



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 17 DECEMBER 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
11 December, 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Meeting Room / Teams, Muswellbrook Library, 126 Bridge Street, Muswellbrook on **Tuesday 17 December 2024** commencing at **6:00pm**.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

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

Public Forums

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

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

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

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



Declarations of Interest

Statement of Ethical Obligations

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

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

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

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

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

- Significant
- Less than significant

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

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

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



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

5. Confirmation of Minutes

Ordinary Council Meeting held in 26 November, 2024

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on 26 November, 2024, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

7. Mayoral Minute

Nil

8. Public Participation

9. Business Arising (From Previous Meetings)

Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. Draft Local Orders Policy for PUBLIC EXHIBITION

Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Regulatory Services Co-Ordinator
Community Strategic Plan:	6 - Community Leadership An inclusive and interconnected community where everyone enjoys full participation
Delivery Program Goal:	6.2.4 - Regulatory activities are undertaken to maintain public safety and companion animal wellbeing. 6.2.5 - Implement a comprehensive and targeted business improvement program.
Operational Plan Action:	6.2.5.3 - Develop and review policies in accordance with statutory and operational requirements.
Attachments:	1. DRAFT Local Orders Policy - Tracked Changes [10.1.1.1 - 86 pages]

PURPOSE

To request Council's endorsement to place the attached *DRAFT Local Orders Policy* on public exhibition as a notice of intention to adopt.

OFFICER'S RECOMMENDATION

1. Council provides the public with a notice of intention to adopt the *DRAFT Local Orders Policy*, by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

Council's *Local Orders Policy* is automatically revoked 12 months after each ordinary Council election. A review of the *Local Orders Policy* has been conducted, and amendments are shown as tracked changes in attachment 1. The draft Policy has been endorsed by Manex for public exhibition.

Public Exhibition of policies is usually for 28 days; however, a longer period of 42 days is proposed due to the public exhibition period occurring during the Christmas holiday period.

PREVIOUS RESOLUTIONS



The *Local Orders Policy* was last adopted by Council on 20 December 2022.

BACKGROUND

In accordance with s159 of the *Local Government Act 1993* (the Act), the purpose of the *Local Orders Policy* is to supplement provisions of the Act and the *Local Government (General) Regulation 2021* by specifying the criteria which Council staff will consider in determining whether or not to give an Order under Section 124 of the Act.

The objectives are:

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

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

The *Local Orders Policy MSC04E* (the Policy) specifies the criteria that Council staff will take into consideration in determining whether to issue an Order. It provides a guideline for residents by documenting the criteria that Council will use in investigating complaints.

CONSULTATION

Director Environmental and Planning Services

Regulatory Coordinator

Senior Ranger

Business Improvement Officers

MANEX – 2 December 2024

REPORT

Under section 165 of the Act, the *Local Orders Policy* is automatically revoked 12 months after the Council election, unless reviewed and adopted by the new Council.

Council Officers have completed a review of the Policy and amendments are visible as tracked changes in attachment 1. In some instances, the changes are reformatting, however, some additional information has been added for the keeping of various animals in urban areas.

On 2 December 2024, Manex endorsed the draft Policy to be submitted to Council for Public Exhibition.

Under section 160 of the Act, Council must exhibit the draft Policy for at least 28 days and accept submissions for at least 42 days. It is recommended that the exhibition period be extended to 42 days as it will occur over the Christmas holiday period.

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



FINANCIAL CONSIDERATIONS

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

It is an offence not to comply with an order. The *Local Government Act 1993* specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance.

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

RISK MANAGEMENT IMPLICATIONS

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

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

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 42 days via Council's website will provide the Community with an opportunity to make submissions.



**muswellbrook
shire council**

DRAFT Local Orders Policy

MSC04E

Authorisation Details

<u>Authorised by:</u>		<u>Internal/External:</u>	<u>External</u>
<u>Date:</u>		<u>Minute No:</u>	
<u>Review timeframe:</u>	Within 12 months of an ordinary Council election	<u>Review due date:</u>	
<u>Department:</u>	<u>Environmental and Planning Services</u>		
<u>Document Owner:</u>	<u>Director Environment and Planning</u>		
<u>Community Strategic Plan Goal</u>	<u>6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</u>		
<u>Community Strategic Plan Strategy</u>	<u>6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders</u>		
<u>Delivery Program activity</u>	<u>6.2.4 Regulatory activities undertaken to maintain public safety and companion animal wellbeing</u>		

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

📧 P O Box 122 Muswellbrook 2333 🌐 muswellbrook.nsw.gov.au 📺 📷 📱 muswellbrook shire council ABN 86 864 180 944

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Policy Objective

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

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

Risks being addressed

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

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

Scope

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

Definitions

Term	Definition
Abatement	means the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings.
Act	means the <i>Local Government Act 1993</i> and regulations made thereunder.
Adequate	means equal to the requirement or occasion; fully sufficient, suitable or fit.
Article	means anything capable of ownership except a living creature.
Clean and Sanitary	means the provision of a healthy environment by the exclusion of dust, dirt, vermin, bacteria and waste.

Convenience	means a state of affairs in which members of the community can enjoy a public place without aggravation, fear, annoyance or disruption from a source within private property.
Danger to the Public	means a liability or exposure to harm, injury, risk or peril to the public.
Dilapidated	reduced to or fallen into ruin or decay.
<u>Exotic animal</u>	Any animal that is not native to the country.
Expedient	is to promote a proposed or desired object, a means to an end.
Local Government Act	means the <i>Local Government Act 1993</i> (as amended) and includes subordinate legislation made thereunder.
Land	includes allotments, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein.
Land in the Immediate Vicinity of a Public Place	means any land either having an allotment boundary to a public place or giving legal access to the public across any other land to a public place.
Likely	means probably or apparently going or destined to be.
<u>Livestock</u>	Livestock are animals that are kept for production or lifestyle.
Matter	means the substance or substances of which physical objects, whether solids, liquids or gases are composed.
Necessary	means something that cannot be dispensed with.
Order	means any order issued under s124 of the Act.
Physical Environmental Damage	means the degrading of existing physical surroundings including the land or water.
<u>Pocket pet</u>	Small mammals such Guinea Pigs, Rabbits, Ferrets, Mice and Rats.
<u>Rodent</u>	Rodents are mammals of the order Rodentia which are characterised by a single pair of continuously growing incisors in each of the upper and lower jaws. Common rodents found in Australia are Rats and Mice.
Safety	means freedom from injury or danger.
Sewage Management Facility	means: <ul style="list-style-type: none"> a. a human waste storage facility, or b. a waste treatment device intended to process sewage, and c. c. a drain connected to such a facility or device.
Sewerage System	in relation to any premises means the pipes, fittings and fixtures on the premises, connected to the infrastructure, which are used or intended to be

	used for the conveyance of sewage from the premises, but does not include a septic tank, an effluent system or a sullage system.
Significant	means important; of consequence.
Static Guard Dog	<p>A dog stationed in a fixed location used to protect:</p> <ul style="list-style-type: none"> • premises • a person or persons guarding premises of goods.
Surface Water	means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, discharges or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface rising from excavation within the land that is suffering damage or likely to suffer damage.
Threat	means a reasonable menace or likelihood of harm.
Ungulate	a hooved typically herbivorous quadruped mammal.
Waterhole or Dangerous Hole	means any hole, pit, quarry, excavation, dam or waterhole which in the opinion of the Council is or may become dangerous to life but does not include a swimming pool within the means of the <i>Swimming Pool Act 1992</i> .
Waste	<p>means:</p> <p>(a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or</p> <p>(b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or</p> <p>(c) garbage, being all refuse other than trade waste and effluent,</p> <p>and includes any other substance defined as waste for the purposes of the <i>Protection of the Environment Operations Act 1997</i>, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.</p>
Waste Receptacle	means a container approved by Council, used for the retention and storage of waste arising from premises.
Work	means any activity, process, task or action and includes a reference to the rebuilding of, the making of alterations to or the enlargement or extension of a work or enclosing a public place in connection with the carrying out of a work.

Policy Statement

Criteria for Consideration

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

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

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

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

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

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

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

In considering the terms of the order appropriate to any specific situation, Council may resolve to liaise with adjacent properties for the purpose of assessing the impacts associated with the making of such terms.

Giving Notice and Representations

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

- Before giving an order, Council must give notice to the person(s) to whom the Order is proposed to be given of its intention to give the Order, the terms of the proposed Order and the period proposed to be specified as the period within which the Order is to be complied with (*section 132(1) of the Act*).
- Council's notice must indicate that the person to whom the Order is proposed to be given may make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order (*section 132(2) of the Act*).

- The notice may indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case (*section 132(3) of the Act*).
- A person, to whom an Order is proposed to be given, when making representations may be represented by an Australian legal practitioner or agent. (*section 133 of the Act*).
- The Council or a specified committee, or specified Councillor or employee of the Council is required to hear and to consider any representations made pursuant to s133 (*section 134 of the Act*).

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

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

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

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

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

Content of Orders

The order must:

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

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

The order may:

- Specify the standard that the premises are required to meet and indicate the nature of the work that, if carried out, would satisfy that standard instead of specifying the things that the person to whom the order is given must do or refrain from doing. (*section 139 Local Government Act*)

- Clause 99 of the Local Government (General) Regulation 2021 also requires that the following information must be included:
 - a) Any relevant provision of the Local Government Act, regulation or local orders policy made under the Local Government Act that is not being or has not been complied with;
 - b) That it is an offence not to comply with an Order and the maximum penalty for the offence; and
 - c) That, if the Order is not complied with, the Council may give effect to the Order and recover the costs of doing so from the person concerned.

Revocation and Modification of Orders

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

After an Order is Given

There are several possible scenarios:

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

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

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

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

Penalties for Non-Compliance

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

DRAFT

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

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

Other Orders

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

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

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

SECTION 124 ORDERS

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

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

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Order 5 – Compliance with standards and requirements

To do What?

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

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

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

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

In What Circumstances?

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

To Whom?

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

Criteria:

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

Non-compliance with:

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

Water supply and sewerage system pipes, fittings and fixtures

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

(a) to remove, replace, alter, extend or repair a pipe, fitting or fixture located on premises connected to the council's water supply system or sewerage system,

(b) to stop using such a pipe, fitting or fixture pending its removal, replacement, alteration, extension or repair.

Rectification of defective water supply or sewerage work

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

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

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

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

Order 7 – Fencing Land

To do What?

To fence land.

In What Circumstances?

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

To Whom?

Owner or occupier of land.

Criteria:

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

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

Order 8 – The identification of premises

To Do What?

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

In What Circumstances?

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

To Whom?

Owner or occupier of land.

Criteria:

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

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

Order 9 – Dangerous hole or waterhole

To do What?

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

In What Circumstances?

Hole or waterhole is or may become dangerous to life.

To Whom?

Owner or occupier of land.

Criteria:

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

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

Criteria Does Not Include:

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

Order 10 – Unsightly articles or matter

To Do What?

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

In What Circumstances?

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

To Whom?

Owner or occupier of land.

Criteria:

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

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

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

Order 11 - Prevent and repair environmental damage

To Do What?

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

In What Circumstances?

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

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

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

To Whom?

Owner or occupier of land.

Criteria:

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

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

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

Order 12 - Control of surface water across land

To Do What?

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

In What Circumstances?

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

To Whom?

Owner or occupier of land.

Definition:

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

Criteria:

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

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

Criteria Does Not Include:

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

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

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Order 15 - Threatening or hazardous activities

To Do What?

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

In What Circumstances?

The activity constitutes or is likely to constitute:

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

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

To Whom?

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

Criteria:

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

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

Criteria Does Not Include:

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

Order 16 - Ceasing to use or evacuating premises

To Do What?

To cease the use of premises or to evacuate premises.

In What Circumstances?

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

To Whom?

The person to whom Order No. 15 is given.

Criteria:

No additional criteria.

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Order 17 - To leave or not enter premises

To Do What?

To leave premises or not to enter premises.

In What Circumstances?

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

To Whom?

Any person.

Criteria:

No additional criteria.

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Order 18 – The Keeping of Birds and Animals

To Do What?

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

In What Circumstances?

Birds or animals kept on premises are:

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

To Whom?

Occupier of premises

Criteria

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

Also refer to:

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

- Order 18 (15) - The keeping of Sheep, Goats, Alpacas, Llamas, and Camels
- Order 18 (16) - The keeping of non-indigenous animals - primates (monkeys)
- Order 18 (17) - The keeping of squirrels
- Order 18 (18) - The keeping of bees
- Order 18 (19) - The keeping of pigs (swine)
- Order 18 (20) - The keeping of fish, aquariums and ponds
- Order 18 (21) - The keeping of reptiles
- Order 18 (22) – The keeping of native wildlife

Order 18 (1) - The Keeping of Birds

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that the keeping of birds does not adversely impact on the surrounding community or the environment;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.

Criteria:

The number of birds permitted to be kept on an urban property subject to the zoning of this document in the Muswellbrook Shire area are as follows:

Small birds including (but not limited to) canaries, budgerigars, cockatiels, finches and small breed parrots: As appropriate to species, size, cage/aviary or bird room.

Keepers of more than 50 birds should be members of official aviculture societies.

Large birds including (but not limited to) cockatoos, corellas, macaws, indian ringnecks, African greys: four

Registered bird breeders may keep more breeding/show birds on Council's advice.

Pigeons: See Clause 18 (3)

Environmental Management

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council, and designed to be vermin proof, well ventilated, have an impervious surface, mesh underlay and not cause or be likely to cause injury to birds.
2. All walk in aviaries ~~and facilities~~ must be well maintained by the owner so as designed in a manner to avoid escape and/or injury to prevent birds from escaping when opening the outer most door i.e. a vestibule.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. Large bird owners must make provisions for indoor housing or night quarters.
- 4.5. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
<http://www.birdkeepers.com.au/aba-inc-introduction/constitution>
- 5.6. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1997* may apply.
- 6.7. Extensive aviculture activities are required to submit aviary plans for development approval by Council.
7. ~~Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.~~
8. ~~Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.~~
- 9.8. Enclosed buildings for the primary purpose of holding caged birds require Council consent.
- 10.9. An animal trade must not be conducted without prior consent.
10. Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
11. Vermin proof food storage facilities must be provided.
12. An adequate rodent and pest control program must be in place.
13. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.
14. Waste material, including litter and bedding must be disposed of in an approved manner such as a rubbish receptacle or composting.
15. The health of all birds is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

16. Sufficient food appropriate for the dietary requirements for the particular breed of bird housed and clean drink must be provided at all times

17. Muswellbrook Shire Council encourages bird owners to regularly treat their birds for parasites eg lice and worms as there may be some contact with wild birds if housed outside.

18. Owners of birds are encouraged to microchip their birds and permanently identify them in an Australia wide database.

Aviary Structures

Aviary structures must satisfy the development standards and general requirements outlined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (as amended), and Subdivision 4 Aviaries, or have development consent from Council.

***NOTE:** The NSW Animal Welfare Code of Practice No 4 – Keeping and Trading of Birds approved by the NSW Department of Primary Industries must be complied with at all times.

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-care-and-welfare/other/companion-animal-files/nsw-code-of-practice-no-4-keeping-and-trading-of-birds>

Order 18 (2) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment;
- To ensure that poultry owners comply with relevant government legislation codes of practice and guidelines developed by welfare groups and leading interest groups.
- To encourage owners of poultry to appropriately manage the numbers and genders to minimise the impact of over-breeding.

Criteria:

The number of fowl permitted to be kept on and urban property subject to the zoning of this document in the Muswellbrook Shire area are as follows:

<u>Species</u>	<u>Number <8000m²</u>	<u>Number >8000m²</u>
<u>Peafowls</u>	<u>0</u>	<u>0</u>
<u>Roosters or male pheasant</u> <u>Roosters should only be kept</u> <u>where adequate provision is</u>	<u>0</u>	<u>0</u>

<u>made for reduction of noise. Roosters should not be kept where crowing will cause offensive noise.</u>		
<u>Ducks</u>	<u>0</u>	<u>2</u>
<u>Geese</u>	<u>0</u>	<u>2</u>
<u>Swans</u>	<u>0</u>	<u>0</u>
<u>Turkeys</u>	<u>0</u>	<u>1</u>
<u>Guinea Fowls</u>	<u>0</u>	<u>0</u>
<u>Chickens</u>	<u>10</u>	<u>10</u>
<u>Pheasants</u>	<u>5</u>	<u>5</u>
<u>Quails</u>	<u>10</u>	<u>10</u>
<u>Pigeons</u>	<u>See Clause 18 (3)</u>	<u>N/A</u>

* A mixture of the above animals is limited to the maximum amount. Example: 2 ducks and 8 chickens equating to 10 poultry birds can be housed on a property of two acres or greater.

1) All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.

2) All poultry must be kept in accordance with the **Local Government (General) Regulation 2021 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:

Poultry not to be a nuisance or health risk

A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

C. Fowls (that is, birds of the species *Gallus Gallus* "chicken/chook") or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.

D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause C above.

E. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:

- i. that are more than 15 metres from any dwelling, public hall or school; or
- ii. that are situated on clean sand.

F. Poultry yards must be enclosed as to prevent the escape of poultry.

G. Poultry houses must not exceed 3 metres in height or 15 m² in floor area.

- 3) Persons keeping birds for show or breeding purposes must be members of poultry and or game bird clubs.
- 4) All food must be stored in sealed vermin proof containers and must not be left uncovered.
- 5) Poultry yards must be kept free from rats and mice.
- 6) All offensive noise, odours, vermin and other pests must be controlled.
- 7) Waste material, including litter and bedding, must be disposed of in an approved manner such as a rubbish receptacle or may include composting.
- 8) Outside runs must be free draining, not discharge to neighbouring properties and not be allowed to become muddy.
- 9) Waterfowl must be provided with clean bathing water. This water is required to be cleaned routinely to prevent a stagnant muddy area.
- 10) The health of all poultry species is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.
- 11) Sufficient food appropriate for the dietary requirements of a fowl and clean drink must be provided at all times.
- 12) Poultry are not to be fed as live food/prey.
- 13) Poultry which are breed and subsequently used as food are to be humanely euthanised in accordance with the Prevention of Cruelty Towards Animals Act 1979.
- 14) Poultry are not to be kept on the same property as greyhounds.
- 15) Poultry must not be bred for greyhound training purposes.

NOTE: Muswellbrook Shire Council

- encourages fowl owners to regularly treat their birds for parasites eg lice and worms as there may be some living space cross over between wild birds and poultry.
- advises all provisions of the *Local Land Services Act 2013* must be complied with.

Order 18 (3) – The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.
- To ensure that all pigeons owners comply with all relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.
- To encourage owners of pigeons to appropriately manage the numbers and genders to minimise the impact of over-breeding.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the Muswellbrook Shire Local Government Area is permitted with the following control conditions applying:

- 1) All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 C12.7.:
 - a) A maximum 10 m2 surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and
 - b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
- 2) The keeping of pigeons within unit or townhouse developments is not permitted.
- 3) Pigeons must be kept in such conditions as to not create a nuisance, to be dangerous or injurious to health.
- 4) Waste material, including litter and bedding must be disposed of in an approved manner such as a rubbish receptacle or composting.
- 5) All odours must be controlled.
- 6) Free lofting is prohibited.
- 7) Pigeons must not be permitted to roost on neighbour's premises.
- 8) Keeping of pigeons must comply with relevant legislation regarding noise, air and water pollution.
- 9) The health of all pigeons is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

- 10) Sufficient food appropriate for the dietary requirements of a pigeon and clean drink must be provided at all times.
- 11) Owners of pigeons are encouraged to leg band their pigeons and register them with the pigeon fanciers association.
- 12) Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
- 13) Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
- 14) Enclosed housing must use deep litter or other appropriate substrate.
- 15) Rodents, other vermin and offensive odours must be rigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
- 16) Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
- 17) Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
- 18) Waste must be disposed of in an approved manner.

19) Liberation of Pigeons (General)

Note: *This section relates to the practice commonly referred to as homing*

- a) The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.
- b) Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
- c) Free non-flight time must be conducted under close supervision by the owner.
- d) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
- e) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
- f) Every reasonable attempt must be made to retrieve birds that do not return.
- g) Birds must not be permitted to roost on neighbours' premises.
- h) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Order 18 (4) – The Keeping of Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of cats does not adversely impact on the community or the environment; ~~and~~
- To ensure that all provisions of relevant legislation are complied with;
- To encourage owners of cats to desex their cats allowing for cheaper lifetime registration fees and minimise the impact of over-breeding;
- To encourage owners of cats to desex their cats minimising the impact of a feral cat population on the environment; and
- To encourage cat owners to implement a cat curfew to decrease the impact of wildlife depletion, spread of disease and nuisance cat behaviour at night-time.

Criteria:

The number of cats permitted to be kept on property subject to the zoning of this document in the Muswellbrook Shire area are as follows: three.

1. Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so. Council Officers will determine the suitability of the premises for the purpose and number of cats to be held and will consider:
2. If there are adequate holding facilities in place, especially for male cats.
3. Cats are not permitted to create a nuisance in any form, including straying, interfering with the properties of others.
4. That odours and waste are being managed to the satisfaction of Council.
5. Waste material, including litter and bedding must be disposed of in an approved manner such as a rubbish receptacle or composting.
6. For the purposes of the Companion Animals Act 1998, Part 2A Annual permits for certain companion animals Muswellbrook Shire Council requires the owner of a cat that is 4 months of age or older which is not desexed to organise an annual permit with Council until the time the cat is desexed. Muswellbrook Shire Council requires a fee for the annual permit.
7. For outdoor purposes – all noise eg fighting, calling must be controlled.
8. All odours must be controlled.
- 5.9. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
- 6.10. Wildlife must be protected from cats.
11. Owners who have not desexed their cats and have more than two litters a year are subject to the Code of Practice for Breeders

12. Intensive cat breeding establishments are subject to Council Development Approvals, the Code of Practice for Breeders and are required to be current members of the Cat Fanciers Association or the Waratah State Cat Alliance.

7.13. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2001* must be complied with, including:

- a) Lifetime Registration requirements; and
- b) Micro-chipping requirements.
- c) **Note**—Owners ~~of responsibilities to prevent~~ cats ~~are encouraged~~ from becoming a nuisance.
- d) Annual permits for non desexed cats.

***NOTE:** Muswellbrook Shire Council:

- encourages owners to ~~de-sex~~desex their cats ~~and keep them contained~~, encourages the vaccinating of all cats for herpesvirus, calicivirus (strains of cat flu), feline enteritis, feline immunodeficiency virus (FIV), Feline Leukaemia Virus.

Desexing, use of identity collars with multiple bells, proper care, hygiene, restriction of access to outdoors at night. ~~Registration fees are cheaper for desexed animals~~ will be relevant factors in determining whether more than three cats may be kept at a premises.

Order 18 (35) – The Keeping of Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.
- To encourage owners of dogs to desex their dogs allowing for cheaper lifetime registration fees and minimise the impact of over-breeding.

Criteria:

Note – This section does NOT limit section 18(4) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) Criteria.

~~1) No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.~~

The number of dogs permitted to be kept on any urban property in the Muswellbrook Shire Local Government Area are as follows:

~~a) Allotments less than 2500m² and more than 400m² in area~~

~~Dogs in excess of 35 kilograms – maximum 2 dogs on properties less than 1000m² in area~~

- ~~• Dogs between 15 and 35 kilograms – maximum 3 dogs OR~~
- ~~• Dogs less than 15 kilograms – maximum 4 dogs~~

~~b) Allotments less than 400m²~~

~~Council recommends a maximum of 1 dog maximum weight 15kg per allotment less than 400m², 3 dogs on properties greater than 1000m² in area~~

Unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

Council will consider altering the above criteria in a case-by-case basis, where it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment. Council's point of reference may include (but not limited to) on the facilities provided by the applicant, and after taking submissions of close neighbours into account.

1) Dog breeding and/or boarding kennels are subject to Council approval, the Code of Practice for Breeders and are required to be current members of Dogs NSW.

***NOTE:** Owners who have not desexed their dogs and have more than two litters a year are subject to the Code of Practice for Breeders.

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-care-and-welfare/other/companion-animal-files/animal-welfare-code-of-practice-breeding-dogs-and-cats>

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.

- 2) Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.
- 3) All noise, including barking, must be controlled.
- 4) All odours must be controlled.

- 5) The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.
- 6) Wildlife must be protected where possible from dogs.

~~1) Dog breeding and/or boarding kennels are subject to Council approval.~~

- 7) All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2006/2001* must be complied with, including:

- a) Lifetime Registration requirements; and requirement
- b) Micro-chipping requirements.

Note - Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

~~Council will consider altering the above criteria in a case-by-case basis, depending on the facilities provided by the applicant, and after taking submissions of close neighbours into account.~~

~~Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.~~

- 8) Owners of "greyhounds as pets" must be muzzled and be leashed at all times in public places with the exception of de-muzzled greyhounds that have completed the approved retraining program. These greyhounds must also wear the approved collar when in a public place.

- 9) No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.

- 10) Dogs must meet certain criteria specified by Muswellbrook Shire Council or the Office for Local Government to be Lifetime Registered as working dogs or assistance dogs respectively.

- 11) To lifetime register a dog as an assistance dog, the dog must be:

- accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of that disability.
- accredited by an animal training organisation prescribed by the Commonwealth.

- 12) An assistance dog that has been trained and is being used as an assistance dog must wear the approved coat and the owner must carry the approved accreditation identification.

- 13) A therapy dog is not an assistance dog and therefore is treated as per a companion animal under the *Companion Animals Act 1998* and the *Companion Animal Regulations 2003*.

- 14) The keeping of greyhounds in townhouse and unit developments and on allotments with an area of less than 400 square metres is prohibited unless they are pet greyhounds.

***NOTE:** Muswellbrook Shire Council:

- encourages owners to desex their dogs.
- encourages vaccinating all dogs for parvovirus, distemper, hepatitis also parainfluenza and Bordetella bronchiseptica (strains of canine cough).

It is the owner's/person in care and custody's responsibility to prevent their dogs from escaping.

Order 18 (45a) – The Keeping of Declared Dogs (Dangerous, Menacing and Restricted Dogs)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with;
- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment; and
- To ensure that the keeping of Declared Dogs does not endanger the community.

Criteria:

Note – This section does NOT limit section 18(3) The Keeping of Dogs Criteria.

Numbers per declared dogs*:

<u>Declared Dangerous</u>	<u>1</u>
<u>Declared Menacing</u>	<u>1</u>
<u>Declared Restricted</u>	<u>1</u>
<u>Declared Nuisance</u>	<u>Not applicable</u>

***NOTE: No more than two on the property of any type.**

1) All provisions of the *Companion Animals Act 1998*, and the *Companion Animal Regulations 2008* must be complied with including (but not limited to):

- Permanent Identification (microchipping) requirements.
- Lifetime Registration requirements.
- Owners responsibilities to prevent dogs from escaping.
- Annual permit and payment of the permit is required.
- Desexing of the dog

4)2) A declared dog must be kept in an enclosure and in manner that complies with the requirements prescribed in the *Companion Animals Act 1998* and the regulations.

- 3) Any enclosure that is built requires Council approval and is subject to inspections throughout the life of the declared dog.
- 4) A property where a *declared dog* is being kept must display the appropriate signage that complies with the requirements prescribed in the *Companion Animals Act 1998* and the *Regulations*.
- 5) A *declared dog* must wear a distinctive collar prescribed in the *Companion Animals Act 1998* and the *Regulations*.
- 6) All *declared dogs* must be muzzled, wearing the prescribed collars and be leashed at all times when in public.
- 7) If a prescribed collar, sign or muzzle shows evidence of dis-repair, these items will need to be replaced immediately.
- 8) The selling, giving away or an ownership change of any kind is prohibited.
- 9) Council is to be advised of any relocation of accommodation for a declared dog ie moving house
- 10) Waste material, including litter and bedding must be disposed of in an approved manner such as a rubbish receptacle or composting.
- 11) All noise, including barking, must be controlled.
- 12) All odours must be controlled.
- 13) Wildlife must be protected where possible from dogs.
- 14) The health of a *declared dog* is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

***NOTE:** Muswellbrook Shire Council:

- encourages vaccinating all dogs for parvovirus, distemper, hepatitis also parainfluenza and Bordetella bronchiseptica (strains of canine cough).

Order 18 (55b) – The Keeping of Greyhounds for Training and Racing Purposes

This activity is defined as an animal boarding, breeding or training establishment which requires development consent.

Approval must be sought on any animal holding structure over 10m² in floor area and 2.4m in height.

Objectives:

- To ensure the satisfactory care and management of greyhounds;
- To ensure that the keeping of greyhounds does not adversely affect the surrounding community or the environment; and
- To ensure that all owners of greyhounds comply with all relevant government legislation and regulations.

Criteria:

- 1) All provisions within the development consent must be adhered to which includes (but not limited to):
 - Sufficient food, water, bedding and clothing.
 - Sufficient exercise.
 - Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition.
 - Noise control.
 - Numbers kept.
 - Drainage and water run off.
 - Appropriate waste disposal
- 2) Greyhound trainers must be registered with Greyhound Racing NSW.
- ~~4)3)~~ Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.
- 4) All Greyhounds to be registered by 12 weeks of age with Greyhound Racing NSW.
- 5) All Greyhounds are required to be microchipped and Lifetime Registered as per their racing or retirement status at six months of age or younger.
- 6) Greyhounds must be muzzled and be always leashed in public places ~~exempt if they are pet~~
- ~~4)~~ Owners of "greyhounds and muzzle free after completing as pets" must be muzzled and be leashed at all times in public places with the exception of *de-muzzled* greyhounds that have completed the approved ~~re-training~~retraining program and wears an. These greyhounds must also wear the approved collar when in a public place ~~(Companion Animals Regulation 33B).~~
- ~~2)7)~~ Greyhounds must be kept in a secure, fenced property to prevent escape.
- 8) A person must not, on any premises at or on which greyhounds are kept, trialled, trained or raced, keep any animal that is reasonably capable of being used as a lure in connection with the trialling, training or racing of greyhounds.
- 9) The number of dogs permitted to be kept on any property in the health of all greyhounds is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.
- 10) All provisions of the Code of Practice for the Welfare of Greyhounds must be complied with.

~~3)11) Where possible, Muswellbrook Shire Local Government Area are as follows: Council encourages the use of animal rehoming organisations in the case where greyhounds have ceased racing.~~

~~Allotments less than 2500m² in area~~

- ~~• Greyhounds in excess of 25 kilograms – maximum 2 dogs~~

- ~~• Greyhounds between 11-25 kilograms – maximum 3 dogs~~

~~2) The keeping of greyhounds in townhouse and unit developments and on allotments with an area of less than 400 square metres is not permitted unless they are pet greyhounds.~~

~~3) Greyhounds must be provided with:~~

- ~~1) Sufficient food drink and clothing;~~

- ~~1) Sufficient exercise;~~

- ~~1) Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and~~

- ~~1) Veterinary attention when necessary.~~

~~4) Greyhound trainers must be registered with the Greyhound Racing Control Board.~~

12) Wildlife must be protected where possible from greyhounds.

***NOTE:** Muswellbrook Shire Council:

- encourages owners to desex their dogs.
- encourages vaccinating all dogs for parvovirus, distemper, hepatitis also parainfluenza and Bordetella bronchiseptica (strains of canine cough).

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Order 18 (65c) – The Keeping of Static Guard Dogs

Objectives:

- To encourage the appropriate care and management of static guard dogs within the Muswellbrook Shire Local Government Area;
- To ensure that the use of a static guard dog does not adversely impact on the surrounding community or the environment.
- To ensure that the keeping of static guard dogs (e.g. Dogs that are kept on a site) does not pose a safety threat to the Muswellbrook Shire community; and
- To ensure that the owners of static guard dogs comply with all relevant Legislation.

Criteria:

1) All provisions of the Companion Animals Act 1998, and the Companion Animal Regulations 2008 must be complied with including (but not limited to):

- Permanent Identification (microchipping) requirements.
- Lifetime Registrations requirements.
- Owners responsibilities to prevent dogs from escaping.

Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:

- a) To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
- b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
- c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
- d) Such signs must include an emergency contact phone number to be used in emergency situations.

1)2) Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.

2)3) No attack trained dog may be held within the Muswellbrook Shire Local Government Area (unless managed by a registered owner/security company police dogs and/or correctional services or other Government instrumentalities-excepted).

3)4) All provisions of the Companion Animals Act 1998 must be followed in respect to any dog kept within the Muswellbrook Shire Local Government Area.

4)5) Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the Companion Animals Act 1998 are not permitted to be utilised as static guard dogs upon any land within the Muswellbrook Shire Local Government Area, on a commercial or private basis.

- 6) Static guard dogs do not fit the criteria of a "working dog" registration therefore are required to be Lifetime Registered in accordance with their desexing status.
- 7) Waste material, including litter and bedding must be disposed of in an approved manner such as a rubbish receptacle or composting.
- 8) All noise, including barking, must be controlled.
- 9) All odours must be controlled.
- 10) The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.
- 11) Wildlife must be protected where possible from dogs.

***NOTE:** Muswellbrook Shire Council:

- encourages owners to desex their dogs.
- encourages vaccinating all dogs for parvovirus, distemper, hepatitis also parainfluenza and Bordetella bronchiseptica (strains of canine cough).

Order 18 (~~76~~) – The Keeping of Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Muswellbrook Shire Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; ~~and,~~ regulations codes of practice and guidelines developed by welfare groups and; leading interest groups.
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment and.
- To encourage owners of rabbits to desex their rabbits to minimise the impact of over-breeding.

Criteria:

The keeping Per household: four

- ~~1) Rabbits kept must be of wild rabbits a domestic breed only. A hare or leverette is subject to all requirements of NSW Agriculture, Fisheries not included as a domestic rabbit and Forestry which may include gaining a licence for the keeping of wild rabbits. can not be kept as a pet in the Muswellbrook Shire area. No more than 2 wild rabbits may be kept at any one time, unless approval has been received from the Minister of Agriculture and Council.~~
- 1) No more than 4 five adult domestic rabbits may be kept at any one time on an allotment less than 2500m2 in area without the prior approval of Council.
- ~~1) Rabbits being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.~~

- 2) Owners who breed their rabbits for the purpose of sale are defined as an animal boarding, breeding and training establishment and will require development consent from Council
- 2)3) Waste material, including litter and bedding, must be disposed of in an approved manner such as a rubbish receptacle that may include composting.
- 4) ~~Hutches and cages~~ Rabbits must be kept in secure cages/hutches and of a standard to prevent escape/entry which includes tough chew proof wire or paved flooring.
- 3)5) Cages/hutches must be kept clean at all times. All odours must be controlled.
- 6) Rabbits kept in hutches/cages outside must be protected from extreme weather conditions.
- 4)7) Rabbits are ~~not be bred for greyhound training~~ permitted to free range and are to be restrained via a leash and harness when in public.
- 5)8) Rabbits must be protected from all predators.
- 4) Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.
- Note**— Owners of rabbits are encouraged to keep vaccinations for calicivirus current.*
- 9) It is prohibited to release a domesticated rabbit into the environment.
- 10) The health of all rabbits are to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.
- 11) Sufficient food appropriate for the dietary requirements of a rabbit and clean drink must be provided at all times.
- 12) Owners who breed their rabbits for the purpose of sale are subject to the Code of Practice for Breeders and the Code of Practice for Pet Shops.
- 13) It is prohibited to feed rabbits as live food/prey.
- 14) Rabbits are not to be kept on the same property as greyhounds.
- 15) Rabbits must not be bred for greyhound training.
- 16) Rabbits which are breed and subsequently used as food are to be humanly euthanased in accordance with the Prevention of Cruelty Towards Animals Act 1979.

***NOTE:** Muswellbrook Shire Council:

- encourages owners to desex their rabbits.
- Encourages owners to microchip their rabbit and permanently identify them with an Australia wide database.
- encourages vaccinating all rabbits for calcivirus

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Order 18 (87) – The Keeping of Ferrets

Objectives:

- To encourage the correct care and management of ferrets in the Muswellbrook Shire Local Government Area;
- To ensure that ferret owners comply with all relevant government legislation; and codes of practice and guidelines developed by welfare groups and leading interest groups.
- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.
- To encourage owners of ferrets to desex their ferrets to minimise the impact of over-breeding.

Criteria:

Per household: four

- 1) Owners who breed their ferrets for the purpose of sale are defined as an animal boarding, breeding and training establishment and will require development consent from Council.
- 2) Ferrets must be kept in secure cages/hutches and of a standard to prevent escape.
- 3) Ferrets are not permitted to free range. Ferrets are to be restrained via a leash and harness when in public.
- 4) Hutches and cages must be kept clean at all times.
- 5) Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
- 6) Waste material, including litter and bedding, must be disposed of in an approved manner such as a waste receptacle or may include composting.
- 7) Ferrets being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.
- 8) Protection for ferrets from extreme weather conditions must be provided.
- ~~3) Hutch or cage construction must be of a standard that will prevent escape.~~
- ~~3) Ferrets are not to be fed live food.~~
- 9) Sufficient food and dietary requirements of a ferret and clean drink must be provided at all times.
- 10) It is prohibited to feed Ferrets ~~must~~ live food.

- 11) The health of all ferrets are to be caged regularly monitored and/ appropriate veterinary treatment obtained in the event of illness or secured at all times injury.
- 12) Wildlife must be protected where possible from ferrets.
- 13) It is prohibited to release a ferret into the environment.
- 6)14) Owners who breed their ferrets for the purpose of sale are subject to the Code of Practice for Breeders and are not permitted to free range the Code of Practice for Pet Shops.
- 3) Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

***NOTE:** Muswellbrook Shire Council:

- encourages owners of female ferrets to desex their ferret to prevent oestrogen toxicosis and aplastic anaemia.
- encourages vaccinating all ferrets against distemper and influenza.
- encourages owners of ferrets to microchip their ferrets and permanently identify them with an Australia wide database.

Order 18 (98) – The Keeping of Guinea Pigs

Objectives:

- To encourage the appropriate care and management ~~and care~~ of domesticated guinea pigs within the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.
- To ensure that all guinea pig owners comply with all relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.
- To encourage owners of guinea pigs to desex their guinea pigs to minimise the impact of over-breeding.

Criteria:

Per household: four

- 1) Owners who breed guinea pigs for the purpose of sale are defined as an animal boarding, breeding and training establishment and will require development consent from Council

- 2) Guinea pigs must be kept in secure cages/hutches and of a standard to prevent escape/entry which includes tough chew proof wire or paved flooring.
- 3) Guinea pigs are not permitted to free range outside of a dwelling or building.
- 4) Hutches and cages must be kept clean at all times.
- 2) Protection from the natural elements must be provided (particularly extreme hot weather).
- 3) Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
- 4) Sufficient food and drink must be provided at all times.
- 8) Sufficient food appropriate for the dietary requirements of a guinea pig and clean vitamin c supplemented drink must be provided at all times.
- 5) Odours must be vigorously controlled at all times.
- 6) Waste material, including litter and bedding, must be disposed of in an approved manner that such as a rubbish receptacle or may include composting.
- 11) The housing of guinea pigs must be managed responsibly at all times with care to be taken when housing two males together or same sex groups.
- 12) The housing of both non-desexed male and female guinea pigs together in the same cage is not encouraged.
- 13) The health of all guinea pigs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.
- 14) Owners who breed their guinea pigs for the purpose of sale are subject to the Code of Practice for Breeders and the Code of Practice for Pet Shops.
- 15) Guinea pigs are not to be fed as live food/prey.
- 16) Guinea pigs which are breed and subsequently used as food are to be humanly euthanased in accordance with the Prevention of Cruelty Towards Animals Act 1979.

***NOTE:** Muswellbrook Shire Council:

- Encourages owners of guinea pigs to desex their guinea pig pending veterinary advice

Order 18 (~~10~~–9) – The Keeping of ~~Rodents~~ Domestic Rats and Mice

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice in the Muswellbrook Shire; and

- To ensure the keeping of ~~rodents~~, rats and mice does not adversely affect the surrounding community and the environment.
- To ensure that all rats and mice owners comply with all relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.
 - To encourage owners of domestic rats and mice to desex their rats and mice to minimise the impact of over-breeding.

Criteria:

The keeping of these animals is permitted as pet companion animals only. ~~The keeping and breeding of rodents as food animals for reptile feeding is prohibited.~~
Per household: four

- 1) Only domesticated breeds of rats and mice are permitted to be kept.
~~Rodents,~~
- 2) Owners who breed pocket pets for the purpose of sale are defined as an animal boarding, breeding and training establishment and will require development consent from Council.
- 2)3) Rats and mice must be confined within rodent kept in secure cages/hutches and of a standard to prevent escape/entry which includes tough chew proof cageswire or enclosurespaved flooring.
- 4) Cages/hutches must be kept clean at all times.
- 9) ~~These animals must be protected from the predation of cats and dogs.~~
- 3)5) ~~Any excess rodents must be disposed of in an appropriate and humane manner.~~
- 4)6) Odours must be vigorously controlled at all times.
- 5)7) Waste material, including litter and bedding, must be disposed of in an approved manner that such as a waste receptacle or may include composting.
- 6)8) ~~Rodents,~~ rats and mice being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.
- 9) The housing of rats and mice must be managed responsibly at all times with care to be taken when housing two males together or same sex groups.
- 10) The housing of both male and female rats and mice together in the same cage is not encouraged.
- 11) Rats and mice are not permitted to free range outside of a dwelling or building.
- 12) The health of all rats and mice are to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

13) Sufficient food appropriate for the dietary requirements of a rat or mouse and clean drink must be provided at all times.

14) Owners who breed their pocket pets for the purpose of sale are subject to the Code of Practice for Breeders and the Code of Practice for Pet Shops.

15) Any excess rodents must be disposed of in an appropriate and humane manner.

16) It is prohibited to feed pocket pets as live food/prey.

17) Rats and mice which are breed and subsequently used as food are to be humanly euthanised in accordance with the Prevention of Cruelty Towards Animals Act 1979.

***NOTE:** Muswellbrook Shire Council encourages owners of rats and mice to desex their rodent pending veterinary advice

ORDER 18-~~(11(10a))~~ – The Keeping of Horses ~~(, Ponies and Donkeys)~~ and Other Livestock not Covered in this Policy ~~(referred to as Equines (Ungulates))~~

Objectives:

- To ensure that the satisfactory care and management of ~~horses~~livestock is maintained in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of ~~equines~~livestock does not adversely affect residents or the surrounding environment; and
- To ensure that equine owners comply with relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.

Criteria:

Anyone who keeps livestock in NSW is required by law to obtain a Property Identification Code (PIC). Even if you keep livestock as pets, you must have a PIC.

<u>Horse or small horse</u>	<u>1 per 8000m²</u>
<u>Pony; Shetland or miniature breed</u>	<u>1 per 8000m²</u>
<u>Donkey</u>	<u>2 per 8000m²</u>
<u>Stallions</u>	<u>0</u>

* A mixture of the above animals is limited to the maximum amount. Example: a donkey and horse can be housed together on two acres.

* 2 donkeys and a horse on two acres is not permissible.

Subject to compliance with the stables provisions of Council's Development Control Plan which includes but not limited to the following:

2. Equines must not be kept within ~~40~~nine metres of an adjoining property boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to the Local Environmental Plan).
3. The floors of stables must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
4. Equines yards must be so enclosed as to prevent the escape of horses.
5. Yarded equines must be provided with a loosebox or similar shelter.
6. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the equines. Yards and other holding facilities must be of post and rail or similar construction. Paddock held equines may use natural cover, but rugging and constructed shelters should also be considered.
7. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:
 - a. Be vermin resistant;
 - b. Have a minimum floor area of 12 square metres for every equine;
 - c. Have doors with a minimum height of 1.3 metres. The doors must open outward; and
 - d. Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.
8. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
9. All fences must be of such construction and standard of maintenance that will reasonably ensure that equines cannot escape and/or be injured.
10. No tethered equines may be on a roadway or public place, unless under the direct supervision of an adult.
11. Equines on busy roadways must be under the direct care of a responsible adult.
12. No equines may be taken onto a public reserve, unless permission to do so has been obtained from Muswellbrook Shire Council.
13. The keeping of equines on allotments less than 2500m² in area is not permitted.
14. No equines may be kept on a public place or vacant allotment within the Muswellbrook Shire Local Government Area.

15. Any stabled equines must be exercised at least daily for a minimum of 30 minutes and the time out of stables must be in excess of 2 hours.

16. Council does not encourage intraspecies breeding (eg in this case horse/donkey cross breeding).

16.17. Cleansing and Waste Requirements

- a. No impervious surfaces used by equines shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Council.
- b. Cleaning of all areas must be completed daily.
- c. Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.

18. Suitable fire safety procedures All odours must be provided, controlled.

19. All dust issues must be controlled.

20. In the case of more than four individual stables (connected) donkeys, special consideration must be given to animal numbers and the potential for all barn type stables, fire assessment excessive noise to be generated.

