Council, in order to provide for the expedient exercise and performance of Council's powers and duties and the efficient management of Council's business and responsibilities hereby delegates, under Section 377 of the Local Government Act, 1993 to the **MAYOR**, and in the absence of the Mayor, the **Deputy Mayor** for the period of the Mayor's absence, the capacity to exercise and/or perform on behalf of Council the following powers, duties and authorities, contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2.

Under Section 226 of the Local Government Act, the role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the Council
- to exercise such other functions of the Council as the council determines
- to preside at meetings of the Council
- to carry out the civic and ceremonial functions of the mayoral office.

This delegation revokes all previous delegations. This delegation shall commence on XXX and remain in force until specifically altered or revoked in writing.

SCHEDULE 1

Subject to the requirements of the Act, and Regulations thereunder, and any expressed policy or direction of the Council, the Council, pursuant to the provision of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor to exercise or perform, on behalf of the Council, the following powers, authorities, duties or functions:

1. Leadership and Policy Direction

- a) To be the leader of the Council and a leader in the community;
- b) To advise, consult and provide strategic direction to the General Manager, except as otherwise provided by the Act.

2. Management of Council Meetings

- a) To preside (Chair) at all meetings of the Council, Committees, Community Committees and Public meetings convened by the Council, at which the Mayor is present, unless the Council otherwise appoints another person to perform this function.
- b) To call and schedule meetings of Council and Council Committees, briefings of Councillors and inspection by Councillors;
- c) To request the General Manager to include items on the agendas for all meetings of Council and Council Committees subject to the Act and the Local Government (General) Regulation 2021 and any other act or regulation. Provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.
- d) The Mayor, presiding at any meeting of Council or a Committee of Council, may expel any person not entitled to be present in accordance with Section 10(2)(b) of the Act.

3. Between Meeting Recess

To exercise the policy-making functions of the governing body of the council between meetings of the council provided that:

- a) The exercise of a function is not inconsistent with a policy or resolution of the Governing Body of the Council;
- b) Before exercising a policy making function, the Mayor considers any advice provided by the General Manager to Councillors;
- c) The Mayor provides each councillor notice in writing, where possible, of his/her intention to exercise the policy making function of the Council and provides each Councillor with an opportunity for comment (such comments should be provided in writing); and
- d) The Mayor reports the exercise of the policy making function at the next Ordinary Council Meeting.

4. Negotiations on behalf of Council

In conjunction with the General Manager, to participate in negotiations on behalf of Council with third parties and in connection with the sale, purchase and lease of land and buildings.

Limitations:

This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council unless the contractual agreement is authorized by a separate delegation.

5. Represent Council – Government and Other Forums /External Relations and Representations

- a) To act as the official spokesperson of the elected Council;
- b) To determine:
 - i. Who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative; and
 - ii. Who should represent Council at civic ceremonial and social functions, where the Mayor is unable to attend and Council has not determined its representative.

Limitations:

This function is subject to the limitation that before a determination is made that a staff member should represent Council, the Mayor must consult with the General Manager.

- c) To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.

6. Sign and Execute Documents

To sign correspondence and other documents.

Limitations

This function is subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2021.

7. Media Releases

To make Media Statements and issue Press Releases in respect of Council Resolutions and decisions subject to prior consultation with the General Manager.

8. Organisational Accountability and Performance Management

a) Leave of General Manager

To approve applications of leave by the General Manager, and authorise timesheets.

b) General Manager Contract

- i. To exercise Council's functions under the General Manager's Contract of Employment having regard to any functions of a performance review panel or policy in effect;
- ii. To obtain external legal advice in relation to the appointment, conduct and performance of the General Manager, and related issues;
- iii. To negotiate and settle terms of a contract of employment with the General Manager including the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the General Manager's Contract of Employment and relevant Council policies;
- iv. To review, approve and implement governance and accountability structures and processes for the performance of the General Manager, including to set performance standards, and a plan, and carry out performance reviews, of the General Manager, in accordance with any performance review panel or policy in effect,
- v. To accept the resignation of the General Manager;
- vi. To appoint a Director as an Acting General Manager from time to time as might be required by the absence of the General Manager for any reason, if not already appointed by the General Manager or Council under the Act, and until such time as a Council meeting to endorse this appointment;
- vii. To take other administrative action in connection with the General Manager's Contract of Employment if required and subject to any resolutions of Council.

9. Financial Expenditure

To incur expenditure for goods and services for Council to a limit of \$1,000 (GST inclusive).

10. Delegations

This instrument of Delegation should be construed as:

- a) Operating in a manner which is valid and within the powers conferred on Council under the Act;
- b) Not limiting the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time, or as may be functions of the Lord Mayor under the Act;
- c) All previous delegations and functions the subject of this instrument of Delegation are revoked.

END OF DELEGATION

Muswellbrook Shire Council

By Resolution: XXX

Date: XX/XX/2024

MUSWELLBROOK SHIRE COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On XXX, XXXXX the Muswellbrook Shire Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council (“**General Manager**”), being at the date of this instrument, Derek Finnigan, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council’s Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those **Functions**:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which are pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to:
 - 5.a The Local Government Act 1993 and regulations made thereunder;
 - 5.b The Environmental Planning and Assessment Act 1979 including:
 - i. Section 4.55(1) of the Environmental Planning and Assessment Act, 1979 (modifications involving a minor error, mis-description or miscalculation); and
 - ii. Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (modifications involving minimal environmental impact); and
 - 5.c All other legislation (including regulations, statutory rules and the like made thereunder) under which Council has powers, authorities, duties and functions, subject to section 381(1) of the Local Government Act 1993 (as amended).
6. In the absence of the General Manager, that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager, unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - 7.a the requirements of the relevant Legislation;

- 7.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
- 7.c any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
- o **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o **“LG Act”** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
<p>Except where Council by special resolution provides otherwise, the delegation to determine matters under the Environmental Planning and Assessment Act 1979:</p> <p>i. in which the capital investment value of the development specified in the development application exceeds \$3,000,000<u>\$10,000,000</u> or</p> <p>ii. which are for, or in any way related to:</p> <ul style="list-style-type: none"> a) restricted premises; b) food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises; c) electricity generating works; d) mines and extractive industries, but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries; e) waste disposal facility; f) subdivisions into more than <u>five-ten</u> lots; g) works alongside or adjoining any river or urban drainage system (excluding any waterway outside the urban areas of Muswellbrook, Denman and Sandy Hollow) that anticipate non-compliance with Section 25 of Muswellbrook DCP 2009 or Council's Rivers and Drainage Channels Policy. 	

- iii. which anticipate any non- compliance with any development standard in Part 4 of the Muswellbrook Local Environmental Plan 2009 (or any equivalent LEP applicable to the Muswellbrook Local Government Area); or
- iv. that despite the proposal complying with provisions in the Local Environmental Plan and Development Control Plan, the proposal received more than five (5) unique objections during the notification process.

~~v. where the determination has been delegated to the Development Assessment Committee.~~

Note:

For the avoidance of doubt and except where the context otherwise requires, terms used in this clause 3, Schedule 2 have the meanings ascribed to them in the Environmental Planning and Assessment Act 1979 and regulations and statutory instruments made thereunder (as amended) if they are defined.

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
N/A	N/A	N/A

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Pursuant to a Resolution of the Council at its meeting of XXXX

Minute No. XXX

Cr Jeff Drayton
Mayor / Councillor

Date: XXX,

Review date:

General Manager's acknowledgement of Delegations of Authority

I Derek Finnigan, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Muswellbrook Shire Council

Date: XX/XX/2024

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5.3.2. Filling of Vacancies on Council

Attachments:	1. Countback Elections Factsheet 2024 [5.3.2.1 - 3 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (Manager Governance and Risk)
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:	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.
	Not applicable

PURPOSE

The purpose of this report is for Council to consider options for filling casual vacancies that may occur in the offices of Councillors within the first 18 months following the Local Government Election held on 14 September 2024.

OFFICER'S RECOMMENDATION

Pursuant to section 291A (1) (b) of the Local Government Act 1993 Muswellbrook Shire Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Council, on 14 September 2024, are to be filled by countback of votes cast at that election for the office in accordance with section 291A of the Local Government Act 1993, and directs the General Manager to notify the NSW Electoral Commissioner within 7 days of the decision.

Moved: _____ **Seconded:** _____

BACKGROUND

Following the 2024 local government elections, Council has the option of using countback of votes cast at the last ordinary election to fill casual vacancies occurring in the office of councillors in the first 18 months following the election.

CONSULTATION

Office of Local Government
NSW Electoral Commission

REPORT

Using a countback to fill any potential vacancies that occur within the first 18 months of Council's term will allow councils to avoid the cost of holding a full by-election. To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.



If councils do not resolve this at the first meeting after the election, Council will be required to fill casual vacancies by holding a by-election.

Should Council resolve to fill any casual vacancies using a countback in the first 18 months, the General Manager is required, under the Local Government (General) Regulation 2021 (the Regulation), to notify the election manager of the Council's ordinary election of Council's resolution within 7 days of the resolution. The election manager for Muswellbrook Shire Council is the NSW Electoral Commissioner.

OPTIONS

Council may choose from the following options:

- a) Pass the resolution to use countback to fill casual vacancies occurring in the first 18 months following the election; or
- b) Not pass the resolution to use countback and instead rely upon a by-election to fill casual vacancies occurring in the first 18 months following the election.

CONCLUSION

It is recommended that Council passes the resolution, as set out above, in order to fill any vacancies that occur in Council within the first 18 months of Council's term, using a countback.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Supporting the recommendation to allow Council to use a countback to fill any casual vacancies that may occur within the first 18 months after the election will have a significant financial saving.

By-elections are not budgeted for and can cost in the order of \$80,000, which would have a substantial adverse impact on Council's budget.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

Countback elections

What is countback?

A quick, cost effective way to fill a casual vacancy.

Countback allows the council to fill a casual vacancy using a recount of the ballot papers from the last ordinary election instead of requiring an attendance by election.

Council must pass a resolution at its first meeting following the ordinary election to use countback to fill a casual vacancy.

Model resolution

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

Why would a Council choose to use countback?

Pros

- Time efficient:
 - Casual vacancy filled within 49 days or less, whereas a by-election can take up to 3 months
- Cost effective:
 - **Small by-election** >\$50,000
 - **Metro by-election** >\$500,000
 - **Countback election** \$6,000 - \$10,000
- Electorate not required to vote again
- No penalties for electors not voting
- No impact on sitting councillors
- Minimal effort from Council.