NOTE: Muswellbrook Shire Council:

- encourages owner to castrate their animals.
- encourages owners to regularly worm their animals and fire plans are required, including the provision of: treat for other parasites and protozoans.
- d. At least one exit an exit width of 2 metres isles. All doors are to open outwards;
- e. Fire hose reels, in working Order;
- f. Adequate water pressure;
- Feed Smoke detection equipment in working Order. All provisions of the Local Land Services Act 2013 must be complied with.

Order 18 (1210b) – The Keeping of Cattle and Deer (Ungulates)

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle in the Muswellbrook Shire Local Government Area;
- Ensuring that the keeping of cattle does not adversely affect the community or the environment; and
- To ensure that cattle owners comply with relevant government legislation codes of practice and guidelines developed by welfare groups and leading interest groups.

Criteria:

Cattle Anyone who keeps livestock in NSW is required by law to obtain a Property Identification Code (PIC). Even if you keep livestock as pets, you must have a PIC.

<u>Cattle</u>	<u>One per five hectares</u>
<u>Deer (only breeds defined by Local Land Services for farming are permitted)</u>	<u>One per five hectares</u>
<u>Bullocks and Bucks</u>	<u>0</u>

* A mixture of the above animals is limited to the maximum amount. Example: a cow and deer can be housed together on five hectares.

1. All provisions of the Local Government (general) Regulation 2021 Schedule 2 Standards enforceable by Orders, Part 5 – Division 3 Clause 21 must be complied with.
- 1-2. Cattle and deer must not be within 10 metres (or such a greater distance as the council may determine in a particular case) of any premises.
1. ~~The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.~~
3. Yards must be free draining, not discharge to neighbouring properties and not be allowed to become muddy.
- 2-4. Cattle and deer yards must be enclosed as to prevent escape ~~of cattle~~.
2. ~~Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.~~
- 3-5. All fences must be constructed specifically for the particular species and up to a standard of maintenance so that the cattle or deer cannot escape or be injured.
6. All ungulates are to be kept on land where suitable grazing exits.
- 4-7. No cattle may be kept or taken onto a public reserve unless the permits from Local Land Services as well as permission ~~offrom~~ Council has been obtained.
3. ~~No cattle may be kept on an allotment with an area of less than 2500m².~~
8. It is prohibited to graze deer on a public reserve.
- 5-9. The keeping of cattle or deer in townhouse or unit developments is not permitted.

NOTE: Muswellbrook Shire Council:

- encourages owners to castrate their animals.
- encourages owners to regularly worm their animals and treat for other parasites and protozoans.
- advises all provisions of the Local Land Services Act 2013 must be complied with.

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Order 18 (13) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

- 1) All poultry must be kept in accordance with the **Local Government (General) Regulation 2021 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:

Poultry not to be a nuisance or health risk

A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

C. Fowls (that is, birds of the species *Gallus Gallus* "chicken/chook") or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.

D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause C above.

E. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:

- i. that are more than 15 metres from any dwelling, public hall or school; or
- ii. that are situated on clean sand.

F. Poultry yards must be enclosed as to prevent the escape of poultry.

G. Poultry houses must not exceed 3 metres in height or 15 m² in floor area.

- 2) All food must be stored in sealed vermin proof containers and must not be left uncovered.

- 3) All offensive noise, odours, vermin and other pests must be controlled.

- 4) All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.

- 5) The slaughtering of poultry is not permitted.

- 6) ~~Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.~~
- 7) ~~Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.~~
- 8) ~~The total numbers of poultry (excluding pigeons, see 18(14)) kept on premises in an urban area must not exceed the maximum amount specified below:~~

Type	Maximum numbers
Peacocks and peahens	Nil
Roosters	Nil
Ducks	Nil
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (chickens)	10
Pheasants	10
Quails	10
Pea Fowls	2
Pigeons	See Clause 18 (14)

Order 18 (14) — The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the

Muswellbrook Shire Local Government Area is permitted with the following control conditions applying:

- 2) A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
- 2) All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Cl2.7:
 - a) A maximum 10 m² surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and
 - b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
- 2) The keeping of pigeons within unit or townhouse developments is not permitted.
- 2) **Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
- 2) Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
- 2) Enclosed housing must use deep litter or other appropriate substrate.
- 2) Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
8. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
10. Waste must be disposed of in an approved manner.

11. Liberation of Pigeons (General)

Note: This section relates to the practice commonly referred to as homing

- a) ~~The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.~~
- b) ~~Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.~~
- c) ~~Free non-flight time must be conducted under close supervision by the owner.~~
- d) ~~The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.~~
- e) ~~Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.~~
- f) ~~Every reasonable attempt must be made to retrieve birds that do not return.~~
- g) ~~Birds must not be permitted to roost on neighbours' premises.~~
- h) ~~Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.~~

Order 18 (15 Order 18 (10c) – The Keeping of Sheep, Goats, Alpacas, ~~Llamas,~~ and ~~Camels~~(Ungulates),

Objectives:

- To ensure that ~~sheep and goats~~ particular species of ungulate are kept in a satisfactory manner in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of Sheep, Goats, and Alpacas, ~~Llamas, and Camels~~ remains a priority;
- To ensure that the keeping of Sheep, Goats, and Alpacas, ~~Llamas, and Camels~~ does not adversely affect nearby residents or property; and
- To ensure that the keeping of Sheep, Goats, Alpacas, ~~Llamas, and Camels~~ does not affect the surrounding environment.
- To ensure that all ungulate owners comply with all relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.

Criteria:

No

<u>Sheep</u>	<u>2 per 4000m²</u>
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<u>Goat</u>	<u>2 per 4000m²</u>
<u>Alpaca</u>	<u>Two per 8000m²</u>
<u>Billy goats/rams/machos</u>	<u>0</u>

~~20) Sheep, Goats, or Alpacas, Llamas, and Camels may be kept in a residential area on an allotment with an area less than 2500 square metres.~~

- ~~1) Sheep, Goats, Alpacas, Llamas, and Camels may not be kept within 10 metres of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.~~
- ~~2) Sheep, Goats, or Alpacas, Llamas, and Camels are only permitted to be kept on land where suitable grazing exists.~~
- ~~3) The keeping of Sheep, Goats, or Alpacas, Llamas, and Camels in townhouse or unit developments is not permitted.~~
- ~~4) No Sheep, Goats, or Alpacas, Llamas, or Camels may be kept on a public place, including footpath areas and vacant allotments within the Muswellbrook Shire Local Government Area.~~
- 5) All ungulates must be NILS identified.
- 6) The slaughteringhealth of Sheep, Goats, Alpacas, Llamas,all ungulates is to be regularly monitored and Camels is not permittedappropriate veterinary treatment obtained in urban areas unless withinthe event of illness or injury.
- 7) The keeping of ungulates will require a special type of fencing specific to that species in order to be escape proof.
- 8) Any ungulate tied up must have access to shelter and clean water. The tether must not be designed in such a way that the animal can choke, hang, tangle (with itself or another animal) or limit the animal's ability to get to water. Tying a weighted object to the animal is prohibited.
- 9) Owner of ungulates must seek the appropriate permits from Local Land Services and Council prior to roadside grazing.
- ~~5)10) Waste material, including litter and bedding, must be disposed of in an approved facility~~manner such as a rubbish receptacle or composting.
- 11) All odours must be controlled.

12) All dust issues must be controlled.

13) The toileting area for alpacas must be controlled and managed at all times as to not create odour or encourage a breeding ground for flies.

14) Ungulates are not to be slaughtered in any zone other than Rural Zoned land under Council's Local Environmental Plan 2006.

15) Ungulates which are bred and subsequently used as food are to be humanly euthanased in accordance with the Prevention of Cruelty Towards Animals Act 1979.

16) Council encourages owner to castrate and spay their animals.

17) Council encourages owners to regularly worm their animals and treat for other parasites such as lice and protozoans.

18) Council does not encourage intraspecies breeding (eg in this case goat/sheep cross breeding).

19) The keeping of ungulates in townhouse or unit developments is prohibited.

20) It is prohibited to keep ungulates on the same property as hunting dogs.

21) It is prohibited to use ungulates for training purposes for hunting dogs

NOTE: Muswellbrook Shire Council:

- encourages owner to castrate their animals.
- encourages owners to regularly worm their animals and treat for other parasites and protozoans.
- advises all provisions of the *Local Land Services Act 2013* must be complied with.

Order 18 (~~1611~~) – The Keeping of ~~Non-Indigenous Animals Primates~~ (~~Monkeys~~ Pigs (Swine))

Objectives:

- To ensure the satisfactory standard of care and management of non-indigenous animals for pigs (swine) in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of non-indigenous animals remains a priority keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the owners keeping non-indigenous animals comply of pigs (swine) complies with the relevant government legislation and regulations., codes of practice and guidelines developed by welfare groups and leading interest groups..

Criteria:

- ~~1. All primates must have access to outside enclosures on most days.~~
- ~~2. Inside enclosures must maintain a temperature and humidity range that is appropriate to the species being kept.~~
- ~~3. All primates must be tested for tuberculosis annually, using an intradermal skin test that is conducted and assessed by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.~~
 - 1) All owners of primates within the Muswellbrook Shire Provisions of the *Local Government Area* must provide the Council, each year, *(general) Regulation 2021 Schedule 2 Standards enforceable by Orders, Part 5 – Division 1 Clause 17 and 18* must be complied with a certificate prepared by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
- ~~4. The certificate must include an opinion by the veterinary surgeon that the animal is healthy and is maintained in conditions that are suitable for the particular species.~~
- ~~5. The owner of any primate must agree to allow access to council officers at any reasonable time to inspect any premises where primates are kept.~~
 - 2) Primates may only be held by private individuals under highly regulated circumstances. These include the provisions of a B-class Zoo Licence, the *Exhibited Animals Protection Act 1986*, or otherwise under the licence. All swine must be NILS identified.
 - 3) Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
 - 4) Pigs must not be kept (and pigs' dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school, a public place in a town or village or other urban part of an area.
 - 5) No pigs may be kept in a residential area with an area of less than 4000 square metres.
 - 6) Keeping pigs within units or townhouse developments is not permitted.
 - 7) Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
 - 8) Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
 - 9) The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
 - 10) The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
 - 11) Feeding troughs must be used and the troughs must be constructed of an impervious material.
 - 12) Hosing of enclosures is only permitted if an approved drainage system has been designed.
 - 13) All feed must be stored in vermin proof containers.
 - 14) Noise must be controlled at all times.

15) All odours must be kept under control.

16) It is prohibited to keep swine on the same property as hunting dogs.

17) It is prohibited to use swine for training purposes for hunting dogs.

18) Swine are not to be slaughtered in any zone other than Rural Zoned land under Council's Local Environmental Plan 2006.

19) Swine which are bred and subsequently used as food are to be humanly euthanised in accordance with the Prevention of Cruelty Towards Animals Act 1979.

20) Council encourages owners to castrate and spay their pigs.

21) Council encourages owners to regularly worm their animals and treat for other parasites and protozoans

NOTE: Muswellbrook Shire Council:

- encourages owner to castrate their animals.
- encourages owners to regularly worm their animals and treat for other parasites and protozoans.

~~6. — advises all provisions of the *Non-Indigenous Animals Local Land Services Act 1997*.~~

~~7. — Appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.~~

~~8. — The standards and conditions of management and care prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.~~

~~9. — The primates must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of the primate.~~

~~10. — Any enclosure used for the purposes of keeping primates must exceed the following dimensions:~~

~~11. **Species less than one kilogram in body weight** — indoor enclosure of 0.75 cubic metres, outdoor enclosure of at least 1.8 metres high and two cubic metres wide. Such an enclosure is suitable for small family groups. Building consent is required.~~

~~12. **Species between one kilogram and ten kilograms in body weight** — indoor enclosure of two cubic metres per animal, outdoor enclosure of five cubic metres per animal.~~

~~13. — Enclosure must not be within 10 metres of any dwelling.~~

~~14. — No species greater than ten kilograms may be held, except for individuals holding a B-Class Zoo Licence.~~

Order 18 (17) — The Keeping of Squirrels

Criteria

- ~~1. Squirrels may only be held by private individuals under highly regulated circumstances. These include the provision of a B Class Zoo Licence, the *Exhibited Animals Protection Act 1986* or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.~~
 - ~~• All appropriate licensing conditions as prescribed by NSW Agriculture 2013 must be complied with.~~
- ~~2. The standards and conditions of management and care as prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.~~
- ~~3. Squirrels must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of squirrels.~~
- ~~4. All squirrels must have access to outside enclosures on most days.~~
- ~~5. Inside enclosures must maintain a temperature and humidity range appropriate to the species.~~
- ~~6. The owner of squirrels must agree to allow access to council officers at any reasonable time to inspect any premises where squirrels are kept.~~

Order 18 (~~1812~~) – The Keeping of Bees

Objectives:

- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations, codes of practice and guidelines developed by welfare groups and leading interest groups.

Criteria:

Urban Areas

- ~~1) In urban areas, where allotments are less than 2500m², no more than two hives are permitted, and then only when the following circumstances prevail:~~
- ~~4)2) All beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the *Apiaries Biosecurity Act 1985* 2015.~~
- ~~3) All provisions defined under the Australian Honeybee Industry Biosecurity Code of Practice must be complied with.~~
- ~~4) Hives must not be situated any closer than 1 metre from a boundary fence.~~
- ~~2)5) All beehives must be identified by branding all brood boxes with their registration number.~~

6) Hives are to be regularly monitored for disease and parasites.

3)7) Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.

4)8) The aims, objectives and husbandry procedures as defined in the Beekeeping Code of Practice must be complied with.

5)9) Complaints about beehives are to be directed to the Director-General of the NSW DPI.

4) Urban Areas

~~In urban areas, where allotments are less than 2500m², no more than two hives is permitted, and then only when the following circumstances prevail:~~

6)10) Only docile strains of bees should be kept;

7)11) Beekeeper must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands;

8)12) Hives should not be located within the vicinity schools, child care centres, hospitals or other public facilities;

9)13) A suitable barrier must be erected close to the landing board to force flight paths above two metres;

10)14) Beehives should not be positioned in the front yard of houses.

14)15) Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.

16) A permanent water source suitable for bees should be established within ~~close proximity to the hive;~~ 200 metres to the hives. This can be by way of a naturally occurring river or creek or man-made managed water source on own property. This does not include a swimming pool.

17) All man-made managed water sources must be cleaned and routinely refreshed. Pontoons or resting material must be provided so bees do not drown.

18) Provisions must be provided during drought if using a man-made water source as the only water source for bees.

12)19) The hive is not within 10 metres of any neighbouring swimming pool;

13)20) Hive/s are regularly monitored for signs of disease; and

14)21) The keeping of bees in unit and townhouse developments is not permitted.

Note – *Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association. In Order to keep more than two hives, development consent is required.*

1) Wild Hives

Wild hives must be controlled. Any person having a wild hive on their property must consult NSW Agriculture for advice.

A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

Order 18 (19) — The Keeping of Pigs (Swine)

Objectives:

- ~~To ensure the satisfactory standard of care for pigs (swine) in the Muswellbrook Shire Local Government Area;~~
- ~~To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and~~
- ~~To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.~~

Criteria:

- ~~1) Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.~~
- ~~1) Pigs must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school, a public place in a town or village or other urban part of an area.~~
- ~~1) No pigs may be kept in a residential area with an area of less than 2500 square metres.~~
- ~~1) Keeping pigs within units or townhouse developments is not permitted.~~
- ~~1) Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.~~
- ~~1) Prior to the erection of any building or shed, a development application must be lodged to and approved by council.~~
- ~~1) The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.~~
- ~~1) The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.~~
- ~~1) Feeding troughs must be used and the troughs must be constructed of an impervious material.~~
- ~~1) All feed must be stored in vermin proof containers.~~
- ~~1) Noise must be controlled at all times.~~

~~1) All odours must be kept under control.~~

~~Order 18 (20~~Order 18 (13) – The Keeping of Fish, Aquariums and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Criteria:

1) Water is to be maintained at clean and sufficient levels.

~~2) Ponds are not to provide a breeding ground for mosquitos, other insects or bacteria.~~

~~2)3) All noise from filtration pumps must not be used in a manner that creates a nuisance.~~

~~3)4) Ponds must contain shade of some kind. that minimises the impact of water evaporation.~~
This may include aquatic plants.

~~4)5) Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.~~

~~5)6) Fish must be protected from predation. This may be done with fencing or a cover of some kind.~~

~~7) The health of all fish and aquatic species is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.~~

~~8) All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one. This includes dams (private and public) and flushing into a septic system.~~

~~6)9) Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.~~

~~7)10) Council approval is required for the construction of a pond that fails to meet the following requirements:~~

- ~~a) The pond is to be located at the rear of the yard and no closer than 900 millimetres to the nearest adjoining boundary;~~
- ~~b) The maximum surface area of the pond is to be 2 square metres;~~
- ~~c) The pond will not be capable of being filled to a greater depth than 300 millimetres;~~

- d) The pond will not be constructed so that it prevents the natural flow of stormwater, drainage or runoff; and
- e) The pond will not be constructed so that it is higher than 300 millimetres above the existing ground level.

11) Fish which are bred and subsequently used as food are to be humanly euthanised in accordance with the Prevention of Cruelty Towards Animals Act 1979.

12) Where the owner operates a business from home related to the commercial trade or retail of fish or aquatic organisms or associated items are subject to the Code of Practice for Pet Shops and may require development consent from Council.

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Order 18 (~~21~~14) – The Keeping of Reptiles

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations codes of practice and guidelines developed by welfare groups and leading interest groups are complied with.

Criteria:

As specified by the Reptile Keepers License issued by National Parks and Wildlife.

- It is against the law to have in your possession any reptile without this license.
- It is prohibited to remove a reptile from the natural environment.
- It is against the law to feed reptiles live prey. Does not include to insects.

1) All provisions of the National Parks and Wildlife Act 1974 must be complied with. This includes

1)2) A class 1 or 2 Reptile Keepers License must be obtained from the National Parks and Wildlife prior to obtaining a licence to keep reptilesant reptile.

2)3) Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.

4) It is prohibited to move a reptile from the natural environment. The health of all reptiles is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

3)5) Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.

6) All housing for reptiles must be kept clean and all odours controlled.

4)7) All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

Snakes –

- a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;
- b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;

- c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;
- d) All housing for snakes must be kept in a clean condition;
- e) Muswellbrook Shire Council must approve all housing facilities for snakes.

Turtles –

- f) Ponds that house turtles must be cleaned on a regular basis;
- g) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking;
- h) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D)), with gradual sides to allow easy exit; and to prevent entry by a child.
- i) Turtles are to be in an enclosed area so as to prevent escape .
- ~~5)8)~~ All offensive odours must be controlled.
- 9) Owners of particular reptiles are encouraged to microchip their animals and permanently identify them with an Australia wide database and with National Parks and Wildlife.
- ~~6)10)~~ All noise must be controlled.
- ~~1) The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.~~
- ~~7)11)~~ All reptiles must be protected from the predation of other animals.
- ~~8)12)~~ Muswellbrook Shire Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
- ~~9)13)~~ All reptiles must be kept in appropriate numbers.

Order 18 (~~22~~15) – The Keeping of Native Wildlife

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.

Criteria:**All provisions of the National Parks and Wildlife Act 1974 must be complied with.**

1. No native animal may be taken from the wild and kept as a pet.
2. Carers of injured native wildlife must be a member of a licensed rehabilitation group and have completed the appropriate training courses for the caring of injured animals.
3. Injured wildlife must not create a nuisance of any kind to the surrounding community.
4. All offensive noise must be controlled.
5. All odours must be controlled.
6. Suitable facilities for the housing of injured animals must be available and used.
7. The caring of injured native wildlife in townhouse or unit developments is not permitted.
8. A Native Animal Keepers' licence is required to keep most native animals as pets (ie those bred in captivity). Contact the Office of Environment and Heritage's licencing unit for licencing requirements.
9. Re-release programs for recovering macropods are to be soft released back in the territory the animal came from. This stops the over saturation of macropods in locations where territory and natural feed is valuable and gender is balanced.

Order 18 (16) – The Keeping of Exotic Species.**Objectives:**

- To encourage the correct care and management of exotic and unusual animals in the Muswellbrook Shire Council area.
- To ensure that the keeping of animals does not adversely impact on the surrounding community or the environment.
- To ensure that all animal owners comply with all relevant government legislation, codes of practice and guidelines developed by welfare groups and leading interest groups.
- No animal is illegally housed within the Muswellbrook Shire.
- The health of all animals and invertebrates is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness or injury.

Criteria:

Unless specific permits have been approved from the relevant government authorities or in the case of employees from the zoological, aquaria or circus industry, the below animals are prohibited to be kept as pets in Australia. Whilst there are a number of animals not listed (eg Australian, African native species, water mammals), Muswellbrook Shire Council does not limit this list to the animals specified below.

Licences under the *Exhibited Animals Protection Act 1986* and *Non-Indigenous Animals Act 1997* apply.

7) Australian Dingo

- a. All owners of Australian Dingos or crossbreeds are to comply with the *Companion Animals Act 1998*. See section **Order 18(1) – The keeping of dogs.**
- b. Council does not recommend the keeping of dingos with cats, birds, livestock or pockets pets.

7) European Fox

- a. From 2015, fox permits are no longer issued to private owners in NSW.
- b. Foxes can only be housed/rehomed to commercial organisations such as wildlife parks and zoos.

7) Camels and llamas

- a. The keeping of camels and llamas are not permitted in a residential area.
- b. Camels and llamas kept for private ownership may only be kept on property rated as primary production or farmland.
- c. Camels kept for private ownership are required to be castrated.
- d. The keeping of camels and llamas will require a special type of fencing and paddock design in order to be escape proof.

7) Domestic Yak and Bison

- a. the keeping of yak and bison are not permitted in a residential area.
- b. Yak and bison kept for private ownership may only be kept on property rated as primary production or farmland.
- c. Yak and bison kept for private ownership are required to be castrated.
- d. The keeping of yak and bison will require a special type of fencing and paddock design in order to be escape proof.

7) Large flightless birds (emu, ostrich and rhea)

- a. The keeping of such birds is not permitted in a residential area.
- b. The keeping of emus and ostriches are permitted only through a license via National Parks and Wildlife (wildlife carers only).
- c. The keeping of birds will require a special type of fencing in order to be escape proof.
- a. No rheas are to be privately housed in Muswellbrook Shire unless under the license provisions of the *Non-Indigenous Animals Act 1997*.

7) Primates, squirrels and mongoose

- a. No primates, squirrels or mongoose are to be privately housed in Muswellbrook Shire unless under the license provisions of the *Non-Indigenous Animals Act 1997*.

7) Crocodile and American Alligator

- a. No crocodiles or alligators are to be privately housed in Muswellbrook Shire.

Order 19 - Use of tennis courts

To do What?

To use or not to use a tennis court as specified.

In What Circumstances?

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

To Whom?

Occupier of land.

Criteria:

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

1. Tennis courts are not to be used after 10:00pm unless otherwise approved by development consent.
2. Tennis courts on private property shall not be used for commercial purposes (i.e. for hire to non-residents of the property) without development consent being issued.

Order 21 - Safe and healthy land and premises

To do What?

To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

In What Circumstances?

The land or premises are not in a safe or healthy condition.

To Whom?

Owner or occupier of land or premises.

Criteria:

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

Land or premises would be considered not to be in a safe or healthy condition if the safety or the health of the owner or occupier of the land or premises, or members of the community, is detrimentally affected, or conditions, matters or things on the land or premises create or are likely to create a health or safety risk to any person. Action that can be required includes, but is not limited to, the following:

1. The abatement of dampness in walls and ceilings in any property.
2. The removal of defective floor timbers and stair treads and replacement with sound material.
3. The renewal or repair of waste pipes and sanitary fittings and flush pipe to water closet pans.
4. Renewal or repair of defective sewerage service pipes.
5. Clearing of choked sewerage service pipes.
6. Repair of defective septic tanks, pipes and absorption pits.
7. The removal of the following accumulations which are likely to afford harbourage to vermin or otherwise pose a threat to health and safety to any person:
 - i. disused and/or second hand building materials or household fixtures and fittings;
 - ii. dilapidated and/or abandoned motor vehicle or ancillary parts and accessories or machinery;
 - iii. dilapidated and/or abandoned boats, watercraft, trailers or caravans;
 - iv. disused and/or second hand containers, bottles, scrap metal, wastepaper, rags, rubbish or other scrap materials; and
 - v. tree trunks, tree stumps, organic material, vegetation or firewood.
8. Provision of suitable facilities for toilet, kitchen sink, bathing and for washing of clothes with hot and cold water provided.
9. Provision of suitable cooking facilities.
10. The treatment of an untreated swimming pool or excavation where the condition of the water within it is or is likely to be breeding mosquitoes.
11. The boarding up or fencing off of a dilapidated building to prevent unauthorised access where there is a safety issue and Order no. 7 cannot be used.
12. Cleaning of garbage containers and waste storage rooms or areas.
13. Disconnection of an electric fence from its energiser or otherwise render it inoperable.

14. Removal of petroleum storage tanks (underground and overground).

Order 22 - Waste on land or premises

To Do What?

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the Order, provided that it is not inconsistent with the regulations made under the Protection of the Environment Operations Act 1997.

In What Circumstances?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the Environment Operations Act 1997.

To Whom?

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained.

Criteria:

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

1. The standards for the disposal of certain waste set out in Part 6 of Schedule 2 of the Local Government (General) Regulation 2021.
2. Waste is being stored on land or premises for collection by Council not in the approved impervious receptacles with close-fitting lids that are provided for this purpose.
3. Where waste is present on land or premises and is not being properly stored, collected or removed satisfactorily from those premises.
4. Where there is a defective on-site sewage management system.
5. Where there is disposal of human waste on site without an approved method of waste disposal.

Order 22A - Remove Waste from land

To do what?

To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises.

In What Circumstances?

The waste is causing or is likely to cause a threat to public health or the health of any individual.

To Whom?

Owner or occupier of the premises.

Criteria:

No additional criteria.

DRAFT

Order 23 - Connection to water supply

To Do What?

To connect premises to the council's water supply by a specified date

In what Circumstance?

The premises are situated within 225 metres of a water pipe of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions:

The premises is less than ten years old and provision has been made for a wholesome water supply of more than 60,000ltrs.

Order 24 - Connection to sewerage system

To Do What?

To connect premises with a sewerage system by a specified date

In what Circumstance?

The premises are situated within 75 metres of a sewer of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions

The premises is less than ten years old and an effective on-site sewage management system is being operated in accordance with licence conditions.

Order 25 - Human waste storage facility on premises

To Do What?

Not to use or permit the use of a human waste storage facility on premises after a specified date.

In What Circumstances?

It is necessary for the purpose of protecting public health.

To Whom?

Owner or occupier of premises.

Criteria:

The human waste storage facility is so defective or poorly designed so as to potentially or actually permit human waste to discharge or overflow from the storage facility in such a manner to be a danger to the health of the public.

Criteria Does Not Include:

Where the use of human waste storage facilities is capable of being regulated by the Department of Environment and Conservation, Council may not make an Order No. 25.

Order 27 - Object or matter in a public place

To Do What?

To remove an object or matter from a public place or prevent any object or matter being deposited there.

In What Circumstances?

The object or matter:

- a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or
- b) is causing or is likely to cause danger, annoyance or inconvenience to the public.

To Whom?

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

Criteria:

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

1. An Obstruction interrupts, make difficult or opposes the passage, progress or course of a person.
2. Object or matter is any article, item or thing which is visible and tangible and can include but is not limited to:
 - a. advertising sign, advertisement generally;
 - b. motor vehicles or motor vehicle parts;
 - c. caravans or caravan parts;
 - d. trailers/boats or trailer/boat parts;
 - e. machinery, equipment and appliances;
 - f. second hand materials including building materials;
 - g. demolition materials;
 - h. scrap materials;
 - i. sand, soil rock, blue metal and any other material derived from any construction or dredging process;
 - j. any organic or vegetative material;
 - k. any industrial or commercial waste product;

- l. any household fixtures, rubbish or waste.
- m. second hand containers, bottles, scrap metal, waste paper, rags, or rubbish;
- n. any recycled or composted material.

Criteria Does Not include:

1. The placing of articles on a public place during a designated period of a Council clean up provided these articles do not breach conditions in the circumstances (a) and (b). above.
2. The display of goods on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.
3. The placement of outdoor dining facilities and other items on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.

Order 28 - Damage to a public place

To Do What?

To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place.

In What Circumstances?

There is actual or likely damage:

- a. by excavation or removal of material from or adjacent to the public place; or
- b. by a work or structure; or
- c. by surface drainage or irrigation.

To Whom?

- a. the person responsible for the excavation or the removal of the material.
- b. the owner or person entitled to the benefit of the work or structure.
- c. the owner or occupier of land from which surface drainage flows or from which spray emanates.

Criteria:

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

1. There is no approval issued by Council.
2. The work is not in accordance with approval granted by Council.

Order 29 - Work or structure in a public place

To Do What?

To alter or repair a work or structure on, over or under a public place.

In What Circumstances?

It is in the public interest to do so.

To Whom?

Owner of the work or structure.

Criteria:

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

1. The work or structure on, over or under the public way is not in accordance with an approval or is considered unsafe or dangerous.
2. Repairs are required to private services within a public place such as, but not limited to, sewer services and roof water / stormwater pipes that are not covered by lease agreements.
3. Driveway crossings which are not being maintained in a safe condition.
4. Shop awnings which are not being maintained in a safe or sightly condition.
5. Maintenance of underground pipes within a public place.

Order 30 - Compliance with approvals

To Do What?

To comply with an approval.

In What Circumstances?

The approval is not being complied with.

To Whom?

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

Criteria:

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

1. An approval granted by Council under the Local Government Act or Regulations has not been complied with.
2. Conditions of an approval granted by Council under the Local Government Act or Regulations have not been complied with.

Additional Provisions of Policy

Copies of Certain Orders to be Provided to the Environment Protection Authority

If Council gives Order No 11, 12, 18, 21 or 25 in respect of land or premises and the land or the land on which the premises are situated is the subject of a contaminated land action, the Council must provide the EPA with a copy of the Order and of any modification or revocation of it.

Failure to provide the EPA with a copy does not invalidate an Order, modification or revocation. "Contaminated land action" means a current action under the Contaminated Land Management Act 1997 comprising:

- a) a declaration or Order made under Part 3 of that Act in respect of which the EPA has notified the Council under s59 of that Act, or
- b) a voluntary proposal in respect of which the EPA has notified the Council under s59 of that Act, but which has not yet been fully carried out, or
- c) a notice to maintain remediation action issued by the EPA under s28 of that Act, or
- d) a covenant to maintain remediation imposed by the EPA under s29 of that Act. (Clause 97 Local Government (General) Regulation 2021).

Delegations

The General Manager shall be responsible for the implementation of the provisions of this policy and responding to any complaints to Council issued Orders.

All employees who deal with complaints and the enforcement of the *Local Government Act 1993*, including the issuing of Orders, are responsible for adhering to this policy.

Dispute Resolution

All complaints are to be submitted in writing to Council. If a person wishes to escalate a complaint, they can do that by writing to the General Manager who has an authority to make a final decision in regard to a disputed Order.

Related Documents

Legislation and Guidelines

- Apiaries Act 1985
- Biosecurity Act 2015
- Companion Animals Act 1998
- Companion Animals Amendment Act 2001 and 2006

- Companion Animals Regulation 2008
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Exhibited Animals Protection Act 1986
- Food Act 2003
- Food Regulation 2015
- Greyhound Racing Act 2017
- Home Building Act 1989
- Local Government (General) Regulation 2021
- Local Government Act 1993
- Local Land Services Act 2013
- National Parks and Wildlife Act 1974
- Non-Indigenous Animals Act 1997
- Non-Indigenous Animals Regulations 1997
- Protection of the Environment Operations Act 1997 ~~(or more recent~~
- Prevention of Cruelty to Animals Act) 1979
- Public Health Act 2010
- Public Health Regulation 2022
- Public Spaces (Unattended Property) Act 2021
- Public Spaces (Unattended Property) Regulations 2022
- Roads Act 1993
- Swimming Pool Act 1992
- Water Management Act 2000

Dispute Resolution

All complaints are to be submitted to the Assistant Director Environment and Community Services who authorises the issuing of Orders. If a person wishes to escalate a complaint, they can do that by writing to the General Manager who has an authority to make a final decision in regard to a disputed Order.

Associated Council Documentation

Other Supporting Documents

- Muswellbrook Local Environmental Plan 2009
- Muswellbrook Development Control Plan 2009

Authorisation Details

Authorised by:	Council
Minute No:	203
Date:	20 December 2022
Review timeframe:	Within 12 months of an ordinary Council election
Department:	Environmental and Planning Services
Document Owner:	Director Environment and Planning

Version History

Version No.	Date changed	Modified by	Amendments made
1	12 March, 2019	Sharon Pope	Original Policy
2	11 October, 2022	Sharon Pope	Updates to reflect changes to the Local Government Act 1993, Local Government Act (General) Regulations 2021 and related Acts and Regulations.
3	28 November, 2024	Regulatory Coordinator	Review version following 2024 Council election.



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

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Sustainability Officer

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Attachments: Nil

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

PLANNING AND ENVIRONMENT

Schedule 1: Development Applications Approved (1/11/2024-8/12/2024)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2022.5.3	S4.55(1) Modification - Fix Incorrect Lot Description	Victoria Street Muswellbrook	\$1,304,330.00
2024.65.2	S4.55 (1A) Modification - Moving dwelling, swimming pool and Cabana 1 Metre	4 Shearer's Close Muswellbrook	\$813,205.00
2024.78.1	Strata subdivision of one (1) lot into eighty-three (83) Lots (Storage Units)	Victoria Street Muswellbrook	\$10,000.00
2024.71.1	Single Storey Dwelling	9 Stockyard Parade Muswellbrook	\$520,085.00
2024.77.1	Shed	58 Osborn Avenue Muswellbrook	\$19,480.00
2024.70.1	Demolition of existing buildings including a house	Dry Creek Road Muswellbrook	\$50,000.00
2024.67.1	Replacement Dwelling	Hungerford Road Denman	\$439,025.00



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2024.61.1	Multi Dwelling Housing comprised of four (4) dwellings	28 Hunter Terrace Muswellbrook	\$950,000.00
2023.137.1	Ancillary Shed and Swimming Pool	54 Humphries Street Muswellbrook	\$46,504.00

TOTAL = 9***Schedule 2: Development Applications Currently Being Assessed***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2024.52.2	S4.55 (1A)-Modification - Expansion in size of approved shade sale	111a Skellatar Stock Route Muswellbrook	\$39,050.00
2024.82.1	Taxi Depot	47a Maitland Street Muswellbrook	\$350,000.00
2024.81.1	Inground Fibreglass Swimming Pool and Associated Safety Barriers	9 Herdsman Close Muswellbrook	\$48,870.00
2024.80.1	Proposed alterations and additions to existing industrial building. Additions of 3 new office rooms, reception area, meeting room, kitchenette, bathroom, outdoor lunch area, proposed new covered entry area and 7 new car parking spaces	24 Strathmore Road Muswellbrook	\$365,540.00
2024.79.1	Shed	23 Stockyard Parade Muswellbrook	\$48,726.00
2024.73.1	Hay & Machinery Shed	Grasstree Ridge Row Muswellbrook	\$107,670.00
2023.130.2	S4.55(1) Modification - Subdivision of Six (6) lots into Three (3)	New England Highway Liddell	\$34,000.00
2017.18.5	S4.55 (2) Modification - modification of condition 20 and amendment to fire safety measures	15 Sydney Street Muswellbrook	\$700,000.00
2024.71.1	Extension to Existing Shed	54 Shiraz Street Muswellbrook	\$6,084.00
2021.99.2	S4.55(1A) Modification - Alterations and Additions to Muswellbrook Indoor Sports/Youth Centre	Rutherford Road Muswellbrook	\$1,148,786.00
2024.76.1	Change of Use - Recreation Facility Indoor (pilates and recovery studio)	168-170 Bridge Street Muswellbrook	\$86,000.00



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2024.72.1	Single Storey Dwelling (Manufactured Home)	3220 Wybong Road Hollydeen	\$402,813.00
2024.48.1	Shed	5 Sepoy Crescent Muswellbrook	\$57,000.00
2023.79.2	S4.55(2) Modification - Camping Ground, Community Building, Amenities	66 Palace Street Denman	\$249,000.00
2024.60.1	Construction of K-12 School	72-74 Maitland Street Muswellbrook	\$7,892,500.00
2024.36.1	Subdivision of (2) Lots into (24) & Construction of multi-dwelling housing comprised of ninety-six (96) dwellings	Ironbark Road Muswellbrook	\$20,679,314.00
2024.39.1	Warehouse	6 Common Road Muswellbrook	\$180,000.00
2024.12.1	Construction of a 40m Telecommunications Monopole	Cook Street Muswellbrook	\$350,000.00
2024.24.1	Childcare Centre	118 Maitland Street Muswellbrook	\$4,268,105.00
2024.23.1	Inground Swimming Pool & Associated Barriers	27 Chardonnay Street Muswellbrook	\$30,000.00
2024.19.1	Subdivision of Two (2) Lots into Three (3) Lots	20 Ogilvie Street Denman	\$15,000.00
2024.09.1	Childcare Centre	38 Maitland Street Muswellbrook	\$1,924,000.00
2023.131.1	Shed	44 Cousins Street Muswellbrook	\$30,000.00
2023.123.1	Dwelling - Relocated	478 Sandy Creek Road Muswellbrook	\$135,240.00
2021.29.2	S4.55(1A) Modification - Relocation of Existing Dwelling & Construct New dwelling	49 Carl Street Muswellbrook	\$490,000.00
2023.72.1	Childcare Centre	200 Bridge Street Muswellbrook	\$2,960,280.00
2023.61.1	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031.00
2023.14.1	Storage Complex - 103 self storage units and 12 open storage bays	Turner Street Denman	\$3,555,527.00



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019.53.1	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	\$4,875,600.00
2024.81.1	inground swimming pool & related landscaping, concreting & fencing to suit	85a Brook Street Muswellbrook	\$42,000.00
2024.84.1	Dwelling	64a Osborn Avenue Muswellbrook	\$80,000.00
2024.83.1	shed and shipping container	67 Stockyard Parade Muswellbrook	\$56,100.00
2024.74.1	Dwelling	120 Reedy Creek Road Hollydeen	\$330,000.00
2024.63.1	proposed secondary dwelling	19 Northview Circuit Muswellbrook	\$425,000.00

Total = 34

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

On-site Wastewater Statistics - 13 Month Analysis (2023/2024)

	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24
Applications Received (new installation)	3	0	1	0	0	0	0	1	0	0	0	0	0
Applications Approved (new installation)	1	1	0	1	0	0	0	0	0	0	0	0	0
Inspections (new system)	3	3	0	0	1	0	1	0	0	0	0	0	1
Inspections (existing system)	3	0	1	33	10	13	2	1	0	0	0	0	2



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

	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24
Applications Received (new businesses)	1	28	2	2	5	1	1	0	0	0	0	0	0 NB: 34 Temp food received
Inspections (new businesses)	2	4	3	2	2	0	1	2	3	0	0	0	2 NB: 28 Temp food inspected
Inspections (existing businesses)	1	0	3	1	28	14	0	24	1	0	0	0	0
Re-inspections	0	0	0	0	0	0	0	0	0	00		0	0

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

Building Site Compliance Inspection Statistics – 13 Month Analysis (2023/2024)

	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24
Total Sites Inspected	15	6	7	10	16	9	11	3	12	10	10	15	11
Total non-compliant and educated	0	0	0	0	0	0	0	0	0	0	0	0	0
Total compliance after education	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Penalty Notices Issued	0	0	2	0	0	0	0	0	0	0	0	0	0



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

Illegal Dumping Statistics – 13 Month Analysis (2023/2024)

	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24
Total Investigations	5	1	7	8 (3 reports were also made with no waste actually found or insufficient information to investigate)	5 (1 report made with no waste actually found)	4	5	10	18	0	0	0	7
Total Clean up by Council - insufficient evidence	2	0	3	1	2	0	0	0	0	0	0	0	0
Total Clean Up by individual	0	0	2	1	0	0	0	0	0	0	0	0	1
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	3	1	2	6	2	4	5	10	18	0	0	0	6



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

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

	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Total
Applications for Compliance Certs.	1	1	0	3	3	2	3	0	6	3	6	0	1	20

Total compliance inspections (not inc. finals for OCs)	7	5	13	8	5	10	4	6	6	3	6	7	6	77
Initial Inspections	2	2	5	2	4	4	1	4	4	3	6	5	3	36
Re-inspections	5	3	8	6	1	6	3	2	2	0	2	2	3	41

Compliance Certs / Occ. Certs issued	4	2	5	5	1	5	4	3	4	3	6	4	3	40
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Fees invoiced	\$650	\$500	\$900	\$1050	\$514	\$1200	\$572.73	\$650	\$1100	\$514	\$1100	\$1300	\$350	\$8,786.73
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Total Pools in Council's SPR = 1002

(Note: 1141 records in SPR but 136 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 21.25%

SUSTAINABILITY November 2025

FOGO Support

Sustainability staff have been engaging our community on the benefits of diverting waste from landfill. Our experience has been overwhelming positive as the vast majority of people understand the importance of this new system. To help residents cope with this system Sustainability staff have assisted with the following in November.

- Regular contact with all real estate agents to ensure FOGO rolls out smoothly.
- Provided large kitchen caddy bin for MOOSH.
- Provided rolls of bin liners for Sandy Hollow Public School.



- Provided bins for Council Administration building. Each week Sustainability staff go to the Admin building to collect food waste where it is transported to the green lid FOGO bin at the Sustainability Hub.
- Purchased and promoted the use of certified compostable bin liners.

Which bags can go in FOGO?



Infill Planting Project

During November the 600 native seedlings recently planted on Muscle Creek slopes were maintained. 600 native seedlings planted in Hyde Park, Denman were also maintained.

Sustainability Hub Educational Plantings

300 native seedlings have been planted at the Sustainability Hub. The plant species were chosen for their interesting properties. This part of the garden will be further developed with signage, artwork and other interesting features by a variety of community groups.

Restore Muscle Creek Through Environmental and Educational Action

This project is funded by the NSW government's Environmental Trust. This month more seedling maintenance was completed.

Sustainability Education

- Sustainability staff ran activities with 2nd Muswellbrook Scouts at the Hunter River.
- Sustainability staff have supported Sandy Hollow Public School throughout the year as shown in the article below.
- Two groups from Muswellbrook Preschool visited the Animal Care & Sustainability Hub.
- A Sustainable Futures Network newsletter was produced to showcase the work done throughout the year. This project run by Council is funded by the NSW government's Environmental Trust.





Sustainable Futures

The Muswellbrook Sustainable Futures Network project began in 2024 run by Muswellbrook Shire Council. This project supports schools to undertake sustainability. So far this project has involved 11 educational groups completing 30 activities with over 1500 people. This project has been assisted by the NSW Government through its Environmental Trust.

EDUCATIONAL GROUPS

Sandy Hollow Public School, Muswellbrook South Public School, Martindale Public School, Denman Public School, St Joseph's Primary School Denman, Richard GIB School, Muswellbrook Preschool, St James Primary School Muswellbrook, Fallow the Dream Poly Farmer Foundation Muswellbrook, Little Lady Muswellbrook, Homeschool Muswellbrook & MOOSH



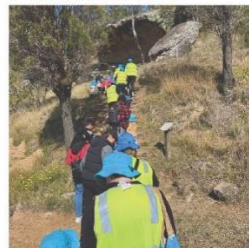
01 Water Watch Activities

Council staff assisted with planning and running activities as part of the Hunter River Health Check. 140 students from Muswellbrook High School, Muswellbrook South Public School, Denman Public School, St Joseph's Denman, Homeschool Muswellbrook and Goodstart Learning Early Learning Centre participated.



02 Cultural Activities

Council helped facilitate 40 St Joseph's Primary School Denman and kids and teachers from Muswellbrook Preschool to go on excursions to Baume Caves with students from St Joseph's Marives.



Muswellbrook Animal Care and Sustainability Hub
Facebook - Sustainable Futures - Muswellbrook
www.muswellbrook.nsw.gov.au

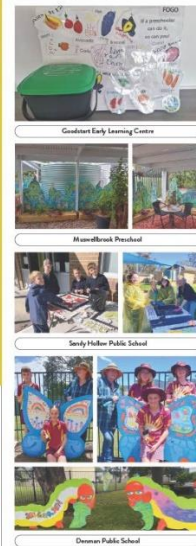
03 Fauna Boxes



04 National Tree Day



05 Ecostory Competition



06 Frogs



Sustainability Hub

Sustainability staff completed the following activities at the Sustainability Hub.

- Worked with Hunter Disability Supports each week.
- Worked with Auroa Supports to care for the garden each week.
- Warrior Disability Services continue to deliver food scraps, coffee grounds and shredded paper each week.
- Supported the Denman Community Garden and Penguin Community Garden.

Promotion for a Circular Economy

Sustainability staff help promote the garden improver, Reuse Hunter and Reuse Shop at the Muswellbrook Waste & Recycling Facility. These initiatives are great examples of our local circular economy in action. Reuse Hunter is a new website linking local businesses to customers. Local businesses are encouraged to register.

<https://www.huntercircular.com.au/reuse-hunter/>



Sustainable Futures – Muswellbrook Facebook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1870 page likes and 2,100 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promotion of sustainability activities, waste management practices, FOGO, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.



10.2. Infrastructure and Property

10.2.1. DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy for PUBLIC EXHIBITION

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Recreation & Property Officer
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	5.1.1 - Review, develop and maintain liveable town and village precincts.
Operational Plan Action:	5.1.1.1 - Continually improve development outcomes for infrastructure to meet the needs of the community.
Attachments:	1. DRAFT Memorials Naming of Council Facilities and Donations of Park Furniture and Trees Policy [10.2.1.1 - 9 pages]

PURPOSE

To request Council's endorsement to place the attached *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy* on public exhibition as notice of intention to adopt.

OFFICER'S RECOMMENDATION

1. Council provides notice of intention to adopt the attached *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy*, by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy* is a new policy developed to assist Council Officers with requests, and to set the guidelines for the naming of Council owned or managed land and facilities and for the provision of donations of park furniture and trees.

Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.

PREVIOUS RESOLUTIONS

Not applicable.



BACKGROUND

The *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy MSC063E* (the policy) has been developed by Council Officers with the following objectives:

- (a) To provide Council with a consistent approach to dealing with requests for memorials on Council reserves, requests to donate park furniture and trees, and naming parks and facilities owned or managed by Muswellbrook Shire Council.
- (b) To establish criteria against which to assess and respond to requests for the use of the Council reserves by individuals and community groups for the recognition of valued community members.
- (c) To define conditions under which Council will accept donations and offers of park furniture, trees, and/or other park infrastructure.
- (d) To ensure that the naming of Council owned or managed land and facilities is consistent with the Muswellbrook Shire community expectations, relevant legislation, and the Geographical Names Board of NSW Guidelines, where applicable.
- (e) To establish a review process when new information becomes available, and it is identified that an existing memorial or name no longer conforms to this Policy.

CONSULTATION

Infrastructure and Property team

Director Environmental and Planning Services

Business Improvement Officers

MANEX – 12 August 2024

REPORT

The policy (attachment 1) has been developed to set the guidelines for the naming of Council owned or managed land and facilities and for the provision of donations of park furniture and trees.

The policy was endorsed by Manex at the Manex meeting held on 12 August 2024.

It is recommended that the *DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy* be publicly exhibited for 42 days as notice of intention to adopt. Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.

Council has received a recent request for a memorial which is intended to be progressed by Council staff in accordance and alongside the public exhibition of the draft policy.

FINANCIAL CONSIDERATIONS

Nil known.

POLICY IMPLICATIONS

This policy has been developed to assist Council and Council Officers in dealing with the placement of memorials and naming of structures and facilities.

STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulation 2021



Geographical Names Act 1966

RISK MANAGEMENT IMPLICATIONS

To manage community expectations and Council's reputational risk with the placement of memorials and naming of structures and facilities.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 42 days via Council's website will provide the Community with an opportunity to make submissions.



DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy

MSC063E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Infrastructure and Property		
Document Owner:	Director Infrastructure and Property		
Community Strategic Plan Goal	5 Effective and efficient infrastructure that is appropriate to the needs of our community		
Community Strategic Plan Strategy	5.1 Construct and maintain well-planned community infrastructure that is safe, reliable, and provides agreed levels of service		
Delivery Program activity	5.1.2 Maintain and continually improve asset management		

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

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

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1 Policy Objective

This Policy sets out the process to be followed when dealing with requests for memorials on Muswellbrook Shire Council (Council) parks and reserves, donation of park furniture and trees, or naming of Council owned or managed land and facilities.

The objective of this Policy is:

- a) To provide Council with a consistent approach to dealing with requests for memorials on Council reserves, requests to donate park furniture and trees, and naming parks and facilities owned or managed by Muswellbrook Shire Council.
- b) To establish criterion against which to assess and respond to requests for the use of the Council reserves by individuals and community groups for the recognition of valued community members.
- c) To define conditions under which Council will accept donations and offers of park furniture, trees and/or other park infrastructure.
- d) To ensure that the naming of Council owned or managed land and facilities is consistent with the Muswellbrook Shire community expectations, relevant legislation and the Geographical Names Board of NSW Guidelines where applicable.
- e) To establish a review process when new information becomes available, and it is identified that an existing memorial or name no longer conforms to this Policy.

2 Risks being addressed

This policy sets the framework to provide a consistent and fair process for the naming of Council owned and managed parks and facilities, and the location of donated park furniture and trees across the Muswellbrook Shire Local Government Area.

3 Scope

This policy applies to members of the community and community groups who request for memorials on Council reserves, donation of park furniture and trees, or naming of Council owned or managed land and facilities. This policy also guides the Councillors and Council staff in managing the requests.

This policy does not apply to donations of public art. Please see Council's *Public Art Policy* for further information to install public art in a public place.

4 Policy Statement

Council will consider written applications for the placement of memorials on public reserves, including community, recreation and road reserves under the care, control and management of Muswellbrook Shire Council.

Council will consider written applications for the donation of park furniture and trees in public reserves.

Council will consider written applications for the naming of Council owned or managed parks and facilities.

The contents of the written application are set out in the Policy Implementation section listed below.

Approval for:

- a) Major memorials; or
- b) Naming of Parks, Reserves or Facilities

can only be given by Council Resolution and in response to a completed written application.

A Major Commemorative Memorial would be a structure, plaque or sign that is more than 500 mm x 500 mm x 500 mm in dimension.

A Minor Commemorative Memorial would be a plaque or sign that is less than 100 mm x 100 mm x 100 mm in dimensions and is fixed to or next to a donated item of park furniture or tree.

4.1 Principles

4.1.1 Major commemorative memorial

A request for a major commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy and:

- a) was widely known and respected within the local community; or
- b) had a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting and/or cultural development of the community.

Council will not approve requests to commemorate a living person, except in special circumstances, such as providing recognition to a local citizen who has made outstanding contributions to the community over a period of greater than 10 years.

Council will not approve requests for the naming of Council owned or managed reserves, reserve infrastructure or facilities after a person still holding public office.

Apart from historical persons of distant past, naming after a person shall only be approved with the written consent of their immediate family.

4.1.2 Minor commemorative memorial

Apart from historical persons of distant past, naming after a deceased person shall only be approved with the written consent of their immediate family.

Requests to commemorate a living person will be considered when an item of park furniture or tree is being donated.

4.2 Exclusions and Responsibilities

Requests for major or minor commemorative memorials or the naming of parks and facilities will be declined where:

- a) The names are considered offensive or likely to give offence,
- b) The names commemorate people who are linked to acts of violence (other than participation in a War sanctioned by the Australian Federal Government); or
- c) The names commemorate people who have acted unreasonably toward other people.

Notwithstanding an approval by the Council under this Policy, Council reserves the right to alter or rescind such approval by resolution of the Council.

This Policy should be read in conjunction with Council's Code of Conduct and align with Council's Community Strategic Plan, Operational Plan and any relevant master plans.

Council will be responsible for the ongoing maintenance of all approved furniture and trees, unless otherwise agreed.

All naming and naming rights will be for a period of 10 years and reapplication may be applicable.

5 Applications

5.1 Applications for memorials on Council land or land under the care and control of Council

Applications must be in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Applications must include a supporting statement for the nominee detailing how the nominee meets the principles as stated in the Policy.

All applications must include a site plan indicating the proposed location of the requested donated park furniture, tree/s, and/or naming memorial plaque.

The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.

Applications must describe how the proposal benefits the Muswellbrook Shire Council community and explain any community engagement or consultation undertaken (if applicable).

The documentation must be validated by Statutory Declaration.

In circumstances as determined by Council's Property and Building Services where an application is potentially controversial or questionable, the application will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

For park furniture, plaque size will be limited to 150 mm by 100 mm. Wording should follow a simple and standard format and avoid terminology used in the cemeteries. The wording will recognise the nominee and their qualities/attributes or an appropriate phrase outlined in the application. All plaques will need written approval from Council's Property and Building Services section.

Evaluation of the appropriateness of the memorial plaque will be made by Council's Property and Building Services section in close consultation with the relevant Council asset user(s) and the Governance Unit.

All applications and any community feedback received will be given careful consideration by Council's Property and Building Services prior to being presented to Council ~~the via a quarterly Council Report.~~

5.2 Donation of Park Furniture and Trees

Applications must be in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Council will permit the donation of park furniture and trees subject to Council's direction with respect to appropriateness, location, standards of park furniture type and style, maintenance requirements, or tree species choice.

Consideration will need to be given to:

- a) infrastructure already at the location;
- b) maintaining safe passage for pedestrians and other park users;
- c) avoidance of any damage to the natural environment; and
- d) ensuring the donation meets with general community expectations for the area.

Due consideration of any Aboriginal connection with the site will also be required to be undertaken by Council.

Evaluation of the appropriateness of the donation will be made by Council's Property and Building Services in close consultation with the relevant Council asset user(s) and Governance.

In those circumstances where an application to donate park furniture or trees is potentially controversial as determined by Council's Property and Building Services, the application will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

All applications and any submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council.

5.3 Application for naming facilities owned by Muswellbrook Shire Council

All proposals to name or re-name a facility must be submitted in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Applications must contain the following details:

- a) Name and address of the requester;
- b) Sufficient information to clearly identify the facility (description, maps, drawing and any other relevant details); and
- c) Reason for the choice of facility, including discussing the origin and significance of the current name to the facility.

If the proposal is to commemorate a person, then additional information is required:

- a) Dates of birth and death;
- b) Association of the person with the facility to be named;
- c) Person's association and contribution to the local community;
- d) Source of the above information; and
- e) Any other relevant supporting documentation.

Applications must include a supporting statement for the nominee which detail how the nominee meets the conditions as stated in the Policy.

The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.

The documentation must be validated by Statutory Declaration and signed by a Justice of the Peace, Legal Practitioner or Commissioner of Declarations.

Proposed use of Aboriginal names for a major commemorative memorial, park or facility name must demonstrate consultation with the Local Aboriginal Land Council and Council's Community Services Section

All applications to name or re-name a major commemorative memorial, park or facility will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

Evaluation of the appropriateness of the naming or re-naming of a facility will be made by Council's Property and Building Services in close consultation with the relevant Council asset user(s) and Governance.

All applications and submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council for endorsement.

5.4 Geographical Names Board

When considering a name proposal for a park, reserve or facility Council must assess whether the proposed name needs to be registered with the Geographical Names Board under the Geographical Names Act 1966.

If Council registers the name with the Geographical Names Board, it will follow the relevant guidelines of the Board and, prior to forwarding a request for naming determination, Council's Property and Building Services will ensure that:

- a) The community was consulted on the proposed name;
- b) The proposed name is widely supported by the community; and
- c) The proposed name has been formally endorsed by Council.

All applications and submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council.

5.5 Cost

The applicant is required to meet all costs associated with the purchase, advertisement, delivery, installation and maintenance of the approved park furniture, tree(s) and/or the Council approved plaque.

Council's Property and Building Services will contact each applicant and provide an estimate of the costs, which will also be included in the Council Report.

Works will only commence once:

- a) a Council Resolution has approved the application; and
- b) the complete costs of the donation/memorial has been received by Council.

All works are to be carried out by Council employees or Council approved contractors.

Council's Property and Building Services will co-ordinate the purchase of the park furniture, tree(s) and plaque, if required.

5.6 Maintenance

The donated park furniture or tree(s) will be subject to the same level of maintenance as other infrastructure.

The donation will remain in place as long as it remains in good working condition and complies with Council standards.

Council accepts no responsibility or obligation for repair of damage to, or theft of, the structure.

Applicants may re-apply should the park furniture or tree(s) need to be replaced.

5.7 Applications on Crown Lands

Where the request is located on Crown Lands Managed by Council, a formal request is required to be submitted to the Regional Office of Crown Lands. The request shall include evidence of public consultation. Formal consent from Crown Lands is required prior to any proposal being submitted to the Geographical Names Board. Consent from Crown Land should be received before the request is reported to Council.

Requests for the naming of other Crown lands (not managed by Council) will be referred back to the applicant with the advice they should contact the relevant Crown office directly.

5.8 Report to Council

Any requests received for a major commemorative memorial or naming of a park, reserve or facility, will be subject to a report to Council.

Council's Property and Building Services is responsible for the co-ordination of requests, actions under this Policy and for the preparation of the report to Council.

6 Roles, Responsibilities and Delegations

Role	Responsibility
Property and Building Services section	Manage and update this policy as required. Assess and provide advice to applicants. Arrange public exhibition of proposals as required. Obtain quotes, installation fees and invoices. Manage the installation.
Governance	Provide advice where required.
General Manager	Approve the Council reports.
Councillors	Endorse the application by way of resolution.

7 Dispute Resolution

Any disputes should be directed to the Director Infrastructure and Property, Muswellbrook Shire Council.

8 Related Documents

8.1 Legislation and Guidelines

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Geographical Names Act 1966

8.2 Policies and Procedures

- Council's Code of Conduct
- Management of Trees on Roads and Public Land Policy - MSC27E
- Public Art Policy - MSC068E

8.3 Other Supporting Documents

- Application form

9 Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	24/06/2024	Technical Officer - Recreation & Property	First draft for consultation

**10.2.2. Draft Staff Housing Assistance Policy for PUBLIC EXHIBITION**

Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Co-Ordinator - Commercial Property
Community Strategic Plan:	6 - Community Leadership Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Delivery Program Goal:	6.2.5 - Implement a comprehensive and targeted business improvement program.
Operational Plan Action:	6.2.5.2 - Develop and review policies in accordance with statutory operational requirements.
Attachments:	1. DRAFT Staff Housing Assistance Policy MSC10E [10.2.2.1 - 6 pages]

PURPOSE

To request Council's endorsement to place the attached *Draft Staff Housing Assistance Policy* on public exhibition as notice of intention to adopt.

OFFICER'S RECOMMENDATION

Council:

1. Provides notice of intention to adopt the reviewed *Draft Staff Housing Assistance Policy*, by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

A review of the Staff Housing Assistance Policy has been undertaken to encourage greater turnover in staff housing to ensure properties are available to attract staff to the area and provide equity in the provision of staff housing.

Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.

PREVIOUS RESOLUTIONS

Not applicable.

BACKGROUND

To conduct effective recruitment, Council provides a range of attraction and retention strategies for potential and existing Council employees. Council's *Staff Housing Assistance Policy MSC10E* (the policy) facilitates Council's capacity to offer housing to staff and provides a presence in the residential market, which generates a rental return for Council.

The policy was last adopted by Council on 11 June 2019 and is due for review.



CONSULTATION

Director Infrastructure and Property

Director Community and Economy

Manager Property and Building Services

Business Improvement Officers

Manex 26 February 2024, 11 March 2024, 12 August 2024, and 16 September 2024.

Staff Consultative Committee 9 October 2024 and 13 November 2024.

REPORT

A review of the *Staff Housing Assistance Policy* has been conducted, and the following amendments have been made to the policy and are shown as tracked changes in attachment 1:

- Removal of the 10% rent reduction,
- a condition has been added that the lease be limited to 12 months with the ability to extend the lease by a further 12 months (2 years), and
- the condition that allowed the General Manager to extend the lease further has been removed.

The primary objectives for the introduction of these changes are to encourage greater turnover in staff housing so properties are available to attract staff to the area and to provide equity in the provision of staff housing. However, it is acknowledged that the availability of suitable housing in Muswellbrook Shire is often constrained.

In the internal consultation on the draft policy the following concerns were raised:

- The risk that if the policy is implemented all staff housing will become available at the same time in 2 years. This may be managed by the likelihood that alternative options will not all become available at the same time for tenants, with existing staff tenants finding alternative arrangements at different times over the 2-year period, and Council facilitating this by providing flexibility for staff with lease terms and the ending of lease arrangements.
- The risk of losing long-term staff if they are required to leave staff housing and cannot find suitable accommodation in the local area due to the competitive rental market. This risk may be reduced through flexibility for staff on lease term and end of lease arrangements, with existing staff tenants in the 2-year period not moving until suitable accommodation is available.
- The concern that renting through the local market will reduce the capacity of staff to save or contribute to pre-tax superannuation due to paying higher rents. The removal of the 10% discount is a matter of equity, with the discounted accommodation only being available to a limited number of staff.

The policy was endorsed by Manex on 16 September 2024 and by the Staff Consultative Committee on 13 November 2024.

It is recommended that the *Draft Staff Housing Assistance Policy* be publicly exhibited for 42 days as notice of intention to adopt. Public exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.



FINANCIAL CONSIDERATIONS

The removal of the 10% reduction in rent will have a modest positive financial impact in recovering market rent for staff housing.

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

RISK MANAGEMENT IMPLICATIONS

Managing risks associated with the attraction and retention of staff and equity in the provision of staff housing.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 42 days via Council's website will provide the Community with an opportunity to make submissions.



**muswellbrook
shire council**

Draft Staff Housing Assistance Policy

MSC10E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Infrastructure and Property		
Document Owner:	Director Infrastructure and Property		
Community Strategic Plan Goal	6: Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.3: Ensure Council is a best practice employer providing a safe, happy, suitably resourced and productive workplace		

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

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

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1. Policy Objective

Council recognises that the demand for residential housing, as well as short-term stay accommodation, within the Muswellbrook Shire, can at times, exceed the supply of the residential housing market. In order to conduct effective recruitment Council needs to offer a range of attraction and retention strategies for potential and existing Council employees.

The Staff Housing Assistance Policy:

- enables Council's ability to offer housing to Staff;
- facilitates Council holding a presence in the residential market which generates a rental return and supplies suitable housing for a range of Council employees.

2. Risks being addressed

This policy supports the delivery of key objectives in Council's Workforce Plan to Attract, Retain, Engage and Develop Council Staff.

3. Scope

This policy outlines the administration of the residential housing portfolio for Muswellbrook Shire Council, as well as other Council owned accommodation.

4. Definitions

Term	Definition
Council	Muswellbrook Shire Council
Council owned residential property	Houses/apartments owned by Council which are designated for long-term stay (6 months or more <u>to 12 months</u>).
Council owned accommodation for short-term stay	Rooming or unit accommodation owned by Council which is designated for short-term stays (up to 4 months) or is student accommodation (e.g. Sam Adams College student accommodation).
Staff housing assistance	This is applied through a 10% reduction on the market rent of a Council-owned residential property. <u>The offer of a Council owned residential property.</u>
<u>Need</u>	<u>Priority is based on:</u> <u>1. emergency housing requirements</u> <u>2. new employees</u> <u>3. existing employees</u>

5. Policy Statement

5.1 Council owned residential property

That Council lease any vacant Council owned residential property subject to but not necessarily limited to the following conditions.

- 1) A standard Residential Tenancy Agreement issued by NSW Fair Trading or equivalent be signed between the tenant and Council as the Landlord.
 - i. In the situation where Council signs the head lease on a property not owned by Council, the employee will still be required to sign a standard tenancy agreement with Council.
- 2) That the General Manager or a delegate be given the authority to enter into the tenancy agreement outlined in clause 1 on behalf of Council.
- 3) Staff housing assistance will be at the discretion of the General Manager in response to a written application by an existing staff member.
- 4) Staff housing assistance can be offered to vacant positions, subject to recruitment, where it is deemed appropriate to secure the employment of the preferred candidate.
- 5) Staff housing assistance only applies to employees that relocate to the Shire from outside the Shire.
 - i. Exceptions can be made subject to the approval of the General Manager based on retaining staff and low occupancy rates in the Council's residential housing portfolio.
- 6) In times of high demand, staff housing applications are prioritised on need.
- 7) The maximum length of a tenancy agreement to be signed associated with a Council owned residential property shall be twelve (12) months two (2) years with the ability to extend the lease by a further twelve (12) months.
- 8) ~~In reference to clause 6, the General Manager has the authority to extend any tenancy agreement agreed upon. In this instance, consideration of the availability in staff housing portfolio, likelihood of retaining the staff member(s) and the residential housing demand in the Muswellbrook Shire must be assessed.~~
- 9) 8) Staff Housing Assistance is not strictly limited to Muswellbrook Shire Council employees. If market conditions allow, non Council employees may take up residency in a residential property owned or managed by Council. In reference to clause 5 (i) and 8 the method of pricing stated in this policy will apply, however, the discount rate of 10% on the annual market rate will not be offe
- 10) 9) This policy does not apply retrospectively to agreements pre-dating this policy, however, all agreements signed after the adoption date will be subject to this policy.
- 11) 10) Council will issue a standing invoice at the time of signing the lease agreement for rent due in advance. A payroll deduction will be set up for staff to have payments deducted weekly. On termination any amounts due will be deducted from the employee's final salary.
- 12) 11) Any property damage must be paid by the staff member upon final inspection.
- 13) 12) Council, where possible, will encourage staff to use available salary packaging options as part of their remuneration package. Further information on these options can be discussed upon commencement; salary packaging options include remote area housing.

5.2 Pricing Method

~~14)~~¹³⁾ Payment of a bond equivalent to four (4) weeks rent is to be paid prior to the tenant taking up residency in a Council owned residential property. Council will submit this bond with NSW Fair Trading or an equivalent regulatory body.

~~15)~~¹⁴⁾ In the second half of each financial year Council staff will complete a market rate assessment of the rental properties within the Muswellbrook Shire.

~~16)~~¹⁵⁾ A market comparison will be undertaken with similar properties to get the most accurate market price.

~~Rental prices for each property in Council's staff housing portfolio will be discounted by 10% of the average market rate obtained as per clause 14.~~

5.3 Council owned accommodation for short-term stay

~~17)~~¹⁶⁾ Staff can stay at a Council owned accommodation after obtaining an approval from the General Manager and in consultation with Council's Property Section and Human Resources.

~~18)~~¹⁷⁾ Staff can stay up to 4 months in a Council owned accommodation (unless the General Manager has approved otherwise). All costs for the duration of the temporary stay will be paid by the employee.

6. Delegations

The General Manager (or a delegate) is authorised to:

- enter into a tenancy agreement on behalf of Council;
- ~~extend any tenancy agreement agreed upon;~~
- approve use of Council owned accommodation by Staff.

7. Dispute Resolution

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of the Policy.

8. Related Documents

Legislation and Guidelines

- [Residential Tenancies Act 2010](#)

Policies and Procedures

- [N/A](#)

Other Supporting Documents

- [N/A](#)

9. Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	14/03/2003	Property and Building	Adopted by Council, Minute Number 1001
2	13/03/2006	Property and Building	Adopted by Council, Minute number 54
3	8/04/2013	Property and Building	Adopted by Council, Minute Number 303
4	8/02/2016	Property and Building	Adopted by Council, Minute Number 430
5	11/06/2019	Property and Building	Adopted by Council, Minute Number 325
<u>6</u>	<u>12/08/2024</u>	<u>Director Infrastructure and Property</u>	<u>Updates to the legislation section and policy reformatted.</u> <u>Removed the 10% rent reduction, added a condition that the lease be limited to 12 months with the ability to extend the lease by a further 12 months, and removed that the General Manager can extend the lease.</u> <u>Endorsed by Manex on 16 September 2024.</u>

**10.2.3. Public Exhibition of amended Denman Tourist Park Master Plan**

Responsible Officer: Matthew Lysaught - Director - Infrastructure & Property

Author: Recreation & Property Officer

Community Strategic Plan: 5 - Community Infrastructure

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

Delivery Program Goal: 1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire.

Operational Plan Action: 5.1.1.1 - Continually improve development outcomes for infrastructure to meet the needs of the community.

Attachments:

1. Amended Denman Tourist Park Master Plan [10.2.3.1 - 2 pages]
2. Consolidated Denman Tourist Park Master Plans 2018 [10.2.3.2 - 16 pages]

PURPOSE

To request Council's endorsement to place the amended *Denman Tourist Park Master Plan* on public exhibition as notice of intention to adopt and to receive community feedback.

OFFICER'S RECOMMENDATION

1. Council provides notice of intention to adopt the amended *Denman Tourist Park Master Plan*, by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

This report presents an updated proposed master plan for the Denman Tourist Park, incorporating details of development and feedback from consultation on the Denman Tourist Park and Thermal Baths master plan adopted in 2018.

Since 2018, Council has been successful in attracting grant funding for the Denman Recreation Area, including parts of the proposed Tourist Park, together with allocating Council's own sources of funding.

Available funding and some development provided the need to revisit the master plan to ensure it will meet future requirements. It is believed the amended design attached to the report is more user friendly and enables staged progression over time as funding becomes available.



PREVIOUS RESOLUTIONS

At the November 2018 Ordinary Council meeting, Council resolved as follows:

11.2 DENMAN TOURIST PARK MASTER PLAN

149 RESOLVED on the motion of Crs Ledlin and Reynolds that:

Council ADOPTS the Denman Tourist Park Master Plan except with respect to the location of the netball courts, such decision to be determined after considering a combined tourist park masterplan and recreation masterplan.

BACKGROUND

Denman Tourist Park and Thermal Baths was developed over 2017-2018. This included the consideration of Denman Heritage Village and user group facilities. Since 2018, the Denman Heritage Village and other structures have been installed, including the current construction of netball courts near the sporting fields. The master plan has been updated following a workshop held with Councillors in August this year.

CONSULTATION

Councillors

Technical Officer Recreation and Property

Project Manager Property and Place

Group Manager of Infrastructure and Operations

Director of Infrastructure and Property

REPORT

Council's planning has seen the development of a concept design for the old Denman Recreational Grounds to be converted into a Recreational Vehicle destination. The amended master plan takes in to account the new Denman and District Heritage Village and Men's Shed.

It is proposed that the Denman Tourist Park would attract numerous tourist groups, including 'Grey Nomads', international travellers, and families, as well as schools in the longer term by providing cabins and dormitory style accommodation.

Denman is geographically the first town with shops, hospitality providers, and facilities from Sydney when heading west along the Golden Highway. The dormitory style rooms, for example, would allow schools and large groups to visit for camps, excursions, and events staying overnight.

The cabins are shown to be set in the existing natural bushland, while the Thermal Baths back on to the existing Denman Aquatic Centre to facilitate efficient operations.

The proposed park sits between the town centre and the sporting precinct, with the adjacent aquatic centre, indoor sports centre, golf course, and recreation grounds. The proposed Town Green area in the master plan is provided for community and special events to be held, for example, fireworks nights, and truck shows.

Near the baths, there is also a proposed playground and adjacent picnic stations, and a BBQ area has been nominated. This has purposely been situated outside the Tourist Park to allow community and tourist park user access.

Provided in the table below are the submissions that have been taken into account with the new plan.



The master plan includes the following:

1. Pedestrian/cycle connection to town
2. Entry
3. Maintenance road
4. Maintenance gate
5. Drive through powered caravan and RV sites
6. Group Dorms
7. 2-room cabins
8. 1-room cabins
9. Tiny homes
10. Camping/tent sites
11. Town green
12. Playground
13. Picnic shelters
14. Precinct entry office to pool, accommodation and Indoor Sports Centre
15. Toilets and Changerooms
16. Pool entry building to be repurposed
17. Thermal baths
18. Laundry and heating plant
19. Access path with avenue planting
20. Community garden
21. Day parking
22. RV dump point
23. Backpackers' accommodation
24. Communal kitchen
25. Outdoor dining and BBQ
26. Relocated loading ramp

Key notes from above:

- One entry and exit point for security.
- Maintenance gate and road allows access for maintenance vehicles and Men's Shed separately to main entry.
- Group dorms allow school or group bookings.
- Cabins and tiny homes may assist with the housing crisis.
- Town green allows for community events and enables people to stay at event.
- Precinct office allows staff to run the recreation area, including pool, tourist park, indoor sports centre, tennis courts and, if required, take golf course bookings. Utilise the caretaker's house as incentive for staff.
- Toilets and changerrooms have an alternate access to allow them to be used for events in the town green as well as the tourist park.
- Access avenue plantings allow further connection to town and the recreation area enables guests and community easier access.
- Backpackers' accommodation could enhance local businesses looking for seasonal workers or short-term stays.

Proposed Staging:

Stage1: Enough to start it out as a camp site for campers and caravans/RVs

- Fencing and entry
- Drive through powered sites
- Camping sites
- Picnic shelters x2



- Outdoor dining and BBQ x1
- Electricity, Sewer and water to be considered in each stage
- Access roads completed with each stage. Stage 1 and 2 main roads completed and access roads.
- Amenities toilets and shower/changerooms
- Irrigation/landscaping of larger trees

Stage 2:

- Precinct office to pool, accommodation and Indoor Centre
- Gate entry/exit to tourist park
- Laundry and heating plant
- Tiny Homes
- Pedestrian/cycle connection to town
- Playground, including shelters
- Outdoor dining and BBQ x1
- Picnic shelters x2
- Town Green
- 2-room cabins (not all, but some)
- 1-room cabins (not all, but some)
- Additional landscaping (gardens) and irrigation
- Relocate loading ramp

Stage 3:

- Pool entry building repurposed
- Backpackers' accommodation
- 2-room cabins (remaining units)
- 1-room cabins (remaining units)
- Access path with avenue planting
- Communal kitchen

Stage 4:

- Thermal baths
- Group dorms
- Community garden
- Day parking



FINANCIAL CONSIDERATIONS

Probable costs have been completed at the time of design. The overall project is proposed to be broken down in stages to be completed as funding becomes available.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

Complete project is estimated to be over \$10 million. However, the project can be staged and delivered over time.

2. *Financial Implications – Operational*

There would be additional operational costs as the park activity increases, and these would need to be offset with site and user fees to recover costs.

POLICY IMPLICATIONS

Nil known.

STATUTORY / LEGISLATIVE IMPLICATIONS



















Nil known.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition for 42 days given the holiday period.

DENMAN TOURIST PARK & THERMAL BATHS MASTER PLAN

LEGEND

-  Existing Tree
 -  Proposed Tree
 -  Existing Building
 -  Group Accommodation
 -  2 Room Cabin
 -  1 Room Cabin
 -  Tiny Home
 -  Back Packers Dorm
 -  Kitchen
 -  Toilets / Laundry
 -  Services
 -  Shelter
 -  Formalised Path
 -  Gravel Path
 -  Pool / Hot Springs Paving
 -  Screen / Accent Planting
 -  Swale
 -  Fencing
- KEY**
- ① Pedestrian/cycle connection to town
 - ② Entry
 - ③ Maintenance road
 - ④ Maintenance gate
 - ⑤ Drive-through powered caravan and RV sites
 - ⑥ Group dorms
 - ⑦ 2-room cabins
 - ⑧ 1-room cabins
 - ⑨ Tiny homes
 - ⑩ Camping/tent sites
 - ⑪ Town green
 - ⑫ Playground
 - ⑬ Picnic shelters
 - ⑭ Precinct entry office to pool, accommodation and Indoor Recreation Centre
 - ⑮ Toilets and changerooms
 - ⑯ Pool entry building to be repurposed
 - ⑰ Thermal baths
 - ⑱ Laundry and heating plant
 - ⑲ Access path with avenue planting
 - ⑳ Community garden
 - ㉑ Day parking
 - ㉒ RV dump point
 - ㉓ Backpacker's accommodation
 - ㉔ Communal kitchen
 - ㉕ Outdoor dining and BBQ
 - ㉖ Relocated loading ramp



PRECEDENT IMAGES





DENMAN TOURIST PARK & THERMAL BATHS

Prepared for: Muswellbrook Shire Council
Project No: 1433
Issue: REV D
Date: 21 September 2018

Muswellbrook Shire Council has engaged Moir Landscape Architecture to prepare a Master Plan for the Denman Tourist Park and Thermal Springs in the Denman Recreation Reserve, Denman. The Master Plan builds upon the existing recreation facilities in the park and identifies a range of accommodation types, additional recreation opportunities and landscape embellishment works.

Included in this document is the following:

1. Regional Context Plan, locating Denman within the wider Hunter Region.
2. Context: Plan locating the Denman Tourist Park and Thermal Baths in the context of the town and its relationship to key services.
3. Existing Site
4. The Master Plan
5. Costings for the proposed works benchmarked against other recent projects.

DENMAN TOURIST PARK & THERMAL BATHS MASTERPLAN

Denman serves as a tourism destination due to its central location within the Hunter Valley and as a gateway to regional NSW. Denman has potential for a variety of tourism groups, including families, schools/youth groups, and Grey Nomads.

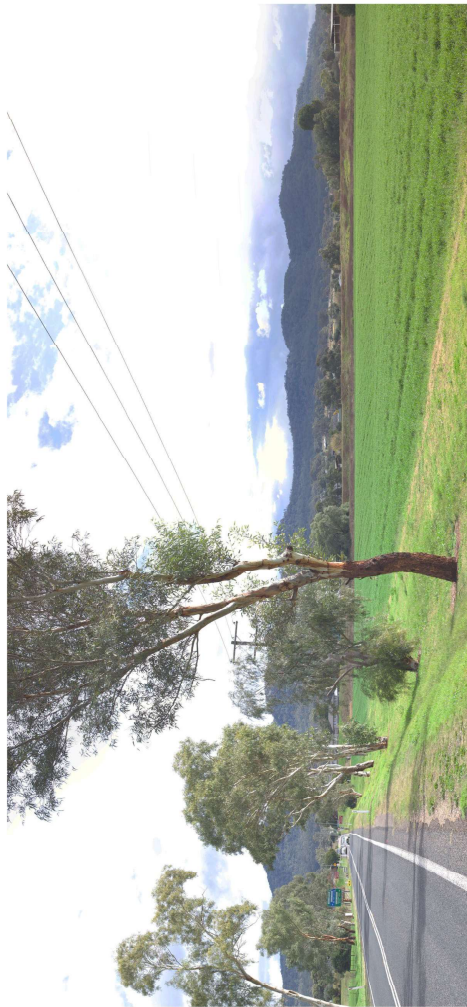
The 2006 Census estimated there were approximately 36,000 Grey Nomads and Older Travellers. The number of Grey Nomads and caravan registrations have been increasing over the past 10 years, leading to congested caravan/camping parks and tourist destinations.

The proposed masterplan provides a functional and inviting destination for tourists and travellers to experience the attractions of Denman. The provision of comfortable caravan parks / RV destinations is integral to satisfying the growing demands of the Grey Nomad, family and youth tourism.

The proposal includes:

- The addition of powered RV parking/camping lots
- Modern and attractive facilities, such as accommodation, communal kitchens, amenities
- Carpark expansions to accommodate increased RV turnover and general visitor parking
- Playground
- BBQ Shelters and Picnic lawns
- Thermal

Pools



DENMAN TOURIST PARK & THERMAL BATHS

HUNTER VALLEY & DENMAN CONTEXT

REGIONAL CONTEXT

Denman is located in the Upper Hunter Valley, approximately 2 hours west of Newcastle and 250km from Sydney. Situated on the Golden Highway and part of the Greater Blue Mountain Drive the picturesque town is an ideally located rest point and gateway to western New South Wales, between the rugged Wollumbi and Goolbourn National Parks.

The area surrounding Denman is recognised for its wine grape growing, horse trading, farming and rich rural Australian history. These elements create a picturesque landscape highly sort after by visitors and holiday goers.

Vineyards

The large number and variety of vineyards which surround Denman are a major tourist destination. Denman's Wine and Food Affair takes place annually, drawing large numbers of travelers.

Equestrians

The substantial open space and agricultural land surrounding Denman has led to large numbers of equestrian use in the form of pony clubs, events, stud farms and competitions.

Natural Scenery

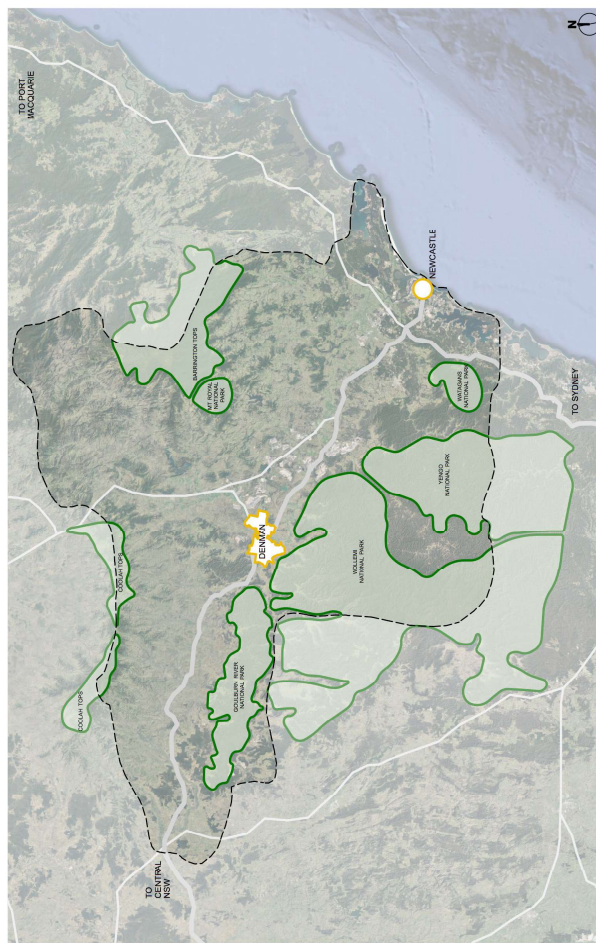
With a large number of national parks in the surrounding area, and a distinctive agricultural landscape, Denman is centrally located to bush walks and natural scenery.

Artists

The scenic landscape and history has drawn a variety of artists to the area.

Fine Food

Often co-located with vineyards, artist studios, olive groves etc, a large number of quality fine food restaurants can be found near Denman. With a variety of cafes, restaurants, gastropubs and distilleries in the area, Denman is well situated.



LOCAL CONTEXT

Denman features an iconic small rural town landscape, with a picturesque main street, views and history. The proposed tourist park and hot springs are to be located central to a variety of activities within the immediate area. The variety of pursuits existing in Denman offer opportunities for families, travelling youth/school groups and grey nomads.

Recreation

Denman Recreation Reserve is located on the western end of town, between the proposed site and the main street. The reserve serves as a major connection opportunity, featuring large open spaces and a skatepark. Other recreation pursuits, such as the adjoining 9 hole golf course, bowling club and sport ovals are readily accessible from the proposed site.

Dining

Located within walking distance, Denman's main street features a variety of cafes, restaurants and pubs.

Hospital

The Denman Multipurpose Service and Hospital with emergency facilities is approximately 250m distance from the park (less than 5min walk)

Youth

A large number of sports fields provide opportunity for school events, field trips and excursions. Other youth activities, such as the pony club, scouts hall and community centre & library provide further pursuits to schools and family holidays.

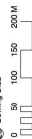
Community

The proposed location will be readily integrated into Denman's town green, which serves as a major event space, capable of facilitating large numbers of residents and travelers. Other communal spaces such as the communal shed, community centre and library are approximately 5mins walk.