Cons

- No new candidates are able to be considered. Only unelected candidates from the previous ordinary election are able to apply
- Unelected candidates from the previous ordinary election cannot campaign to improve their vote.

How does a countback election work?

The count is conducted using the same ballot papers from the previous ordinary election which are stored as a data file in our computer count system.

Each ballot paper where the vacating councillor has a preference will be redistributed to the candidate with the next highest preference on that ballot paper by the count system. More examples, including ballot papers with groups, are available on our [website](#).

Example 1: Councillor Sue Jones resigns

Sample Ward
Sampletown
ELECTION OF COUNCILLOR

DIRECTIONS FOR VOTING

4 SMITH, John
1 JONES, Sue
3 CHEN, Henry
2 GREEN, Margaret

3 SMITH, John
JONES, Sue
2 CHEN, Henry
1 GREEN, Margaret

Example 2: Councillor Sue Jones resigns

Sample Ward
Sampletown
ELECTION OF COUNCILLOR

DIRECTIONS FOR VOTING

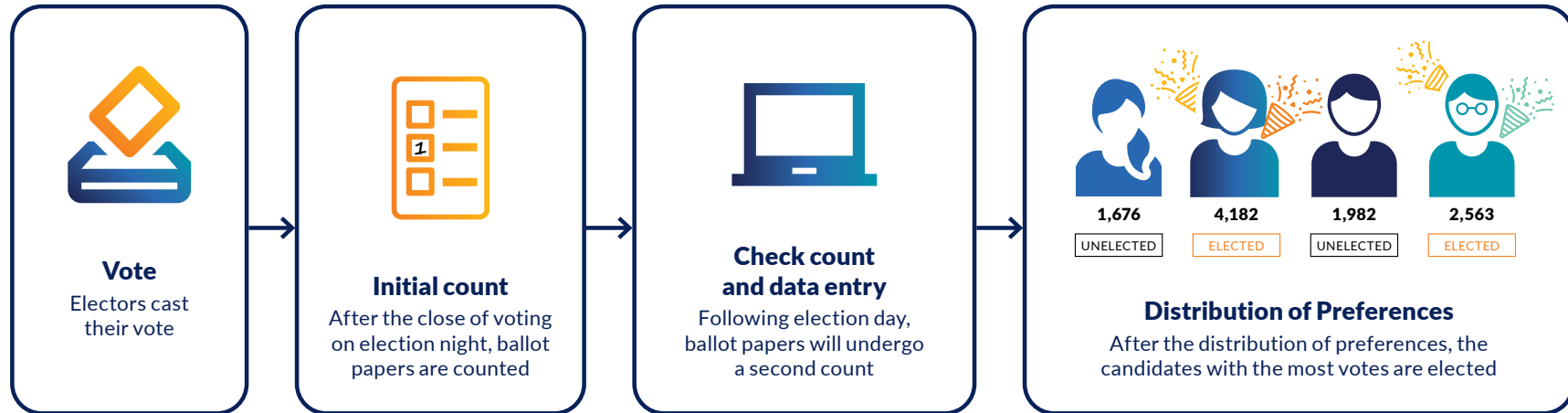
1 SMITH, John
3 JONES, Sue
2 CHEN, Henry
4 GREEN, Margaret

1 SMITH, John
JONES, Sue
2 CHEN, Henry
3 GREEN, Margaret

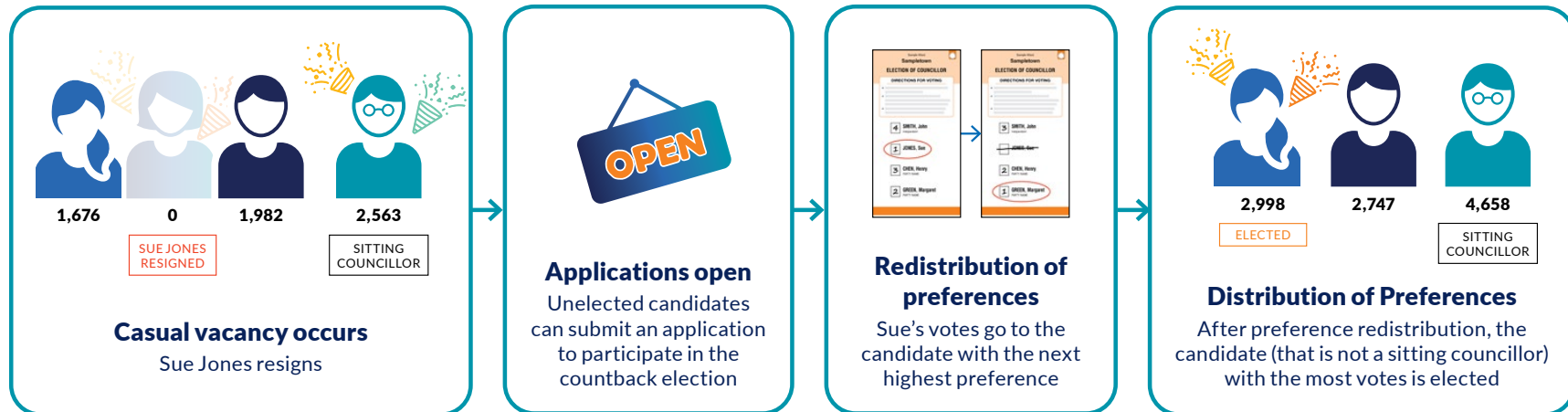
Left: Original ballot paper. Right: Countback preferences

How countback works in detail

Local Government election process



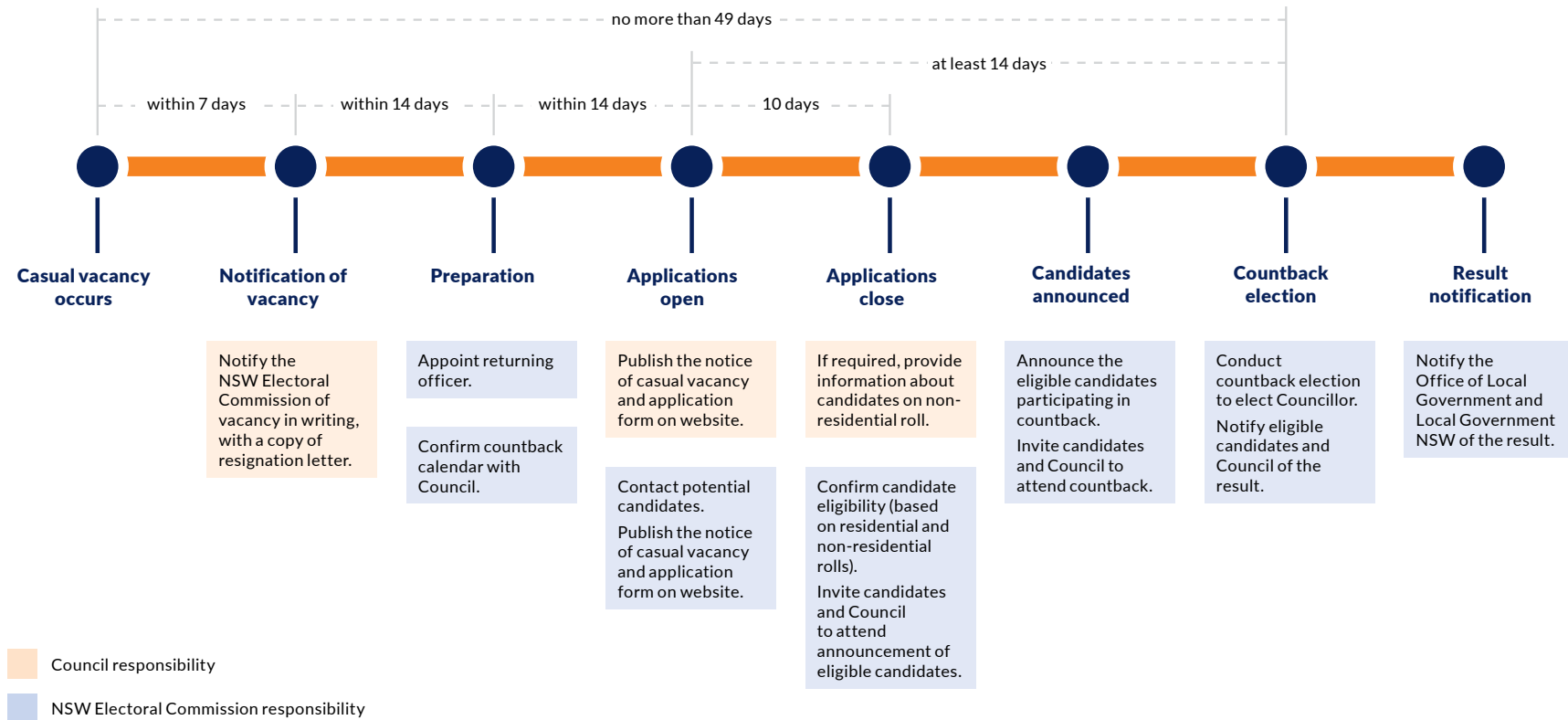
Countback election process



What is the timeline for a countback election?

Countback elections can only be used for 18 months after the Local Government ordinary elections. In the case of the 2024 local government elections, countback can only be used to fill casual vacancies until 14 March 2026.

The following summarises the steps involved in a countback election.



For more information about countback elections visit
elections.nsw.gov.au/elections/how-counting-works/countback-elections



5.3.3. Fixing Day and Hour of Regular Council Meetings

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (Manager Governance and Risk), Michelle Sandell-Hay (Governance Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
Community Plan Strategy:	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.

PURPOSE

To consider scheduling arrangements for Ordinary Council Meetings for the coming year.

OFFICER'S RECOMMENDATION

Council determines that:

1. Ordinary Meetings of Council be held in the Meeting Room, Muswellbrook Library, 126 Bridge Street, Muswellbrook, from 6:00pm to 9:00pm on the fourth Tuesday of each calendar month;
2. A pre-meeting briefing session for Councillors be held from 4:00pm to 6:00pm immediately prior to each Ordinary Meeting on the fourth Tuesday of each calendar month;
3. As the fourth Tuesday in December 2024 will fall on the Christmas Eve, the meeting be scheduled for Tuesday 17 December 2024;
4. No Meeting be held in January 2025;
5. The Ordinary Council Meeting scheduled for March, 2025 be held in Sandy Hollow.
6. The Ordinary Council Meeting scheduled for July, 2025 be held in Denman Memorial Hall.
7. The Ordinary Council Meeting scheduled for September 2025 be held in the Donald Horne Building, 140 Bridge Street, Muswellbrook.