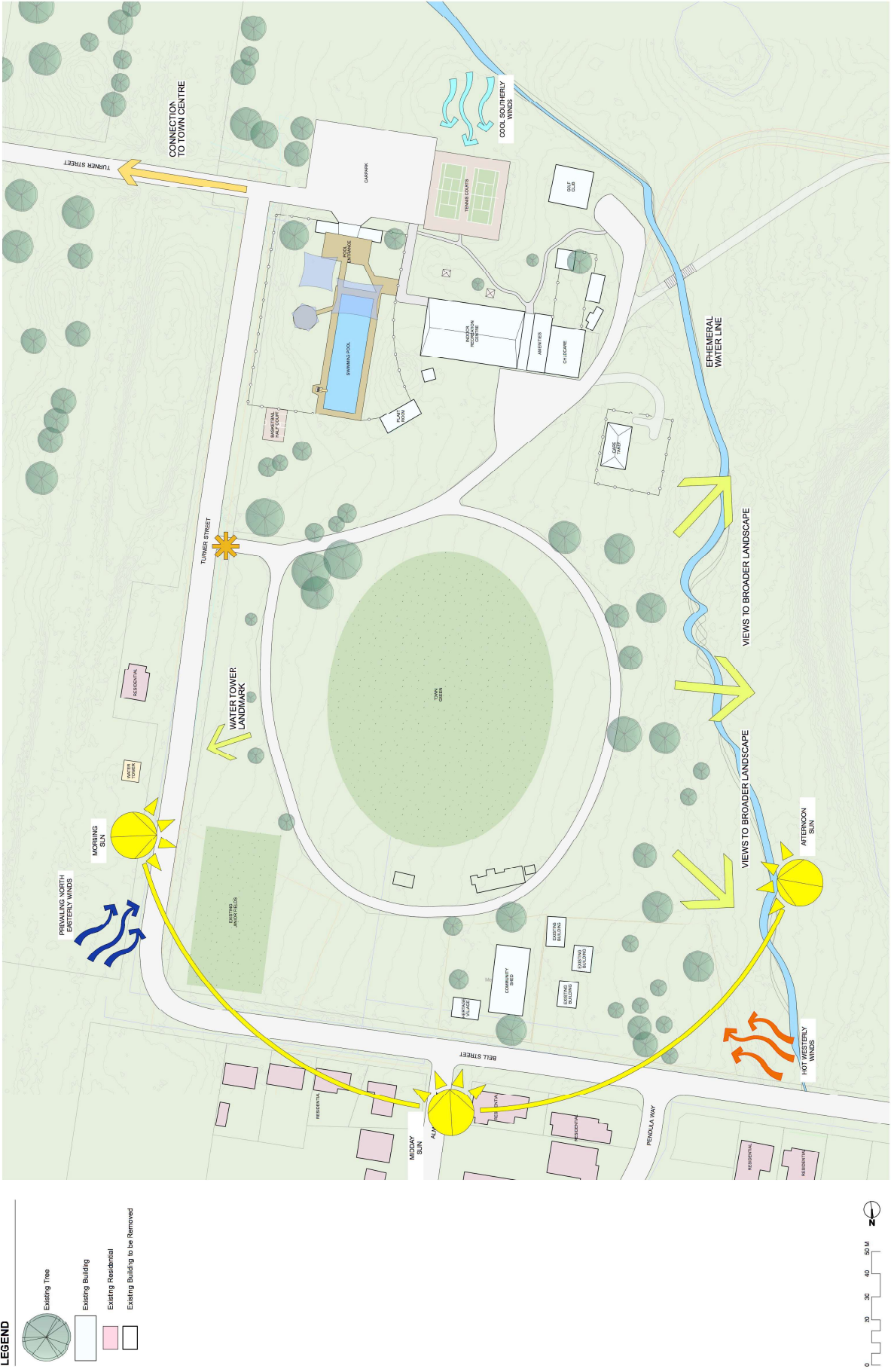
SURROUNDING FEATURES

- 1 Pony Club
- 2 Sports Hall
- 3 Sports Fields
- 4 Communal Shed
- 5 Town Green
- 6 Community Gardens
- 7 Childcare
- 8 Indoor Sport Facility
- 9 Swimming Pool
- 10 Golf Course
- 11 Denman Public School
- 12 St Joseph's Primary School
- 13 Denman Motor Inn
- 14 Skate Park
- 15 Denman Hospital
- 16 Main Street
- 17 Pub, The Royal Hotel
- 18 Community Centre and Library
- 19 Bowling Club



DENMAN TOURIST PARK & THERMAL BATHS

EXISTING SITE AND ANALYSIS



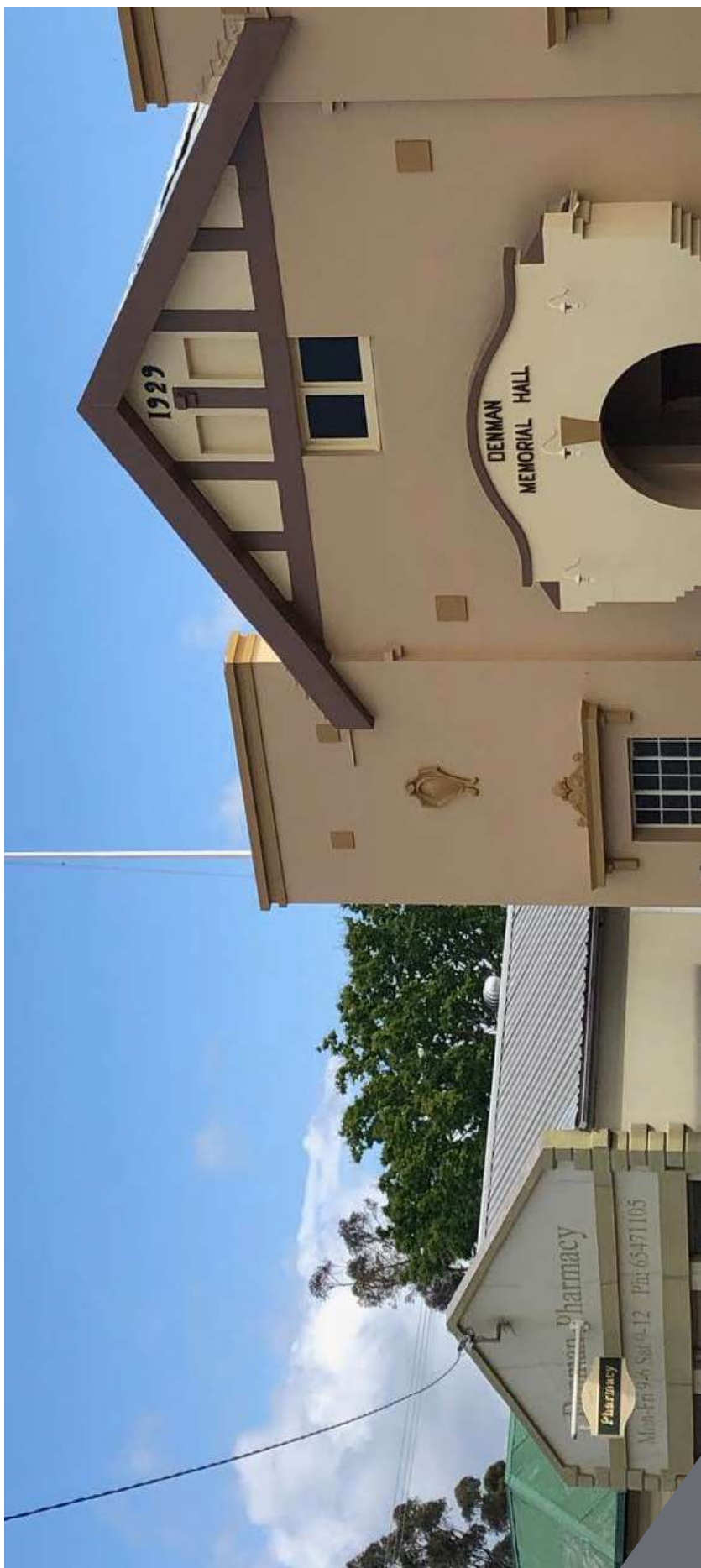
DENMAN TOURIST PARK & THERMAL BATHS MASTER PLAN



- LEGEND**
- Existing Tree
 - Proposed Tree
 - Existing Building
 - Group Accommodation
 - 2 Room Cabin
 - 1 Room Cabin
 - Back Pickers Dorm
 - Kitchen
 - Toilets / Laundry
 - Services
 - Shelter
 - Formalised Path
 - Gravel Path
 - Pool / Hot Springs Paving
 - Screen Planting / Accent Planting
 - Scale
- DESIGN FEATURES**
- 1 Pedestrian connection to town
 - 2 Entry
 - 3 Existing Junior Fields
 - 4 Boom Gates
 - 5 Multi-purpose building - Future Works
 - 6 Group Dirms - Future Works
 - 7 2 Room Cabins - Future Works
 - 8 1 Room Cabins - Future Works
 - 9 Caravan & RV Accommodation
 - 10 Town Green
 - 11 Playground - Future Works
 - 12 Picnic Shelters
 - 13 Public Toilets/Private Charge Rooms
 - 14 Thermal Baths
 - 15 Laundry and heating plant
 - 16 Access path with avenue planting
 - 17 Community Garden
 - 18 Day Parking
 - 19 RV Dump Point
 - 20 Back Pickers Accommodation - Future Works
 - 21 Communal Kitchen
 - 22 Outdoor Dining and BBQ - Future Works
 - 23 Proposed Denman District Heritage Village

PRECEDENT IMAGES





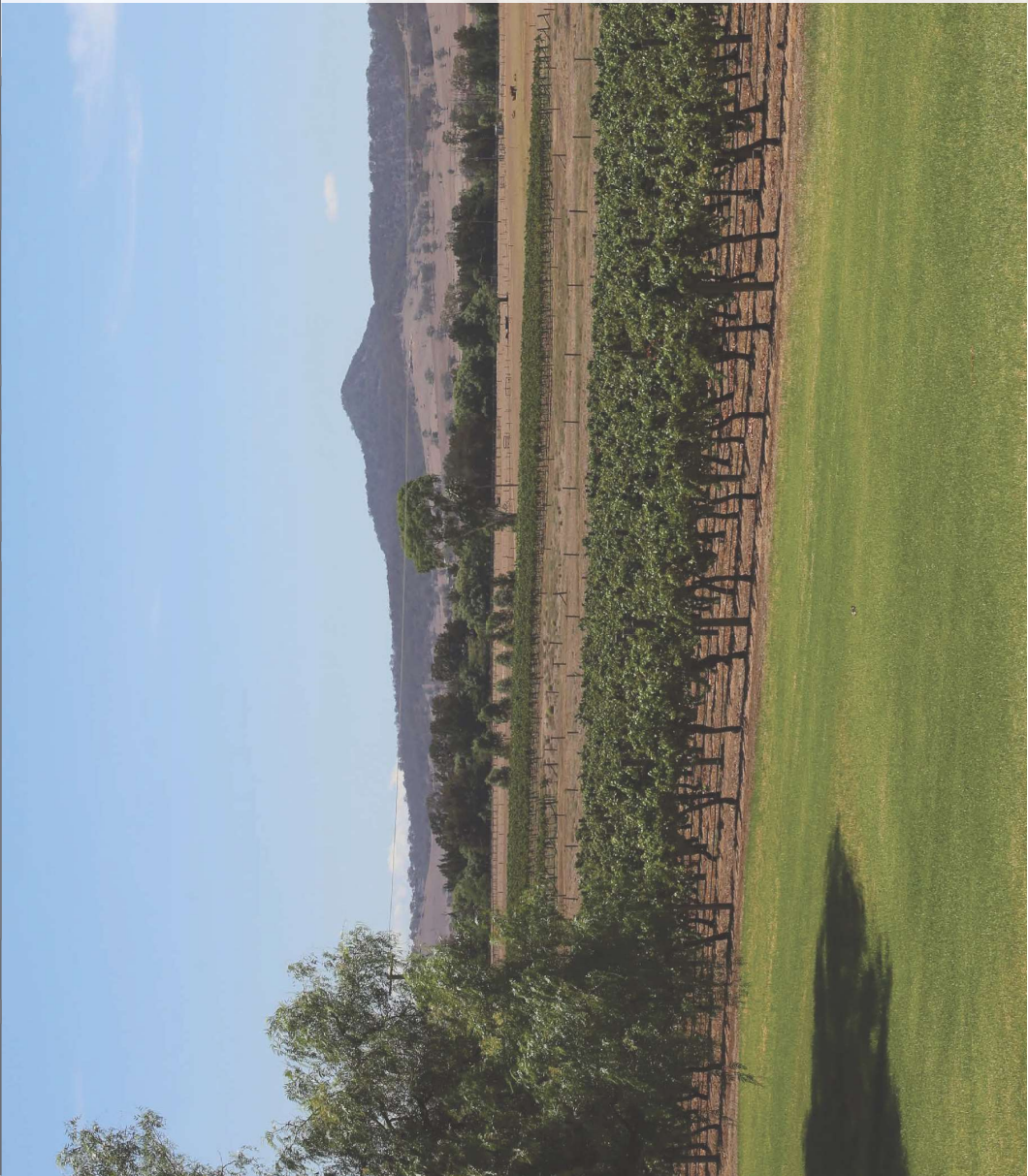
Denman Tourist & Recreation Park - Style Guide

NOVEMBER 2018 DRAFT REVISION B



Moir Landscape Architecture Pty Ltd, Studio 1, 88 Fern Street, PO Box 111, Islington NSW 2296 admin@moirla.com.au
Ph: (02) 4965 3500 Fax: (02) 4965 3555 www.moirla.com.au ACN: 097 558 908 ABN: 48 097 558 908

Denman Tourist & Recreation Park - Style Guide



Introduction

Moir Landscape Architecture has been engaged by Muswellbrook Shire Council to prepare a Style Guide which provides direction to future development character within the Denman Tourist and Recreation Park area.

This Style Guide was developed as part of the Denman Tourist and Recreation Park Masterplan. It provides a guide to assist with the design of future built form and aids in:

- Connecting the new development into the existing character of Denman's broader landscape.
- Visually connecting the Denman Tourist and Recreation Park to the main street of Denman through its architectural form and materiality.
- Recognising and exhibiting the cultural and landscape heritage of Denman and the broader context of the Upper Hunter Valley.

This document will provide guidance to the park's community groups, to help understand the functional and aesthetic direction and requirements for built form within the Denman Tourist and Recreation Park.

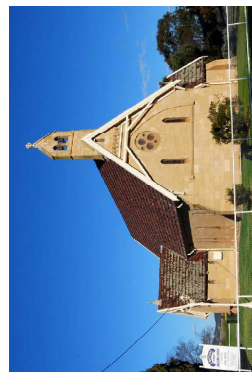
The Style Guide will provide direction through:

- Analysis of Denman's township and characteristics,
- Provision of built form and landscape guidelines, using diagrams and precedents to demonstrate the preferred aesthetic direction, and the;
- Provision of Environmental guidelines, using diagrams and resources sourced from Yourhome.gov.au.



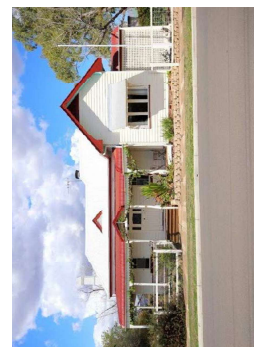
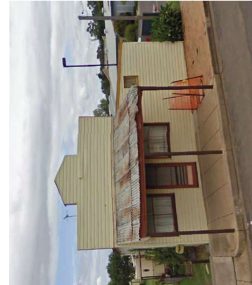
COMMERCIAL / RETAIL: The Grapevine Motel (Left), Weatherboard Commercial Buildings on Ogilvie Street (Right)

Both large and small commercial buildings achieve a sense of human scale, provide environmental comfort to the user by shaded entrances and verandahs, and are characterised by the typical treatment of horizontal weatherboard cladding, corrugated iron roofing and on shops, the iconic 'Western' parapet / false front commercial facades that face the street.



HERITAGE / ATTRACTION: St Matthias Anglican Church (Left), 37 Ogilvie Street, Heritage Listed Former Bakery (Right)

Larger, grander public buildings in Denman are characterised by the use of sandstone or double brick construction. They are of a larger scale and have a grander sense of entrance. The first retail buildings in Denman are modest, characterised again by lean-to verandahs, parapet facades and horizontal painted hardwood cladding.



RESIDENTIAL: Palace Street (Left) Paxton Street (Middle) Crinoline Street (Right)

Many heritage homes in Denman are typical of the Edwardian Federation style, often borrowing Victorian and Queen Anne features. They are characterised by corrugated hipped and gable roofs, L-shaped Bull-rose verandas with intricate timber framing, hardwood weatherboard cladding, grouped windows and brick chimneys.



Set amongst golden rolling hills and next to the meandering Hunter River, Denman is a gateway to the Wollomai and Goulburn River National Parks and is centrally located within the upper Hunter Wine region.

Denman has a rich and diverse past. The traditional owners of the land, the Wanaruah and the Kamilaroi peoples inhabited the Muswellbrook Shire area. Since European settlement, the area has been associated with equines, viticulture and pastoral farming.

Denman serves as a tourism destination due to its central location within the Hunter Valley and as a gateway to regional NSW. Denman has the potential for a variety of tourism groups, including families, schools/youth groups and 'Grey Nomads'.

Overview of Denman Architecture

Denman is highly regarded for its unique character, visually interesting streetscapes and rich mix of building typologies. Denman town has a historic rural character, which is evident throughout the variety of prominent buildings and beautiful facades along the main streets.

The township of Denman features a variety of Architectural styles, most commonly Simple Federation residential homes. These residences are typically single and two-storey freestanding buildings, with modest set backs from the street to allow for front yard gardening. The distinctive characteristics of these buildings are the lean-to balconies and verandahs, the use of timber weatherboard and simple detailing.

Denman's main street, Ogilvie Street, features two large hotels/pubs. These large brick and weatherboard structures feature Dutch gable/ cross hipped roof lines, with simplistic ornamental finishes around the dormers, chimneys and awnings. Balustrades consist of simple timber/cast iron elements with only minor detailing.

Shop fronts on Ogilvie Street feature parapets using a variety of hip and gable forms to create a unique recurring built form along the street. All built forms feature light and vibrant colours, ranging from whites, creams, light blues and some red. Buildings are generally timber constructions, however larger buildings feature clay brickwork, which is often left natural or painted in similarly light colours.

The unique historical architectural style common in Denman serves as a major visual characteristic which should be drawn upon when designing future developments within the Denman Tourist and Recreation Park.



Upper Hunter Wine and Food Affair, Denman

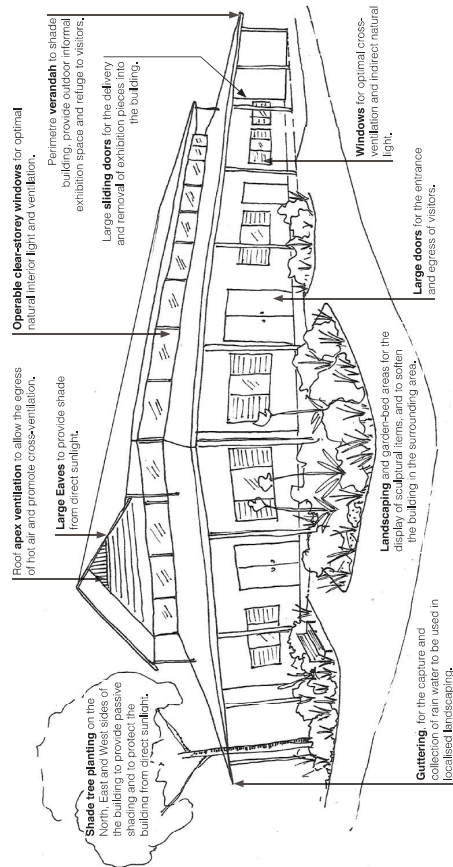
Key Design Features

The town character of Denman is heavily influenced by its architectural form. The architectural character of Denman, the intended use, and the site-specific climatic conditions should all inform the type of buildings built for within the Denman Tourist and Recreation Park.

The Mudgee Showground Main Pavilion. Located on the Mudgee Showground site, sets a good precedent for the building form required by the Heritage Museum to be located at the Denman Tourist and Recreation Park. The Main Pavilion is of a barn-shed form with an open-plan multi-use atrium and wide verandahs that surround the entire perimeter of the building. The pavilion has public access and egress and a separate large door and trafficable concrete slab floor for delivery of function and exhibition goods. It features clear-storey windows that allow natural light into the building, and exposed roof members that can be used for the suspension of exhibition items and banners. Verandas are used to house exhibits that can be exposed to the open air, such as agricultural and industrial pieces.

The following recommendations provide a holistic approach to the various aspects of built form. These suggestions of materials, shape and scale attempt to recognise and tie in with the existing architectural environment of Denman to ensure there is a congruent character across the township.

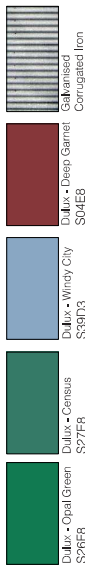
The images and descriptions provide a provisional list of promoted ways to approach built form within the Denman Tourist and Recreation Park. These images attempt to show examples of built form which may suit the architectural styles found within Denman.



Conceptual Artist Impression of key design features to be considered.

2.01 Roof

Colour



Having a roof that is a different colour and material finish than the wall cladding of a large building helps with managing the perceived scale of the structure.

Light toned roofs are recommended as they are found to reflect more radiant heat than darker toned roofs. Typically galvanised corrugated iron has been used on the majority of buildings within the Denman Town area, however coloured colorbond corrugated iron has been used in differing shades also. The above shades have been sampled from existing prominent structures in Denman and should be considered for use on roofs of new buildings.

Eaves

Large eaves to the east, north and west are recommended for maximum shading from harsh direct sunlight.



2.02 Form

Large structures may consider using a barn-style form, where the central atrium has a large clear void, with single story wings down either side. These wings allow for alcoves, or 'rooms', suitable for exhibition/market spaces.

Wide verandahs are recommended down both long sides of the building to provide shade and weather protection. These also provide for the exhibition of items, such as heavy farm machinery and industrial items, to be protected from sun and weather.

Sliding windows are recommended for indirect natural lighting into the building and cross ventilation. All windows and openings are to have fly-screen fitted to prevent the entry of insects and birds and to catch some environmental dust.

It is recommended that the internal walls and ceiling are clad. Interior cladding allows for the installation of insulation, provides a more useful surface for mounting exhibition pieces and acts to conceal services.

Modern forms can often enhance the purpose of the building and operate more efficiently than more traditional forms. Modern building forms should be considered for the design of large structures to be built on site at the Denman Tourist and Recreation Park.

The floor surface is to be a trafficable surface polished concrete slab, to allow for the entry and exit of large exhibition pieces and for easy cleaning.

An air-lock visitor entry is recommended to further prevent the entry of insects and birds into the building.

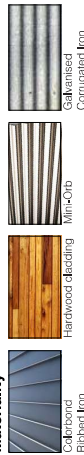


Built Form Guidelines - Large Scale Sheds

2.0

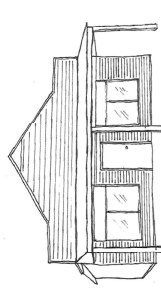
2.03 Cladding

Materiality



Cladding should be installed to run horizontally, this will marry the new buildings to the existing buildings around Denman which are predominantly clad horizontally in either corrugated iron or weatherboard. Vertical cladding accentuates the height of a building and is not recommended.

Breaks in materiality, through positioning of windows, doors or accent features are to be used to help reduce the scale of the building and provide an interesting visual character. Changes in material can also demarcate areas of the structure that are of interest, such as the entrance to the building, around windows and feature walls.



Typical building clad with horizontal weatherboards commonly found in Denman



Corrugated Iron installed horizontally

2.04 Windows and Doors

Doors

Two types of doors are proposed:

- Dual-swing double glazed doors for the entry and egress of visitors to the heritage building. All doors are to be fitted with fly screens to prevent the entry of insects and birds into the building.
- Large, sliding delivery doors. These are to be located at the rear of the building, away from the central visitor entry. Delivery doors are to be kept closed unless the building is receiving or removing exhibition items.

Windows

Windows can be of various style as long as adequate operable windows are installed for the promotion of cross-ventilation. Clear story windows are to be installed near the roof of the building to allow indirect sunlight and to ventilate hot air from the building.

Ground level windows are to be located with clear views from interior to exterior in order to create an inviting form and allow for natural light into the building. All operable windows are to be fitted with fly-screens in order to prevent the entry of insects and birds into the building. Ground floor windows should be installed at a height that facilitates clear views in and out of the building.

Framing

Timber framing is a beautiful finish that helps tie the building to its rural surroundings. Timber framing prevents the large building from appearing industrial or agricultural, and is a simple of way elevating the aesthetic quality and finish of the building.

2.05 Awnings and Verandahs

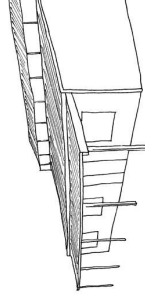
Posts and Fascia Colour



Awning roof colour to match main building roof colour. Posts and fascia to be complementary colours, but not matching the wall cladding.

Application

Awning elements should be used around walkways and external storage to help rationalise larger built forms against the human-user scale, and create refuge to visitors from the weather. Verandah elements should be open and inviting. Post spacing should be wide, with minimal obstructions such as balustrades, screens or excessive fretwork.



Verandah roof pitch to be at the same angle as the larger building roof form.



Verandahs are used to house additional exhibition pieces.

Size

Verandah to be of a height and width that allows for the delivery and placement of exhibition material. Verandah to provide space enough for the exhibition of display items and also the unhindered through-movement of visitors. Verandah space can also accommodate working displays, and so must provide adequate space for both a display and the congregation of viewers. Minimum footpath width: 1200mm Minimum eave: 500mm

2.06 Decoration and Signage

Decorative elements on dormers, cornices or frieze panels should be kept minimal and simplistic to suit that of the Denman township. If valance, fretwork and filligree elements are to be used, they should be of a simplistic design which is free of intricate elements. Laser cut reliefs, murals and text can be added as an interesting element to tell a part of the local historical story.

Accent colour

Opportunity for highlighted forms are promoted. The use of bright colours on posts, window frames and other building trim elements are promoted to create visual interest.

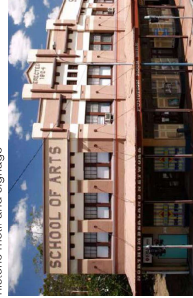
Signage

Signage should be bold and legible at a distance. Bold painting and the use of lettering which projects from the building are acceptable. Small fonts and inverted text (such as laser cut steel panels) should be discouraged as visibility can be difficult. The inclusion of hanging signs are suitable, but should be located with consideration to pedestrian safety.

Size of text font to be appropriate to the distance of the text from the viewer. Text colour should contrast to the background upon which it is mounted.



Perforated metal work can be used to create historic motif and signage



Large bold, extruded signage is located on buildings upper levels. Smaller fonts are used in colours which contrast awning colour

Built Form Guidelines - Large Scale Sheds

2.0

2.07 Fencing

Fencing serves a dual purpose. It can both demarcate the perimeter of the building, and also prevent theft and vandalism to property and valuable historical exhibition pieces.

Form

Where fencing is required, it is suggested that a solid timber post and rail fence be installed. This fence type ties in beautifully with the local surrounding agricultural and equine landscape. This fence allows for clear site lines from surrounding streets and areas of the recreation park. It is secure, without detracting from the heritage aesthetic of the complex.

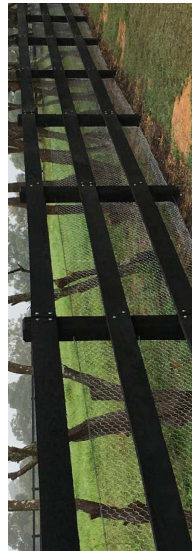
Fences should be gated, with locks on vehicular access points, and strainer posts should be stabilised deep into the ground, to prevent vehicular ramming and displacement.

Finish

Black timber post and rail-fencing blends well into the Australian landscape. Mesh can be used to prevent the entry of pest animals and make it increasingly difficult for theft and vandalism.



Black timber post and rail fence with rigid black wire.



Black timber post and rail fence with steel in-fill-mesh.

2.08 Landscaping

Adequate landscaping and garden bed establishment is important for many reasons. Landscaping softens the transition of large buildings into the surrounding environment, provides habitat for native birds and wildlife, and can help maintain a cool, comfortable environment for people spending time both in and outdoors.

Ecology

Consult local habitat revegetation guides to determine which plants are endemic to the area and will provide best habitat and feeding sources for local native fauna.

Nest boxes for birds, mammals and bats can be installed in discrete locations to allow native animals to find a safe place to live and can prevent them nesting inside buildings.

Climate

Denman receives on average 700mm of rainfall per year. Denman's climate is characterised by hot summers that often surpass 40 degrees and winters that frequently experience frosts. A planting palette should be developed with the local climatic conditions in mind. Plants should be selected that are both drought and frost tolerant.

Heritage

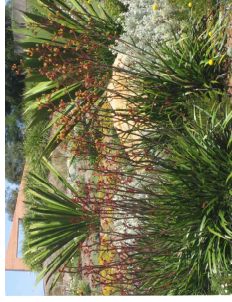
Low maintenance landscaped garden beds can be interspersed with garden beds that feature accent plants of heritage value in the area. Vegetation should be centrally located, have adequate water supply and have features such as seating and outdoor dining to allow users to properly enjoy the space.

Shade Trees

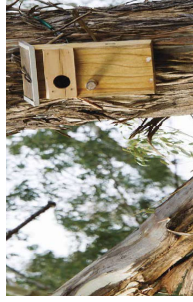
Large shade trees should be planted to the North, East and West of buildings to provide sufficient shade to both the structures and footpaths and congregational areas where people will be spending time.

Sculpture

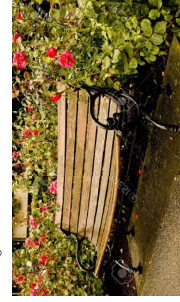
Sculptural elements can be used within the landscape to provide screening, fencing and visual interest, and makes a nice connection to the heritage significance of the area.



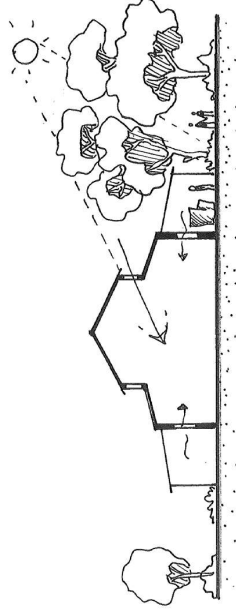
Garden planting to maximise using complementary colours, textures and forms to best marry the landscaping to the building



Nest boxes to attract endemic species and provide habitat for animals to prevent nesting in heritage building structures.



Park bench seating amongst garden beds in shade provides nice areas for visitors to sit and rest.



Shade trees should be planted to the east, north and west sides of the building.

Built Form Guidelines - Accommodation

3.0

Key Design Features

The design requirements of modern accommodation has shifted significantly over the last ten years. With the introduction of services such as Air BnB and other 'live like a local' experiences on offer, commercial hospitality providers have had to shift the way that they operate in order to stay competitive.

Accommodation provided in the Denman Tourist and Recreation Park should aim to embody the following principles in the design of its facilities:

Connection to place - both the natural landscape (through optimal use of views, vegetation and senses) and the cultural landscape (through considered use of materiality and lived experiences).

Authenticity - achieved through the use of natural and genuine materials, considerate architectural schematic design and detailing and inclusion of local construction methods, tradespeople and artists to resolve the space.

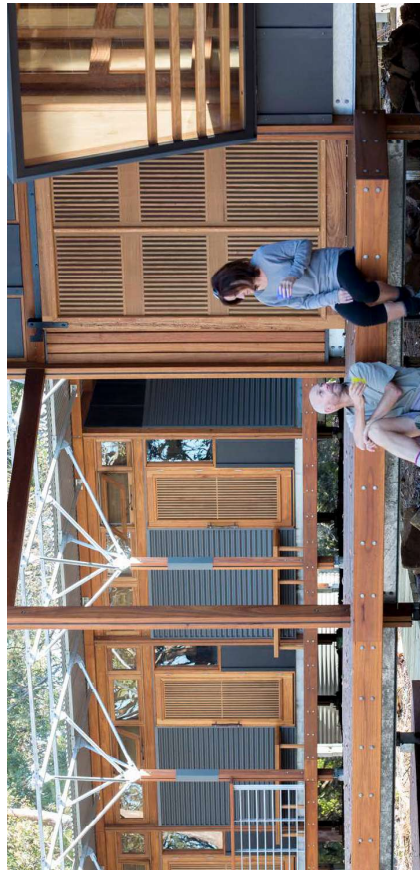
Accessibility - providing an accessible and equitable service to people of all levels of mobility.

Sensitivity - to both the historical rural character of Denman township and to the user. A sense of privacy, security and seclusion should be achieved to show respect for the user and their needs.

Community - the provision of space for users to come together in an informal setting, to cook, share meals, share events and social time together.

Sustainability - both environmental and economical - to provide a comfortable environment for occupants without the need for expensive ongoing operation costs associated with artificial heating and cooling.

Marketability - visitors are increasingly seeking accommodation options that embody principles of environmental and eco-tourism.



Three Capes Track Cabins, JAWS Architects, Tasmania
Dorm and private accommodation suites by JAWS Architects on the Three Capes Track Cabins, Tasmania

3.01 Siting

Correct siting of the cabin accommodation is crucial to the success of the development. It is important that the buildings are located in a way that the visitors to them feel secure and private in their own space, yet connected to the greater landscape and Denman cultural context.

The following principles should be followed when siting the accommodation buildings:

Solar Access

Building to be orientated East - West, with the longest frontage facing North, allowing for the capture of optimal Winter sun.

Serviceability

Building to be located with consideration given to the need for maintenance and cleaning personnel to access the building with their tools and equipment. Adequate parking must be located within a reasonable distance from the entrance of the building for these needs.

Accessibility

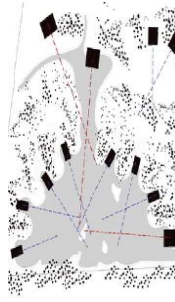
The inclusion of cabins constructed in accordance with Australian Standard 1428 - Design for Access and Mobility is required. These cabins are to be fully accessible by a wheel-chair user. Proximity to accessible parking must be considered.

Privacy / Seclusion

Despite the cabins relative close proximity to one another, the buildings can be sited in such a way, that with thoughtful landscaping, each cabin can be completely secluded visually from the others around them. Consideration should also be given to the movement of sound across the area.

Views

Controlled views to the West are the most desirable to best avoid seeing neighbouring cabins while also capturing the beautiful vistas over the rural fields to the mountains. Any windows to the North, South and East are to be clear-storey or frosted glass, to allow penetration of light, without views to car parking or neighbouring cabins.



Consideration of view-lines and siting buildings in locations that are considerate to each other.



Multiple cabins, achieve sense of separation through spacing, Almagyar Wine Terrace, Hungary.



Building achieves a sense of seclusion by way of planting, Almagyar Wine Terrace, Hungary.



Controlled site lines guide views to most beautiful locations, Almagyar Wine Terrace, Hungary.

Denman Tourist Park Masterplan - showing indicative siting of cabin accommodation.

3.02 Form and Schematic

The form of the accommodation buildings should be informed by the schematic functional requirements of the space. Consideration of existing and future tourist needs, and service requirements will determine the building form.

The form will also be determined by the environmental conditions of the site. It is recommended that the building be single story, with the ground floor being of a slab construction. The concrete slab will function as thermal mass of the building.

It is likely that the buildings will have glazing to the West, which typically is not recommended as it allows excessive heat gain. However, as the predominant views are located to the West, it is likely the building will have windows or doors facing the best views. In this instance, large eaves or a verandah are recommended to be built to the west in order to maintain views but block hot, low afternoon sun.

The roof should be pitched to the North to allow for optimal Northern solar gain. Clear-storey windows with large awnings are recommended to allow sufficient northern sunlight into the space without compromising privacy, or allowing excessive hot mid-summer sun into the building.

An outdoor deck or verandah should be provided to each cabin, as this element reflects the verandah element found on homes throughout the Denman area, and also caters to the desires of the travellers who will be using the space.

3.03 Materiality

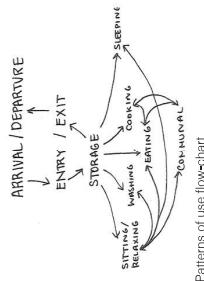


The materials chosen to construct the cabins must be sensitive to the local Denman context.

Cladding material of either weatherboards or corrugated iron are to be installed in a horizontal form, in keeping with the reoccurring themes experienced in the greater Denman township.

Neutral colours or natural materials are to be used to allow the building to blend in with the surrounding natural environment.

Exposed structural elements help achieve the sense of authenticity, as prioritised in the Key Design Principles.



Clear-storey Windows to the North, Coastlands House by Ian Sercombe Architect



Complimentary natural materials such as timber and stone are to be used where possible. Kempisle Guest Studio - Glenn Murdoch



Corrugated iron with exposed structural timber members.

3.04 Windows and Doors

Windows and Doors
Windows to the North, East and South are to be clear-storey only, and not come as low as an occupants eye line. This is to maintain privacy without compromising on adequate natural light.

The Western facade may have a large window or glass door to capture the views to the mountains, however, this window must be protected by either an adequately large eave, awning or vertical louvres to prevent direct Western sunlight from entering the building in Summer.

All windows should be operable where possible to promote cross-ventilation cooling and all operable windows are to be fitted with fly-screen mesh to prevent the entry of insects.

Framing

Doors and windows are recommended to be framed with timber. This detail softens and brings warmth to the facade, is in keeping with the rural Denman setting and reduces the scale of any frontages that are of a single cladding material.



Large window to the West to capture the best views with large awning to protect building from sun.



Timber window and door frames provide warmth to the building facade.

3.05 Communal Spaces

Program

Communal spaces are important for the connectivity and incidental interaction of guests.

A space that is easily accessible from all cabins should be provided, however, this space must take care to not promote disturbance through noise and light pollution to any of the cabins' occupants.

Cooking, dining and washing facilities should be provided for the exclusive use of the cabin occupants. These facilities should be located under a shelter to provide an all-weather gathering area.

An entertainment, play, congregation space should be considered for use by large groups and guests with children.

Materiality

Materials used to construct the communal space should be complimentary to the adjacent cabins.

It is recommended that the communal spaces be constructed of durable, robust materials that can withstand constant public use.



Dining shelter amongst vineyards, Almayer Wine Terrace, Geraben Marián Architects, Hungary.



Kitchen garden and communal dining on rooftop terrace.

3.06 Landscaping

Shade Trees

Landscaping has the foremost job of providing shade and thermal comfort to the cabin occupants. Deciduous trees are recommended to be planted to the North and East of each cabin, which provides shade in summer and solar access in winter.

Privacy

Landscaping and planting can be used to create screening and privacy for cabin occupants. Tall screening plants can be used to shelter the western deck and window from neighbouring cabins' views.

Security

Informal post and rail, cottage-garden-style fencing can be used to demarcate individual cabin 'territories' and act as a clear but casual boundary between each.

Sculpture

Sculptural elements can be used within the landscape to provide screening, fencing and visual interest, and makes a nice connection to the heritage significance of the area.

Heritage

A planting palette should be developed that considers the natural climatic conditions, but also reflects the heritage 'country garden.' Hardy, drought and frost tolerant plants are to be interspersed with plants such as roses, lavender and other country cottage garden plants.



Large trees provide shade to Glenn Murcutts' Kempsey Guest Studio.



Cottage style heritage garden with informal post and rail fence defines cabin boundary.



Sculptural elements in the landscape provide visual interest and can provide privacy to cabins.



Australian heritage garden.



Contemporary planting cultivars are often drought and frost tolerant.

Design for Climate

Design for climate requires that buildings be designed or modified to ensure that the occupants remain thermally comfortable with minimal auxiliary heating or cooling in the climate where they are built.

Passive design — working with the climate, is an important component, as are energy efficient heating and cooling systems, and smart behavior by the occupants.

Approximately 40% of household energy is used for heating and cooling to achieve thermal comfort. This rate could be cut to almost zero in new housing through sound climate responsive design. High levels of thermal performance are becoming increasingly valuable and the payback or amortisation period for thermal performance upgrades is diminishing rapidly.

Insulation

Use passive design techniques in conjunction with insulation. Insulation acts as a barrier to heat flow and is essential for keeping your building warm in winter and cool in summer.

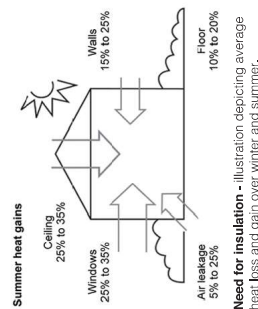
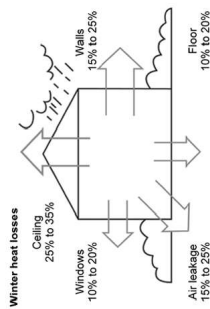
Orientation

Good orientation, combined with other energy efficiency features, can reduce or even eliminate the need for auxiliary heating and cooling, resulting in lower energy bills, reduced greenhouse gas emissions and improved comfort.

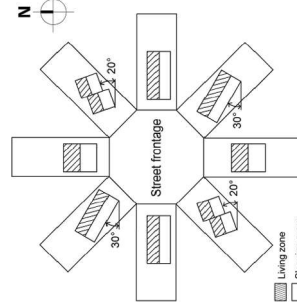
North orientation is generally desirable in climates requiring winter heating, as the position of the sun in the sky allows you to easily shade northern facades and the ground near them in summertime with simple horizontal devices such as eaves, while allowing for full sun penetration in winter.

Key principles to follow when siting your buildings include:

- Locate living areas to take advantage of winter sun and cooling summer breezes.
- Maximise north-facing daytime living areas where passive solar access is available.
- Use smaller, well shaded windows to increase cross-ventilation to the south, east and west.
- Avoid west-facing bedrooms to maintain sleeping comfort.
- Locate utility areas (laundries, bathrooms and garages) on the south or west where possible.
- Avoid placing obstructions such as carports or sheds to the north.
- Plant shade trees in appropriate locations; landscape to funnel cool breezes and block or filter harsh winds.
- Prune vegetation that blocks winter sun; alternatively plant deciduous vegetation that allows winter sun in but provides summer shade.



Need for insulation - Illustration depicting average heat loss and gain over winter and summer.



Thermal Mass

Thermal mass is the ability of a material to absorb and store heat energy. A lot of heat energy is required to change the temperature of high density materials like concrete, bricks and tiles. They are therefore said to have high thermal mass. Lightweight materials such as timber have low thermal mass.

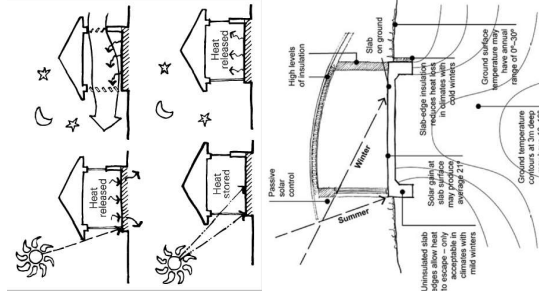
To be effective, thermal mass must be integrated with sound passive design techniques. This means having appropriate areas of glazing facing appropriate directions with appropriate levels of shading, ventilation, insulation and thermal mass.

Locate thermal mass inside the building on the ground floor for ideal summer and winter efficiency. The floor is usually the most economical place to locate heavy materials, and earth coupling gives additional thermal stabilisation in both summer and winter in these climates.

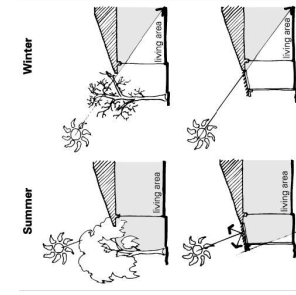
Locate thermal mass in north-facing rooms with good solar access, exposure to cooling night breezes in summer, and additional sources of heating or cooling (heaters or evaporative coolers).

Locate additional thermal mass near the centre of the building, particularly if a heater or cooler is positioned there. Feature brick walls, slabs, water features and large earth or water-filled pots can be used.

Protect thermal mass from summer sun with shading and insulation if required. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.



Thermal Mass - Illustration depicting passive heating and cooling principles.



Shading - Illustration depicting the use of sun angles, deciduous trees and ancillary shade devices to both capture and deflect sun-light.

SOURCE: 'Your Home' - Australia's Guide to Environmentally Sustainable Homes, 5th Edition. For more information the 'Your Home' Guide is available as a free PDF download and can be viewed online at yourhome.gov.au

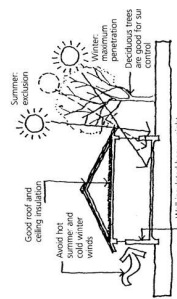


Passive Solar Heating

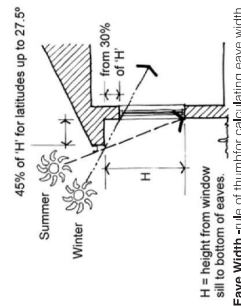
Passive solar heating uses free heating direct from the sun to dramatically reduce the estimated 40% of energy consumed in the average Australian home for space heating and cooling (DEWHA 2008).

For best passive heating performance, daytime living areas should face north. Ideal orientation is true north but orientations of up to 20° west of north and 30° east of north still allow good passive sun control.

Active solar heating systems that use roof mounted, solar exposed panels to collect heat and pump it to where it is needed are a viable solution where solar exposure of glass for passive heating can't be achieved. This provides a more flexible solution that is more easily adjusted to adapt to climate change warming.



PV panels - should be installed on roof pitches and walls to best capture direct sunlight.



Passive Cooling

Passive cooling Use external shading devices over openings, such as wider eaves, window awnings and deep verandas or pergolas. Lighter coloured shading devices reflect more heat. The most appropriate passive cooling strategies for your home including orientation, ventilation, windows, shading, insulation and thermal mass are determined by climate.

The efficiency of the building envelope can be maximised in a number of ways to minimise heat gain:

- Shading windows, walls and roofs from direct solar radiation.
- Using insulation and buffer zones to minimise conducted and radiated heat gains.
- Making selective or limited use of thermal mass to avoid storing daytime heat gains.

To maximise heat loss, use the following natural sources of cooling:

- Air movement.
- Cooling breezes.
- Evaporation.
- Earth coupling.
- Reflection of radiation.

Glazing

Windows can severely impact on the heating and cooling loads of a building. Up to 40% of a home's heating energy can be lost and up to 87% of its heat gained through windows. Energy efficient windows make your home more comfortable, dramatically reduce your energy costs and help to create a brighter, cleaner environment.

Key principles to consider when designing glazing in your building include:

- Locate and size windows and shading to let sunshine in when the temperature is cold and exclude it when it's hot.
- Use thermal mass to store the sun's heat and provide night-time warmth in cold conditions.
- Locate window and door openings to allow natural cooling by cross-ventilation.
- Provide seals to openings to minimise unwanted draughts.

The Window Energy Rating Scheme (WERS) rates the energy and energy-related performance of windows, skylights and glazed doors in accordance with AFRC procedures.

Water Efficiency

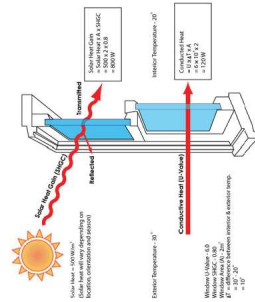
Water Efficiency
There are many ways to be efficient with the capture, retention and re-use of water. Best practice however, is to reduce the water requirements of the building in the first instance. This can be achieved by simply:

- Reduce indoor water use by choosing water efficient showers, toilets, taps and appliances.
- Minimise outdoor water use by choosing plants that are appropriate for local growing conditions and by including low water use areas in the garden design through the use of indigenous plants or low water use species.
- Minimise paving of outdoor areas as this increases heat radiation and water runoff from the site.
- Sweep paths and drives instead of hosing them down.
- Reuse water where possible to reduce the consumption of potable water for non-potable purposes.

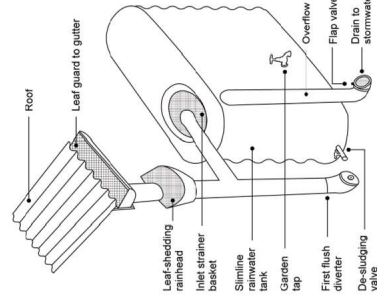
A lot of water can be captured and stored using a rain-water harvesting system. The predicted roof size of the large Heritage Building with verandahs totals 750 sqm. With an average annual rain fall of 700mm, the total amount of water to be captured on an average year would be approximately 525 000 litres.

A large water tank should be installed to hold this water, and deliver water to the site for the use in toilets and landscaping. A 10,500L underground concrete water tank with 400mm soil coverage is recommended to capture and store sufficient water through both high rain fall and no-rain fall periods.

To conceal the tank below ground is ideal as it prevents the tank from detracting from the landscape and occupying valuable space.



Heat Transfer - illustration depicting temperature gains via radiated heat.



Components of a rainwater harvesting system.



10.2.4. Removal of Hazardous Trees

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Manager - Works
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	Not Applicable
Operational Plan Action:	Not applicable
Attachments:	Nil

PURPOSE

To request Council's consideration of several trees that have been assessed as requiring removal.

OFFICER'S RECOMMENDATION

Council Approves:

1. The removal of:
 - a. The Privet Tree (*Ligustrum lucidum*) at 37 Adams Street, Muswellbrook.
 - b. The Red Gum tree (*Eucalyptus camaldulensis*) at Denman Cemetery.
 - c. Kurrajong tree (*Brachychiton populneus*) at 11 Karoola Avenue, Muswellbrook.
 - d. The Red Ironbark (*Eucalyptus sideroxyn*) at 43 Calgaroo Avenue, Muswellbrook.
 - e. The Silky Oak Tree (*Grevillea robusta*) at 6 Rutherford Road, Muswellbrook.
 - f. The Wilga Tree (*Geijera parviflora*) in the Forecourt of the Muswellbrook Regional Art Gallery.
2. The replacement of the Wilga Tree in the Muswellbrook Regional Art Gallery forecourt with *Tristanopsis laurina* 'Luscious' - Watergum
3. The removal of dead wood, application of fungicide and soil improvements to try and save the twelve (12) Himalayan Ash Trees (*Fraxinus Griffithi*) located in the Cook Street median.

Moved: _____ Seconded: _____

EXECUTIVE SUMMARY

Provided in the report are the seven (7) sites where trees have been assessed and recommendations made in regard to removal, following tree inspection.



PREVIOUS RESOLUTIONS

At the 22 August 2023 Ordinary Council Meeting, Council resolved as follows:

10.3.3. Henry Dangar Drive - Plane Trees

60 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
Council APPROVES:

1. Managing, on a case by case basis, the matters described in the report;
2. Prioritising the renewal of concrete footpath on Henry Dangar Drive (between Day Street and Dixon Circuit); and
3. Carrying out discrete tree removal and replacement if issues cannot be appropriately resolved, regarding tree preservation
4. Other than in Emergency situations all requests for Tree Removal are submitted to Council for consideration.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, 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.

BACKGROUND

Council's Works section undertakes tree inspections regularly. Generally, the tree inspections are undertaken by Council's Tree Officer, who is a Level 2 arborist and qualified tree inspector.

Most of the inspections are undertaken due to requests from community members or because the tree is known to Council to be a problem tree.

Council keeps a register of all tree inspections. All trees receive a rating from 3 to 12 with three being hazard free and healthy, and 12 with recommended action to be pruned or removed.

The ratings are based on three criteria:

1. Potential for failure,
2. Size of defective part, and
3. Target rating which measures occupancy of the area.

Wherever possible, the aim is to undertake remedial works to rectify a hazard prior to any removal. If a tree is required to be removed, then a minimum of two advanced trees proximate to the location of removal, where practical, are to be planted.

CONSULTATION

Tree Maintenance Officer

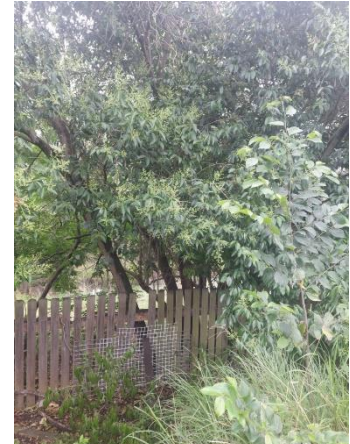
Works Coordinator - Parks

Manager Works

REPORT

37 Adams Street, Muswellbrook

This is a Privet Tree (*Ligustrum lucidum*) which is a serious environmental weed throughout Australia. The Privet is damaging a boundary fence, and the owner would like to replace the fence.



This tree has been rated:

1. Potential for failure – 2,
2. Size of defective part – 4, and
3. Target rating which measures occupancy of the area – 4.

Overall rating 10

Recommend for removal.

Denman Cemetery

This a River Red Gum tree (*Eucalyptus camaldulensis*), which has multiple stress cracks compromising the tree's structural integrity. The tree is on a large lean and the grass at the base is beginning to lift, indicating the lean is becoming progressively worse.



This tree has been rated:

1. Potential for failure – 3,
2. Size of defective part – 4, and
3. Target rating which measures occupancy of the area – 3

Overall rating 10

Recommended for removal.

**11 Karoola Avenue, Muswellbrook**

This is a Kurrajong tree (*Brachychiton populneus*) which is slowly dying due to an infestation of beetle. The tree is located within the road reserve out the front of 11 Karoola Avenue, Muswellbrook.



This tree has been rated:

1. Potential for failure – 4,
2. Size of defective part – 3, and
3. Target rating which measures occupancy of the area – 3,

Overall rating 10

Recommended for removal.

Cook Street, Muswellbrook - Median Garden

These trees are Himalayan Ash Trees (*Fraxinus Griffithi*). There are twelve (12) trees in differing levels of decline as a result of a fungal disease. The disease is killing the trees from the top down and has spread through most of the trees in the median strip.



These trees have been rated:

1. Potential for failure – 3,
2. Size of defective part – 3, and
3. Target rating which measures occupancy of the area – 4.

Overall rating 10



These trees form an avenue to not only add value to the streetscape, they additionally perform a function as part of traffic calming in the street. Some of the trees have made signs of improvement over the past few months and, on this basis, it is recommended that removal of the dead wood, application of fungicide, and soil improvements be undertaken. This may assist to improve the health of the trees and remove the need for removal in the future. Following this work, the condition of the trees will continue to be monitored.

43 Calgaroo Avenue, Muswellbrook

This tree is a Red Ironbark (*Eucalyptus sideroxyn*) The tree is located within the road reserve out the front of 43 Calgaroo Avenue, Muswellbrook. The Red Ironbark is dead and poses a threat to traffic and pedestrians.



This tree has been rated:

1. Potential for failure – 3,
2. Size of defective part – 4, and
3. Target rating which measures occupancy of the area – 4.

Overall rating 11

Recommend for removal.

6 Rutherford Road, Muswellbrook

This is a Silky Oak which is located in the road reserve out the front of 6 Rutherford Road, Muswellbrook. The Silky Oak is dying from the top of the canopy with 75% of the canopy is now dead.





This tree has been rated:

1. Potential for failure – 3,
2. Size of defective part – 4, and
3. Target rating which measures occupancy of the area – 4.

Overall rating 11

Recommend for removal

Muswellbrook Art Gallery forecourt

This tree is a Wilga Tree (*Geijera parviflora*). This Wilga has been pruned several times to remove dying limbs to extend its life, bearing in mind that it is in a very prominent location, however it is progressively dying.



This tree has been rated:

1. Potential for failure – 3,
2. Size of defective part – 3,
3. Target rating which measures occupancy of the area – 4.

Overall rating 10

Recommend for removal.

The proposed tree to replace the Wilga selected by Arts Centre staff is *Tristanopsis laurina* 'Luscious' - Watergum





FINANCIAL CONSIDERATIONS

Funds are available in the tree and landscaping budget for the removal and replacement of all the trees

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Funds are available in the tree and landscaping budget for the removal and replacement of all the trees.

2. Financial Implications – Operational

Nil known.

POLICY IMPLICATIONS

Removal of trees in compliance with Council's Management of *Trees on Roads and Public land Policy - MSC27E*

STATUTORY / LEGISLATIVE IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

The tree inspections and removal of hazardous trees is an assessment of risk.

COMMUNITY CONSULTATION / COMMUNICATIONS

Communication is undertaken with directly affected residents and businesses.

**10.2.5. Change of Waste Collection Day - Woodland Ridge and Ironbark Ridge**

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Senior Coordinator Waste Operations
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.
Operational Plan Action:	Not applicable
Attachments:	Nil

PURPOSE

To inform Council of a request received from Council's waste collection contractor to increase collection efficiency by changing the waste collection day for Woodland Ridge and Ironbark Ridge precincts from a Tuesday collection to a Friday collection.

OFFICER'S RECOMMENDATION

Council approves Council's contractor's requested change, and:

1. will determine, in collaboration with Council's contractor, an achievable changeover date; and
2. will prepare and issue letters to the affected properties, notifying of the change.

Moved: _____ **Seconded:** _____

BACKGROUND

Council rolled out the Australian standard coloured 3-bin system in 2004/2005. At the time, the population of Muswellbrook Shire was 15,149 (<https://www.abs.gov.au/ausstats>).

In the 20 years since then, the population has increased, as has the building stock, with significant housing developments in Eastbrook Links, Woodland Ridge, Ironbark Ridge, Bloodwood Estate, and Northview Estate.

The increase in geographic size of the township has resulted in greater distances that the garbage collection trucks are required to travel on collection days

CONSULTATION

J R Richards & Sons

Planning Coordinator

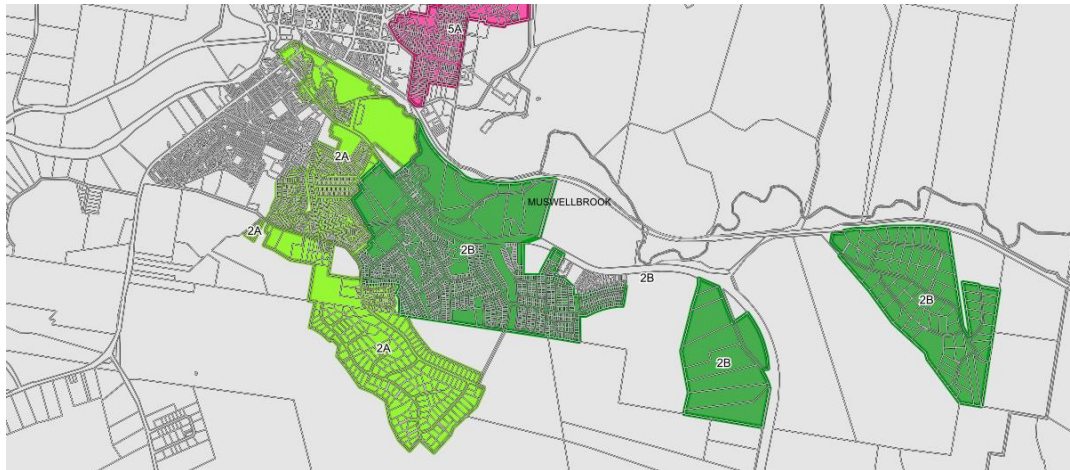
Traffic & Roads Officer



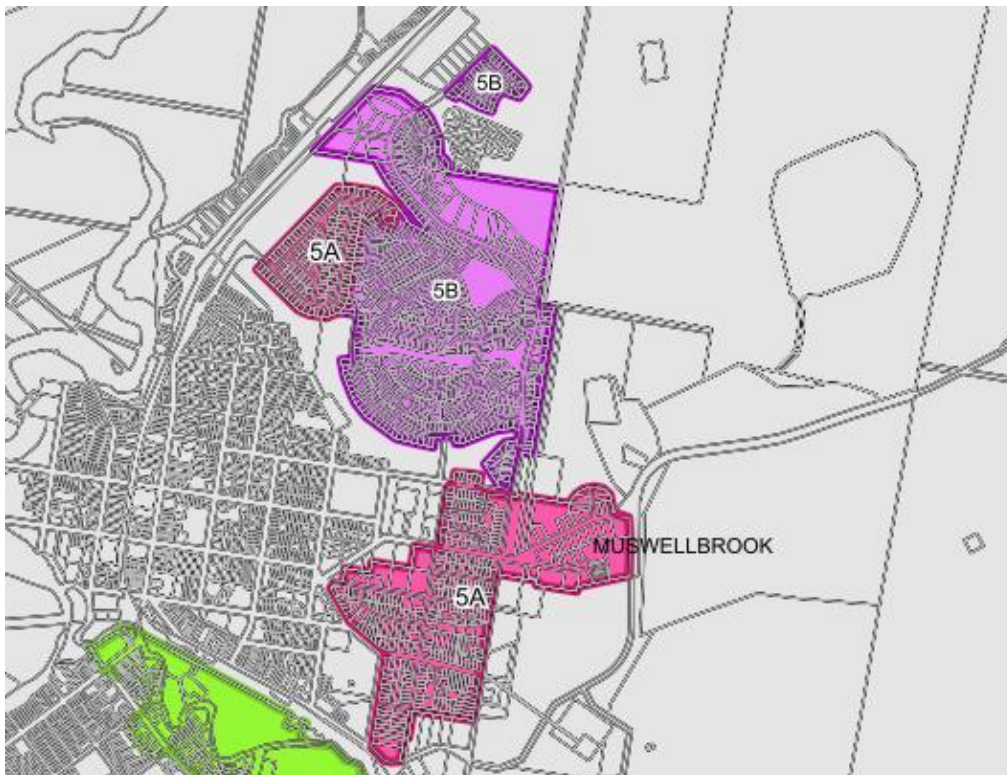
REPORT

An agenda item, 'collection zones', is included in Monthly Performance Improvement Committee meetings with J R Richards & Sons. Over time it has become increasingly evident that Tuesday's collection area (Zone 2A and 2B) has grown in population to a point where the garbage truck fleet struggles to complete all the required pickups within the 12-hour window permitted under the contract.

Further, with the increase in lifestyle blocks, housing in Ironbark Ridge, servicing from Maitland Street over half of South Muswellbrook, Eastbrook Links Estate, as well as the Woodland Ridge area, has stretched the Tuesday collection run distances to exceed capacity.



It is further noted that Friday's collection run encompasses North Muswellbrook, including the "Wine estate" and "Northview" development, as well as residences to the west of the Muswellbrook Hospital.





In addition, the introduction of Food Organics Garden Organics (FOGO) collection has increased the distance required for the FOGO collection trucks to traverse. Instead of dropping green waste at the Muswellbrook Waste & Recycling Facility, as was done previously, these trucks now deliver FOGO to Loop Organics, which is a 72 km round trip.

While J R Richards has been able to conduct these collections under normal circumstances, the risk is that a breakdown or other incident occurring on a Tuesday would have a significant impact, resulting in the non-collection of bins or other issues, potentially over the remainder of the week.

OPTIONS

Council may support this relatively minor change to collection areas. This would increase collection efficiency and provide support to the ongoing positive relationship between Council and the contractor.

Alternatively, Council may choose not to support the request and instead keep collection days unchanged. This option may lead to increasing non-achievement of timely collections for Tuesday's area.

CONCLUSION

It is recommended that Council endorses the request made by Council's waste collection contractor. Not only would it support the continued positive relationship under the long-term agreement, but the gains in efficiency will also assist all bins to be collected on time.

SOCIAL IMPLICATIONS

The change of bin pickup day may be disruptive in the short term, particularly for residents who have become used to the same pickup day over many years. However, the double pickup for the changeover week is hoped to assist with the transition and help embed the new pickup day.

FINANCIAL CONSIDERATIONS

Nil known.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

Nil known.

2. *Financial Implications – Operational*

Nil known.

POLICY IMPLICATIONS

Nil known.

STATUTORY / LEGAL IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

Changing the bin collection day for a subset of the Muswellbrook population will result in an improved distribution of services and allow continuation of waste collection with minimal disruption.



Without a change, there is a risk of delayed pickups or missed pickups, but also the risk of late delivery of FOGO to the processor. Delivery of FOGO outside normal operating hours incurs Council an additional charge per load.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The change is planned to be communicated directly to the 150 properties affected, by way of a letter through regular post.

**10.2.6. Olympic Park Grandstand and Amenities Design**

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Recreation & Property Officer
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.
Operational Plan Action:	1.4.1.1 - Construct Olympic Park Grandstand and Amenities.
Attachments:	<ol style="list-style-type: none">1. 12529663- MSC Grandstand DA V 3 [10.2.6.1 - 10 pages]2. Olympic Park Grandstand and Amenity - Option 2 [10.2.6.2 - 4 pages]3. Olympic Park Grandstand and Amenity - Option 3 [10.2.6.3 - 6 pages]4. Olympic Park Grandstand and Amenity - Option 4 [10.2.6.4 - 6 pages]

PURPOSE

To provide Council with an update on detailed design options for the Olympic Park Grandstand and Amenities, including value management options investigated by Barnson, Council's Principal Design Consultant, informed by consultation with user groups.

OFFICER'S RECOMMENDATION

Council endorses the Olympic Park Grandstand and Amenities Design - Option 4 to allow detailed design documents to be completed to proceed for construction tender.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

An Option 4 design for the Olympic Park Grandstand and Amenities has emerged as the preferred design for redevelopment, with strong support from user groups and Olympic Park Development Advisory Committee representatives. This option balances functionality, cost efficiency, and sustainability while addressing the diverse needs of stakeholders and the community.

Option 4 incorporates key elements from previous designs, ensuring functionality, operational efficiencies, and achieves targeted value management measures. These measures include the removal of storerooms (with alternative storage to be provided on-site), the dry server, and a changing places facility, which is not required for this venue but is included in the design for the replacement of Simpson Park amenities. The Option 4 design provides seating capacity in the grandstand for 600 spectators.



PREVIOUS RESOLUTIONS

- 15 April 2024: The Regional Planning Panel approved the Olympic Park Grandstand and Amenities DA.
- 14 May 2024: Council received a status update on major capital projects funded by the 2019 Special Rate Variation (SRV), including the Olympic Park Precinct.
- 23 July 2024: Council awarded Barnson the contract for detailed design and cost-saving investigations under Contract No. 2023-2024-0611.

BACKGROUND

In February 2018, Council adopted the Stage 1 Olympic Park Master Plan.

- Stage 1 of the master plan included:
 - Safer vehicle access (in particular, construction of a bridge over Muscle Creek to Wilder Street facilitating egress during major events).
 - Car parking
 - Additional storage.
 - Improved cycleway and pedestrian connections.
 - Environmental works.
 - Field improvements.
 - Additional amenities.

Design work for a new grandstand was also included in Stage 1. However, the construction until recently was unfunded, and was included in Stage 2 of the master plan. Funding for Stage 2 of the master plan was not included in Council's Special Rate Variation submission.

The Olympic Park Precinct Upgrade was part of Council's successful 2019 Special Rate Variation application to the Independent Pricing and Regulatory Tribunal (IPART).

Works completed to date for the Olympic Park Precinct include:

1. Integration of the Olympic Park Master Plan into the Muswellbrook Aquatic Centre Master Plan and Muswellbrook Urban Riparian Landcare Master Plan.
2. Construction of car parks, number six and seven on the Master Plan.
3. Construction of Park Tennis Hitting Wall to enable car parking.
4. Demolition of old Muswellbrook Amateur Theatrical Society (MATS) Hall and relocation of MATS.
5. Shared footpath construction from Rail Underpass to Olympic Park fields.
6. Muscle Creek Nature Trail works.
7. Muscle Creek Bridge to Wilder Street completed with road approaches.
8. Intelligent lighting installed along the footpath from Bridge Street to Bell Street.
9. Design for both Stage 1 and Stage 2 Amenities and Grandstand design submitted for development assessment by the Hunter & Central Coast Regional Planning Panel and approved.

The total budget for Olympic Park is approximately \$15.5 million. This includes \$4.8 million capital from the 2019 Special Rate Variation (SRV), external grant funding of \$9.5 million, and other funding, including Voluntary Planning Agreements (VPA) of \$1.2 million.



- Project budgets include:
 - Car parks \$1.6m.
 - Wilkinson Avenue \$2m.
 - Wilder Street Bridge \$1.25m.
 - Environmental Works \$300k.
 - Precinct Landscaping \$400k.
 - Forecourt \$300k.
 - Amenities & Grandstand \$8.15m.
 - Field Improvements \$1.5m.
- Grant funding includes:
 1. NSW Government Programmes:
 2. Stronger Country Communities Round 3 – Intelligent Lighting \$125k.
 3. 2019-2020 Active Transport Program - Shared Pathway \$150k.
 4. Resources for Regions Round 5 – Wilder Street Bridge \$1.25m.
 5. Stronger Country Communities Round 4 – Facilities \$487k.
 6. Regional Sport Facility Fund 2020/21 – Amenities \$1m.
 7. Regional Sport Facility Fund 2021/22 – Field Improvements \$1m.
- Australian Government Programme:
 8. 2022 Election Commitment \$5.5m.

CONSULTATION

Mayor Jeff Drayton

Councillor Graeme McNeill

Councillor Amanda Barry

Councillor Rod Scholes

Councillor David Hartley

Councillor Darryl Marshall

Councillor Stephen Ward

Olympic Park User Groups

Olympic Park Development Advisory Committee

Technical Officer Recreation and Property

Project Manager – Property and Building

Director Infrastructure and Property

REPORT

Council executed contract 2023-2024-0611 with Barnson in September 2024 for the redevelopment of Olympic Park Grandstand and Amenity – Detailed Design.

The initial Development Application (DA) approved design proposed a demolition and rebuild



of the grandstand and amenities. However, in response to budget constraints, both capital and operational, and concern to ensure sustainable operations in the future, Council staff and Barnson conducted a value management review to explore options, including reusing the existing structure rather than proceeding with a complete rebuild.

Barnson's investigation identified significant benefits to reusing the existing grandstand building, including:

- Reuse of elements reduces demolition and construction costs, providing financial savings compared to a full rebuild.
- Reduces depreciation costs with an expected reuse of 25% of existing building.
- Retaining and repurposing existing materials reduces construction waste and minimises the project's environmental impact.

A meeting was held with Councillors, Development Advisory Committee representatives, and user groups on Thursday evening 28 November 2024 to discuss design options.

Design Options:

Option 1 – DA - Approved Design

- **Description:** Complete knockdown and rebuild with a seating capacity of 870 seats.
- **Cost:** \$10,170,000 (excl. GST) as of September 2023 (an increase from the original estimate of \$8,596,000 in February 2022).
- **Status:** Removed due to high depreciation costs, maintenance requirements, and escalating construction costs.

Option 2 – Olympic Park Grandstand and Amenity - Existing Grandstand Retained

- **Description:** Reuse of the existing grandstand with modifications to reflect the DA-approved design. Key features include two breezeways, internal stairways, changing places facility, and a rear entry to main changerooms. Seating capacity increases to 960 seats.
- **Cost:** \$8,570,092 (excl. GST).

Option 3 – Olympic Park Grandstand and Amenity - Cost Reduction

- **Description:** Simplified version of Option 2, removing one breezeway, storerooms (shed to be built separately), and dry servery. Seating capacity is reduced to 750 seats. Approximate reduction of 315 sqm.
- **Cost:** \$7,570,092
- **Cost Savings:** \$1–1.3 million.

Option 4 – Olympic Park Development Advisory Committee Proposal

- **Description:** Incorporates elements from all options and reflects input from user groups. Removes storerooms (separate shed proposed), dry servery, and changing places facility. Maintains functionality while reducing overall size. User groups agreed to changes.
- **Seating Capacity:** 600 seats.
- **Cost:** \$7,500,000



	Option 1 – DA Approved	Option 2 – Existing Grandstand Retained	Option 3 – Cost Reduction	Option 4
Areas m2				
Ground Level				
Changerooms etc.	591	649	495	441
Canteen/Bar/Amenities	243.5	262	239	325
Level 1				
Clubhouse	144	174.5	139	154
Kitchen/Amenities/Circulation	214	90	68	75
Terrace	250	180	185	276
Seating/Circulation	515	738.5	597	505
Level 2				
Media/Coaches	177	101.5	97	103
Total	2134.5m²	2195.5 m²	1820 m²	1879 m²
Seating No.	870	960	750	630

FINANCIAL CONSIDERATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

\$8,150,000 is the capital budget allocation.

2. *Financial Implications – Operational*

The current funded additional operational costs for the Olympic Park Precinct project is estimated \$272,689. Alongside progressing the detailed design, updating of the Capital Expenditure Review is required.

POLICY IMPLICATIONS

Nil known.

STATUTORY / LEGISLATIVE IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

At each milestone of the project, risks are reviewed and managed.

COMMUNITY CONSULTATION / COMMUNICATIONS

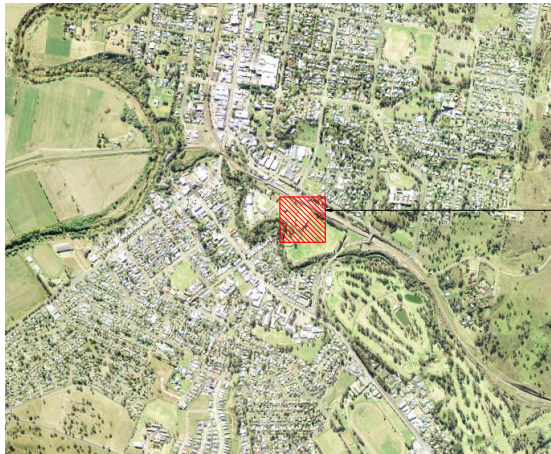
Extensive community consultation has been undertaken throughout the design process.

MUSWELLBROOK SHIRE COUNCIL

OLYMPIC PARK GRANDSTAND AMENITIES

ARCHITECTURAL

12529663



LOCALITY PLAN
NOT TO SCALE

DRAWING INDEX		
PROJECT No.	ORG. NO.	DRAWING TITLE
SHEET		
1. ARCHITECTURAL		
12529663	A001	COVER SHEET, DRAWING INDEX & LOCALITY PLAN
12529663	A020	SITE PLAN
12529663	A100	FLOOR PLANS
12529663	A200	MEDIA LEVEL / ROOF PLAN
12529663	A400	ELEVATIONS
12529663	A450	SECTIONS
12529663	A500	DEMOLITION PLAN
12529663	A510	FLOOR PLANS - STAGING
12529663	A520	MEDIA LEVEL / ROOF PLAN - STAGING
12529663	A530	ELEVATIONS - STAGING

Rev	Description	Checked	Approved	Date
D	FOR DA APPROVAL - DRAFT	TP		04.07.22
C	REVISED FOR DA SUBMISSION	TP		14.03.22
B	REVISED FOR DA SUBMISSION	TP		14.02.22
A	FOR DA SUBMISSION	TP		23.11.21

Author: H. TOLL
Designer: T. POTTER
Drafting Check: C. ACEVSKI
Design Check: C. ACEVSKI



GHDWOODHEAD

GHD Tower, Level 3
24 Honeysuckle Drive, Newcastle NSW 2300 Australia
PO Box 8403 Hunter River Mail Centre NSW 2310
T 61 2 4979 9999 F 61 2 9475 0725
E info@ghd.com W www.ghd.com

Nominated Architect: Chris Acevski NSW 6543

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Project No.
12529663

Client: MUSWELLBROOK SHIRE COUNCIL
Project: OLYMPIC PARK GRANDSTAND AMENITIES

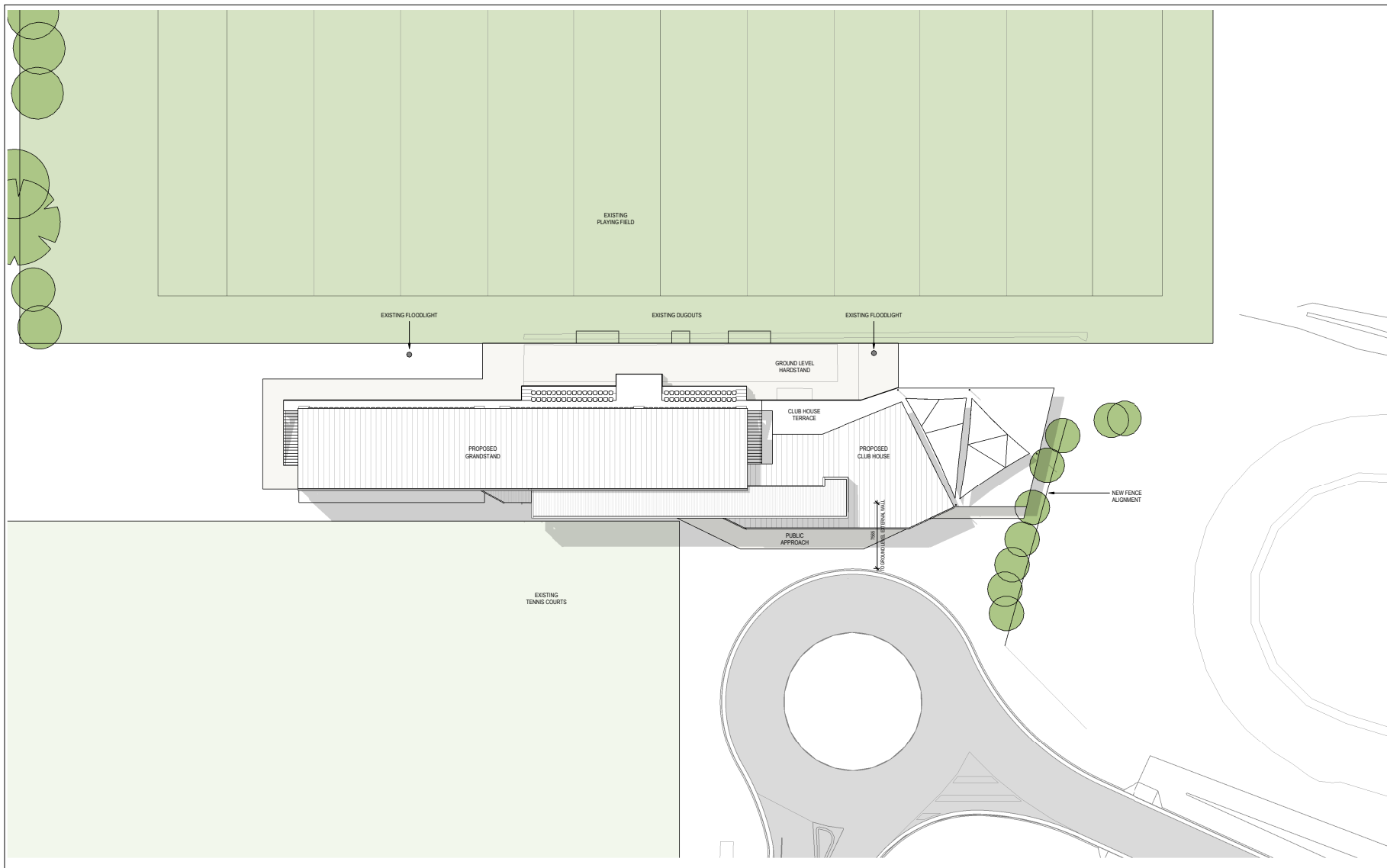
Status: FOR APPROVAL

Drawing Title: ARCHITECTURAL COVER SHEET, DRAWING INDEX & LOCALITY PLAN

Status Code

Drawing No.
A001

Size
A1
Rev
D



E	FOR DA APPROVAL - DRAFT	TP		04.07.22
D	REVISED FOR DA SUBMISSION	TP	JL	16.03.22
C	REVISED FOR DA SUBMISSION	TP	JL	14.02.22
B	ISSUED FOR COST ESTIMATE	TP	JL	07.02.22
A	FOR DA SUBMISSION	TP	JL	23.11.21
Rev	Description	Checked	Approved	Date
Author	H. TOLL	Drafting Check	-	
Designer	T. POTTER	Design Check	C. ACEYSKI	

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SCALE 1:200 AT ORIGINAL SIZE



GHDWOODHEAD

GHD Tower, Level 3
24 Honeyuckle Drive, Newcastle NSW 2300 Australia
PO Box 8403 Hunter River Mail Centre NSW 2310
T 61 2 4079 9999 F 61 2 9475 0725
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Project No.
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Project **OLYMPIC PARK GRANDSTAND AMENITIES**

Status **FOR APPROVAL**

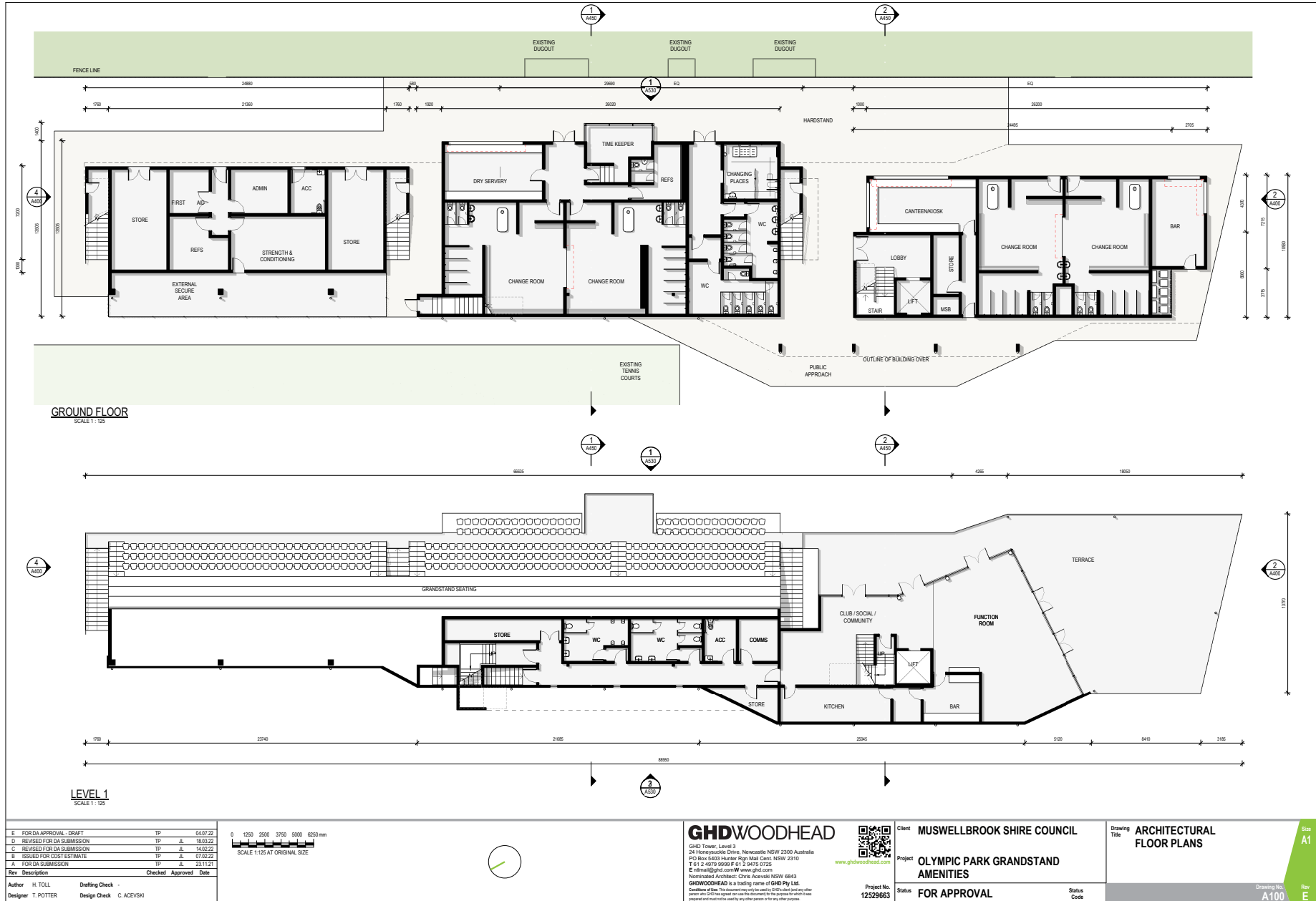
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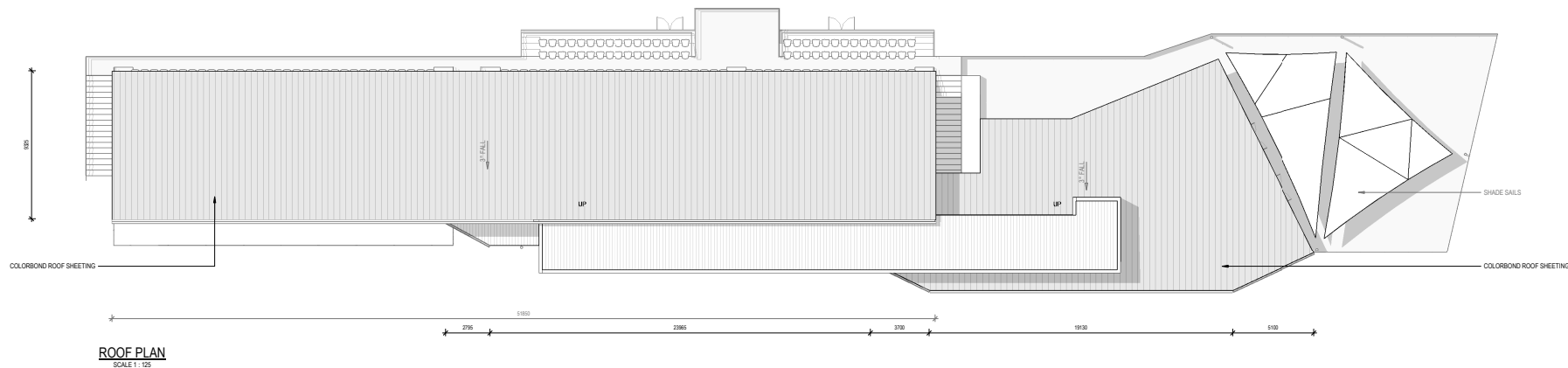
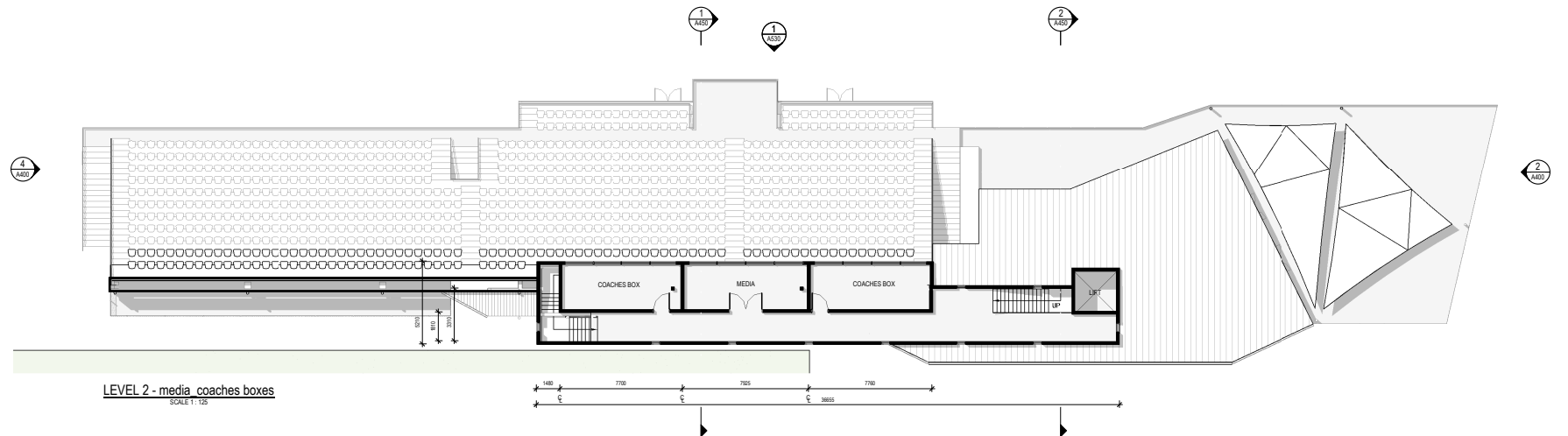
Status Code

Drawing No.
A050

Size
A1

Rev
E





E	FOR DA APPROVAL - DRAFT	TP		04.07.22
D	REVISED FOR DA SUBMISSION	TP	✓	16.03.22
C	REVISED FOR DA SUBMISSION	TP	✓	14.02.22
B	ISSUED FOR COST ESTIMATE	TP	✓	07.02.22
A	FOR DA SUBMISSION	TP	✓	23.11.21
Rev	Description	Checked	Approved	Date
Author	H. TOLL	Drafting Check		
Designer	T. POTTER	Design Check	C. ACEVSKI	



GHDWOODHEAD

GHD Tower, Level 3
24 Honeyeater Drive, Newcastle NSW 2300 Australia
PO Box 5403 Hunter River Mail Cent, NSW 2310
T 61 2 4979 9999 F 61 2 9475 0725
E info@ghdwoodhead.com W www.ghd.com

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Project No.
12529663

Client **MUSWELLBROOK SHIRE COUNCIL**

Project **OLYMPIC PARK GRANDSTAND AMENITIES**

Status **FOR APPROVAL**

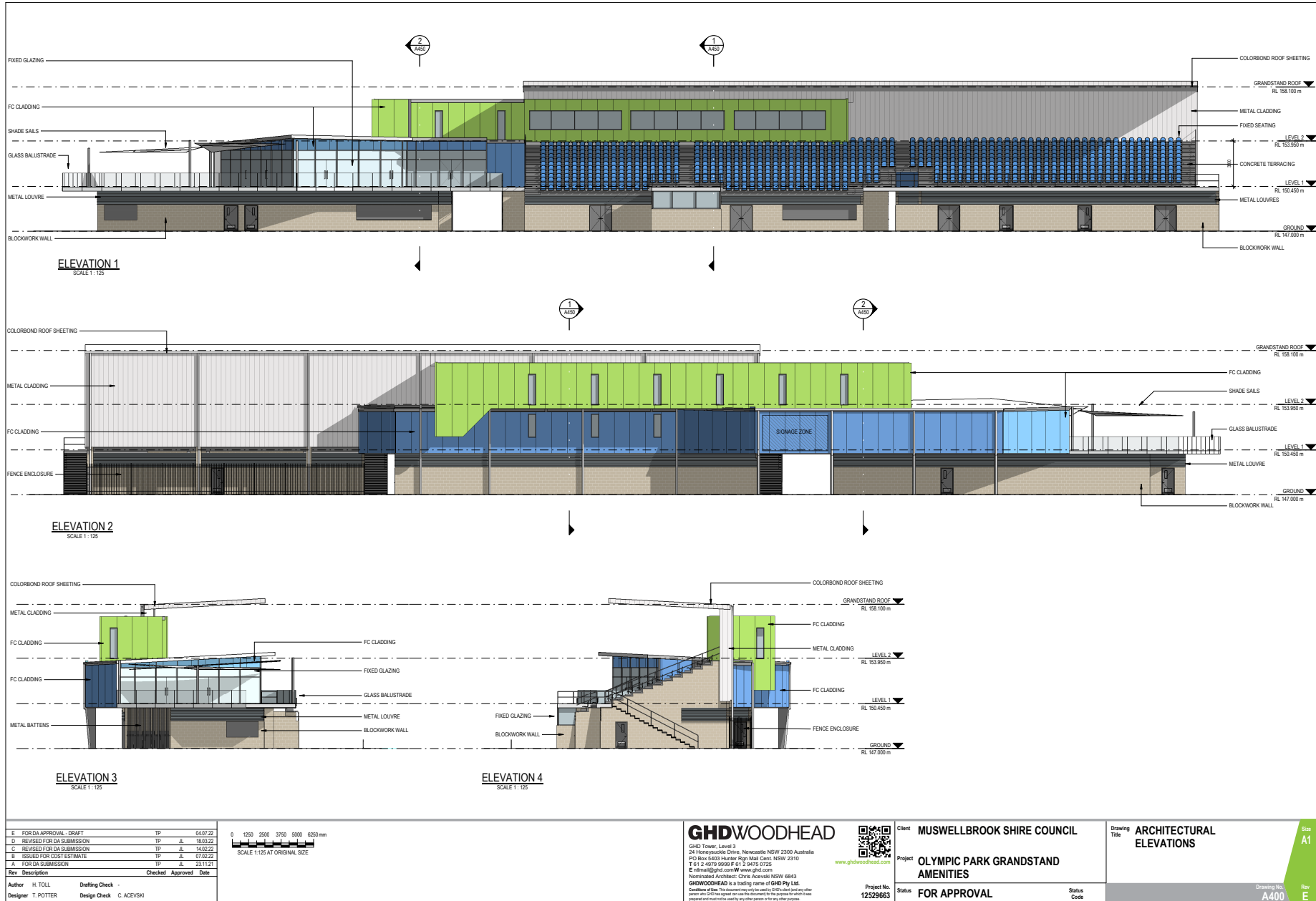
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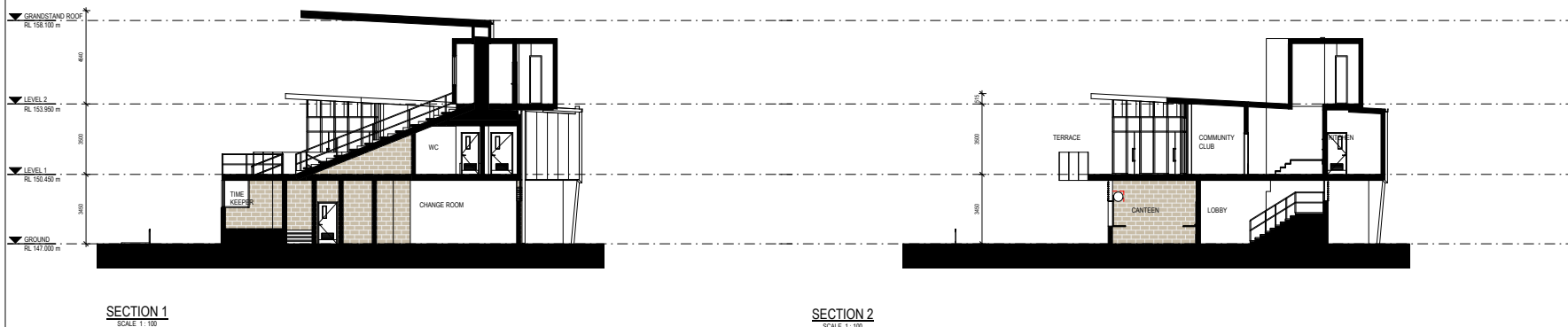
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C	REVISED FOR DA SUBMISSION	TP	JL	14.02.22
B	ISSUED FOR COST ESTIMATE	TP	JL	07.02.22
A	FOR DA SUBMISSION	TP	JL	23.11.21
Rev	Description	Checked	Approved	Date
Author	H. TOLL	Drafting Check		
Designer	T. POTTER	Design Check	C. ACEVSKI	



GHDWOODHEAD

GHD Tower, Level 3
24 Honeysuckle Drive, Newcastle NSW 2300 Australia
PO Box 8403 Hunter River Mail Cent, NSW 2310
T 61 2 4079 9999 F 61 2 9475 0725
E info@ghd.com www.ghd.com

www.ghdwoodhead.com



Project No.
12529663

Client	MUSWELLBROOK SHIRE COUNCIL
Project	OLYMPIC PARK GRANDSTAND AMENITIES
Status	FOR APPROVAL
Status Code	