Moved: _____ **Seconded:** _____

BACKGROUND

On an annual basis, in September of each year or at the first meeting following a general election of Councillors, Council considers the scheduling arrangements for Ordinary Council Meetings.



REPORT

Council currently conducts an ordinary meeting on the fourth Tuesday of each month commencing at 6.00pm. It is proposed to continue these arrangements for the coming year.

As these meetings deal with a full range of Council business, including consideration of reports from Committees, it is proposed that the regular pre-meeting briefing sessions to begin at 4:00pm and meetings commence from 6:00pm.

In accordance with Council's Code of Meeting Practice (adopted 24 May 2022), meetings of Council and committees of Council are to conclude no later than 9.00pm.

OPTIONS

Council may adopt the proposed schedule of meetings or a variation of the schedule.

CONCLUSION

It is proposed that Council conducts its Ordinary Meetings on the fourth Tuesday of each month, commencing at 6.00pm, with a pre-meeting briefing scheduled to commence from 4:00pm prior to each meeting.

SOCIAL IMPLICATIONS

Nil identified.

FINANCIAL IMPLICATIONS

Nil identified.

POLICY IMPLICATIONS

Meetings are conducted in accordance with Council's Code of Meeting Practice.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Council's meeting schedule, meeting location, agenda, minutes, and audio-visual recordings of meetings are published on Council's website.



5.3.4. Audit, Risk and Improvement Committee

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (Manager Governance and Risk), Michelle Sandell-Hay (Governance Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves. 6.2.1.1 - Provide transparent reporting to the community about Council's finances.

PURPOSE

To seek Councillor membership and participation on the Audit, Risk and Improvement Committee (ARIC).

OFFICER'S RECOMMENDATION

Council appoints Cr _____ as a non-voting member to Council's Audit, Risk and Improvement Committee for the Council's current Term of Office.

Moved: _____ **Seconded:** _____

BACKGROUND

Amendments have been made to the *Local Government (General) Regulation 2021* which requires each Council, County Council, and Joint Organisation to establish an Audit, Risk, and Improvement Committee, a robust risk management framework, and an effective Internal Audit function. Councils are required to comply with these changes by 1 July 2024.

CONSULTATION

Manager Governance and Risk

General Manager

Chief Financial Officer

Governance Officer

Guidelines for Risk Management and Internal Audit for Local Government in NSW 2022 (this document replaces *Internal Audit Guidelines for Local Government in NSW* issued in 2010)

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 [NSW]



REPORT

Composition of the ARIC

Schedule 1 Amendment of Local Government (General) Regulation 2021

216C Composition of Audit, Risk and Improvement Committee—the Act, Sch 6, cl 19B

- (1) The Audit, Risk and Improvement Committee for a council must comprise—
- (a) a chairperson, and
 - (b) at least 2 independent members.
- (2) One councillor, who must not be the mayor of the council, may also be appointed to the Audit, Risk and Improvement Committee for a council.
- (3) The appointment of a member to the Audit, Risk and Improvement Committee must be made by resolution of the council.
- (4) A councillor appointed to the Audit, Risk and Improvement Committee must not vote on a matter being considered by the committee.
- (5) A person may be appointed to more than 1 Audit, Risk and Improvement Committee if otherwise eligible.

The above members of the committee must all meet the independence and eligibility criteria for ARIC members.

Term of Office

Schedule 1 Amendment of Local Government (General) Regulation 2021

216G Term of office—the Act, Sch 6, cl 19B

- (1) A council may appoint a member of the council's Audit, Risk and Improvement Committee for a term of no more than 4 years.
- (2) A person who continues to be eligible for appointment may be reappointed.
- (3) A person must not be a member of an Audit, Risk and Improvement Committee for a particular council for more than 8 years in a 10-year period.
- (4) The Departmental Chief Executive may exempt a person from the requirement in subsection (3) if satisfied the council -
- (a) took reasonable steps to find another person to take the place of the person, and
 - (b) has been unable to find a suitable person

OPTIONS

Not applicable

CONCLUSION

It is recommended that Council nominates a Councillor Member (not being the Mayor) to the Audit, Risk and Improvement Committee.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.



POLICY IMPLICATIONS

The recommendations within this report are in alignment with Council's Audit, Risk and Improvement Committee Terms of Reference.

STATUTORY IMPLICATIONS

The Local Government Act and Local Government Regulation provide the statutory foundations and prescribe the desired outcomes for Council's Audit, Risk and Improvement Committees, risk management frameworks, and internal audit functions.

LEGAL IMPLICATIONS

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 under the Local Government Act 1993

OPERATIONAL PLAN IMPLICATIONS

Nil identified.

RISK MANAGEMENT IMPLICATIONS

The objective of Council's Audit, Risk and Improvement committee is to provide independent assurance to Council by monitoring, reviewing, and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations, and overall performance

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.



5.3.5. 2024 Local Government Annual Conference

Attachments: 1. Draft 2024 Annual Conference Program [5.3.5.1 - 3 pages]

Responsible Officer: Derek Finnigan - General Manager

Author: Michelle Sandell-Hay (Governance Officer), Katie Hamm (Manager Governance and Risk)

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: Not Applicable

Operational Plan Action: Not applicable

PURPOSE

To advise Councillors of the upcoming Local Government NSW Annual Conference and recommend that Council appoints a voting delegate.

OFFICER'S RECOMMENDATION

That:

1. Councillors and be authorised to attend the 2020 Annual Local Government Conference to be held 17 to 19 November 2024 as voting delegates.
2. Arrangements be made for registration, accommodation, and travel to the Conference.

Moved: _____ **Seconded:** _____

BACKGROUND

In February 2024, Council considered a report on annual conference attendance by Councillors, in accordance with the Councillor Expenses and Facilities Policy. At that meeting it was resolved that the Mayor and another Councillor be determined, after the 2024 NSW Local Government elections, to attend the 2024 LGNSW Local Government Conference, and who will be nominated as Council's two nominated voting delegates.

CONSULTATION

General Manager

REPORT

The Local Government NSW Annual Conference is scheduled to be held at the Tamworth Regional Entertainment & Conference Centre from 17 to 19 November 2024. Council's entitlement consists of two (2) delegates with voting rights for elections for Office Bearers and the Board, and the voting on motions. Other Councillors can attend as observers but without voting rights. The conference is the main policy-making event for the Local Government Sector where issues are debated, and motions put forward for consideration by delegates.



Council is entitled to two voting rights at the Conference. Arrangements have been made to register two spots for the conference, with finalisation of the details to be undertaken once the Council delegates have been decided.

A copy of the draft program is appended to the report.

OPTIONS

Not applicable.

CONCLUSION

It is recommended that two Councillors be elected as voting delegates and any other Councillors be authorised to attend the Conference as observers should they wish.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Conference fees are as follows:

Conference	\$1,485 (including GST) for each delegate
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Conference Dinner	\$230
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ALGWA Breakfast	\$88
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Accommodation	\$230 to \$1,689
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Costs to be met from the allocation from Members Expenses.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable.



Draft Program

Sunday, 17 November 2024	
Time TBC	Bus transfers from selected hotels to TRECC
REGISTRATION	
12.30pm	Registration operational - TRECC foyer
1.00pm	Trade Exhibition Open
PLENARY & BREAKOUT SESSIONS	
1.30pm-2.30pm	Breakout Session: Professional Development Session for new Councillors A Day in the Life of a councillor Location: STAR Room (off TRECC Foyer)
1.30pm-2.30pm	Plenary session: PANEL WITH Q&A SESSION SPEAKERS: Brett Whitworth, OLG / Helen Murrell, ICAC / Bola Oyetunji, Auditor General
2.30pm-3.00pm	Refreshment break Location: Trade Exhibition
3.00pm-5.00pm	Plenary sessions AR Bluett memorial Awards The Hon Kristy McBain MP, Federal Minister for Regional Development Local Government and Territories (Pre-Record) The Hon Ron Hoenig MP, NSW Minister for Local Government Jennifer Aitchison MP, NSW Minister for Regional Transport and Roads Wendy Tuckerman MP, Shadow Minister for Local Government Ministerial Speakers President's Welcome Reception address
5.00pm	Bus transfers to Tamworth Town Hall (CBD Tamworth)
WELCOME RECEPTION	
5.30pm-7.30pm	President's Welcome Reception partnered by Landcom Location: Tamworth Town Hall
7.30pm	Bus transfers to selected hotels

Monday, 18 November 2024	
Time TBC	Bus transfers from selected hotels to TRECC
REGISTRATION	
7.30am	Registration operational – TRECC foyer Light refreshments Location: Trade Exhibition
BREAKFAST	
7.30am-8.45am	ALGWA NSW Breakfast partnered by Maddocks Location: TRECC
Time TBC	Bus transfers from selected hotels to TRECC
CONFERENCE	
9.00am	Conference introduction, Conference Welcome Opening address
	<ul style="list-style-type: none"> - Opening of the Federal and State conferences, adoption of standing orders, business sessions and consideration of motions and conference business. - LGNSW Treasurer presentation of financial reports - Start of consideration of motions and conference business
	Morning refreshments Location: Trade Exhibition, by Distinguished partner, Active Super
9.25am-5.00pm	<ul style="list-style-type: none"> - Address: Elite Partner, Statewide Mutual - Consideration of Conference Business continued - Delegate lunch in Exhibition area - General Managers' Lunch, partnered with StateCover - Consideration of Conference Business continued
	Afternoon refreshments Location: Trade Exhibition
	Consideration of Conference Business continued
	Networking with refreshments Location: Trade Exhibition
5.00pm - Time TBC	Bus transfers to selected hotels and return to TRECC
CONFERENCE DINNER	
6.30pm-10.30pm	LGNSW Conference Dinner – elite partner Statewide Mutual. Presentation of LGNSW Service Awards. Location: TRECC
Schedule Times TBC	Bus transfers to selected hotels

Tuesday, 19 November 2024

Time TBC

Bus transfers from selected hotels to TRECC

INFORMATION DESK and REGISTRATION

7.30am

LGNSW Information Desk and Exhibition
Light refreshments in exhibition area available

PLENARY SESSIONS

9.00am-9.05am

Plenary and panel sessions

9.05am-9.50am

Keynote Address followed by Q&A

SESSION TITLE: Local government finance: challenges and opportunities

SESSION SPEAKER: Andy Johnston - LGUI

9.50am-10.35am

Keynote Address followed by Q&A

SESSION TITLE: Countering cyber threats - Protecting Your Council and Community

SESSION SPEAKERS: Arjun Ramacandran and Jonathan Topham - elevenM

10.35am-11.05am

Refreshment Break
Location: Trade Exhibition

11.05am-11.50am

Keynote Address followed by Q&A

SESSION TITLE: TBC

SESSION SPEAKER: Infrastructure Australia

11.50am-12.50pm

CLOSING KEYNOTE ADDRESS

12.50pm-1.00pm

Final remarks and announcement of location for Annual Conference 2025

1.00pm-1.45pm

Lunch
Location: Trade Exhibition

2.00pm

Conference concludes

2.00pm

Bus transfers to selected hotels



5.4. Community and Economy

5.4.1. Denman Wine, Food and Film Affair - Suspension of Alcohol-Free Zones

Attachments:

1. Denman Wine Food & Film Affair - Alcohol Management Plan V 1 (1) [5.4.1.1 - 7 pages]
2. Denman Wine Food Security Management Plan and Risk Assessment 2024 ver 1.1 (1) [5.4.1.2 - 38 pages]
3. DFWFFA - FINAL SITE MAP [5.4.1.3 - 1 page]
 1. Alcohol Management Plan
 2. Security Management Plan
 3. Event Site Map

Responsible Officer: Shaelee Welchman - Director - Community & Economy

Author: Stephen Wright – Tourism & Events Coordinator

Community Strategic Plan: 1 - Economic Prosperity

A culturally rich and diverse Community with strong identities, history and sense of belonging

Delivery Program Goal: 4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors

Operational Plan Action: 1.2.1.3 - Progress opportunities to grow the visitor economy.

PURPOSE

To obtain Council approval for the temporary suspension of alcohol-free zones in Ogilvie Street and Paxton Street, Denman, during the Denman Wine, Food & Film Affair. This suspension will allow event attendees to consume alcohol responsibly within the designated event area between 11 am and 4 pm on Saturday, 2 November 2024.

OFFICER'S RECOMMENDATION

Council approves the temporary suspension of alcohol-free zones in Ogilvie Street and Paxton Street, Denman, for the conduct of the Denman Wine, Food & Film Affair, from 11:00 a.m. to 4:00 p.m. on Saturday, 2 November 2024.

Moved: _____ **Seconded:** _____

BACKGROUND

The Denman Wine, Food & Film Affair is a community event that showcases local wineries, regional breweries, distilleries, food producers and filmmakers. The event is scheduled for Saturday, 2 November 2024, from 11 am to 4 pm, and will take place in the vicinity of Ogilvie and Paxton Streets, Denman. In line with previous events, Council's Tourism & Events Coordinator is requesting the suspension of alcohol-free zones to permit attendees to enjoy alcohol responsibly within the designated event area.

CONSULTATION

Consultation has been carried out with the Event Licensee, Council's WHS advisors, local businesses, residents, event vendors, and the region's Alcohol Licensing Sergeant, to



ensure the suspension of alcohol-free zones is managed safely and responsibly. Feedback has been positive, with strong support for the economic and cultural benefits the event is anticipated to bring to the area.

REPORT

The Denman Wine, Food & Film Affair offers an opportunity to support the local economy, promote local and regional businesses, and boost tourism to the region. Temporarily suspending the alcohol-free zones in Ogilvie and Paxton Streets will allow for the legal consumption of wine within the event's controlled environment.

The suspension will be in effect from 11 am to 4 pm on Saturday, 2 November. Comprehensive measures for alcohol, security, and waste management will be implemented to ensure a safe and enjoyable experience for all attendees.

OPTIONS

1. Approve the suspension of alcohol-free zones in Ogilvie and Paxton Streets for the specified time; or
2. Deny the request for suspension, keeping the alcohol-free zones in place.

CONCLUSION

It is recommended that Council approve the temporary suspension of alcohol-free zones in Ogilvie and Paxton Streets for the Denman Wine, Food & Film Affair. The event provides a significant opportunity to enhance the local economy, promote regional tourism, and celebrate the Denman community in a controlled and responsible manner.

SOCIAL IMPLICATIONS

The event fosters tourism and community engagement, and provides a platform to celebrate local culture and industries. By suspending the alcohol-free zones, attendees can responsibly enjoy alcohol in the designated event area, enhancing the event's appeal and participation.

FINANCIAL IMPLICATIONS

The Denman Wine Food & Film Affair is funded through the NSW Government's Opens Streets program Grant.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil

2. Financial Implications – Operational

Operational costs, including Alcohol licencing, security, waste management and event logistics, are funded by the NSW Government's Open Streets Program Grant.

POLICY IMPLICATIONS

This temporary suspension aligns with previous decisions made for community events, and complies with Council event management policies.

STATUTORY IMPLICATIONS

The suspension will be enacted under relevant state and local legislation, ensuring compliance with alcohol licencing regulations during the event.



LEGAL IMPLICATIONS

The event will be managed in accordance with liquor & gaming licensing laws and the appropriate Event Alcohol Licence will be obtained to ensure legal compliance.

OPERATIONAL PLAN IMPLICATIONS

The suspension supports Council's operational plan objective to boost local tourism and community activities.

RISK MANAGEMENT IMPLICATIONS

Alcohol and Security Management plans are in place, which include measures for crowd control, security, and the safe consumption of alcohol.¹² Responsible Service of Alcohol Marshalls have been engaged to support responsible consumption of alcohol during the event.

WASTE MANAGEMENT IMPLICATIONS

Additional event bins and recycling stations will be provided to handle the expected increase in waste. A dedicated clean-up team will ensure the area is restored to its original condition after the event.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation has been positive, with strong support from local businesses and residents. A social media campaign is planned to inform the public about the temporary suspension of alcohol-free zones and to encourage responsible alcohol consumption during the event.



Denman Wine Food and Film Affair – 2024

Denman, NSW

Saturday 2nd November

ALCOHOL MANAGEMENT PLAN

Version 1.0 20 September 2024

(Prepared by Jessica Parrish)



This Alcohol Management Plan (AMP) was compiled by Hamilton's Hospitality Group Pty Ltd and remains the intellectual property of Hamilton's Hospitality Group Pty Ltd.

The recipient also agrees not to duplicate or distribute any material contained in this document without the written consent of Hamilton's Hospitality Group Pty Ltd.

DOCUMENT REGISTER

VERSION	DATE	DISTRIBUTION	AMENDMENTS
1.0	20 September 2024	NSW Police NSW Liquor & Gaming Muswellbrook Shire Council	Original document for key stakeholders and lodgement of liquor license.

This alcohol management plan is aimed at reducing the risk of alcohol related harm through the involvement of key stakeholders for this event. Our aim is to reduce the impact or risk to the community from excessive alcohol consumption by implementing the responsible service of alcohol best practices and harm minimisation strategies.

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1.0 EVENT DETAILS

1.1 Event Background

On Saturday November 2 from 11am to 4pm Ogilvie St and surrounds will come alive with food, wine and community vendors who will offer a wide range of food and local produce along with wine and brewery selections, including the region's own Two Rivers Wines, Hollydene Estate, Small Forest Wine and Horseshoe Vineyard. The traditional woodchopping competition returns along with four headline artists for live entertainment throughout the day.

General Information

Name of Event:	Denman Wine Food and Film Affair
Event Date:	Saturday, 2 nd November 2024
Event Open:	11:00
Bars Open:	11:00
Bars Close:	15:30
Take-away sales cease:	16:00
Event Close:	16:00
Event Cleared:	16:30
Capacity:	7,000
Ages:	All Ages

1.2 Venue

Name of Venue:	Ogilvie St and surrounds, Denman
Address of Venue:	Ogilvie St, Denman NSW 2328
Venue Owner:	Muswellbrook Shire Council

1.3 Key Contacts

Company	Role	Name	Contact Number
Hamilton's Hospitality Group	Licensee	Jessica Parrish	0404 115 126
Muswellbrook Shire Council	Event Manager	Stephen Wright	0490 200 679
Muswellbrook Shire Council	Site Manager	Stephen Wright	0490 200 679
Vital Security Group	Security Manager	Daniel Sobb	0422 440 405
Denman Chamber of Commerce	Venue Manager	Amanda Collins	0419 281 545
Beneficial Safety	First Aid	Andrew McKinnon	0412 891 706
Hunter Valley PD	Local Police Licencing	Sgnt Jon Cassidy	02 4991 0114

2.0 ENTRY PROCEDURES

- Denman Food Wine & Film Affair is an all-ages event. Minors must be accompanied by an adult parent or guardian.
- BYO alcohol will not be permitted into event.
- Intoxicated people will not be permitted entry to the event.
- Conditions of Entry will be placed at each entry.

3.0 LIQUOR LICENSE

Type of License	Limited licence – Trade Fair
Liquor License Number	TBA
Approved Manager	Jessica Parrish
Security Company	Vital Security Group
Security Manager	Daniel Sobb

3.1 Bars and Service Areas

Name of Area	Licensed Area
Description / Boundary	Boundary defined by temporary fencing and pre-existing fencing as defined in site map.
Trading Hours	11:00 – 16:00
Capacity	7,000
Access by Minors	The licensed area is accessed by all ages. Minors must be accompanied by an adult parent or guardian near alcohol stalls.
Security	Please refer to the Security Management Plan (SMP)
RSA Marshals	RSA marshals/security are used throughout the event
Type of Service	Bar Service in Public Areas

Name of Area	Stall Holders
Description / Boundary	Multiple alcohol vendors will be positioned throughout the licensed premises. There will be a total of 12 alcohol vendors.
Trading Hours	11:00 – 15:30 (consumption on premises)
Capacity	Not Applicable
Access by Minors	Minors must be accompanied by an adult parent or guardian.
Security	Refer to the Security Management Plan
Type of Service	Bar Service

3.2 Drink Service and Managing Patron Behaviour

Free Water	✓ Free Water will be available at all vendor bars.
Non-Alcoholic Beverages	✓ Yes – these will be available at food vendors around the event footprint.
Drink Limits	<ul style="list-style-type: none"> ✓ 4 Drinks per person for consumption on premises ✓ Limits may reduce during event if required.
Alcohol Limits	<ul style="list-style-type: none"> ✓ Beer, cider and mixed drink beverages will be limited to 6% ✓ Wine will be served in a 150ml pour limited to 1.70 standard drinks ✓ Spirits and liqueur will be limited to 45% ABV
Glass	✓ Some alcohol available for take-away purchase will be sold in glass bottles.
Take-away sales	<ul style="list-style-type: none"> ✓ Take-away sales will be offered at room temperature to discourage immediate consumption, and these purchases can only be collected when the patron is exiting the event. ✓ Each vendor will manage this from their stall.
Food	✓ Food will be available for the duration of the event.