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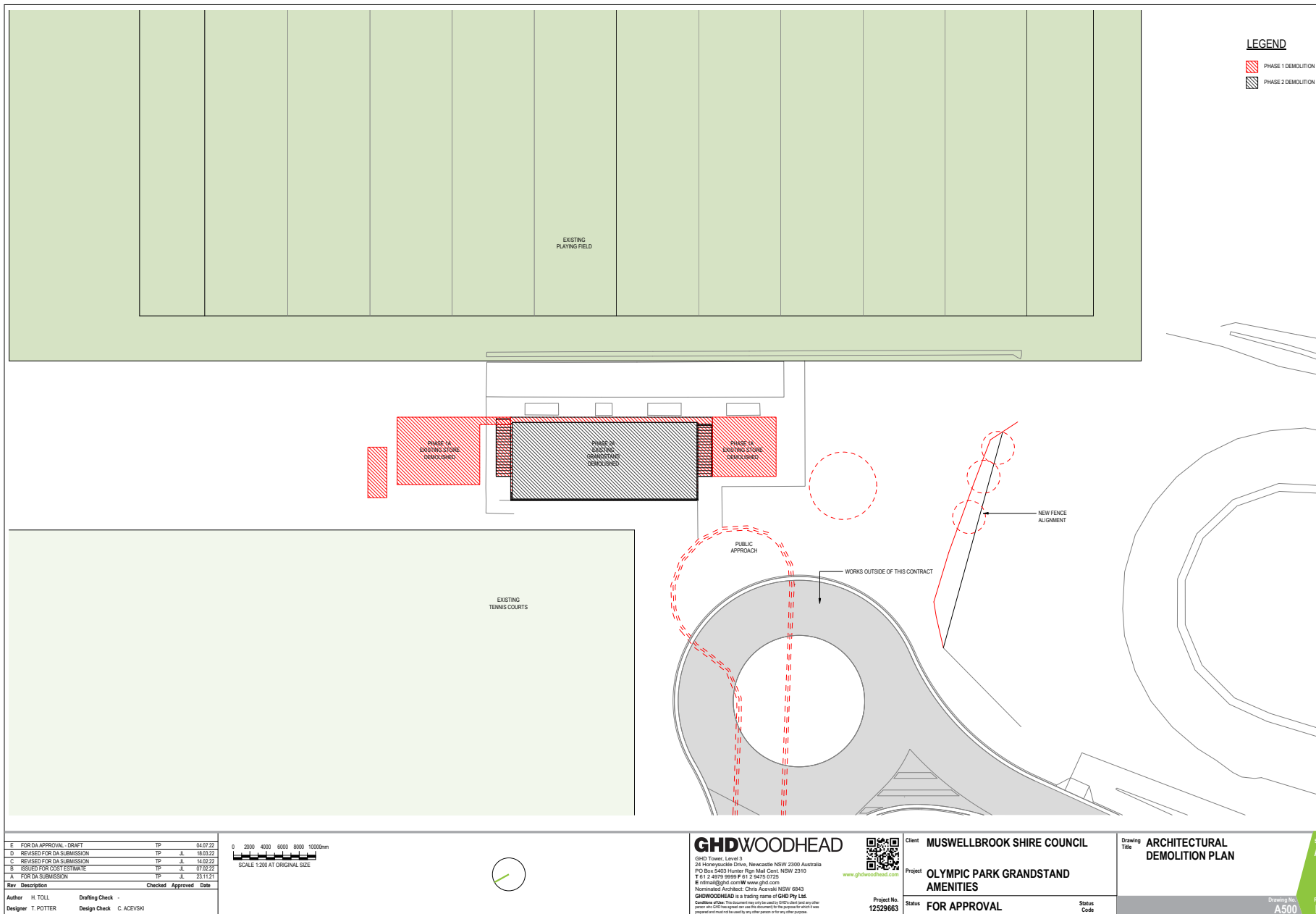
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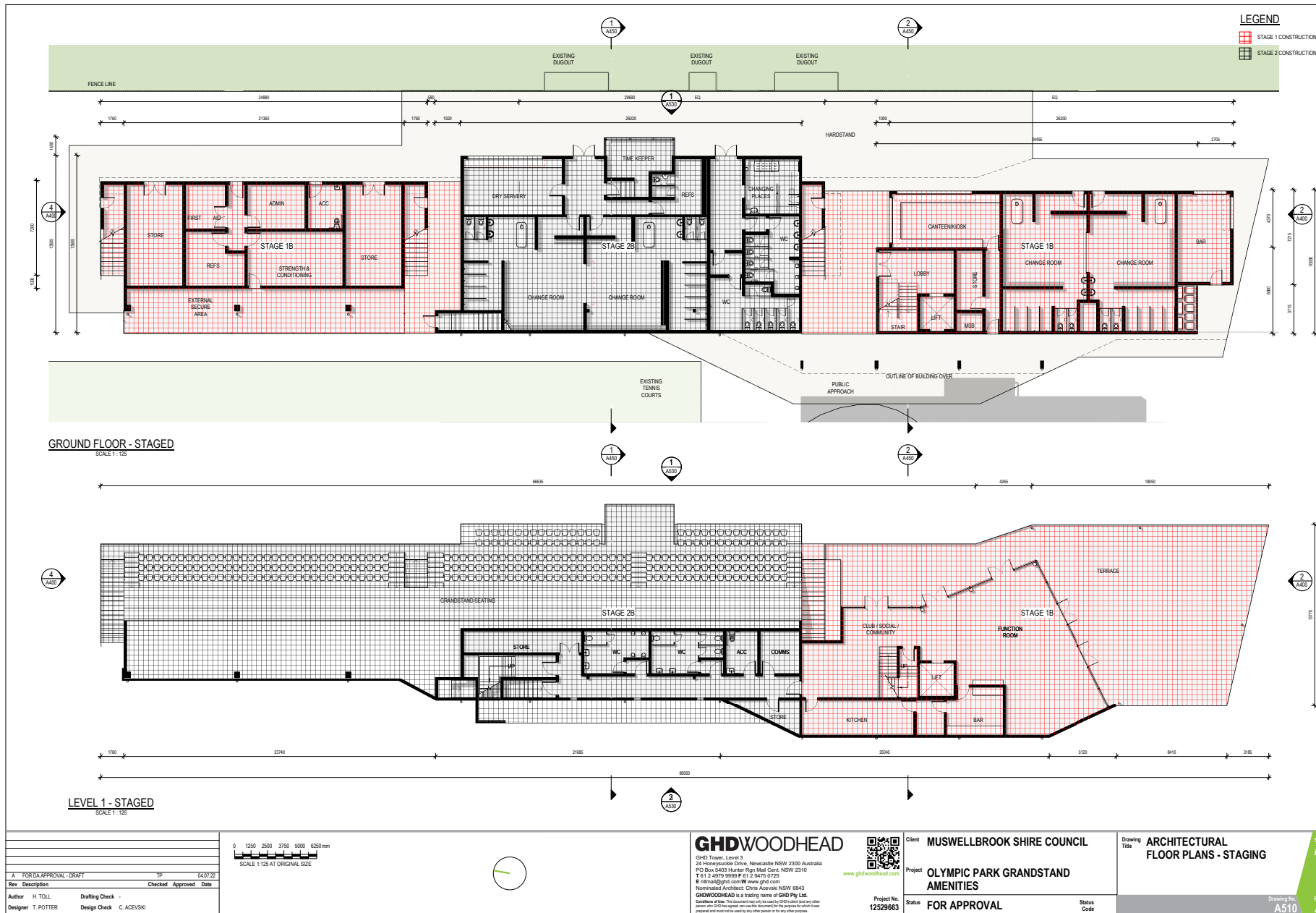
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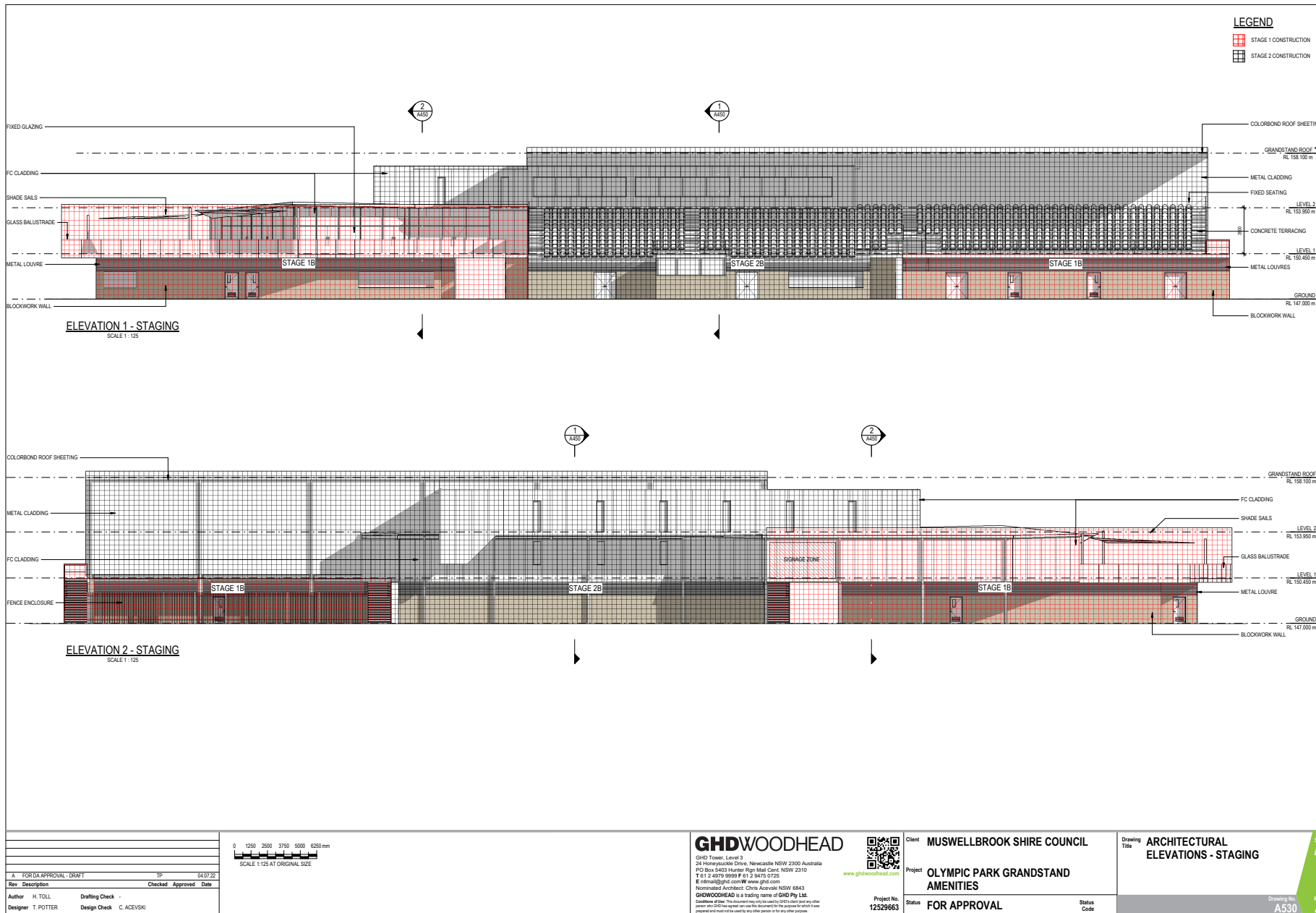
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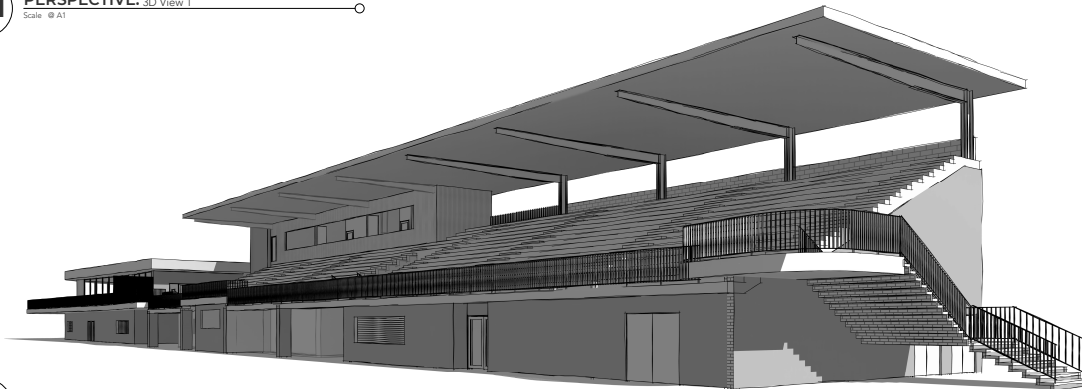


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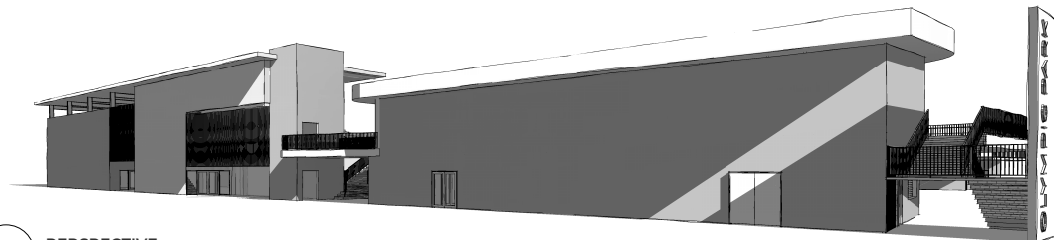
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OLYMPIC PARK GRANDSTAND
REDEVELOPMENT
Site Address:
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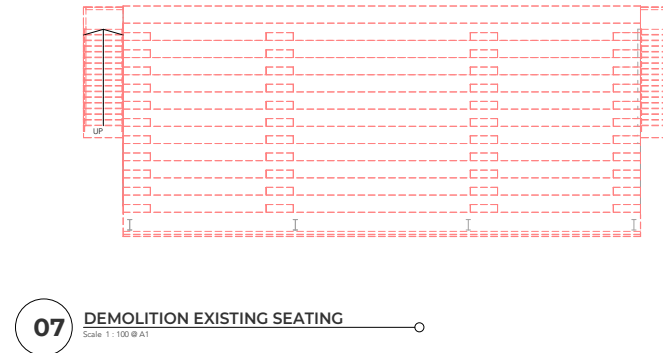
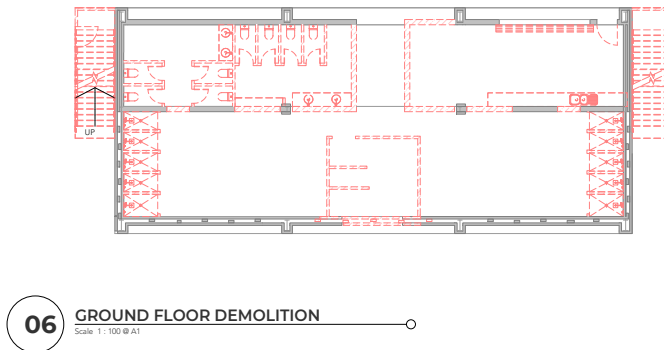
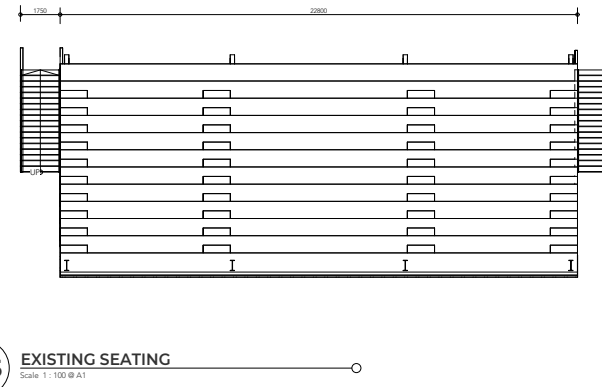
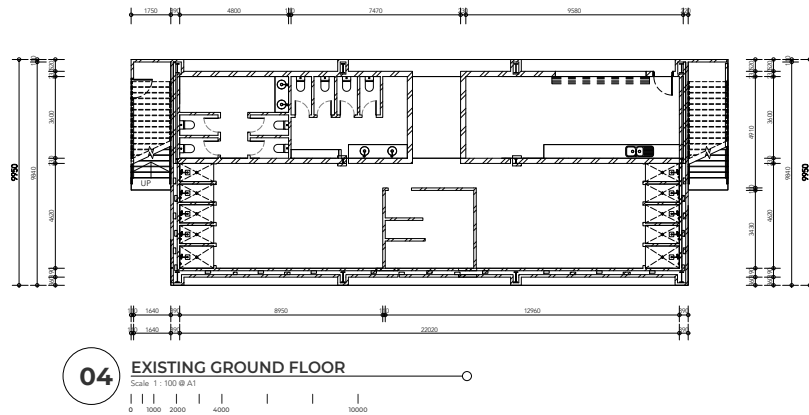
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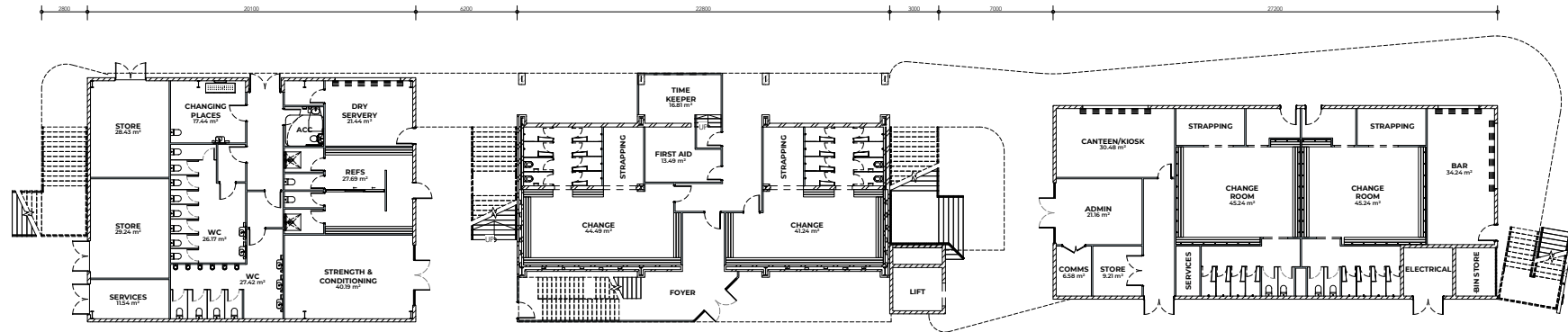
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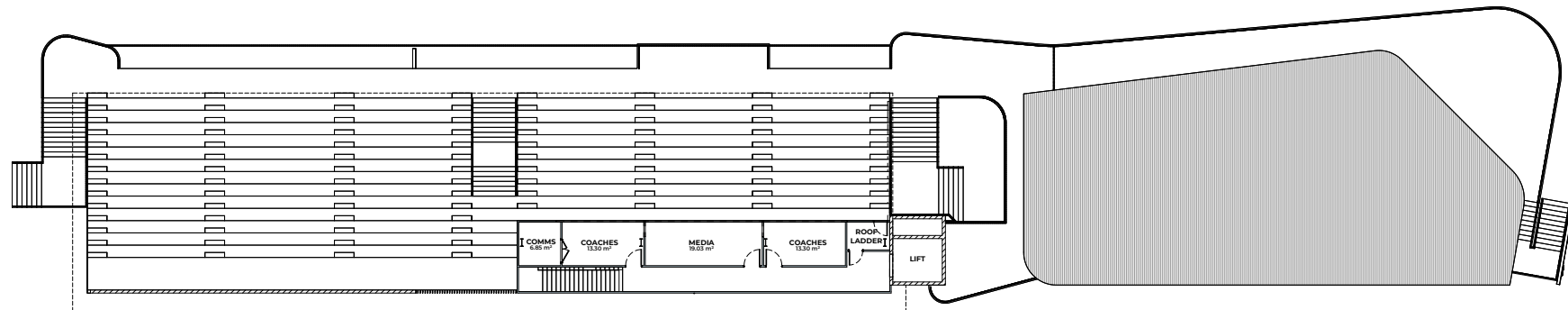


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09

PROPOSED SEATING

Scale 1:125 @ A1

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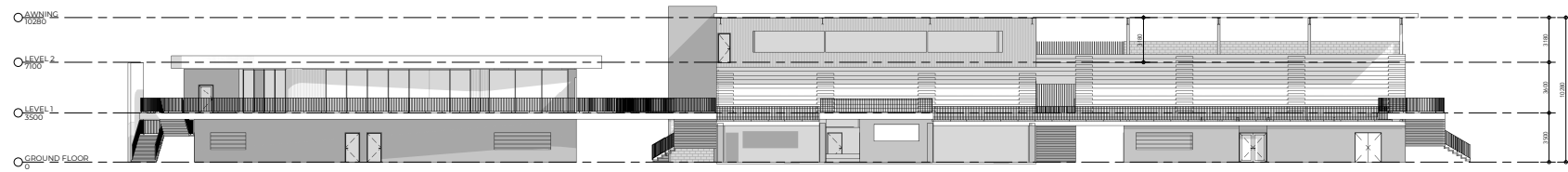
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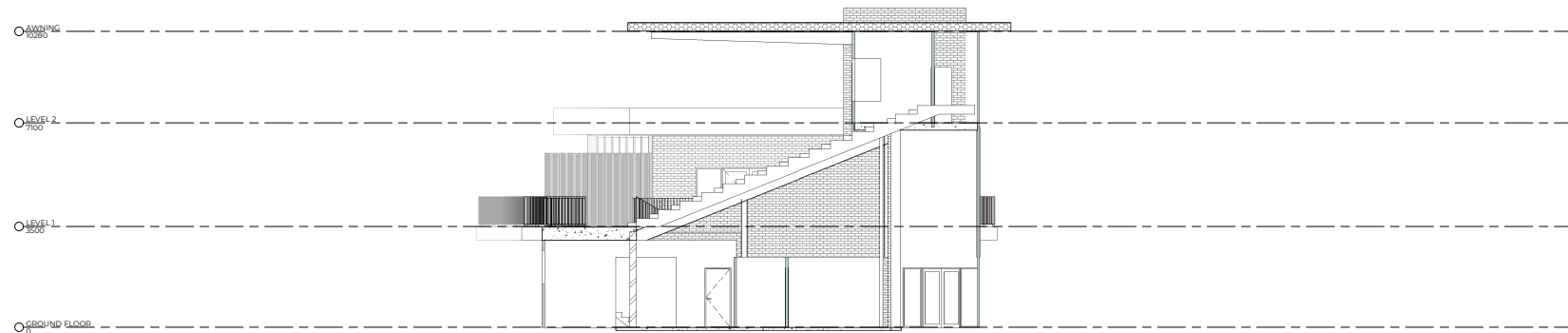
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11 SECTION. TYPICAL
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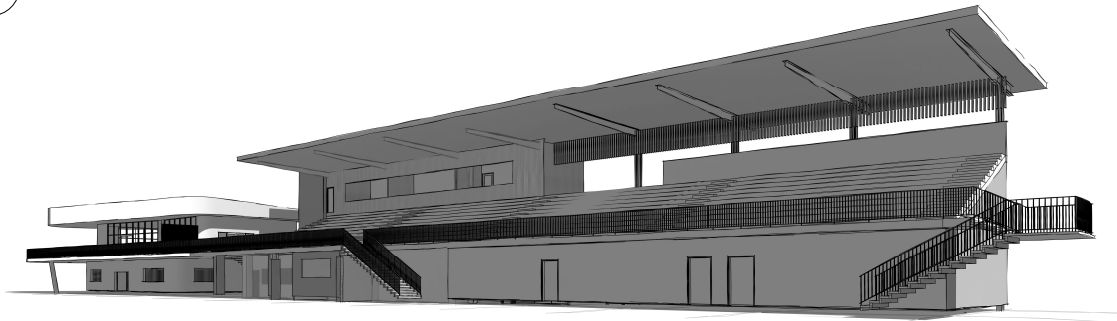
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03 PERSPECTIVE. 3D View 4
Scale @ A1

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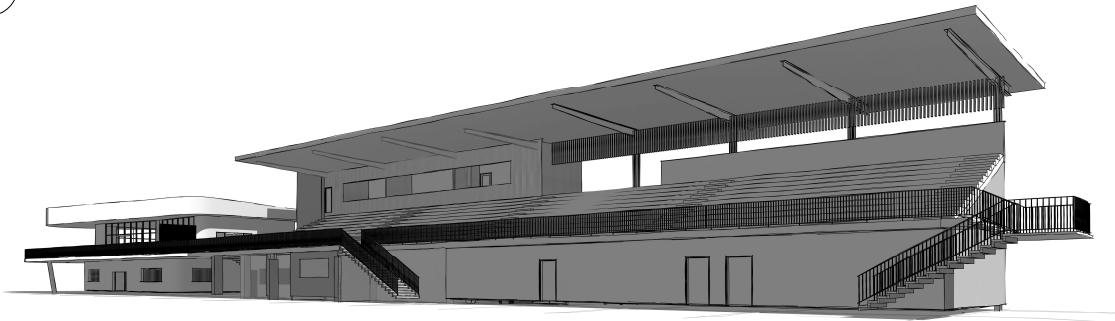
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03 PERSPECTIVE. 3D View 4
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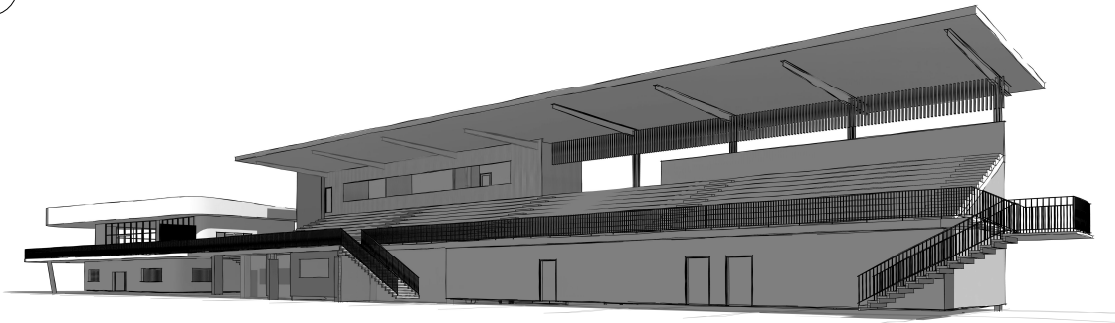
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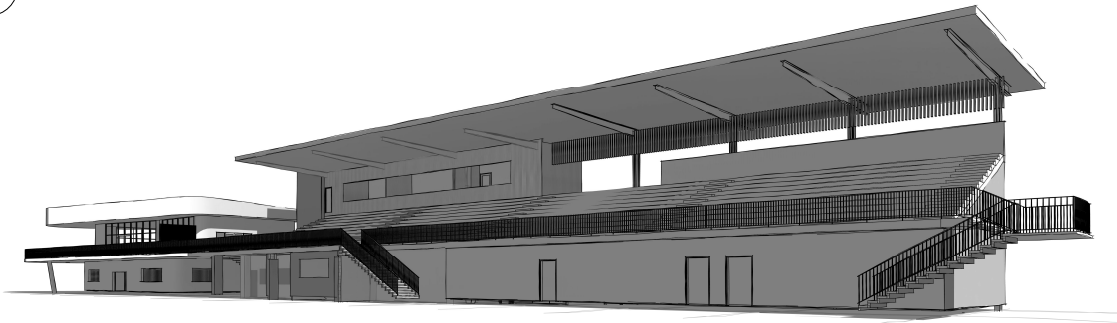
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Scale @ A1

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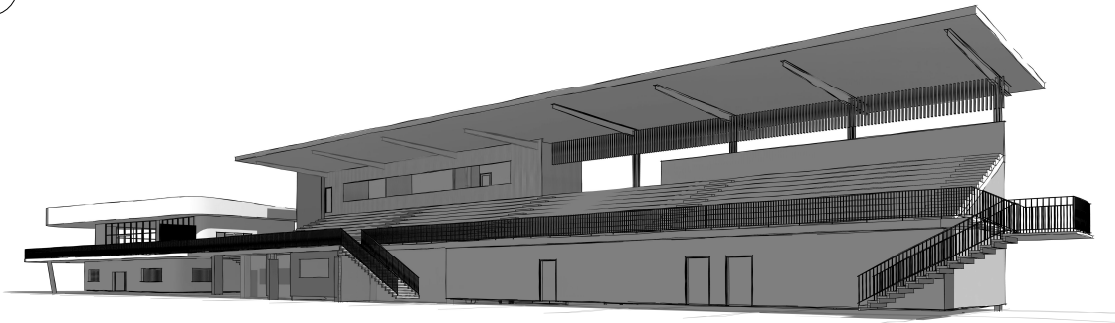
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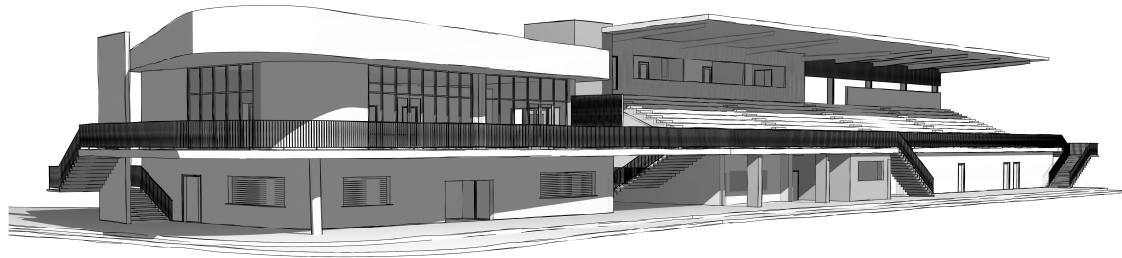
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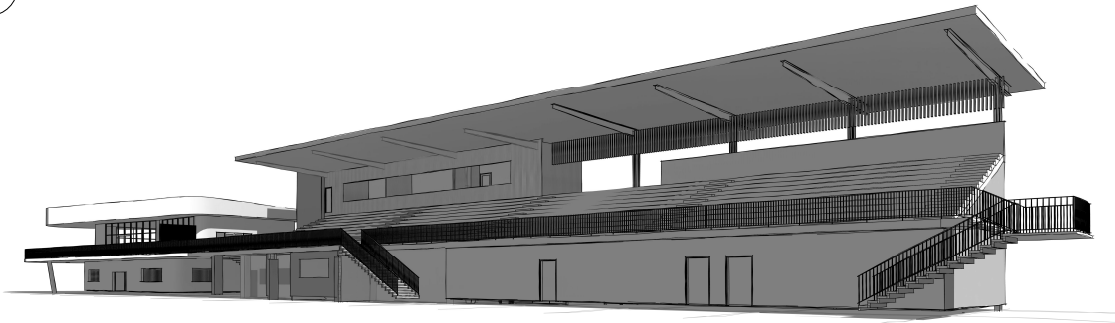
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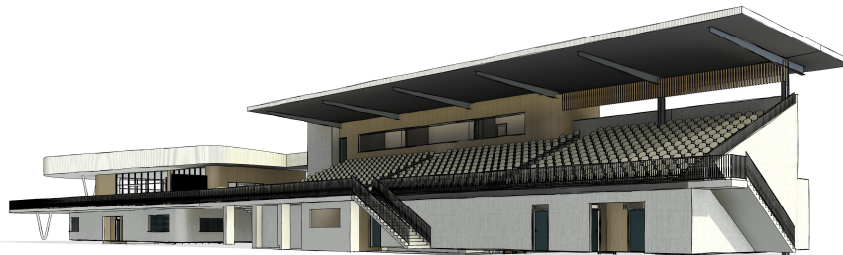
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03 PERSPECTIVE. 3D View 4
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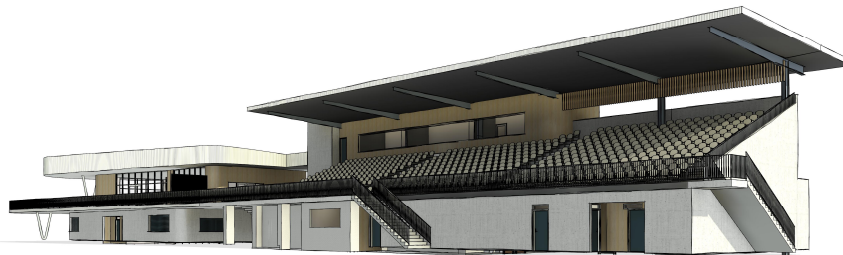
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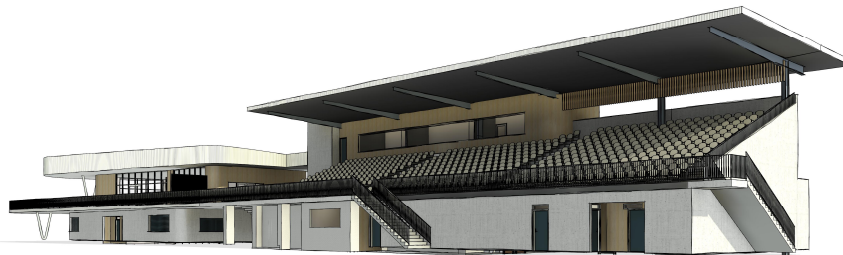
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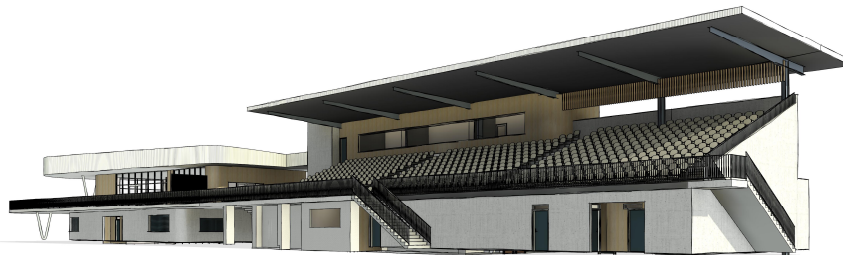
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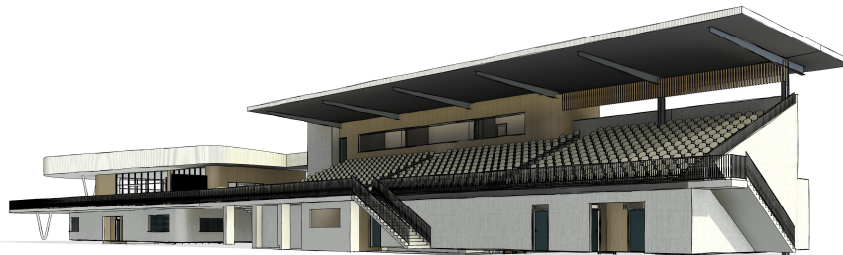
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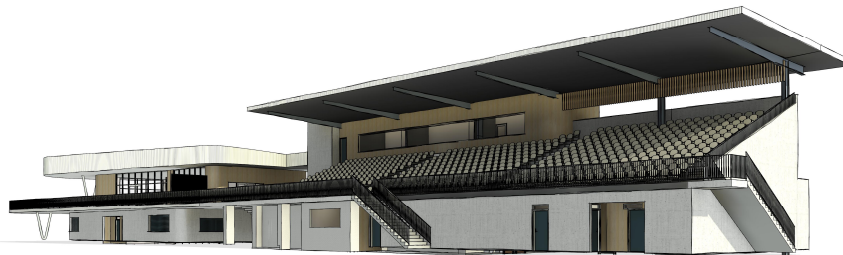
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Project No: **44840**

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AC0**

**10.2.7. Capital Works Programmes - Water and Sewer**

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Asset Manager Water and Wastewater
Community Strategic Plan:	5 - Community Infrastructure <i>Not Applicable</i>
Delivery Program Goal:	5.1.4 - Maintain and continually improve community infrastructure across the Shire.
Operational Plan Action:	5.1.3.1 - Prioritise Capital works program to demonstrate continual improvement in community infrastructure.
Attachments:	Nil

PURPOSE

To provide Council with a priority list of proposed projects for the Capital Budget allocations for Water and Wastewater programs for the 2024-25 financial year.

OFFICER'S RECOMMENDATION

Council:

1. Endorses the priority list of project works to be undertaken under Capital Budget allocations for Water and Sewer for the 2024-25 financial year;
2. Approves \$150,000 funding reallocation from Mains Renewal and Replacement program GL 6310.4340.504 to Vehicle/Equipment Replacement, Acquisition/sales program GL 5330.4378.504 for the procurement of a Non-Destructive digger; and
3. Approves proceeding with the procurement of a Non-Destructive digger from the Water Capital Budget.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

At the 22 March 2024 Ordinary Council Meeting, Council adopted the 2024/2025 financial year Capital Budget, including the Water and Wastewater Capital budget. This report provides a prioritised list of projects proposed under each of the allocated budget programmes for Council's review and approval.

The report proposes reallocating \$150,000 from Mains Renewal and Replacement program GL 6310.4340.504 to Vehicle/Equipment Replacement, Acquisition/sales program GL 5330.4378.504 to procure a Non-Destructive digger for Works – Networks (Water and Wastewater).

PREVIOUS RESOLUTIONS

Budget adoption at the Ordinary Council Meeting on 22 March 2024.



BACKGROUND

Council is responsible for Water and Wastewater Services, ensuring they meet agreed service levels. Annually, Council prepares a capital budget programme for water and wastewater infrastructure replacements and renewals to ensure service levels to the community.

Council approved the Capital Budget for the 2024/25 financial year at the 22 March 2024 Ordinary Council Meeting. Following consultation with various stakeholders, including the Water and Wastewater Operational team, Water and Wastewater Network services team, and the Assets Technical team, projects within capital budget programmes have been prioritised to be completed in the current financial year.

All suggested prioritised projects are within an approved budget for the 2024/25 financial year. Infrastructure backlogs exist in asset areas of Water and Wastewater that require replacement, however, this delivery needs to be staged. Recurrent funding and program allocations in capital budget allocations will reduce the backlog over time.

CONSULTATION

Water and Wastewater Asset team

Water and Wastewater Operational team

Works - Network team

Roads, Drainage and Technical Services

Business System Accountant

REPORT

Operational Plan item “5.1.3.1 - Prioritise Capital works program to demonstrate continual improvement in community infrastructure” requires Council to be provided with a list of proposed capital budget programmes for the current financial year that have been given the highest priority to be done. The following tables provide a prioritised list of project works for Water and Sewer Funds.

Table 1. Water Fund

Program and General Ledger	Budget 2024/25 FY	Prioritised Projects	Estimated costs for prioritised projects
Asbestos Removal, Earthwork and Security 5310.4586.504	\$150,000	Asbestos removal and earth work for following water mains 1. Scott street 2. Ford Street 3. Flanders Avenue	\$120,000
Mains Renewal and Replacement 5320.4340.504	\$890,285 (\$150,000)*	Water Main Renewal 1. Scott Street 2. Ford Street 3. Flanders Avenue *Reallocation of -\$150,000 to GL 5330.4378.504	\$459,600



Program and General Ledger	Budget 2024/25 FY	Prioritised Projects	Estimated costs for prioritised projects
System Plant Asset Renewals 5340.4400.504	\$881,398	Muswellbrook Water Treatment Plant (MWTP) and Denman (DWTP) Telemetry equipment, software and hardware upgrade.	\$500,000
Water Stop Valve Replacement 5320.4379.504	\$200,000	Water Stop Valve replacement at Hasting Street with further priorities to be confirmed.	\$40,000
Vehicle/ Equipment Replacement, Acquisition /sales GL 5330.4378.504	\$165,000 (allocated) + \$150,000* + \$150,000**	Non-Destructive Digger for Water and Sewer *Reallocation of \$150,000 from GL 5320.4340.504 **Reallocation of \$150,000 from GL 6310.4340.504	\$400,000

Table 2. Sewer Fund

Program and General Ledger	Budget 2024/25 FY	Prioritised Projects	Estimated costs for prioritised projects
Access & Security Improvements 6340.4475.504	\$150,000 + \$50,000	RWTW Security Fence Upgrade / replacement ***Reallocation of \$50,000 from GL 6310.4340.504	\$200,000
Mains Renewal and Replacement 6310.4340.504	\$200,000 (\$150,000)**(\$50,000)***	**Reallocation of \$150,000 to GL 5330.4378.504 ***Reallocation of \$50,000 to GL 6340.4475.504	\$0
System Plant Asset Renewals 6340.4488.504	\$528,017	Electrical Boards replacements MSPS-5 MSPS-7	\$400,000
Transportation System Improvement GL: 6340.4485.504	\$595,964	Telemetry equipment replacement MSPS 2 - 7 MSPS 9 MSPS 10-13 Odour Control Unit MSPS4 Bell Street	\$520,000



Program and General Ledger	Budget 2024/25 FY	Prioritised Projects	Estimated costs for prioritised projects
Solar Array RWTW 6310.4493.504	\$699,622	Project started 2023/24 FY. Expected to be commissioned by February 2025.	\$699,622

FINANCIAL CONSIDERATIONS

1. *Financial Implications – Capital*

Council has allocated funds in the 2024/25 Capital Budget for various capital work programmes. Proposed prioritised programmes are within budget allocations.

2. *Financial Implications – Operational*

Timely progress of asset renewal works reduces the operational costs associated with these assets.

POLICY IMPLICATIONS

Nil Known.

STATUTORY / LEGISLATIVE IMPLICATIONS

Compliance with Local Government Act, 1993

Compliance with NSW Health requirements

Compliance with EPA Licences

RISK MANAGEMENT IMPLICATIONS

Completion of these works will contribute to the risk reduction of potential water and wastewater services interruption to the community.

COMMUNITY CONSULTATION / COMMUNICATIONS

Community and directly impacted properties and businesses will be consulted prior to the commencement of works.

**10.2.8. Large Plant Replacement Program**

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Manager - Works
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	5.1.4 - Maintain and continually improve community infrastructure across the Shire.
Operational Plan Action:	Not applicable
Attachments:	Nil

PURPOSE

To submit for Council's consideration the proposed 2024/2025 Large Plant Replacement Programme.

OFFICER'S RECOMMENDATION

Council:

1. Supports the 2024/2025 Large Plant Replacement Programme as prioritised in the report; and
2. Approves the transfer of funds from the Plant Reserve to proceed with purchase of the Compact Footpath Sweeper.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The Large Plant Replacement Programme has identified six items of plant to procure at an estimated cost of \$1,140,000 with an available budget of \$1,268,519.

PREVIOUS RESOLUTIONS

Not applicable.

BACKGROUND

Council has allocated \$700,000 in the General Fund Capital Budget for the 2024/2025 Large Plant Replacement Program, and a further \$1,223,871 was carried over from the 2023/2024 Large Plant Replacement Program. The total 2024/2025 Large Plant Replacement budget is \$1,923,878

The following plant items have been delivered or expected to be delivered in the new year:

- A new tractor and attachments to manage vegetation is due to be delivered early next year, at a total cost of \$337,050;
- A new cab chassis truck which will be built into a Works Parks - Water Cart has been purchased and delivered, at a total cost of \$124,725;



- A new front-deck mower has been purchased and delivered, at a total cost of \$72,718;
- Two new zero turn mowers have been purchased and delivered, at a total cost of \$82,254; and
- A new linemarking machine and trailer was purchased and delivered, at a total cost of \$38,612.

The remaining budget after purchases and commitment is \$1,268,519

CONSULTATION

Manager Waste Operations

Plant Supervisor

Acting Works Coordinator Civil

Works Coordinator Parks

Group Manager Infrastructure and Operations

Director Infrastructure and Property

REPORT

The draft Large Plant Replacement Programme is listed below and has been prepared in consideration of operational requirements across different Council business units. The items listed below have been prioritised for financial year 2024/2025 with the items shaded in grey not funded this year and to be considered for next financial year.

Priority	Plant #	Description	Purchase Date	Approx \$	Comment
1	540	Parks Water Cart	2007	\$100,000	Cab Chassis Purchased. Watercart, Tilt Tray and Toolboxes to be constructed and fitted
2	551	Sports Field Mower	2016	\$220,000	Suggested 4-year life - currently 8 years old. High maintenance costs
3	512	Ride on Mower with Catcher for Denman	2012	\$70,000	12 years old. High maintenance costs. Looking to purchase catching mower so there is no need to transport specialised machine from Muswellbrook.
4	209	4.5t Transport Vehicle	2012	\$125,000	12 years old. High maintenance costs.
5	211	4.5t Transport Vehicle	2013	\$125,000	11 years old. High maintenance costs.
6	807	Tracked Loader	2017	\$500,000	Due for replacement (8



Priority	Plant #	Description	Purchase Date	Approx \$	Comment
					years or 8000 hrs).
7	New	Material Handler (e.g. Wheel excavator with cab lift and grab)	Small forklift has been on hire since 2017. Estimated hire costs to date \$55k, approx. \$10k per annum.	\$200,000	Council has on monthly hire a small gas-powered forklift. It cannot go off sealed areas. A material handler is much more dynamic and has multiple capabilities allowing reduction in manual handling duties. Taking the forklift off hire will save Council \$800 per month.
8	New	Compact Footpath Sweeper	Hiring since 2023 approx. \$60k per annum.	\$250,000	Currently hiring older machine. Trial programme has proven to be extremely successful.
9	212	8.0t Transport Vehicle	2012	\$150,000	12 years old. High maintenance costs.
10	210	8.0t Transport Vehicle	2012	\$150,000	12 years old. High maintenance costs.
11	New	Articulated dump truck	N/A	\$100,000 variable if obtained at auction	For haulage of landfill cover and capping materials. A second hand haul truck would suit due to intermittent use.
			Total	\$1,990,000	

FINANCIAL CONSIDERATIONS

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

However, it is recommended that Council proceed with also procuring the Compact Footpath Sweeper as the cost of hire is approximately \$60,000 annually. This could be funded through a transfer from the Plant Reserve of \$250,000. The current balance of the Plant Reserve is \$1,500,000. There may also be an opportunity to reduce costs with the hire of the forklift used at Waste Operations, however, this requires further assessment.



Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

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

2. *Financial Implications – Operational*

Funding exists within the Fleet operational budget to maintain the new items of plant

POLICY IMPLICATIONS

Nil known.

STATUTORY / LEGISLATIVE IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

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

COMMUNITY CONSULTATION / COMMUNICATIONS

Nil known.



10.2.9. NSW Disaster Recovery Funding Arrangements - Betterment Funding Wybong Road

Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Group Manager - Infrastructure & Operations
Community Strategic Plan:	5 - Community Infrastructure Effective and efficient infrastructure that is appropriate to the needs of our community
Delivery Program Goal:	5.1.4 - Maintain and continually improve community infrastructure across the Shire.
Operational Plan Action:	5.1.3.1 - Prioritise Capital works program to demonstrate continual improvement in community infrastructure.
Attachments:	1. Mu SC B P 0001 RRTRP Funding Deed version 2 (002) [10.2.9.1 - 41 pages]

PURPOSE

To inform Council of the successful claim under the NSW Disaster Recovery Funding Arrangements, Essential Public Asset Reconstruction Works AGRN 1012 – severe weather and flooding 22 February 2022, and of the offer of Betterment Funding for affected sections of Wybong Road, and to request Council's approval to accept the funding by signing the Funding Deed.

Further, to consider the use of Transport for NSW as a prescribed entity to undertake the scope of works.

OFFICER'S RECOMMENDATION

Council:

1. Authorises the General Manager to sign the Regional Roads Transport Recovery Package – TfNSW Funding Deed for Wybong Road; and
2. Endorses the engagement of Transport for NSW as a prescribed entity to undertake the delivery of the scope of works subject of the Regional Roads Transport Recovery Package – TfNSW Funding Deed for Wybong Road.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

Council made a claim for damages incurred to Wybong Road through the provisions of the Disaster Recovery Funding Arrangements following the severe weather event AGRN 1012, 22 February 2022.

Following submission of this claim, Council was offered Betterment Funding subject to approval of the claim for damage under the Essential Public Asset Restoration (EPAR) funding. Council has been notified of the successful claim and offer of Betterment Funding and the Deed attached to the report is provided for Council's consideration to accept the funding.



PREVIOUS RESOLUTIONS

Not applicable.

BACKGROUND

Damage to sections of Wybong Road were identified and reported to the NSW Government following the severe weather natural disaster event, AGRN 1012 – NSW Severe weather and flooding – 22 February 2022.

The Disaster Recovery Funding Arrangements (DRFA) provide funding to local Councils to restore essential public assets such as roads that are damaged as a direct result of an eligible disaster event.

The funding is provided from both the State and Commonwealth governments in accordance with the DRFA guidelines. The Regional Roads and Transport Recovery Package (RRTRP) has been developed in alignment with the DRFA guidelines to provide funding for the purpose of improved resilience, productivity, and the social and economic benefits of priority local and state transport infrastructure.

Council applied to Transport for NSW (TfNSW) for funding under the RRTRP for betterment of the damaged sections of Wybong Road. The application for funding has been successful and an offer of funding and associated funding Deed has been received by Council.

CONSULTATION

Legal Counsel

Project Manager Roads and Drainage

Transport for NSW – Port to REZ project team

Director Infrastructure and Property

REPORT

Following assessment of Council's claim for funding for road repairs and upgrading works on damaged sections of Wybong Road, the New South Wales (NSW) government has advised of the successful claim and approval of funding for the Category B and D components of the Regional Roads Transport Recovery Program (Betterment) project.

A total funding amount of \$5,672,482 has been approved. This amount consists of \$141,939.00 made available under the approved Essential Public Asset Repair Category B funding and a total funding amount of \$5,530,543 under Category D funding.

The approved scope of work (the project work) is to be carried out by the grantee as the asset owner in accordance with the terms of the DRFA Guidelines, the Regional Roads Transport Recovery Program Guidelines and the Funding Deed.

The Minister for Regional Transport and Roads announced that Bengalla Link Road and Wybong Road (between Bengalla Link Road and the Golden Highway) will be reclassified from Local to State roads and confirmed through a media release dated 18 July 2024. The notification stated that *'The NSW Labor Government is helping take the pressure off Muswellbrook Shire Council by assuming responsibility for two (2) local roads critical to the state's future energy needs'*.

In the time following this announcement Council staff have been liaising cooperatively with Transport for NSW to exchange asset information and data relevant to these roads as requested by TfNSW.

It is understood that Transport for NSW are under strict deadlines to secure the Port to REZ route to the Central Orana REZ and this includes the necessary investigations and data



collection to understand the assets to be transferred to them and undertake any roadworks deemed necessary for the route on Council's local roads to be fit for purpose. Transport for NSW has advised that all roadworks are to be completed before November 2025.

The proposed reclassification of Wybong Road has negative implications for the Disaster Recovery Funding because the funding is only available for use by Council. The funding cannot be transferred to TfNSW, and if the road (Wybong Road) were to be gazetted and reclassified as a State Road, Transport for NSW would assume responsibility as the roads authority and the funding could not be accessed and used to repair the road by Transport for NSW. With acknowledgement of this issue Council could consider to deliver the project through the engagement of Transport for NSW as a prescribed entity who could undertake all investigations, design and construction of the scope of work to satisfy the Deed.

This option would have the benefit of the available money being spent on the Shire's road network to benefit the Community and Wybong Road users. However, it would also benefit the parties (TfNSW and Council) as it would reduce risk to Council in terms of delivering the project within the timeframes required to meet Transport for NSW's proposed program. Transport for NSW are open to this option as it would provide them more certainty over project timelines.

FINANCIAL CONSIDERATIONS

The available funding is nominated in Item 3 of the Deed and consists of;

Category B - \$141,939.00

Category D - \$5,530,543.00

The funding must be spent by the Grantee solely for the Project and for eligible costs in accordance with the DRFA Guidelines and the Deed.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

\$5,672,482.

2. Financial Implications – Operational

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY / LEGISLATIVE IMPLICATIONS

Council is the roads authority and is acting within its powers.

RISK MANAGEMENT IMPLICATIONS

Council could consider engaging Transport for NSW under contract to deliver the scope of work subject of the DRFA funding to reduce risk to delivery of the works to meet required timelines for the Port to REZ project set by Transport for NSW.

The project would be delivered in accordance with the funding deed.

COMMUNITY CONSULTATION / COMMUNICATIONS

Community consultation would be undertaken prior to programmed construction work.

Regional Roads and Transport Recovery Package

Funding Deed

between

Transport for NSW

ABN 18 804 239 602

and

Muswellbrook Shire Council

ABN 86 864 180 944

BP0001 - Betterment of Wybong Road

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Parties

This deed is made between:

Transport for NSW (ABN 18 804 239 602) of 231 Elizabeth Street, Sydney NSW 2000 (**TfNSW**)

and

the Grantee described in item 1 of the Key Details below (**Grantee**).

Background

- (a) The Disaster Recovery Funding Arrangements (DRFA) provide funding to local councils to restore their Essential Public Assets that are damaged as a direct result of an eligible disaster event. The funding is provided from both the State and Commonwealth governments in accordance with the DRFA Guidelines.
- (b) The Regional Roads and Transport Recovery Package (RRTRP) has been developed in alignment with the DRFA Guidelines to provide funding for the purpose of improved resilience, productivity, social and economic benefits of priority local and state transport infrastructure.
- (c) The Grantee has applied to TfNSW for funding for betterment of one or more priority local transport infrastructure assets. The application for funding has been successful and the Project works will be carried out by the Grantee as the asset owner in accordance with the terms of the DRFA Guidelines, the RRTRP Guidelines and this Deed.
- (d) This Deed sets out the terms on which the Grantee has agreed to carry out the Project and specifies TfNSW Funding allocation.

Key Details

Item 1	Grantee details	
	Grantee name:	Muswellbrook Shire Council
	ABN:	86 864 180 944
	Address:	Campbells Corner 60-82 Bridge Street Muswellbrook NSW 233

Item 2 (clause 1.1)	Project	
	Project Number	Project Name
	P.0087478.01.001	Betterment LR Muswellbrk Wybong Rd
	BP - 0001	Betterment of Wybong Road

Funding			
Item 3 (clause 1.1)	Funding Category	Funding amount	Co-contribution by Grantee or other parties
	Category B	\$141,939.00	Refer to EPAR funding letter. Note: This Category B funding is additional to the Betterment project scope of works – refer to EPAR funding letter in Attachment C.
	Category D	\$5,530,543.00	

Item 4 (clause 11)	Reports	
	Reports required	Report due
	1) Milestone Certificate and supporting documentation as detailed in Schedule 2 Ref: Clause 11(a)(i)	Required as a condition precedent to the payment or advancement for a Milestone within four weeks of reaching the Milestone.
	2) Project Completion Report Ref: Clause 11(b)	Required as a condition precedent to the final payment for the Milestone 4 within three months of Project completion.
	3) Project Status Report Ref: Clause 11(a)(ii)	Monthly.

Item 5 (clause 1.1)	TfNSW's Representative	
	Kate Hagan	
	Kate.hagan@transport.nsw.gov.au	
	0439 607 972	

Item 6	Grantee's Representative
(clause 1.1)	Kellie Scholes kellie.scholes@muswellbrook.nsw.gov.au 0407 252 142

Item 7	Notices
(clause 31)	TfNSW: Level 5, 6 Stewart Avenue Newcastle NSW 2300 Email: rrtrpnorth@transport.nsw.gov.au Grantee: PO Box 122, Muswellbrook NSW 2333 kellie.scholes@muswellbrook.nsw.gov.au

Agreed terms

1. Definitions and interpretation

1.1 Definitions

In this deed, unless the contrary intention appears:

Actual Costs means the actual costs incurred by the Grantee in delivering the Project without the Grantee applying any margin.

Approvals means all consents, approvals, licences, permits, certifications and other authorisations required by Law.

Business Day means any day other than a Saturday, Sunday or public holiday in NSW.

Category B means reconstruction works on an Essential Public Asset directly damaged by an eligible disaster back to the asset's pre-disaster function for which an estimated reconstruction cost has been developed, in accordance with the DRFA Guidelines.

Category D means reconstruction works on an Essential Public Asset directly damaged by an eligible disaster and reinforce and upgrade the asset from its pre-disaster function, in accordance with the DRFA Guidelines.

Co-contribution means any funding obtained by the Grantee for the purpose of a Project, from any other source other than the Funding specified in item 3 of the Key Details.

Commencement Date means the date that the last party signs this Deed.

Completion Date means 24 months after the Commencement Date.

Commonwealth means The Australian Government.

Confidential Information of a Party means any information (whether owned by them or not):

- (a) that is, by its nature, confidential and has been designated by the disclosing party as confidential in the information or document;
- (b) that the receiving party knows or ought to know is confidential, including:
 - (i) where the receiving party is the Grantee:
 - A. information relating to the policies, strategies, practices and procedures of TfNSW or the State of New South Wales and any information in the Grantee's possession relating to the New South Wales public service;
 - B. information relating to other contractors of TfNSW; and
 - C. security classified information; and
 - (ii) where the receiving party is TfNSW, the financial, corporate and commercial information of the Grantee,

This does not include information that:

- (c) is in the possession of a party without restriction in relation to disclosure before the date of receipt; or
- (d) has been independently developed or acquired by the receiving party.

Contractor Statement means a statement from the Grantee in the form found at Attachment A.

Construction Commencement means to begin site preparation work, including clearing of vegetation, utility adjustments, fence installation, excavation or removal of existing structures, or completed production of precast components (with component identification), necessary for the Works.

Deed means this deed and any schedules and attachments to this deed.

Disaster Recovery Funding Arrangements (DRFA) means the Commonwealth's arrangements for providing financial support to states and territories for expenditure on relief and recovery measures for natural disasters under the DRFA Guidelines.

DRFA Guidelines means terms and conditions published by the Commonwealth Government in the document titled “Disaster Recovery Funding Arrangements 2018” and available at <https://www.disasterassist.gov.au/disaster-arrangements/disaster-recovery-funding-arrangements>.

Essential Public Asset is defined in the DRFA Guidelines and means an asset which must be a transport or public infrastructure asset of an eligible undertaking which, the state considers, and the department agrees, is an integral part of a state’s infrastructure and normal functioning of a community.

Essential Public Asset Reconstruction Works (EPAR) is defined in the DRFA Guidelines and means reconstruction works on an Essential Public Asset directly damaged by an eligible disaster for which an estimated reconstruction cost has been developed.

Form 306 means the form required to be used by the Grantee to claim for funding assistance for Category B works, in accordance with the NEPAR Guidelines.

Force Majeure Event means any of the following causes provided that they are outside the reasonable control of the affected party and could not have been prevented or avoided by that party taking all reasonable steps:

- (a) act of God, earthquake, cyclone, fire, explosion, flood, landslide, lightning, storm, tempest, drought, epidemic, pandemic or meteor;
- (b) war (declared or undeclared), invasion, act of a foreign enemy, hostilities between nations, civil insurrection or militarily usurped power;
- (c) act of public enemy, sabotage, malicious damage, terrorism or civil unrest;
- (d) confiscation, nationalisation, requisition, expropriation, prohibition, embargo, restraint or damage to property by or under the order of any government or government authority; or
- (e) a labour dispute other than a labour dispute that only involves the party’s personnel.

Funding or Funds means the total maximum amount to be contributed by TfNSW for a Project specified in item 3 of the Key Details.

Grantee’s Representative means the party named in item 6 of the Key Details.

GST Law has the meaning given in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Instalment means, for each Milestone, the amount calculated by applying the percentage specified in Schedule 2 for that Milestone to the Funding.

Intellectual Property Rights means all present and future industrial and intellectual property rights conferred by statute, common law or equity and includes copyright, trademarks, patents, designs, circuit layout rights, trade secrets, inventions and other results of intellectual activity in the industrial, commercial, scientific, literary and artistic fields whether non-registrable, registered or patentable.

Interest means interest calculated at an interest rate equal to the general interest charge rate for a day pursuant to section 8AAD of the *Taxation Administration Act 1953* (Cth), plus 1%, on a daily compounding basis.

Key Details means the section of this Deed headed “Key Details”.

Milestone 1 means the first Milestone listed in Schedule 2.

Milestone 1 Date means the Grantee's nominated date for the Milestone 1 in the form set out in Schedule 4 of this Deed or such other date determined in accordance with this Deed.

Milestone 2 means the second Milestone listed in Schedule 2.

Milestone 2 Date means the Grantee's nominated date for the Milestone 2 in the form set out in Schedule 4 of this Deed or such other date determined in accordance with this Deed.

Milestone 3 means the third Milestone listed in Schedule 2.

Milestone 3 Date means the date that is within 12 months from the Commencement Date or such other date determined in accordance with this Deed.

Milestone 4 means the fourth Milestone listed in Schedule 2.

Milestone 4 Date means the date that is within 24 months of the Commencement Date or such other date determined in accordance with this Deed.

Milestone Certificate means a certificate in the form set out in Attachment B.

NSW Natural Disaster Essential Public Asset Restoration Guidelines (NEPAR Guidelines) means the guidelines published by the NSW Government in the document titled “NSW Natural Disaster Essential Public Asset Restoration Guidelines”, dated 19 October 2018 and available at <https://www.nsw.gov.au/sites/default/files/2022-02/doc046154-nsw-essential-public-asset-restoration-guidelines-19-oct-2018.pdf>.

Open to Traffic means the Works for the Project are complete and capable of being opened to the public for the safe, efficient and continuous passage of vehicles.

Project means the project to design, construct and commission works on an existing local road or roads described in item 2 of the Key Details.

Project Completion Report means the final report provided by the Grantee on completion of each Project to satisfy the requirements of the Milestone 4.

Project Manager means the project manager appointed by the Grantee in respect of each Project for the purposes of this Deed and notified to TfNSW from time to time.

Project Status Report means, in respect of each Project, the report that the Grantee provides on a monthly basis to TfNSW from the Commencement Date until the date of completion of that Project, in a form that is satisfactory to TfNSW.

Records means all documents, reports, plans, drawings, computer disks, specifications, data and all other materials in both hard and electronic formats and all copies and extracts of the same.

Regional Roads and Transport Recovery Package (RRTRP) means the joint NSW and Australian Governments' funding package to provide funding under the DRFA for infrastructure betterment to eligible transport infrastructure directly damaged by the February and March 2022 severe weather and flooding events across Northern NSW.

RRTRP Guidelines means the program guidelines published by TfNSW in the document titled "Regional Roads and Transport Recovery Package", dated October 2022 and available at <https://www.transport.nsw.gov.au/system/files/media/documents/2022/regional-roads-transport-package-guidelines-2022-10.pdf>.

Simplified Project Plan and Project Benefits means the plan prepared by the Grantee in respect of each Project in the form set out in Schedule 4.

Technical Requirements means the matters set out in Schedule 1.

TfNSW's Representative means the party named in item 5 of the Key Details.

WHS Legislation means:

- (a) the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2017* (NSW); and
- (b) all other laws relating to work health and safety which apply in New South Wales.

Works means the physical works to be designed and constructed for each Project as described in Schedule 3.

1.2 Interpretation

In this Deed, unless the context requires otherwise:

- (a) headings are for convenience only and do not affect the interpretation of this Deed;
- (b) a reference to a word or expression in the singular form includes a reference to the word or expression in the plural form and vice versa;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a clause, section, attachment or party is a reference to a clause or section of, or an attachment or party to this Deed;
- (e) a reference to this Deed includes the attachments to this Deed;
- (f) a reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them;
- (g) a reference to any dollar amounts or \$ is to Australian currency;
- (h) no rule of construction applies to the disadvantage of a party on the basis that the party put forward this Deed or any part; and
- (i) anything in this Deed after the words 'include' or 'for example' or similar expressions does not limit what else is included.

2. Term and Nature of Deed

2.1 Term

This Deed commences on the Commencement Date and expires on the Completion Date, unless extended under clause 4.3(b), or terminated earlier in accordance with this Deed.

2.2 Risk and Cost

- (a) Without limiting clause 13, the Grantee accepts all risks associated with the design, construction and commissioning of each Project, and complying with the DRFA and this Deed, including the risk that the final cost of a Project may be more than the eligible Funding approved under the DRFA Guidelines.
- (b) TfNSW is not responsible for the provision of any money or resources in excess of the Funding specified for a Project.

3. Payment

- (a) Subject to the requirements of the DRFA Guidelines and the terms of this Deed being met, TfNSW will pay the Grantee the Funding for each Project:

- (i) for an amount not exceeding the amount specified in item 3 of the Key Details;
 - (ii) subject to clauses 6(a) and 7(d)(i), in instalments upon satisfaction of each Milestone as specified in Schedule 2; and
 - (iii) upon satisfaction of the payment requirements specified in the DRFA Guidelines and in Schedule 2 to this Deed.
- (b) Notwithstanding clause 3(a)(ii), TfNSW is not required to pay Funding to the Grantee, where:
 - (i) TfNSW reasonably determines that the Grantee has not met or is unable to meet the requirements in the DRFA Guidelines or this Deed; or
 - (ii) the claim is for an ineligible cost; or
 - (iii) the Grantee has raised a variation to Project and/or Works, that has not been resolved between the parties; or
 - (iv) the Grantee has not submitted all required supporting documentation to substantiate the claim for Funding.
- (c) If the Grantee considers that a Milestone specified in Schedule 2 has been satisfied, the Grantee must submit to TfNSW:
 - (i) a correctly rendered tax invoice/payment claim;
 - (ii) a completed Milestone Certificate; and
 - (iii) all supporting documentation specified in Schedule 2.
- (d) Within 30 Business Days of receiving a notice from the Grantee under clause 3(b), TfNSW must either:
 - (i) if satisfied (acting reasonably) that the Milestone in Schedule 2 and the requirements in Schedule 2 and the DRFA Guidelines have been met, and subject to clause 3(f), pay the Grantee the Instalment for that Milestone; or
 - (ii) if not satisfied (acting reasonably) that the Schedule 2 milestone/s and/or documentation requirements have been achieved and/or that requirements of the DRFA Guidelines have been achieved, notify the Grantee that the Milestone has not been achieved.
- (e) If the Grantee receives a notice under clause 3(d)(ii), the Grantee may submit a further notice under clause 3(c) and clause 3(d) will apply again.

- (f) For the purposes of this Deed, an invoice/payment claim is not correctly rendered unless the invoice/payment claim meets the requirements of the DRFA Guidelines and:
- (i) states the amount claimed in the invoice/payment claim is due for payment in accordance with clause 3 and Schedule 2;
 - (ii) states the amount claimed in the invoice/payment claim is correctly calculated under the DRFA Guidelines and this Deed;
 - (iii) states the approved Funding allocation for the Project, the total expenditure to date on the Project, and the total Funding paid to date for the Project;
 - (iv) states the projected cash flow for the Project (if any);
 - (v) states the current due date for completion of the Project and the percentage completion of the Project to date;
 - (vi) includes the relevant TfNSW project number (WBS and/or purchase order) and is set out in a manner that identifies the specific Project and Milestone;
 - (vii) is addressed to "Transport for NSW" with attention to the TfNSW Representative;
 - (viii) is accompanied by a completed Contractor Statement in the form set out in Attachment A in respect of the period to which the invoice/payment claim relates; and
 - (ix) is certified by the Grantee's authorised delegate/s as follows:
 - A. a delegate that certifies the expenditure shown on the invoice/payment claim for payment has been actually incurred and only relates to the Project described; and
 - B. a delegate that certifies the work has been executed in accordance with appropriate prevailing standards and conforms to sound engineering practice and applicable legislation.
- (g) If TfNSW considers that an invoice/payment claim is not correctly rendered, TfNSW must issue to the Grantee a notice setting out the reasons and identifying any issues that are in dispute and/or further documents required to substantiate the amount claimed.
- (h) TfNSW may inspect the Project and make other reasonable enquiries (including carrying out an audit) to satisfy itself that a

Milestone has been achieved. The Grantee must co-operate with TfNSW and facilitate any such inspection and enquiry, including by providing access to site/s and Records.

4. Project

4.1 Design and construction obligations

- (a) The Grantee must submit the design for the Project to TfNSW, prior to commencing procurement and Construction Commencement on the Project as part of the Milestone 2 requirements as specified in Schedule 2.
- (b) TfNSW may within 10 Business Days of receipt of the design for the Project provide comment on it, but is under no obligation to do so. The Grantee is not obligated to incorporate into the design any comments that may be provided by TfNSW.
- (c) The Grantee acknowledges that TfNSW does not owe any duty of care to the Grantee to review or make comments on the design or any variations to it.
- (d) Neither comments by TfNSW or any failure to comment by TfNSW, or any other act or omission by TfNSW will lessen or otherwise affect:
 - (i) the Grantee's warranties, or any of its other liabilities under this Deed or otherwise according to Law; or
 - (ii) the rights of TfNSW whether under this Deed or according to Law.
- (e) The Grantee must obtain all Approvals required for each project.
- (f) The Grantee must ensure that the design and construction of the Works complies with:
 - (i) the requirements of this Deed, including but not limited to the Technical Requirements; and
 - (ii) all relevant Approvals and Laws.
- (g) The Grantee must comply with the requirements of the *Local Government Act 1993* (NSW).

4.2 Progress and timing

- (a) The Grantee must diligently progress each Project to achieve the Milestones in accordance with the Simplified Project Plan and Project Benefits and the terms of this Deed.

- (b) Subject to clause 4.3, the Grantee must achieve:
 - (i) the Milestone 1 by the Milestone 1 Date; and
 - (ii) the Milestone 2 by the Milestone 2 Date; and
 - (iii) the Milestone 3 by the Milestone 3 Date; and within 12 months of Commencement Date
 - (iv) the Milestone 4 by the Milestone 4 Date and within two years of the Commencement Date, noting all projects must be completed and Funding distributed by 30 May 2025.

4.3 Delay and extensions of time

- (a) If for any reason the Grantee:
 - (i) is unable to commence the Project or to continue the Project; or
 - (ii) forms the reasonable opinion that the timeframes specified in clause 4.2(b) will not be met,

then the Grantee must promptly provide written notice to TfNSW setting out the cause of the delay, relevant facts, and the expected effect on achievement of the Milestone 1, Milestone 2 and/or the Milestone 3 and/or the Milestone 4.
- (b) Following receipt of the Grantee's notice under clause 4.3(a), TfNSW must determine, in conjunction with both NSW Reconstruction Authority and the National Emergency Management Agency, whether:
 - (i) to grant an Allowable Time Limit (ATL) extension, including details of the revised date or dates for a Project; or
 - (ii) to not grant an extension of the timeframes under an ATL and provide written notice to the Grantee of that determination.

5. Subcontracting

- (a) The Grantee is responsible for ensuring the suitability of any subcontractor it engages to undertake Work on the Project and for ensuring that such Work meets the requirements of this Deed.
- (b) The Grantee must ensure that any contractor engaged by it in connection with this Deed holds and maintains appropriate insurances in accordance with the Grantee's policies and good industry practice for the delivery of works similar to the Works.

- (c) The Grantee is responsible for all acts and omissions of subcontractors as if they were those of the Grantee and the Grantee indemnifies TfNSW against all costs, expenses, and/or liabilities incurred by TfNSW in connection with the acts or omissions of any subcontractors.

6. Management of Funding

- (a) The Funding administered by TfNSW must be spent by the Grantee solely for the Project and for eligible costs in accordance with the DRFA Guidelines and this Deed.
- (b) The salary levels and allowances for any staff involved in the Project must not include overheads or the Grantee's profit margins, in accordance with the DRFA Guidelines.
- (c) All Project related income which is generated through the Funds (including bank interest, revenue from the sale of Project material, etc.) must be applied towards the Project by the Grantee and must be fully disclosed in the Grantee's financial statements and records.
- (d) Details of the sale, disposal or write-off of any asset acquired with the Funding during the term of the Project must be included in the Grantee's financial statements and records.
- (e) The Grantee must not use the Funding to:
 - (i) pay any wages or other benefits to the Grantee's employees who do not perform Work for or on the Project; or
 - (ii) make a loan, gift or donation.
- (f) The Grantee must:
 - (i) keep full and accurate financial accounts and Records relating to the Project and the Funding that separately identifies the funds from other projects and from any other income streams (including funding from other programs for complementary works), to enable expenditure on the Project under this Deed to be verified.
 - (ii) ensure all receipts and payments related to the Project and its respective Funding are to be identified in the Grantee's accounts and reported in accordance with this Deed by reference to the Project so that at all times the Funds and their use are clearly identifiable;
 - (iii) do all things necessary to ensure that all payments from the Funds that the Grantee makes to third parties are

correctly made and properly authorised and that the Grantee maintains proper and diligent control over the incurring of all liabilities; and

- (iv) ensure that Funds provided by TfNSW are deposited and held in an account in the Grantee's name, and which the Grantee solely controls, with a bank or credit union carrying on banking business in Australia and only withdrawn and applied for liabilities of the Grantee in relation to the Project.

- (g) This clause 6 survives the expiration or termination of this Deed.

7. Repayment of Funding

- (a) Where the Grantee has received additional funding from a different NSW Government and/or Australian Government program for the same Project (where the funding is provided for the same scope of works under which funding under this Funding Deed is to be utilised), the difference between the Funding amount specified in Item 3 of the Key Details and the total amount received by the Grantee must be refunded by the Grantee to TfNSW.
- (b) Where TfNSW reasonably determines that the Project (or part of the Project) is unable to be performed by the Grantee to meet the Milestone timeframes and/or to meet the requirements of this Deed, then with the exception of Funding that has already been spent or committed for the Project in accordance with this Deed (evidence of which must be provided by the Grantee), the Funding must be:
 - (i) refunded by the Grantee to TfNSW within 10 Business Days of a written notice from TfNSW; or
 - (ii) otherwise dealt with as directed in writing by TfNSW (in its absolute discretion).
- (c) Where TfNSW reasonably determines that Funds have not been properly spent by the Grantee on a Project in accordance with the DRFA Guidelines and/or this Deed, then the Funding must be refunded by the Grantee to TfNSW within 30 Business Days of a written notice from TfNSW, unless a repayment plan with a later date has otherwise been approved by TfNSW.
- (d) Where TfNSW reasonably determines that the Actual Costs of construction for the Project totals less than the Funding provided by TfNSW for the Project, then at TfNSW's absolute discretion that portion of the savings:
 - (i) will be withheld by TfNSW from an Instalment payment; or

- (ii) must be refunded by the Grantee to TfNSW within 10 Business Days of a written notice from TfNSW; or
- (iii) otherwise dealt with as directed in writing by TfNSW.
- (e) Interest is payable on any amount not paid to TfNSW when due and payable under this clause 7.
- (f) Nothing in this clause affects a party's right to terminate this Deed or TfNSW's right to suspend this Deed.

8. Intellectual Property Rights

- (a) All Intellectual Property Rights of the parties existing before the date of this Deed will be retained by the relevant party.
- (b) Each Party hereby grants to the other Party a royalty-free, non-exclusive and perpetual licence to use its existing Intellectual Property to the extent necessary to carry out the Project.
- (c) In respect of:
 - (i) Intellectual Property Rights in all modifications made to TfNSW existing Intellectual Property Rights made by the Grantee or its subcontractors; and
 - (ii) all other Intellectual Property Rights created by the Grantee or its subcontractors in undertaking the Project,
 the Grantee grants TfNSW a non-exclusive perpetual irrevocable and royalty-free licence to:
 - (iii) use, reproduce, modify and communicate to the public anywhere in the world and for any purpose connected with the business of TfNSW;
 - (iv) permit any person to assist TfNSW to do any of the things referred to in paragraph (iii) above; and
 - (v) sublicense any of the rights described in paragraph (iii) or (iv) above to any person.

9. Variations

- (a) The Grantee must not vary the Project or the Works except without the prior written approval of TfNSW, which may be given or withheld in TfNSW's sole discretion.
- (b) The Grantee will not be entitled to any additional Funding from TfNSW in connection with any Project or Works variation approved

pursuant to clause 9(a), unless a variation is approved by TfNSW in accordance with DRFA Guidelines and eligibility, subject to TfNSW's sole discretion and determination.

10. Records, Controls and Inspection

- (a) Records and accounts maintained for the Project must be retained by the Grantee until at least 7 years after the later of either:
 - (i) completion of the Project; or
 - (ii) the last date on which Funds are provided under this Deed.
- (b) The Grantee must make those Records and accounts available within three (3) weeks for inspection and/or audit as and when reasonably requested by TfNSW, a regulator, any external auditor or advisor or any of their authorised representatives during normal business hours. Copies and extracts of any Records may be taken for these purposes.
- (c) The Grantee must permit NSW Government and Commonwealth Government to inspect or appoint a third party to inspect the Grantee's premises to confirm compliance with this Deed and must provide all appropriate resources and all reasonable assistance required by any person conducting any inspection and/or audit, and fully co-operate with that person in good faith.
- (d) The Grantee must ensure that effective internal management and financial controls are in place to safeguard all Funds to ensure they are used solely for their authorised purpose.
- (e) The Grantee acknowledges that TfNSW may also inspect and audit the Grantee's internal management and financial controls related to the Funding and referred to in clause (d) above.
- (f) This clause 10 survives the expiration or termination of this Deed.

11. Reporting

- (a) At the times specified in item 4 of the Key Details, and at other times when reasonably requested, the Grantee must provide TfNSW with the following (each in a form satisfactory to TfNSW):
 - (i) a Milestone Certificate; and
 - (ii) a monthly Project Status Report which includes a detailed statement of actual incurred expenditure to date, in respect

of the Funding and Category B and D components of the Project to be submitted via the portal; and

- (iii) a quarterly health check meeting with TfNSW. TfNSW will provide the Grantee a copy of the health check report within 10 working days following the meeting.
- (b) any other report/s listed in item 4 of the Key Details.

12. Title, and operation and maintenance

- (a) TfNSW and the Grantee acknowledge and agree that at all times the Works are owned by the Grantee and that any materials and/or equipment removed from the site as part of the demolition activities for the Project will remain the Grantee's assets.
- (b) The Grantee takes all risk and is solely responsible for:
 - (i) the delivery of the Project and all costs associated with the Works the subject of the Project;
 - (ii) defects and omissions in the Works;
 - (iii) the Works otherwise not being in accordance with the requirements of the DRFA Guidelines and/or this Deed; and
 - (iv) the ongoing operation and maintenance of the Works.
- (c) This clause 12 survives the expiration or termination of this Deed.

13. Third parties, project interfaces and community liaison

- (a) The Grantee is responsible for liaising with all relevant third parties in relation to the Project and the Works, including:
 - (i) owners or occupiers of adjacent or affected land or property; and
 - (ii) utilities and other service providers.
- (b) The Grantee is responsible for and must undertake all required community liaison activities to ensure that the community is satisfied with the proposed Project and, in doing so, must comply with all reasonable requirements of TfNSW.
- (c) The Grantee is responsible for managing all project interface issues arising out of or in connection with the Project and the Works.

14. Taxes, duties and government charges

- (a) Subject to clause 14(b), the Grantee must pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with this Deed, the Project or the Works.
- (b) If GST is payable on any supply made under this Deed, for which the consideration is not expressly stated to include GST, the recipient of that supply agrees to pay to the supplier an additional amount equal to the GST at the same time that the consideration for the supply is to be provided. However:
 - (i) the recipient need not pay the additional amount until the supplier gives the recipient a tax invoice or an adjustment note; and
 - (ii) if an adjustment event arises in respect of the supply, the additional amount will be adjusted to reflect the adjustment event and the recipient or the supplier (as the case may be) must make any payments necessary to reflect the adjustment.
- (c) Notwithstanding anything stated to the contrary in this Deed:
 - (i) the imposition or levy of any taxes, duties and government charges in connection with this Deed, the Project or the Works (as stated clause 14(a)); and/or
 - (ii) the liability to pay, or the payment of, any GST (pursuant to clause 14(b)),
- (d) will not cause the Funding to exceed the amount of Funding specified for the Project.
- (e) All expressions used in this clause 14 which are defined in the GST Law have the meanings given to them in the GST Law.

15. Force Majeure

- (a) A party does not breach this Deed and is not liable to the other party for a delay or failure to perform an obligation to the extent it results from a Force Majeure Event provided that the party affected by the Force Majeure Event gives the other party a written notice which:
 - (i) sets out details of the Force Majeure Event;
 - (ii) identifies the nature and extent of the obligations affected by the Force Majeure Event;

- (iii) advises the period of time during which the affected party estimates that it will not be able to perform or will be delayed in performing its obligations; and
 - (iv) provides details of the action that it has taken or proposes to take to remedy the situation.
- (b) A party affected by a Force Majeure Event must:
 - (i) take all reasonable steps to avoid, remove or limit the effects of the Force Majeure Event on its performance of the suspended obligations as quickly as possible; and
 - (ii) promptly re-commence performing the suspended obligations as soon as reasonably possible and notify the other party when this occurs.
- (c) If a delay or failure to perform a party's obligations due to a Force Majeure Event exceeds 20 Business Days, or if TfNSW reasonably considers the Force Majeure Event will not cease within that period, TfNSW may immediately terminate this Deed on notice to the Grantee.

16. Termination

- (a) If:
 - (i) the Grantee fails to fulfil, or is in breach of the DRFA Guidelines or this Deed, or causes TfNSW to be in breach of its obligations under the DRFA Guidelines, and does not remedy the failure or breach within 15 Business Days of receiving a notice in writing from TfNSW to do so; or
 - (ii) in relation to this Deed, the Grantee breaches any legislative requirement that it is unable to remedy within 15 Business Days of the breach; or
 - (iii) an administrator is appointed under Division 6 of Part 2 of Chapter 9 of the Local Government Act 1993 (NSW),

then, in the case of any one or more of these events, TfNSW may immediately terminate this Deed by giving written notice to the Grantee.
- (b) Where TfNSW terminates this Deed under clauses 16(a) or 16(d), TfNSW will be entitled to recover from the Grantee any part of the Funds which:
 - (i) have not been spent or committed for expenditure on the Project in accordance with this Deed and payable by the

Grantee as a current liability (written evidence of which must promptly be provided by the Grantee) by the date on which the notice of termination given under clause 16(a) is taken to be received; or

- (ii) have not, in TfNSW's reasonable opinion, been expended by the Grantee in accordance with the terms and conditions of the DRFA Guidelines or this Deed.
- (c) If the Grantee does not repay to TfNSW the amount referred to in clause 16(b) within 10 Business Days of receipt of the notice of termination (or if a different period is stated in the notice of termination, that period) the Grantee must also pay TfNSW Interest on the outstanding amount. The amount set out in the notice, and Interest owed under this clause will, without prejudice to any other rights available to TfNSW under this Deed or otherwise at law or in equity, be recoverable by TfNSW as a debt due to TfNSW by the Grantee.
- (d) TfNSW may terminate this Deed for convenience by giving not less than 60 days' written notice to the Grantee. If the Grantee is able to demonstrate to TfNSW's reasonable satisfaction that prior to receiving notice of termination under this clause 16(d) the Grantee has spent or committed Funding for the Project in accordance with the DRFA Guidelines and/or this Deed, then TfNSW must reimburse the Grantee for that Funding. The Grantee must take all reasonable steps to mitigate the expenditure referred to in this clause 16(d) and TfNSW will not be required to pay Funding to the extent that the expenditure could have been avoided or reduced by taking such steps. The Grantee must provide TfNSW with evidence reasonably satisfactory to TfNSW with evidence reasonably satisfactory to TfNSW to substantiate any claim under this clause 16(d).
- (e) Clauses 16(b) and 16(c) do not limit or exclude any of TfNSW's other rights, including the right to recover any other amounts from the Grantee on termination of this Deed.

17. Acknowledgment and publicity

- (a) The Grantee must at all times comply with the NSW Government Funding Acknowledgment Guidelines for recipients of NSW Government infrastructure grants (found at: [Funding Acknowledgement Guidelines | NSW Government](#)) and any other guidelines or requirements notified by TfNSW.
- (b) The Grantee must acknowledge that the Australian and NSW Government contributed funding to the Project in each public announcement and publication the Grantee makes that relates to the Project.

- (c) The Grantee must consult with TfNSW at least 4 weeks prior to each public announcement or publication the Grantee makes about this Deed or the Project to ensure it meets the requirements of TfNSW and provide TfNSW and the Minister for Regional Transport and Roads or their delegate with the option to be involved in any public announcement. If the Minister is jointly participating in an announcement, the Minister will have the first option to publicly release information on the announcement.
- (d) The NSW and Australian Governments reserve the right to publicise and report on the Project and the provision of Funding to the Grantee and may do this by referring to the Funding provided to the Grantee for the Project in media releases, public announcements and publications including annual reports.
- (e) The Grantee must report on their Projects and milestones in a timely manner through TfNSW nominated system. The Grantee must ensure that all project milestones (Open to Traffic, construction starting, etc.) and forecasts are updated monthly and achievement of milestones are reported on the monthly period in which they occur.
- (f) The Grantee must notify with adequate lead time (minimum four weeks) TfNSW of any official opening and/or press related coverage for the Project.
- (g) The Grantee must invite with adequate lead time (minimum four weeks) a representative from TfNSW and the Minister for Regional Transport and Roads to attend any official opening and/or press related coverage for the Project. The timing of such events will need to reflect the Minister's availability. If the Minister is participating in an event or an announcement, the Minister will have first option to publicly release information on the achievement/announcement. The Grantee cannot make a public statement prior to the Minister.
- (h) Prior to Construction Commencement, the Grantee must install signage that acknowledges Australian and NSW Governments Funding contribution in relation to the Project. The Grantee must follow the Australian and NSW Funding Acknowledgement Guidelines, provided by TfNSW, with regard to:
 - (i) the sign's design and wording;
 - (ii) where the sign should be displayed and the duration of the display; and
 - (iii) obtaining any required variation to the signage requirements from Australian and NSW Governments.

18. Compliance with laws and TfNSW policies

- (a) The Grantee must ensure compliance with all legislative requirements and authority approvals and must obtain all authority approvals relevant to the DRFA Guidelines and this Deed, the Project or the Works.
- (b) The Grantee must ensure the delivery of the Project is authorised in accordance with the *Environmental Planning and Assessment Act 1979* (NSW).
- (c) The Grantee must, in carrying out its obligations under this Deed, comply with any directions from TfNSW in relation to TfNSW's obligations under the DRFA Guidelines, and any of TfNSW's policies as notified, referred to, or made available by or on behalf of TfNSW to the Grantee in writing from time to time, provided those policies are consistent with the performance of this Deed.
- (d) The Grantee must comply with and must ensure and procure that all of its employees and contractors comply with, all the requirements of the WHS Legislation and any other requirements relating to work health, safety and rehabilitation management.

19. Dispute resolution

- (a) Subject to clause 19(d), the parties agree not to commence any legal proceedings in respect of any dispute arising under this Deed until the procedure provided by clause 19(b) has been exhausted.
- (b) The parties agree that any dispute arising out of or in connection with this Deed will be dealt with as follows:
 - (i) If a party believes a dispute has arisen between the parties, that party must provide the other party with a written notice setting out the nature and details of the dispute;
 - (ii) If a dispute is notified under clause 19(b)(i), each party must nominate a senior representative with appropriate authority to negotiate on behalf of the party to attempt to resolve the dispute.
 - (iii) the parties have 15 Business Days (or such extended time as the parties may agree in writing) from the receipt of the notice referred to in clause 19(b)(i) to reach a resolution or to agree that the dispute is to be submitted to mediation or some alternative dispute resolution procedure; and
 - (iv) if:

- A. following the expiry of the 15 Business Days (or such extended time as the parties may agree in writing) referred to in clause 19(b)(iii), there is no resolution of the dispute, or agreement on the submission of the dispute to mediation or some other alternative dispute resolution; or
- B. there is a submission to mediation or some other form of alternative dispute resolution procedure, but there is no resolution within 20 Business Days of the submission, or such extended time as the parties may agree in writing before the expiration of the 20 Business Days,

then, either party may commence legal proceedings.

- (c) This clause 19 does not prevent a party from instituting proceedings to enforce payment due or seeking injunctive or urgent declaratory relief.
- (d) Despite the existence of a dispute, both parties must (unless requested in writing by the other party not to do so) continue to perform their respective obligations in accordance with this Deed.
- (e) This clause 19 survives the expiration or termination of this Deed.

20. Indemnity, Release, and Insurance

20.1 Indemnity and Release

- (a) To the maximum extent permitted by Law, the Grantee agrees to indemnify and keep indemnified TfNSW and its officers, employees and agents (the **Indemnified**) from and against all actions, proceedings, claims, demands, losses, costs, liabilities and expenses (including the costs of defending or settling any of these) in respect of:
 - (i) the death or illness of, or injury to, any person;
 - (ii) loss of or damage to any property; or
 - (iii) infringement of a third party's Intellectual Property Rights arising out of the Grantee's performance of the Project and/or Works under this Deed; or
 - (iv) any breach of this Deed by the Grantee, or negligent act or omission by the Grantee (including any failure to comply with any laws) in connection with this Deed or the Project, directly or indirectly caused by, or arising out of or in connection with, the Project, the Works, the Funding, this Deed, or any other understanding between the Grantee and TfNSW,

provided that such liability to indemnify TfNSW will be reduced proportionally to the extent that any unlawful or negligent act or omission by TfNSW or the officers, employees or agents of TfNSW contributed to the loss, cost or liability.

- (b) The indemnity contained in this clause 20.1 is a continuing obligation separate and independent from any of the Grantee's other obligations or responsibilities and will survive termination or expiration of this Deed.
- (c) Nothing in this clause 20.1 will render either party liable for any special, indirect or consequential loss or damage of any kind whatsoever.

20.2 Insurance

- (a) The Grantee must ensure when carrying out its obligations under this Deed that it exercises the highest level of care and skill so as not to cause loss or damage to the property of, or personal injury or death to, any person.
- (b) The Grantee agrees that it has undertaken an assessment of the risks associated with the Project, the Works and this Deed and has arranged, and will continue to maintain for as long as any obligations remain in connection with this Deed, adequate and appropriate insurance cover to protect:
 - (i) its physical assets against loss and/or damage;
 - (ii) the Grantee against legal liability risk for personal injury and/or property damage or other financial loss claims including, without limitation:
 - A. public liability; and
 - B. professional indemnity, for a period of seven years following the earlier of the completion the Work under this Deed or an earlier termination of this Deed; and
 - C. the Grantee's employees by maintaining all insurances required under the *Workers Compensation Act 1987* (Cth).
- (c) The Grantee acknowledges that the insurances in this clause 20.2 may not cover all of its risks and that it may effect and maintain such additional insurances as it considers necessary.
- (d) The Grantee must ensure that any contractor or subcontractor engaged in connection with this Deed maintains, as a minimum, insurances of the same type as specified in this clause 20.2 with an insurer recognised by the Australian Prudential Regulation Authority or

regulated by a State/Territory Auditor-General. Whenever requested, the Grantee must provide TfNSW with evidence satisfactory to TfNSW that all contractors and subcontractors have complied with their obligation to insure.