3.3 RSA Management

Procedures are in place to help staff deal with patrons who may be intoxicated	<ul style="list-style-type: none"> ✓ Each alcohol stall will have a dedicated RSA Marshall to monitor behaviour and intoxication. ✓ Security used throughout event. ✓ Roving teams of security/RSA throughout the event.
Intoxicated person trying to gain access to event.	✓ Security to refuse access to the event.

3.4 Underage Drinking

Proof of ID Checks are in place	✓ Yes – Patrons will be checked for ID at bars
Minors Area Authorisation and bar area signs are displayed in relevant areas.	✓ Yes – All mandatory Liquor signage will be displayed in relevant areas.
Secondary Supply Signage	✓ Yes – All mandatory Liquor Signage will be displayed in relevant areas.

4.0 BAR OPERATOR AND LICENSEE

Hamilton's Hospitality Group Pty Ltd will be the licensee for the Denman Food Film & Wine Affair and Jessica Parrish will be the Approved Manager.

Hamilton's Hospitality started in 1999 and has become a one stop bar management company licensing events since 2004.

The licensee will be onsite for the duration of the event other than in an emergency or as operationally required.

The licensee will be in constant communication with all relevant event staff, to ensure the festival is operated in accordance with the Alcohol Management Plan.

All staff serving alcohol hold NSW RSA Qualifications. This will be checked prior to event open.

5.0 FIRST AID

Beneficial Safety will provide medical support for the duration of the event.

6.0 TOILETS

Toilets and amenities will be supplied as per the following:

32 x Portaloo's

2 x Disabled Toilets

7.0 COMMUNICATION

To ensure clear and easy communication throughout the event, two-way radios are issued to all key personnel.

8.0 SITE PLAN

See attached.



2024 DENMAN WINE FOOD & FILM STREET FESTIVAL SECURITY MANAGEMENT PLAN

VSG PTY LTD ML 000107822

ABSTRACT

Security management plan and Risk Assessment was conducted for Muswellbrook Council and is focused on event Day Operations at Denman Wine, Food and Film Street Festival

Abdul Nemra

Certified Security Risk Consultant Lic. No.
409166516 1AC 2AB





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Security Management Plan

Denman Wine, Food & Film Affair

1. Introduction

Event Overview:

- 1.1.1 Event: The Denman Wine, Food & Film Affair
- 1.1.2 Date: Scheduled for Saturday, November 2nd, 2024.
- 1.1.3 Location: The event will take place in and around Ogilvie and Paxton Streets,
- 1.1.4 Event Type: featuring numerous vendors, entertainment, and a film festival.

Objectives:

- 1.2.1 Ensure the safety of all attendees, staff, and vendors;
- 1.2.2 Manage risks associated with large gatherings;
- 1.2.3 Comply with relevant laws and guidelines.

2. Event Details:

- 2.1.1 Location: Ogilvie & Paxton Streets, Denman Memorial Park & Denman Memorial Hall
- 2.1.2 Event Time: 11:00 AM 4:00 PM
- 2.1.3 Expected Attendance: Up to 7,000 patrons

3. Risk Assessment

Identified Risks:

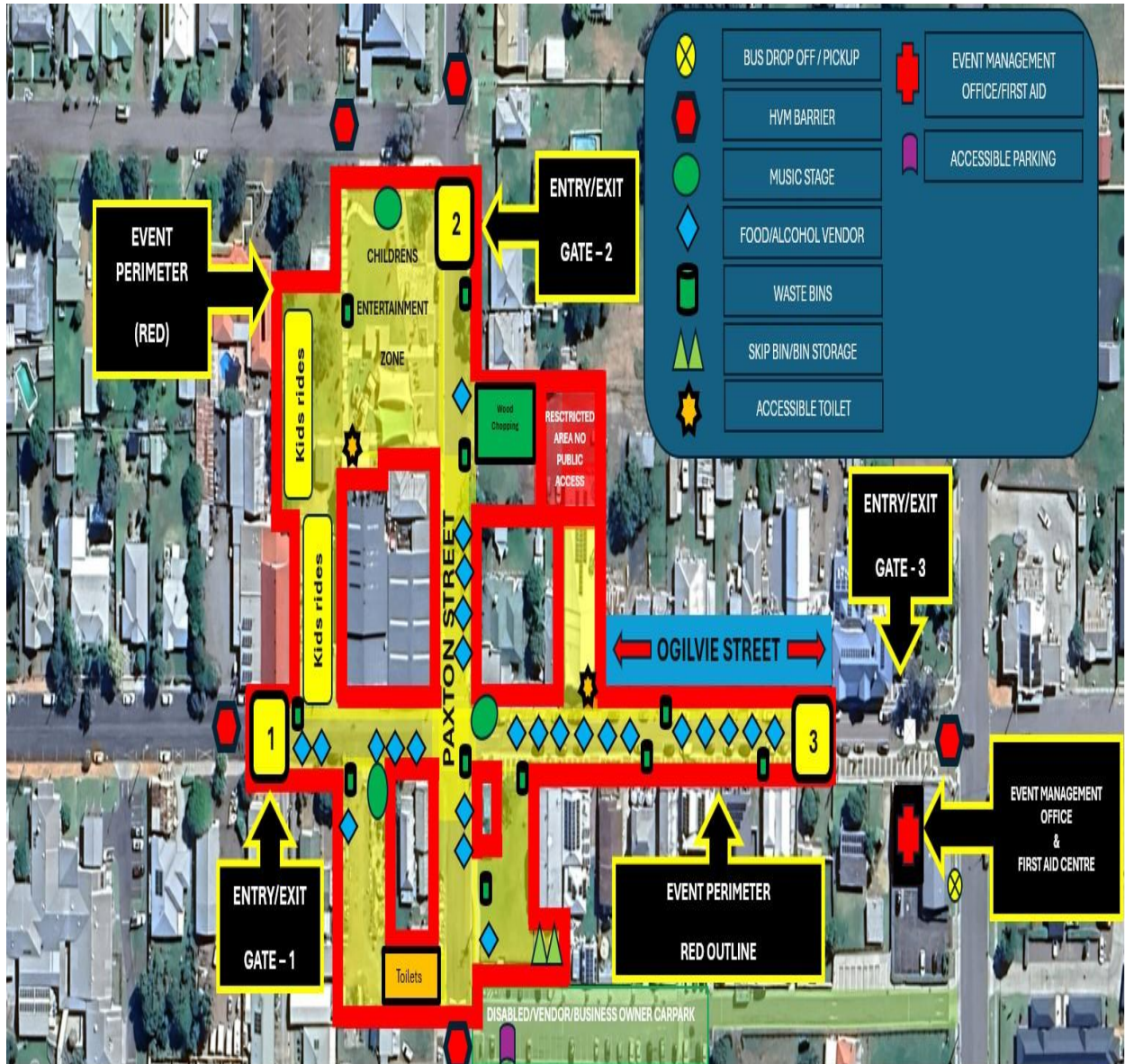
- 3.1.1 Crowd management issues
- 3.1.2 Alcohol related incidents
- 3.1.3 Medical emergencies
- 3.1.4 Security threats (e.g., unauthorized access, prohibited items)

Mitigation Strategies:

- 3.2.1 Security personnel stationed at key locations
- 3.2.2 Clearly marked entry and exit points with security checks
- 3.2.3 Emergency management protocols in place

4. Security Personnel Deployment

- 4.1.1 Security Provider: Vital Security Group Pty Ltd
- 4.1.2 Security Personnel: Positioned at
 - 4.1.2.1 entry points
 - 4.1.2.2 Alcohol vendors
 - 4.1.2.3 Main stage, and
 - 4.1.2.4 Event Management Office.



5. First Aid Staff:

5.1.1 Personnel from Beneficial Safety onsite from 10 AM to 5 PM.



6. Access Control

- 6.1.1 Entry Process: Nonticketed entry with mandatory bag checks at all entry gates.
- 6.1.2 Emergency Exits: Clearly defined and staffed emergency exits
- 6.1.3 Prohibited Items: List of prohibited items provided to attendees prior to the event

7. Emergency Management

- 7.1.1 Emergency Procedures: Established emergency management protocols based on the Emergency Management Plan.
- 7.1.2 Event Management Office: Central location for coordination during emergencies, staffed by key representatives from Muswellbrook Shire Council, NSW Police Force, and security teams.

8. Patron Welfare

- 8.1.1 Harm Minimization:
- 8.1.2 RSA Marshals at all bars.
- 8.1.3 Free water stations throughout the event.
- 8.1.4 Nonalcoholic options available.
- 8.1.5 First Aid: Access to medical assistance throughout the event duration.

9. Communication Plan

- 9.1.1 Mitigation Strategies:
- 9.1.2 Staff Briefing: Briefing for all personnel on security protocols and emergency procedures.
- 9.1.3 Public Announcements: Use of PA systems for emergencies and important announcements during the event.

10. Post Event Review

- 10.1.1 Debriefing: Conduct a debriefing session with security and management teams after the event to discuss incidents and improvements for future events.
- 10.1.2 Incident Reporting: Documentation of any incidents or issues during the event for analysis and improvement.



OPERATIONAL SECURITY THREAT REVIEW

S.M.E.A.C



SITUATION

Overview and Reason for the Task

The 2024 Denman wine, food and film affair is being held on Saturday the 2nd of November 2024 at Denman.

Key times specified in table below

Gates Open	11am
Event start	1100am
Event finish	4pm
Bars trading times	11am – 330pm

It can be anticipated that the nature of this event based on historical events of similar nature, and because of learnings based on last the last 5 events, which were also held at Denman, as well as timings listed above there may be a requirement to increase the security needs of the event pending on estimate of crowd numbers prior to the event. Initial advice is that the event is expecting a possibility of a capacity crowd.

Due to the length of the day RSA and the possibility of Intoxication will place the event at a greater risk of Licensing breaches and crowd control issues, as well as reputational (Brand) issues. To combat this RSA Marshalls will be deployed to all bars. Bag Search will be completed at the entry gates to ensure drinks are not smuggled in as well as RSA assessment to manage Pre fueled intoxication.

MISSION

Security Undertaking

To provide a high-level proactive service and an immediate response to address matters that may arise during the Event.

Provide a Crowd Control service to the Denman Wine, Food and Film affair, ensuring that the events brand and reputation is maintained as well as ensure that all Licensing Matters are dealt with in accordance with the relevant acts.



EXECUTION

Plan of Action

To achieve the mission, the following SOP's will be reviewed and staff trained through toolbox talks and formal training processes:

Ingress	Ticketing Sales, Queue Management, bag searches
Responsible Service of Alcohol	Review Alcohol Management Plan
Briefings	Staff Briefing Notes, Egress and Entry Points
Accreditation	Restricted areas
Event Area	Risk Review

ADMINISTRATION

Essential equipment and resourcing

VSG has the resources on site to respond to incidents as they arise, where specific intelligence is known then VSG have the capacity to deploy additional personnel on top of existing resources. On this specific event day to respond to situations.

At a minimum, the following resources exist:

- Radio Communication
- Temporary fencing
- High visibility clothing and PPE
- Police Command Centre
- CCTV
- Bag Search Tables
- First Aid resources

Police operating onsite should additional resources be required a direct radio line can be made from the Police commander in charge or Police operation from the Control Box a response time of 2- 5 minutes and where an incident should occur Police numbers will be sufficient and will increase if the situation warrants it.

COMMAND AND COMMUNICATION

Who takes control

The following process is to be followed with respect to command and communications in an event involving the event.



Media Enquiries	All Media Enquires to be directed to event management, VSG have a no comment policy and will redirect Media to contact Event Management
Security Communications	<ul style="list-style-type: none"> • Security Supervisor • Event Manager • Control room • Security Staff
Event Management	Event Management Security Supervisor Control room
Police	If Police attend the incident and take control of the situation all matters will revert to their authority, security are then to play a role as advised.
Emergency Management	In the event of the situation being an emergency then the chief warden will take control of the scene until otherwise determined

Communications will be via the following means:

Radios	Transmission of direction to staff and where immediate information is required including updates.
Phones	for nonurgent communication that would otherwise tie up radio communication, as well as distribution of sensitive information
WIP	For announcements to Area Warden (if available)
Text message	For general updates
Verbal	Team briefings
Emails	Formal communication

Any other form of communication as applicable under the circumstances



Security Risk Assessment Denman Wine, Food & Film Festival Event 2024



Security Risk Assessment 2024

Executive Summary

The Risk Assessment was conducted on Denman Wine, Food & Film Festival Event and is focused on event day operations. This report considers the following areas:

1. Public Safety
2. Current Threat
3. Event Open
4. Event Close
5. Lost Child/Vulnerable People
6. Crowd Crush
7. Physical – Deterrents
8. Weather
9. Vehicle Movements
10. Restricted Areas
11. Crowd Behaviour
12. Security Personnel
13. RSA (Responsible Service of Alcohol)
14. Screening of Patrons
15. Reputation
16. Escalation Process

This report does not address the following areas:

1. Facilities such as gas mains and electricity
2. The administration office
3. Training facilities



Introduction

VSG is contracted to provide Security Manpower and RSA marshals and related Services across a broad spectrum of clients, ranging from registered club, hotels, shopping centers, Commercial, Government organisations all right across NSW. Located along the eastern seaboard of NSW, VSG's regional office is situated at Cameron Park, with regional offices located on the Central Coast and Sydney.

VSG provides staff to conduct services as required by our clients. The role of our security personnel as described in our methodology is to protect people and property in our respective clients, whilst maintaining a strong dedicated customer service focus.

VSG provides security and other personnel with a high level of competency and with a variety of skills. Our personnel have extensive backgrounds in Customer Service, Operations, law enforcement and/or the security industry.

Methodology

In completing this Risk Assessment, a primarily qualitative approach using the principals of the following:

1. Australian Standards for Risk management ISO 31000:2018
2. Risk Management Hand Book 167:2006.

Other resources utilised include the following:

1. Protecting Crowded Places
2. VSG Procedures
3. Emergency Management Plan
4. Interviewing of Staff
5. Review of previous Risk Management Plans
6. Review of Previous Incidents
7. Local Crime Statistics as relevant BOSCAR

The Assessment Process

Our assessment involved a combination of consultation with MWRC Event management & staff, VSG Management, VSG staff, gathering and review of crime statistics and trends as well as a review of historical data including incident and hazard identification reports from previous events at Denman Wine, Food & Film Festival Event.

During an VSG Meeting and via email we discussed and identified with Muswellbrook Council Risks which the event may be subjected to whilst performing security and related duties during events at Denman Wine, Food & Film Festival Event. The following people were involved in these discussions

1. Daniel Sobb – Vital Security Group
2. Stephen Wright – Muswellbrook Council
3. Jenna Hall – Muswellbrook Council



This Collaboration of information is to assist with the identification of risks, analysis of the likelihood and consequence associated with those risks and what methods they adopt, in the course of their duties

Our primary objective as described in our job description is to identify and assess the risks that our staff and the site may be exposed to.

Resulting from this review we have identified several hazards associated with conducting security and other related duties at events held at the event. Further to this the consultation process extended to the identifying specific control measures to reduce both the likelihood and consequence of these risks.

Location and Event overview

Denman Wine, Food & Film Festival Event is located approximately in the main street of Denman Ogilvie Street.

The event has a maximum capacity of 7000 patrons. The Event is a set up along the main street on Denman. The report has considered the following premises;

Historical	NO
Iconic	NO
Religious	NO
Cultural/Political	No cultural significance can be attributed to the event.

Denman Wine, Food & Film Festival is designed to attract spectators up to 7,000.

The attendance of crowds is purely that of attending a Food and Wine Festival such the event is set out in advance.

Attached as annex A is an assessment on crowded places. As such the rating of the premises is 38 – 42 as such consideration should be given to joining a crowded places forum



Australian National Terrorism Threat Level

Australia's National Terrorism **Threat Level** remains **PROBABLE**.



Credible intelligence, assessed by our security agencies, indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia.

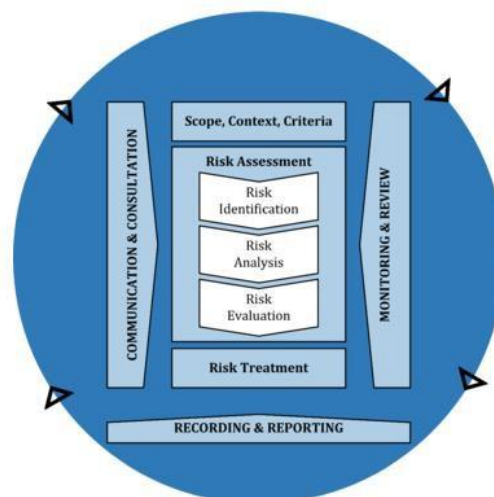


Current Risk Levels as relevant to Australia as of September 2024.

Source: National Security.gov.au

Risk Assessment Process Overview

For the purpose of standardising the process of risk analysis, the Australian and New Zealand Risk Management Standard ISO 31000:2018 has been adopted as the preferred Risk Management methodology. This constitutes the accepted national standard of measurement.





For the purpose of this risk assessment, we have reviewed each issue individually in assessing risk priority and rating.

Risks assessed in terms of the following:

Likelihood (probability): How likely is exposure to such risks?

Consequence (outcome): What could happen if exposed to such risks?

A risk rating is then determined by locating the number at the intersection of the selected likelihood and consequence by using the risk assessment matrix below. Priority E25 is high, meaning do something immediately through to L1 priority low, meaning to plan to something when possible.

Risk analysis involves a consideration of the sources of risk, their consequences, and the likelihood that those consequences may arise. Risk is analysed by combining the estimates of consequences and likelihood in the context of existing control measures.

Table 1 – Adequacy of Existing Control

ADEQUACY OF EXISTING CONTROLS RATING TABLE	
DESCRIPTOR	GENERALISED DESCRIPTION/INDICATORS
GOOD	Exceeds or equals all known 'best practices', anticipated due diligence requirements, stakeholder, and community expectations.
ABOVE AVERAGE	Generally, meets all expectations (as detailed above), however there is still room for incremental improvement opportunities.
SATISFACTORY	Meets most expectations, however improvement opportunities are available and due diligence is questionable.
POOR	Meets some expectations, but significant improvement opportunities exist and demonstrated due diligence is not achieved.
UNSATISFACTORY	Inadequate with respect to 'good practice', due diligence requirements, stakeholder, and community expectations.

Table 2 – Likelihood

LIKELIHOOD ASSESSMENT		
LEVEL	DESCRIPTOR	GENERALISED DESCRIPTION/INDICATORS
L5	ALMOST CERTAIN	There is credible information suggestion that the incident/event/action will occur.
L4	LIKELY	The incident/event/action has been assessed as likely to occur
L3	POSSIBLE	The incident/event/action may occur
L2	UNLIKELY	The incident/event/action has been assessed as unlikely to occur
L1	RARE	The incident/event/action could occur in exceptional circumstances



Table 3 Consequence

CONSEQUENCE TABLE		
LEVEL	DESCRIPTOR	GENERALISED DESCRIPTION/INDICATORS
C1	INSIGNIFICANT	No injuries to people; No assets lost; Minor damage only to assets; No disruption to programs and goals.
C2	MINOR	Minor injuries to people medical treatment not required; Incident contained onsite; Recovery operation not required; Minor loss or damage to assets; Minor disruption to programs or goals.
C3	MODERATE	Some injuries to people medical treatment required; Incident contained onsite with external assistance; Recovery operation required; Moderate loss or damage to assets; Moderate disruption to programs or goals.
C4	MAJOR	Extensive personal injuries resulting in hospitalisation OR single death; Incident extends offsite and required coordinated multi agency response; Extensive recovery operation required; Major loss or damage to assets; Major disruption to vital programs and functions.
C5	CATASTROPHIC	Multiple deaths; Incident extends offsite and requires a significant coordinated multiagency response; Containment may not be possible; Significant detrimental effects requiring an extensive recovery operation; Critical infrastructure/asset loss; Significant disruption, including possible termination, to vital programs and functions.



Table 4 Risk Criteria Table

RISK CRITERIA TABLE	
DESCRIPTOR	GENERALISED DESCRIPTION/INDICATORS
EXTREME	Immediate action required Executive attention required Further research recommended on analysis or vulnerability
HIGH	Action Required Senior Management attention required Further research may be required on analysis or vulnerability
MEDIUM	Some action required Management responsibility must be specified
LOW	Action may not be required Managed by routine procedures

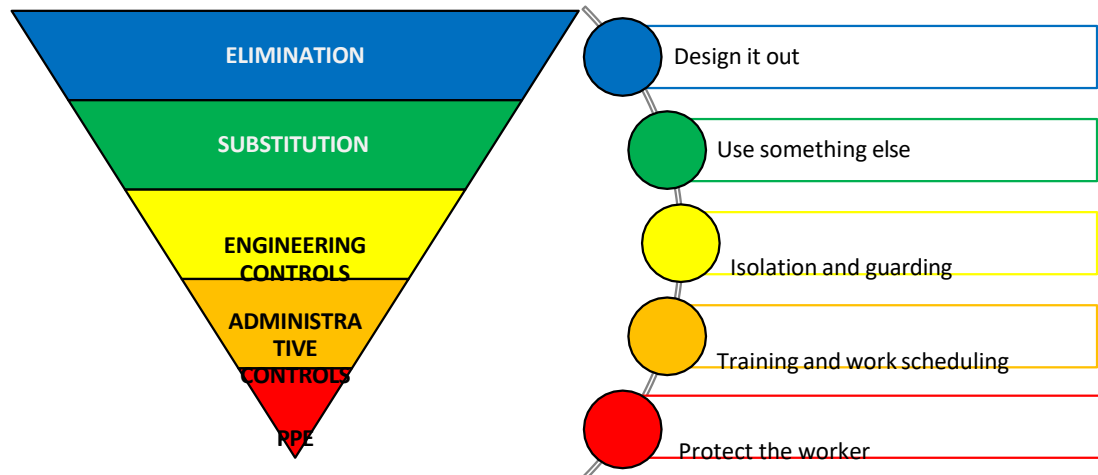
Table 5 Risk Analysis Matrix

RISK ANALYSIS MATRIX					
	CONSEQUENCE				
	INSIGNIFICANT C1	MINOR C2	MODERATE C3	MAJOR C4	CATASTROPHIC C5
	(ALMOST CERTAIN) L5	L 5	M 10	H 15	E 20
	(LIKELY) L4	L 4	M 8	H 12	E 16
	(POSSIBLE) L3	L 3	M 6	H 9	E 12
	(UNLIKELY) L2	L 2	L 4	M 6	H 8
	(RARE) L1	L 1	L 2	L 3	H 4



Hierarchy of Risk Control

Consider the Hierarchy of Risk Control when selecting control actions to ensure the most effective control possible is used rather than the lower-level control



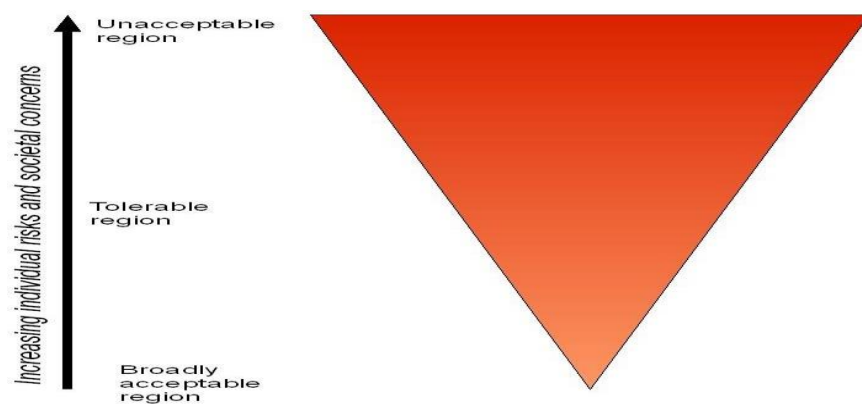


Risk Tolerance

A.L.A.R.P

As low as reasonably practicable is a principle used to reduce the identified risk to a level that is acceptable risk, Medium is an acceptable level of risk for the purpose of this report.

Risk Tolerance = F (Affordability)



Pretreatment summary:

1. The RISK to Physical security is Medium
2. The RISK to property is Medium
3. The RISK to reputation is High
4. The RISK to People is High

Posttreatment summary:

1. The RISK to Physical Security is Low
2. The RISK to Property is Low
3. The RISK to Reputation is Low
4. The RISK to People is Low

These recommendations should be implemented within a minimum of 7 days

In the instance where Denman Wine, Food & Film Festival Event choose not to implement any of these recommendations, it may result in both adverse financial and reputation consequence to the event organisers.



A summary or risk are listed in the risk register and rated as Insignificant, Minor, Moderate, Magor and Catastrophic

The Categories identified in the risk assessment are:

1. Public Safety
2. Current Threat
3. Event Open
4. Event Close
5. Lost Children/Vulnerable People
6. Field of Play/Pitch Invasion
7. Crowd Crush
8. Referee escorts
9. Physical – Deterrents
10. Weather
11. Vehicle Movements
12. Restricted Areas
13. Crowd Behaviour
14. Security Personnel
15. RSA
16. Screening of patrons
17. Reputation
18. Escalation process
19. Command & Control

Risk Register

Public Safety

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK RATING	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
PS1	Slips, Trips and Falls within the event	Likely – L4	Moderate – C3	H12	ABOVE AVERAGE	Guards in place Walkways free from obstructions Briefings to staff Investigations and findings from previous	Possible L3	Minor – C2	M6
PS2	Slips, Trips and Falls other incidents outer	Likely – L4	Moderate – C3	H12	ABOVE AVERAGE	Cleaning around premises on regular basis Guards in place Briefings to staff Clear reporting lines	Possible L3	Minor – C2	M6
PS3	First Aid required	Likely – L4	Moderate – C3	H12	ABOVE AVERAGE	Knowledge of Defibrillators locations Knowledge of use Security staff first aid trained Provision of screens for patients Access to first aid room & first aid staff	Possible L3	Minor – C2	M6



Current Threat

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
CT1	Active armed offender(s)	Possible L3	Catastrophic – C5	EXTREME 15	ABOVE AVERAGE	High Visibility Security Staff NSW Police Force (User pay) 100% Bag Search at Entry Gates CCTV Cameras Perimeter Fencing around event SWMS	Unlikely – L2	Major C4	H10
CT2	Hostile Vehicle	Possible L3	Catastrophic – C5	E15	SATISFACTORY	Barriers (Rated) in place to act as a deterrent outer All vehicles logged and screened prior to entry Vehicles wheel clamped on site until venue cleared Restricted and preapproved vehicle movement inside grounds during event	Possible L3	Minor C2	M6



CT3	IED (improvised Explosive Device)	Unlikely – L2	Catastrophic – C5	H10	ABOVE AVERAGE	White Level Inspections Staff Training and SWMS 100% Bag Search at Gates High Visibility Security and NSW Police CCTV review of event prior to event	Rare L1	Major – C4	H4
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Event Open

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
SO1	Guards Briefed	Likely– L4	Major– C4	H12	ABOVE AVERAGE	All guards/ RSA Marshals briefed on roles Supervisors in place for each area Guards/ RSA roster provided to client	Possible – L3	Minor – C2	M6
SO2	White level inspection	Possible – L3	Major– C4	H12	ABOVE AVERAGE	Each area of the event is searched and confirmed clear 20 minutes prior to gates opening All guards trained in low level searches	Possible L3	Minor – C2	M6
SO3	Bag Searches	Possible – L3	Major– C4	H12	ABOVE AVERAGE	All bags searched at point to entry Physical inspections to occur with consent Lanes set aside for persons with bags	Possible L3	Minor – C2	M6
SO3	Perimeter Search	Possible – L3	Major– C4	H12	ABOVE AVERAGE	External check conducted and radioed through upon completion	Possible L3	Minor – C2	M6



Event Close

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
SC1	Unauthorised person found onsite	Likely – L4	Moderate – C3	H12	ABOVE AVERAGE	Security to conduct inspections of all event areas on completion of Event Doors/ Gates to be secured in event areas at completion of service times by relevant staff Egress points to remain manned till all patrons have vacated site Minimum of two staff conducting lock up	Possible L3	Minor C2	M6
SC2	Visibility (Lighting)	Possible – L3	Moderate C3	H9	ABOVE AVERAGE	Security Staff to Wear appropriate PPE Flash Lights to be utilised during lock up Reporting of all trip slip and fall hazards	Unlikely L2	Minor C2	L4
SC3	Unsecure areas	Possible – L3	Moderate – C3	H9	ABOVE AVERAGE	Report all areas that cannot be secured Security to have cable ties and spare padlocks available (If required)	Unlikely L2	Minor C2	L4
SC4	Defects and Maintenance	Possible – L3	Moderate – C3	H9	ABOVE AVERAGE	Report all defects to Event Operations Manager Equipment for seclusion of the area Preventative Maintenance schedule	Unlikely L2	Minor C2	L4



Lost Children/Vulnerable People

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
LCVP1	Children separated from parents	Possible – L3	Major C4	H15	ADEQUATE	Guards Trained Announcements made Designated meeting points Visual broadcasts Lost Children Policy	Unlikely L2	Moderate – C3	M6
LCVP2	Vulnerable People lack of access	Possible – L3	Moderate – C3	H9	Above Average	Guards trained Alternate entries Guardians identified Contact details obtained	Unlikely L2	Moderate – C3	M6



Crowd Crush

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
CC1	Injury to patrons	Likely – L4	Moderate– C3	H15	Adequate	Crowd management plans Tracking Crowd numbers Spacing of crowd Adequate exits Pinch points identified Exits manned and controlled	Unlikely – L2	Moderate – C3	M6
CC2	Crowd Panic	Likely – L4	Moderate– C3	H15	Adequate	Trained guards and staff Evacuations plans understood Clear announcements	Unlikely – L2	Moderate – C3	M6
CC3	Crowd Review Pre & Post event	Possible – L3	Moderate – C3	H9	Above Average	Understanding crowd attendance Crowd numbers VS space Adequate guards and staff on hand Debrief after all events Issues identified and raised to improve response	Unlikely – L2	Minor C2	L4



Physical – Deterrents

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
PD1	Fencing	Possible – L3	Moderate – C3	H9	Adequate	Fencing & gates inspected Entrances manned Structured opening times	Unlikely – L2	Moderate – C3	M6
PD2	Guards	Possible – L3	Moderate – C3	H9	Adequate	Guards briefed Guards alert and attentive to Job Clear job roles Training and debrief Adequate supervision Tickets checked access controlled to relevant areas Hi Visibility and Correct PPE Equipment	Possible – L3	Minor – C2	M6



Weather

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
W1	Sudden weather change (Storms)	Unlikely – L2	Moderate – C3	M6	Adequate	Directing persons to avoid crowd issues Guards aware of risks associated with weather changes (storms)	Unlikely – L2	Moderate – C3	M6
W2	Heat	Possible – L3	Moderate – C3	H9	Adequate	Staff provided with breaks Sunscreen provided Rotation of staff to avoid heat Water provided/available First Aid onsite during event	Possible – L3	Minor – C2	M6



Vehicle Movements

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
VM1	Vehicle colliding with people	Likely– L4	Major– C4	H16	ABOVE AVERAGE	Vehicle cutoff prior to gates open All vehicles movements escorted by security Hazard lights to be switched on during authorised vehicle movements Slow speeds to be maintained	Possible – L3	Minor – C2	M6
VM2	Vehicle inside ground unauthorised movement	Possible – L3	Major– C4	H12	ABOVE AVERAGE	All vehicles logged and screened prior to entry Vehicles wheel clamped on site until venue cleared Keys held by Venue management security until event closed	Possible L3	Minor – C2	M6



Restricted Areas

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
RA1	Breach of Corporate areas	Likely – L4	Minor C2	M8	Adequate	Guards positioned Identification/Accreditation/Tickets checked Briefings conducted	Unlikely – L2	Minor – C2	L4
RA2	Breach of Back of house	Likely – L4	Minor C2	M8	Above Average	Guards positioned Identification/Accreditation/Tickets checked Briefings conducted	Unlikely – L2	Minor – C2	L4



Crowd Behaviour

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
CV1	Crowd violence	Possible – L3	Major– C4	H16	ABOVE AVERAGE	Guards trained in de-escalation processes Clear communications Adequate guard response	Possible – L3	Minor – C2	M6
CV2	Vehicle inside ground used as a weapon	Possible – L3	Major– C4	H12	ABOVE AVERAGE	All vehicles logged and screened prior to entry Vehicles wheel clamped on site until venue cleared	Possible L3	Minor – C2	M6



Security Personnel

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
SP1	Non-Licensed Guard	Rare L1	Minor C2	L2	Above Average	All licenses checked	Rare – L1	Insignificant – C1	L1
SP2	Inadequately Trained Guards	Unlikely – L2	Moderate – C3	M6	Above Average	Supervisors set at a ratio per guard Specific duties Adequately briefed guards Site inducted Use of regular staff at event	Unlikely – L2	Minor – C2	L4



RSA (Responsible Service of Alcohol)

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
RSA1	Intoxication	Likely – L4	Moderate – C3	H12	ABOVE AVERAGE	RSA Marshalls placed at all point of sales Drink Limits (Person/Transaction) Mid Strength Options Water and Food available during Event Consumption of alcohol from bars will cease 30 minutes prior to closure of the event. RSA Certified Staff	Possible – L3	Minor – C2	M6
RSA2	Secondary Supply	Possible – L3	Minor – C2	M6	ABOVE AVERAGE	Random ID Checks of Patrons consuming Alcohol throughout the event	Possible – L3	Minor – C2	M6
RSA3	Supply to Minors	Possible – L3	Minor C2	M6	ABOVE AVERAGE	ID Checks to be conducted at Point of Sales Random ID checks throughout the event if required RSA Certified staff	Unlikely – L2	Minor – C2	L4



RSA4	Licensing Breaches	Possible – L3	Moderate – C3	H9	ABOVE AVERAGE	Placement of correct signage around all bars RSA Certified Staff Staff Training around Liquor Act	Possible – L3	Minor – C2	M6
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Reputation

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
R1	Violence – Company & Site	Possible – L3	Moderate – C3	H9	Above Average	Guard response to incidents Guards trained in non- violent removals and responses Clear Policies and training in response	Possible – L3	Minor – C2	M6
R2	Media Exposure	Possible – L3	Moderate – C3	H9	Above Average	Appointed Media representative Guards not to comment on media events Staff training	Possible – L3	Minor – C2	M6



Command & Control

Risk	RISK / HAZARD	LIKELIHOOD	CONSEQUENCE	RISK	ADEQUACY	RISK TREATMENTS	LHD	CONS	RES RISK
CC1	Poor Communication	Possible – L3	Moderate – C3	H9	Above average	Clear lines of communication Supervisor ratio per guards Work areas clearly defined	Unlikely – L2	Minor – C2	L4
CC2	Escalation process	Possible – L3	Moderate – C3	H9	Above average	Clear lines of communication Supervisor ratio per guards Work areas clearly defined Escalation process followed Escalation process identified	Unlikely – L2	Minor – C2	L4

Monitor and Review the Risk Controls

Monitor and review the risk controls

It is important to monitor risk controls and review risk assessments regularly. Review is required when there is a change in the process, relevant legal changes, and where a cause for concern has arisen. Reviews will be scheduled as required. If the risk assessment has substantially changed a new risk assessment is warranted.

Review date: 2nd – SEPT 2024

Reviewed by: Abdul Nemra

Review date: 9th–SEPT 2024

Reviewed by: Abdul Nemra

Review date: 19TH SEPT 2024

Reviewed by: Abdul Nemra

& Daniel Sobb

It is a requirement that legal and advisory documentation that supports this risk assessment be listed. Such documentation includes Acts, Regulations, Australian Standards and Codes of Practice, where applicable.

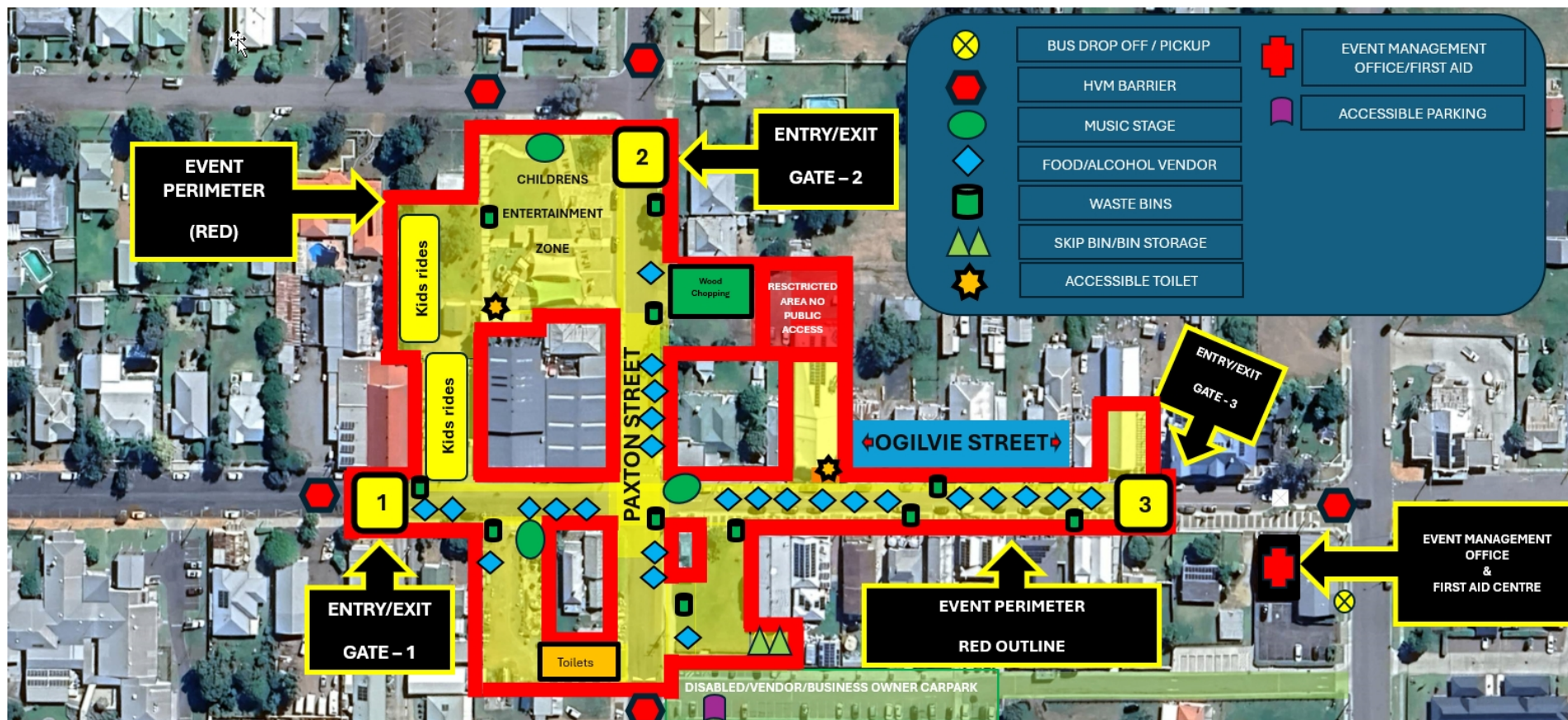
Completed by:

Abdul Nemra

Signature:

Daniel Sobb

Signature:





6. Notices of Motion

6.1. FOGO

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

The Mayor of Muswellbrook Shire Council, Councillor Jeff Drayton, has indicated an intention to move the following motion at the 22 October 2024 Extra Ordinary Council Meeting, as follows:

MOTION

It is requested that the General Manager reviews the logistics of providing an upsized 240L red lid bin to any residential premises that requests one, and that the upsized red bin is provided to the residential premises with no charge applying for the supply of the bin.

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

The matter will be reviewed and reported back to Council at the 26 November 2024 Ordinary Council Meeting.



7. 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.

8. 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:

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.

Moved: _____ **Seconded:** _____

- 8.1. **2024-2025-0614 - Upgrade of Road and Drainage, Palace Street, Denman**

9. Resumption of Open Council

10. Closure

Date of Next Meeting: 26 November, 2024