- (e) On or before the date of this Deed, and thereafter whenever requested by TfNSW from time to time, the Grantee must provide TfNSW with evidence satisfactory to TfNSW that the Grantee has complied with its obligation to insure.
- (f) This clause 20.2 survives the expiration or termination of this Deed.

21. Legal relationship

The Grantee acknowledges that:

- (a) its employees, officers, volunteers, partners and advisers will not by virtue of this Deed, be or for any purpose deemed to be employees, partners or agents of TfNSW; and
- (b) it must not purport to represent TfNSW in connection with the carrying out of the Project and it is not empowered to act on behalf of or to bind TfNSW in any way.

22. Entire agreement, variation and severance

- (a) This Deed records the entire agreement between the parties in relation to its subject matter.
- (b) No variation of this Deed is binding unless it is agreed in writing and signed by the parties.
- (c) If at any time any provision of this Deed is or becomes illegal, invalid, void or unenforceable for any reason, all other provisions which are self-sustaining and capable of separate enforcement will, to the maximum extent permitted by law, be and contribute to be valid and enforceable.

23. Waiver

- (a) Waiver of any provision of, right under or breach of, this Deed:
 - (i) must be in writing signed by the party entitled to the benefit of that provision, right or breach; and
 - (ii) is effective only to the extent set out in the written waiver and shall operate as a single waiver only.

24. Assignment and novation

- (a) The Grantee must not assign or novate this Deed, or its rights, obligations and interests under this Deed, without the prior written approval of TfNSW.
- (b) TfNSW may assign or novate this Deed, or its rights, obligations and interests under this Deed to another NSW Government agency, without the need for obtaining the prior written approval of the Grantee.

25. Electronic Execution and Counterparts

A party may execute this Agreement by electronic means. The parties agree and intend that signature by electronic means will bind the party so signing with the same effect as though the signature were an original signature. This Deed may be executed in any number of counterparts which together constitute one Deed.

26. Further assurance

Each party must, at its own expense, do all things and execute all documents necessary to give full effect to this Deed and the transactions contemplated by it.

27. Applicable law and jurisdiction

- (a) The laws of New South Wales govern the terms of this Deed.
- (b) Both parties agree to submit to the non-exclusive jurisdiction of the courts of New South Wales.

28. Confidential Information

- (a) A party who receives Confidential Information ("**Recipient**") must not disclose the Confidential Information supplied by the other party ("**Discloser**") to any person except:
 - (i) its representatives who require the Confidential Information for the purposes of this Deed; or
 - (ii) to enable the Recipient to obtain professional advice in relation to this Deed; or
 - (iii) with the consent of the Discloser; or

- (iv) if the Recipient is required to do so by law or by a lawful requirement of any government or governmental body, authority or agency having authority over the Recipient or by a stock exchange; or
 - (v) if the Recipient is required to do so in connection with legal proceedings relating to this Deed or other agreement between the parties; or
 - (vi) if the Recipient is TfNSW it is disclosed to the Transport Secretary and/or Ministers of the NSW government.
- (b) If the Recipient discloses the Discloser's Confidential Information under clause 28(a)(i) or 28(a)(iii) then:
- (i) it must use its best endeavours to ensure that persons receiving the Confidential Information from it do not disclose the information except in the circumstances permitted in clause 28(a);
 - (ii) the Discloser may at any time require the persons receiving the Confidential Information to give written undertakings relating to the non-disclosure of the Confidential Information and the Recipient must arrange for all such undertakings to be given promptly; and
 - (iii) the Recipient must reserve the right to demand immediate delivery of all documents or other materials in its possession, power or control or in the possession, power or control of the third party who has received Confidential Information from it containing or referring to that Confidential Information.
- (c) The Recipient must not use the Discloser's Confidential Information except for the purpose of exercising the Recipient's rights or performing its obligations under this Deed or any other agreement between the parties.
- (d) On the Discloser's request, the Recipient must immediately deliver to the Discloser or destroy all documents or other materials containing or referring to the Confidential Information which are in its possession, power or control, or in the possession, power or control of persons who have received Confidential Information from the Recipient, except to the extent that:
- (i) the Recipient requires the Confidential Information for the purpose of performing its obligations or exercising its rights under this Deed or other agreement between the parties; or
 - (ii) the Recipient is otherwise entitled to retain the Confidential Information.

- (e) Except as otherwise agreed or required by law, any regulatory authority or stock exchange, neither party may disclose the terms of this Deed to any person other than its Representatives on a confidential basis.

29. Representatives and Project Manager

- (a) The Grantee must always ensure that it has a nominated representative (who is notified and acceptable to TfNSW acting reasonably) who has full authority to act on behalf of the Grantee. An instruction or direction given to the Grantee Representative will be deemed to be an instruction or direction given to the Grantee.
- (b) The Grantee must deal with TfNSW's Representative, or such other representative as may be notified by TfNSW to the Grantee from time to time.
- (c) The Grantee must nominate a Project Manager who is the TfNSW contact for each Project. The Grantee may nominate a new Project Manager from time to time and must notify TfNSW promptly of any change.
- (d) Notices provided to TfNSW by the Project Manager under this Deed are binding on the Grantee.
- (e) At the date of this Deed, the representatives of the parties are the nominated contact persons specified in items 5 and 6 of the Key Details.

30. Notices

- (a) Any notices contemplated by this Deed must be in writing and delivered to the relevant address or email address shown in item 7 of the Key Details (or to any new address or email address that a party notifies to the other).
- (b) A notice given in accordance with clause 30(a) is taken to be received:
 - (i) if hand delivered, on delivery;
 - (ii) if sent by pre-paid post, 5 Business Days after the date of posting, unless it has been received earlier; or
 - (iii) if sent by or email, the earlier of when the email is opened by the recipient and the next Business Day after the time at which it enters the recipient's system (provided that the sender does not receive a delivery failure or out of office message).

31. No fetter

This Deed does not in any way unlawfully restrict or otherwise unlawfully affect the unfettered discretion of TfNSW or the Grantee to exercise any of their functions and powers pursuant to any legislation.

32. Survival

Unless otherwise stated in this Deed, any clause capable of continuing to apply after the Project is completed or terminated for any reason will do so.

EXECUTION

Executed by the parties as a deed.

Executed for and on behalf of **Transport for NSW (ABN 18 804 239 602)** by its authorised delegate in the presence of:

Signature of Witness

Signature of Authorised Delegate

Print Name (block letters)

Print Name (block letters)

Position held by TfNSW delegate

Date of signature:

Insert date of signature

☐ If ticked, the witness confirms that they witnessed the signatory sign this document over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000, and the witness affixed their electronic signature to a counterpart of this document.

☐ If ticked, the witness confirms that they witnessed the signatory sign this document in the physical presence of the witness, and the witness affixed their signature to either the same or a counterpart copy of this document.

Executed for and on behalf of
Muswellbrook Shire Council (ABN 86 864
180 944) by its authorised officer in the
presence of:

Signature of Witness

Signature of Authorised Officer

Print Name (block letters)

Print Name (block letters)

Position held by Grantee Authorised Officer

Date of signature:

Insert date of signature

☐ If ticked, the witness confirms that they witnessed the signatory sign this document over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000, and the witness affixed their electronic signature to a counterpart of this document.

☐ If ticked, the witness confirms that they witnessed the signatory sign this document in the physical presence of the witness, and the witness affixed their signature to either the same or a counterpart copy of this document.

Schedule 1 – Project Design and Technical Requirements

1. The Grantee must ensure that it understands and adheres to the RRTRP Guidelines.
2. The Grantee must ensure that the Project is designed and constructed in accordance with all relevant best practice, included but not limited to:
 - (a) Australian Standards;
 - (b) Austroads Guidelines; and
 - (c) TfNSW Technical Supplements (where directed by TfNSW).
3. Where bridges and major structures are included as part of the Works and unless prior written approval has been obtained from TfNSW, the Works must be constructed to comply with the following specific standards and directions:
 - (a) AS5100;
 - (b) SM1600, or where SM1600 is not practical, then the Grantee must obtain the prior written approval of TfNSW to instead comply with the TfNSW Bridge Technical Direction TS02028, found at:
<https://standards.transport.nsw.gov.au/search-standard-specific/?id=TBA%20-%200003438:2022>.
4. All designs that include the installation or removal of regulatory devices (including signs and line markings) must be endorsed by the Local Traffic Committee prior to the Grantee proceeding.
5. One or more road safety audits may be required for certain projects. The Grantee is to confirm the road safety auditing requirements at the project development stage. The Grantee is responsible for undertaking any required Road Safety Audits according to the Guidelines for Road Safety Audit Practices and to address all corrective actions. Any audits must be undertaken by an accredited and independent audit team.

Schedule 2 – Milestones

MILESTONE	% OF FUNDING TO BE PAID	FINANCIAL MILESTONE	DOCUMENTATION TO BE PROVIDED TO TfNSW
MILESTONE 1	10%	Agreement and Initial Planning	<ul style="list-style-type: none"> - Milestone Certificate (in the form of Attachment B) - Executed Funding Deed (including completed Schedule 3 and 4) - A completed Form 306 approved prior to execution of deed - Completed Attachment A Contractor Statement
MILESTONE 2	20%	Design Phase	<ul style="list-style-type: none"> - Milestone Certificate (in the form of Attachment B) - IFT or IFC Drawings - Final estimate - Tender assessment report - Completed Attachment A Contractor Statement - Updated Schedule 4 Simplified Project Plan and Project Benefits

MILESTONE 3	40%	Construction Commencement (Start of Construction)	<ul style="list-style-type: none"> - Milestone Certificate (in the form of Attachment B) - Updated Schedule 4 Simplified Project Plan and Project Benefits - Photographic evidence of Construction Commencement (including metadata showing date and location) - Photographic evidence of installed signage acknowledging funding contributed to the Project - Completed Attachment A Contractor Statement
MILESTONE 4	30% or balance of funding, that can be substantiated by the Grantee records, not exceeding total funding as specified in Item 3 of the key details	Project Completion	<ul style="list-style-type: none"> - Milestone Certificate (in the form of Attachment B) - Project Completion Report, including photographic evidence (including metadata showing date and location) and - final certificate of expenditure including General Ledger. - Completed Attachment A Contractor Statement - Updated Schedule 4 Simplified Project Plan and Project Benefits

Schedule 3 – Scope of Works to be delivered for the Project

All works listed below must be eligible for funding under the RRTRP as detailed in the RRTRP Guidelines.

Scope of Works – BP-0001 Betterment of Wybong Road
Upgrade pavement on Wybong Road between chainages 31.1km and 33.6km.

Schedule 4 - Simplified Project Plan and Project Benefits

Financial Forecast

Please provide an initial financial forecast of the expected dollar value of Works to be completed each month of the financial year against each project. Note that this financial forecast is NOT cumulative.

Project Name: BP-0001 Betterment of Wybong Road													
Financial year	Funding offered	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2023/24													
2024/25													
2025/26													

Project Milestone Dates

Please provide key project and financial milestone dates for the project as outlined below.

Project Delivery & Financial Milestone				
	Milestone 1 - Executed Agreement and Initial Planning	Milestone 2 – Design Phase	Milestone 3 – Construction Commencement (within 12 months of commencement)	Milestone 4 – Project Completion (within 24 months of commencement)
Project Milestone Date				
Financial Milestone Claim Date				

Project Benefits

Please provide a brief description of proposed benefits to be realised for the project.

Project name: BP-0001 Betterment of Wybong Road		
Improvement	Examples	Grantee comment
Estimated indirect and direct job numbers.	e.g. 2 x internal FTE & 6 x contractors FTE	
Total length of project	e.g. 3km	
Describe the economic benefits as a result of betterment? (Provide evidence and dollar value if applicable)	The project will reduce the cost of asset maintenance, results in an economic benefit (pre/post \$ inclusive of GST)	
Describe the additional productivity benefits as a result of betterment? (Provide evidence and dollar value if applicable)	This project will avoid or minimise disruptions to power, results in productivity benefit of businesses having ability to continue operations	
Describe the social benefits as a result of betterment? (Provide evidence and dollar value if applicable)	The project will keep roads and bridges open during a future disaster event, results in a social benefit as communities would not become isolated and evacuation routes are improved	
Describe the additional environment benefits as a result of betterment (Provide evidence and dollar value if applicable)	The project has resulted in minimised and avoided damage to sewerage assets, improving environmental impacts on biodiversity	

The RRTRP Guidelines will measure benefits throughout the project delivery and post completion. As part of their obligations, the Grantee may be required to provide NSW and Commonwealth Governments with substantiating evidence regarding the realisation of key benefits and project outcomes at project milestones and post-completion. Additionally, the NSW Government and/or Australian Government may choose certain projects for a comprehensive assessment of benefits both during project delivery and after completion. Specific requirements pertaining to the collection of data and information shall be communicated to recipients as part of the reporting obligations and are subject to modifications.

ATTACHMENT A – CONTRACTOR STATEMENT TEMPLATE

(Clause 3(e)(vii))

NSW GOVERNMENT		Transport for NSW	Contractor Statement Payment of Workers, Payroll Tax & Worker's Compensation Premiums	
<p>All suppliers/contractors must provide this Statement with every invoice/Payment Claim for all works/services carried out for Transport for NSW (TfNSW). TfNSW is entitled by law to withhold payment until this Statement is provided (see Note 2 overleaf).</p>			<p>Workers Compensation Insurance Certificate of Currency for the work period in question. Unless the contractor is exempt</p> <p>Attach</p>	
Details				
Contractor's Legal Name:				
Contractor's Trading / Business Name:				
Contractor's ABN:			Contractor's ACN:	
Contractor's Address:				
TfNSW Contract No:			Project/Contract Title:	
Description of Works:				
Period of Work this Statement applies to (see Note 3):		From:		To:
Invoice or Payment Claim Numbers this applies to:				
Invoice or Payment Claim Dates this Statement applies to:				
Declaration				
I declare that the following is true to the best of my knowledge and belief in respect of the Period of Work above:				
<ul style="list-style-type: none">All workers engaged by the Contractor in respect of the works have been paid all remuneration entitlements.All workers compensation insurance premiums have been paid and attached is a true copy of a Certificate of Currency for workers compensation insurance valid for the period covered by this Statement; orthe Contractor is an exempt employer for workers compensation purposes (see Note 6);The Contractor is registered as an employer under the <i>Payroll Tax Act 2007</i> and has paid all payroll tax due in respect of employees in relation to the works the subject of this Statement; orthe Contractor is not required to be registered;The Contractor has not engaged any subcontractors for the works the subject of this Statement, orThe Contractor has engaged subcontractors and has obtained a similar statement to this Statement from each of those subcontractors and believes it to be trueI am authorised to make this declaration and I am in a position to know the truth of its contents				
Signature of Authorised Person:		Name of Signatory (print):		
Date:		Position / Job Title of Signatory (print - see Note 4):		

(Electronic copy is available at: <http://home.rta.nsw.gov.au/forms/categories/contractandroadworks/45062893.pdf>)

(see Notes on page 2)

Catalogue No.45062893, Form No. 921 (12/2019)

UNCLASSIFIED
SENSITIVE: NSW GOVERNMENT

Page 1 of 2

(Clause 3(c)(vii))

ATTACHMENT B – MILESTONE CERTIFICATE

[WBS/Project name] – REQUEST FOR MILESTONE PAYMENT

In accordance with the agreed Project Milestone schedule for the project, I certify that the **[Insert Milestone event]** has been achieved. I request payment of **\$x,xxx,xxx** as agreed in the Project Milestone Schedule in the *Project Funding Deed*.

I have provided the following evidence and other supporting documentation to claim for payment:

(Delete Irrelevant Detail)

- Milestone 1 – Executed Agreement and Initial Planning – Up to 10%
 - Executed Funding Deed
 - Approved Form 306
 - Attachment A - Contractors Statement
- Milestone 2 – Design Phase – up to 20%
 - IFT or IFC Drawings
 - Final Estimate
 - Tender assessment report (where delivered externally)
 - Attachment A – Contractors Statement
- Milestone 3 – Construction Commencement – up to 40%
 - Updated Schedule 4 Simplified Project Plan and Project Benefits
 - Photographic evidence of Construction Commencement (including metadata showing date and location)
 - Photographic evidence of installed signage
 - Attachment A – Contractors Statement
- Milestone 4 – Project Completion – up to 30%
 - Project Completion Report including photographic evidence (including metadata showing date and location) and final certificate of expenditure including general ledger. **Note:** must be provided within three (3) months of Project completion
 - Attachment A – Contractors Statement
- Any additional supporting information (at Grantee's discretion):

Yours Sincerely,

Signed: Date: / /

Name:

Position Title:

Grantee:



10.3. Corporate Services

10.3.1. January 2025 Ordinary Council Meeting

Responsible Officer: Derek Finnigan - General Manager

Author: Governance Officer

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.

Operational Plan Action: Not applicable

Attachments: Nil

PURPOSE

To consider scheduling an Ordinary Council Meeting for January 2025.

OFFICER'S RECOMMENDATION

Council determines that:

1. An Ordinary Meeting of Council be held on Tuesday 28 January 2025 in the Meeting Room, Muswellbrook Library, 126 Bridge Street, Muswellbrook, From 6:00pm to 9:00pm.
2. A workshop for Councillors will be held from 4:00pm to 6:00pm immediately prior to the Ordinary Council Meeting.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

Consideration be made to hold an Ordinary Council meeting on 28 January 2025.



PREVIOUS RESOLUTIONS

6.3.3. Fixing Day and Hour of Regular Council Meetings

- 74** RESOLVED on the motion of Cr M. Morris and Cr D. Douglas that:
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. Two Ordinary Council Meetings be scheduled for 2025 to be held in Denman Memorial Hall.
 7. The Ordinary Council Meeting scheduled for September 2025 be held in the Donald Home Building, 140 Bridge Street, Muswellbrook.
- In Favour Cr C. Bailey, Cr A. Barry, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward
- Against: Nil

BACKGROUND

Annually, 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.

CONSULTATION

General Manager

REPORT

At the Extra-Ordinary Council meeting held on 22 October 2024, the meeting schedule was set, excluding January 2025. However, due to the volume of business to be conducted and delays resulting from the Caretaker period, consideration is requested to conduct a meeting in January to ensure the timely conduct of Council business.

FINANCIAL CONSIDERATIONS

Delays in approving budgets, contracts, or grant applications could lead to missed opportunities, increased costs, or disruptions in funding and resource allocation

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

Nil identified.



RISK MANAGEMENT IMPLICATIONS

Delayed Decision-Making: Critical decisions or approvals required to address pressing issues may be postponed, potentially impacting operations, projects, or service delivery timelines.

Compliance Risks: If statutory deadlines or regulatory obligations are not met due to the absence of a January meeting, the Council could face legal or reputational risks.

COMMUNITY CONSULTATION / COMMUNICATIONS

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



10.3.2. DRAFT Community Engagement and Participation Plan for Public Exhibition

Responsible Officer: Shaelee Welchman - Director - Community & Economy

Author: Corporate Planning and Reporting Officer

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal:

6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures.

6.1.2 - Utilise best practice models of community engagement to ensure decision making is meeting the expectations 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.

6.1.1.1 - Facilitate an annual Community Satisfaction Survey.

6.1.2.1 - Monitor and report on outcomes of the adopted Muswellbrook Shire Council Community Engagement Strategy 2022.

Operational Plan Action:

6.1.3.2 - Report on Council's Integrated Planning & Reporting (IP&R) requirements.

6.1.3.4 - Seek to improve Council's relationship with, and utilisation of, Local Suppliers.

6.2.1.4 - Seek funding opportunities to support the interests and aspirations of the Shire identified by the Community Strategic Plan and Delivery Program.

Attachments:

1. Community Engagement and Participation Plan 2024 [10.3.2.1 - 24 pages]

PURPOSE

The Community Engagement and Participation Plan 2024-2028 has been prepared in accordance with Section 402A of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979, and responds to requirements of the NSW Government Integrated Planning and Reporting framework.

Developed using feedback from comprehensive community consultation undertaken from July to September 2024, The Community Engagement and Community Participation Plan 2024-2028 provides a positive way forward for Council's to engage in successful and meaningful communication and collaboration with our community.



OFFICER'S RECOMMENDATION

Council resolves to place the draft Communication Engagement and Participation Plan on public exhibition for a period of 42 days before final consideration by Council.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The Communication and Engagement Strategy creates a commitment to successful and meaningful communications and engagement, reflecting Council's genuine commitment to involve and engage with the community it serves.

PREVIOUS RESOLUTIONS

This matter has no previous resolutions.

BACKGROUND

This year's Community Satisfaction Survey (CSS) and Community Strategic Plan engagement identified communication and engagement as critical drivers of overall satisfaction in Council, establishing them as a key focus area for improving trust in Council and Council services.

CONSULTATION

Manex

Managers

REPORT

This Report aims to be an easy-to-read summary of how Council will engage, inform and consult with the Community.

This report also ensures Council meets the requirements of the Integrated Planning and Reporting Guidelines for local government in NSW and the Environmental Planning and Assessment Act 1979.

A copy of the report is attached under a separate cover.

FINANCIAL CONSIDERATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY / LEGISLATIVE IMPLICATIONS

The Communication and Engagement Strategy has been prepared in accordance with Section 402 of the Local Government Act 1993. The Community Participation Plan which forms part of the Communication and Engagement Strategy has been prepared in accordance with the Environmental Planning and Assessment Act 1979.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk implications for Council.



COMMUNITY CONSULTATION / COMMUNICATIONS

The reporting officer requests that once the council resolves to place the draft Communication Engagement and Participation Plan on public exhibition for 42 days, submissions made are included and addressed before final consideration by Council in early 2025.

Community Engagement and Participation Plan 2024-2028



muswellbrook.nsw.gov.au



Acknowledgement of Country

Muswellbrook Shire Council would like to respectfully acknowledge the local Aboriginal People who are the Traditional Owners and Custodians of the land.

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From the Mayor

The Community Vision, in our Muswellbrook Shire 2022-2032 Community Strategic Plan, highlights the importance of community engagement to create an inclusive, vibrant, and sustainable future.

It emphasises that genuine engagement with our community should be at the heart of everything we do. Our community is diverse, with different views on issues like mining and energy generation, population growth and levels of service. Yet, we also share common values, such as wanting the best outcomes for our community that will improve wellbeing, economic growth, social equality, sustainability and cultural vibrancy.

This Community Engagement Strategy outlines the framework for ongoing and meaningful engagement with all members of our community. It provides the flexibility to achieve the best outcomes during some of the most significant changes the Shire will experience, and it will help guide how we plan and carry out our engagement to ensure the community's voice is heard and at the forefront of everything we do.



From the General Manager

Community engagement and collaboration is essential to ensuring that Council's Plan reflects the vision and priorities of our community. We know that strong, positive community engagement is a powerful contributor to support the effective, efficient, and relevant management of our assets, facilities, services, and events.

Council is committed to inviting and seeking out the opinions and desires of all members of our community, and we are always working to improve the methods by which we engage and collaborate, thereby removing potential barriers to full participation, including, but not limited to, age, literacy, gender, language, ability, and access to technology.



Introduction

This Community Engagement and Participation Plan 2024-2028 outlines how different groups in our community can be involved in the long-term planning and decision-making of Council. It explains when, how, and why each group will have the chance to provide input, guided by the following social justice principles:

- **Equity:** Everyone in the community has fair access to services and opportunities to improve their lives
- **Access:** Efforts are made to include people who are harder to reach or who are vulnerable
- **Participation:** Everyone is encouraged to have their voices heard and to understand how decisions are made
- **Rights:** People of all backgrounds and abilities have the chance to take part in community life

These principles will help Council plan and develop important projects, including the Community Strategic Plan and other key Council documents, plans, policies, and programs.

Council's main goals for engaging the community are:

- To increase awareness about Council projects, programs and services
- To improve satisfaction with Council services, facilities, and events
- To help the community better understand how and why decisions are made

This Plan is created in line with Section 402 of the Local Government Act 1993, which encourages a community-centred approach to decision-making. It shows our commitment to providing everyone in Muswellbrook Shire with an equal opportunity to shape the future of our community that we can be proud of now and in the years to come.



What is Community Engagement?

Community engagement is about involving people in the decisions that affect their lives. It is an ongoing process that encourages open discussions and shared responsibilities in decision-making.

Community engagement is about:

- **Collaboration:** It fosters better problem-solving, leading to balanced and informed decisions that result in positive outcomes
- **Transparency:** It supports transparency, builds trust in the decision-making process, and helps people understand how and why decisions are made

Council believes that everyone in Muswellbrook Shire has the right to be informed and to have a say on projects that matter to them or could affect their daily lives. Engaging with the community helps Council better understand local views, leading to more informed decisions. This approach results in improved services, greater community ownership and pride of outcomes, as well as a stronger connection between people and their community.

We believe that whenever Council is planning or deciding something, the community should have the opportunity to participate meaningfully. The level of involvement may vary depending on the project and its potential impact.

Legislative Requirements

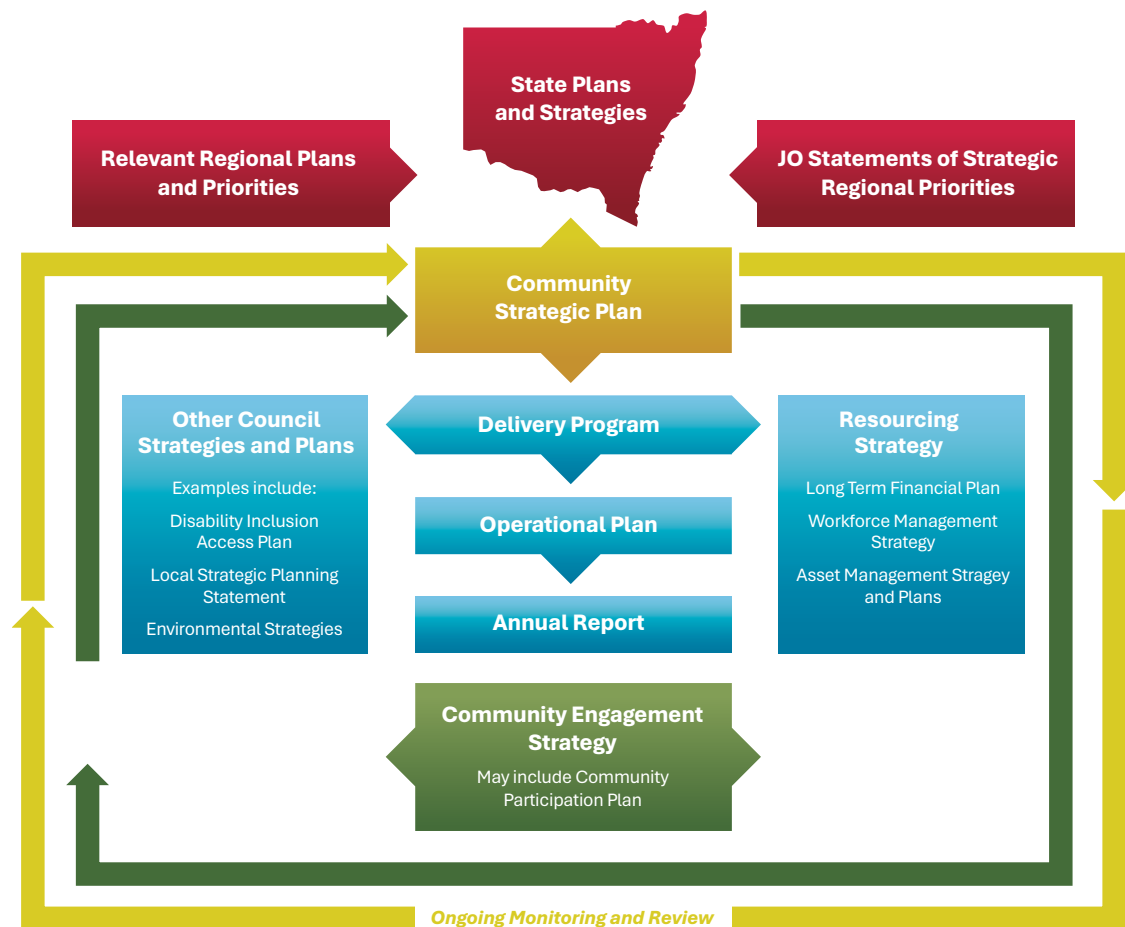
Council must follow the following pieces of legislation that outline when we need to consult with the community:

1. **Section 402(4) of the Local Government Act 1993:**
This requires Council to create and follow a Community Engagement Strategy. This strategy is used when developing plans, policies, and programs, and when determining activities that go beyond routine administrative tasks.
2. **Section 2.23 of the Environmental Planning and Assessment Act 1979:** This requires councils to explain how and when they will engage the community in planning matters, such as policy-making and assessments.

The Community Engagement and Participation Plan 2024-2028 follows the NSW Government's Integrated Planning and Reporting Framework (2009). It ensures the community's needs are reflected in Council's plans, aligning with regional and state priorities. The plan connects to other documents for consistent planning across local councils in NSW. One key part is the Disability Inclusion Action Plan, which focuses on making the community more inclusive by improving access to services and ensuring participation for people with disabilities.

The Integrated Planning & Reporting (IP&R) framework was established in 2009 by the New South Wales Government.

The legislation requires all Councils to have the following plans developed in consultation with the community.



What Do We Mean by Community?

Our community includes the many different individuals, groups and organisations that have a vested interest in our Shire, including:

- People that live or own a property here
- Local Aboriginal communities and Agencies
- People who work or study here including short-term contractors
- Visitors and Tourism Groups
- Business and Industry
- Community, Sporting and Environmental groups
- Community Agencies that provide services (including homeless support) to and/or advocate for people in the local area
- Developers and Investors
- Elected Councillors
- Council Committee Representatives and Council Staff
- Neighbouring Councils and Regional bodies
- Government Agencies
- Local Members of Parliament (State and Federal)
- Media
- Schools and Education Providers
- Children and Young People
- Seniors and Older People
- People with Disability
- Cultural Groups



Muswellbrook Shire Council - Community Engagement and Participation Plan 2024-2028 7

What Engagement looks like in Muswellbrook Shire

The level of community engagement used by Council will depend on the size and importance of the plan, policy, or program being proposed. For example, when developing the Community Strategic Plan, Council will include activities that aim to involve the whole community. However, for something like upgrading a local sporting field, engagement will likely focus on people who live within a few kilometres of the site and the groups who use the field.

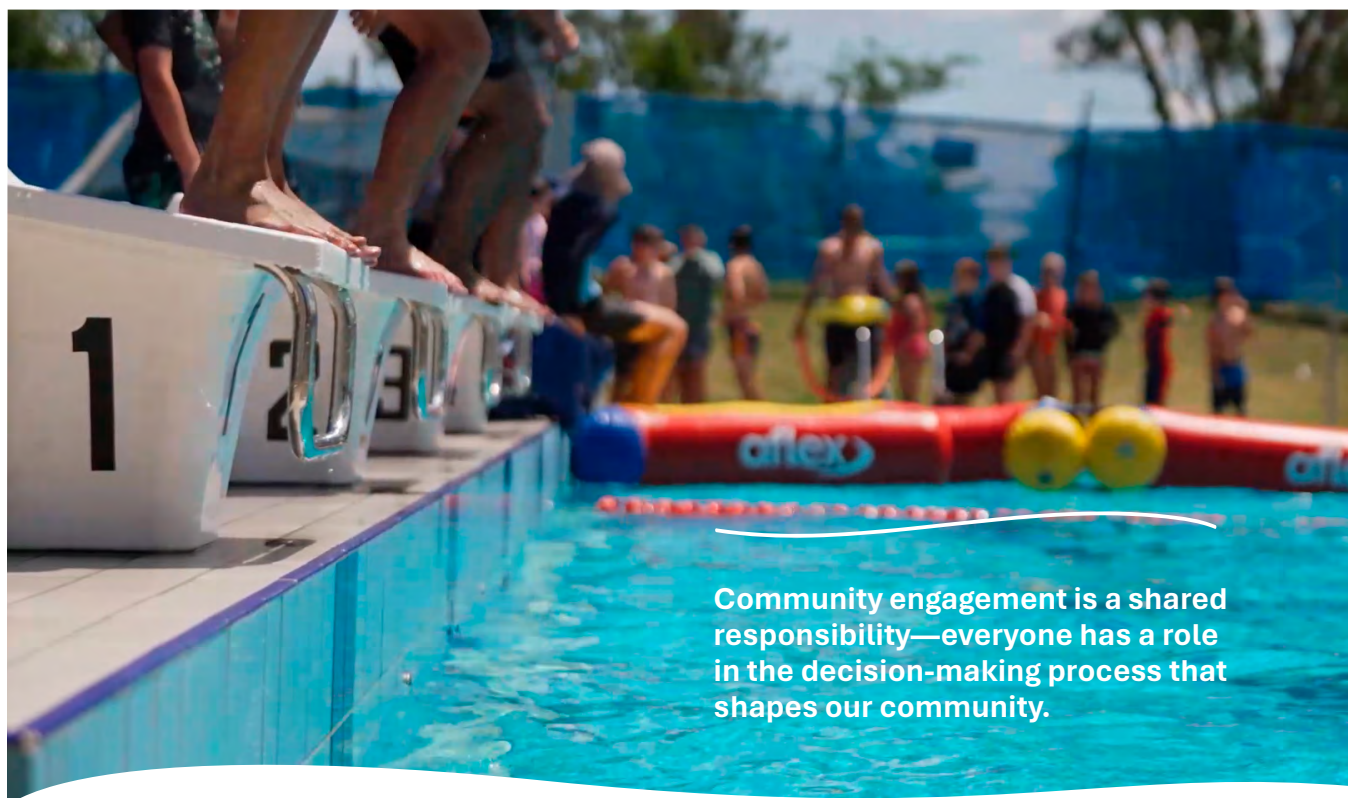
Council uses the International Association for Public Participation (IAP2) Spectrum to help decide the best type of engagement. This framework helps determine how much influence the community's feedback will have on the final decision.

Muswellbrook Shire Council understands that community engagement should:

- Have a clear purpose, goals, and approach
- Be easy for the community to access and take part in
- Be clear and straightforward
- Build trust and understanding
- Be meaningful, genuine, and provide value
- Be regularly evaluated and improved

Community engagement is a shared responsibility—everyone has a role in the decision-making process that shapes our community. Both the Council and the community have important roles in starting, leading, taking part in, and carrying out engagement activities.

Increasing impact on the decision					
	Inform	Consult	Involve	Collaborate	Empower
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.



Community engagement is a shared responsibility—everyone has a role in the decision-making process that shapes our community.

Roles	Responsibilities
Mayor	<ul style="list-style-type: none"> • Acts as the spokesperson for the Council to encourage engagement on important strategic plans, including the development of the Community Strategic Plan • Works with the General Manager to ensure there are sufficient opportunities and methods for engagement between the Council and the local community • Promotes partnerships between the Council and our community
Councillors	<ul style="list-style-type: none"> • Champion the commitment and principles of engagement by providing leadership, setting an example of best practices, and making decisions that align with these principles • Promote engagement by supporting and participating in engagement activities alongside Council staff and encouraging residents to get involved during interactions with the community
General Manager and Executive Leadership Team	<ul style="list-style-type: none"> • Promote a culture of best practice engagement by leading with strong examples, following the right processes, and implementing this strategy • Act as spokespersons to encourage community engagement • Take part in developing documents related to community engagement • Ensure the community receives clear information so they can take part in the engagement process in a meaningful way
Council Staff	<ul style="list-style-type: none"> • Work with and support the General Manager in creating the Community Engagement Strategy and plans to engage the community • Carry out the Community Engagement Strategy and provide the General Manager with timely advice on community feedback and opinions

Inclusive Engagement

Council recognises that some groups in our community may face challenges in participating in engagement activities. These groups are often harder to reach and less likely to get involved. We will consider barriers such as language, physical ability, access to technology, social isolation, and time when planning engagement activities to ensure that participation is easy and comfortable for everyone.

Successful engagement relies on careful preparation and thorough planning, where we:

- Create an environment of honest and timely communication when engaging with the community about projects and activities
- Commit to clear processes and allocate the necessary resources to help with better planning and decision-making
- Ensure our processes are inclusive, reaching out to everyone in the community, including those who are hardest to engage
- Respect the feedback we receive from the community
- Act in the best interests of the entire community
- Keep the community informed about progress and outcomes
- People with disabilities in the hard-to-reach groups

Some of the harder-to-reach groups identified in the Plan include:

- Youth and older people
- Aboriginal and Torres Strait Islander communities
- Children and families
- People experiencing homelessness
- People with mental health issues
- LGBTIQ+ communities
- People who are socially isolated
- People who do not speak English as a first language

Council recognises the barriers to engagement and is committed to making opportunities accessible and inclusive by:

- Offering a variety of engagement methods to suit different needs
- Using clear, easy-to-understand language and avoiding technical jargon
- Designing age-appropriate activities for different groups
- Providing enough information to support active public participation
- Using both technology and traditional methods to reach a wider audience
- Promoting engagement opportunities through multiple channels
- Providing information in various accessible formats
- Ensuring venues are accessible to everyone
- Exploring options for staggered or combined engagement to avoid overwhelming the community
- Clearly explaining how community feedback will influence decisions and why those decisions are made.
- Targeting specific groups, such as young people, families, and minority groups, with tailored engagement
- Staggering engagement activities to avoid “saturation” and ensure meaningful participation
- Broadly promoting engagement to give all community members the chance to take part
- Reporting back to participants and the broader community on the outcomes and results of engagement activities



How We Engage

Inform

Channel	Detail
Website, Social Media, and Newsletters	Information will be shared via: <ul style="list-style-type: none"> • Council's websites • Social media platforms such as Facebook, Instagram and LinkedIn • Newsletters
Advertisements, Signage, Letters, Postcards/Flyers and Rates Notices	These channels will be used to: <ul style="list-style-type: none"> • Invite the community to participate in engagement activities • Notify the community about upcoming projects and works • Inform the community on where to access further information • Explain how and when to provide feedback
Customer Service Centre, Libraries and Visitor Information Centres	Community members can visit the Customer Service Centre and Libraries to: <ul style="list-style-type: none"> • Get information about projects open for feedback • Receive assistance with submitting feedback

Consult and Involve

Channel	Detail
Community Meetings and Workshops	Community members can attend to: <ul style="list-style-type: none"> • Provide opportunities for discussion or to gather feedback on aspects of a project or policy etc
Council Meetings	Members of the community can participate in Council's formal meeting process prior to a decision being made, as outlined in Council's Code of Meeting Practice. This can include speaking during Public Participation
Public exhibitions and Submissions	During public exhibition, community members and stakeholders can view and provide feedback on plans, policies or projects
Surveys	Surveys may be used to collect broad feedback from the community rather than on a specific project such as the Community Satisfaction Survey
Drop-in sessions and pop-up stalls	Opportunities for the community to attend a face-to-face session and ask questions or provide feedback

Collaborate and Empower

Channel	Detail
Advisory Committees	Committees made up of various members of our community, stakeholders and Councillors who advises on the priorities and interests of a stakeholder group or subject area
Community and stakeholder reference groups	Groups of community members who meet with staff, Councillors, or others to work through an issue, determine a decision for a project, policy or plan and provide advice on the decision

When We Will and Won't Engage

Council will engage with the community in situations like:

- Setting the strategic direction of the community
- Creating a new project, plan, or initiative
- Developing or changing a policy, strategy, or plan
- Planning major construction projects

The table in the following pages explains how Council will engage with the community on different projects. This helps everyone know what to expect from us.

Planning projects have set timeframes for public exhibition, as listed in the Community Participation Plan in this document.

However, there are times when Council will just inform the community about decisions, including when:

- There's no opportunity for community input
- Public health or safety is at risk

- A decision needs to be made immediately
- The project involves confidential or commercial information
- Council is reviewing internal procedures
- There's an emergency
- There are legal constraints that limit engagement

Council will always follow the Government Information (Public Access) Act 2009, which requires us to:

- Proactively release information on our website and in other accessible formats
- Ensure we protect individual privacy when sharing information

This ensures that the public has access to important information while respecting personal privacy.

Public Exhibition

Public exhibition is the process where draft documents are made available for the community and other interested groups to view and provide feedback before they are finalised.

Before documents are available for public comment, they must first be approved by the Council. Once approved, the community can view the documents and provide feedback within a set time period.

The public exhibition of documents will be communicated to the community in different ways, depending on the project. At a minimum, Council will:

- Provide information on the Council's website and Facebook page
- Notify affected residents and neighbouring properties
- Make information available at the Customer Service Centre, Visitor Information Centre, and Library

The exhibition period will always meet the minimum timeframe, and Council may extend it based on the size and importance of the project. The engagement period is measured in calendar days, including weekends and public holidays, but does not occur during the Christmas/New Year period.

Anyone can submit feedback by post or email. Submissions can support or oppose the project, explain the reasons for a particular view, or offer suggestions or general feedback. Council will acknowledge all submissions in writing and carefully review the issues raised before making a final decision.

Exhibition Periods

Channel	Engagement Level	How we Consult	Purpose	Exhibition Period
<ul style="list-style-type: none"> • Council's Long-Term Plans • Community • Strategic Plan • Delivery Program • Resourcing Strategy • Community Engagement Strategy • Local Strategic Planning Strategies • Master Plans • Management Plans 	Empower	Community Engagement Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future	28 days
Council's Operational Plan, Budget, Fees and Charges	Consult	<ul style="list-style-type: none"> • Website • Social media • Media release • Advertising 	Acknowledge community feedback and ensure it is considered in Council's final decision	28 days
<ul style="list-style-type: none"> • Key Council policies • Code of Meeting Practice • Code of Conduct • Any others as required 	Consult	<ul style="list-style-type: none"> • Website • Social Media • Advertising 	Acknowledge community feedback and ensure it is considered in Council's final decision	28 days or 42 days as legislated or by Council resolution
<ul style="list-style-type: none"> • New Capital Works and Place Making 	Inform / Involve	Community Engagement Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future	28 Days
Maintenance and renewal capital works	Inform	<ul style="list-style-type: none"> • Letter • Social media • Website • Door Knocking affected residents if required 	Communicate updates to keep community informed	We will let you know if works are planned at least 7 days in advance of work or unplanned works with notified by door knocking or Social Media

Community Participation Plan

What is the Community Participation Plan

Community Participation Plans (CPPs) establish how and when planning authorities (including Councils) will engage with the community, in a meaningful way, when performing their planning functions under the Environmental Planning and Assessment Act 1979.

This plan has been prepared in accordance with Section 2.23 of the Environmental Planning and Assessment Act 1979 and details how and when Muswellbrook Shire Council will undertake community participation when exercising its relevant planning functions under the Environmental Planning and Assessment Act 1979.

Schedule 1 of the Environmental Planning and Assessment Act 1979 establishes minimum public exhibition timeframes to guide the preparation of CPPs. It also provides minimum requirements related to public consultation and the making of a CPP.

Objectives of the Community Participation Plan

- Increase understanding between Council and the community
- Ensure that Council services are provided in a way that is consistent with the community's values and priorities
- Improve the decision-making capacity of Council
- Increase accountability and transparency to the community for Council decisions
- Encourage and provide opportunities for the community to participate in the decision-making process



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Notification for Development Related Matters

The table below sets out the minimum community consultation Council will carry out in performing its planning function related to the progression of the planning projects, documents and applications listed.

Type of Matter	How we Consult	Purpose	Consultation Period
Community Participation Plan	<ul style="list-style-type: none"> Website Social Media post 	Provide the community with meaningful opportunity for participation in plan making and keep community informed	28 days
Planning Strategies, structure Plans or master plans that may result in changes to the Muswellbrook Local Environmental Plan or Development Control Plan through implementation Examples include: Local Strategic Planning Statement, Muswellbrook Housing Strategy, Muswellbrook Employment Lands Strategy, Muswellbrook Flood Risk Management Plan	<ul style="list-style-type: none"> Website Social Media post Media Public drop-in sessions Direct notices to industry stakeholders (at the discretion of Council Officers, Council may issue written notices to stakeholders and professionals performing planning and regulatory functions in the locality) Letter Notices to affected properties (at the discretion of Council Officers, Council may issue written notices to the owners of properties potentially impacted by the proposal. This type of notification will only be undertaken in limited circumstances where Council perceives this type of notification to be in the interest of ensuring collaborative consultation and the project primary relates to a limited or targeted area) 	Directly reflect community concerns and aspiration in the finalised plan	45 days
Draft Development Control Plans and guidelines Development Control Plan (DCPs) and guidelines provide controls to guide new development, which are considered in the assessment of development applications	<ul style="list-style-type: none"> Website Social media If the Development Control Plan amendment is site-specific (for example, area plans which only apply to certain sites in the LGA) Council may notify landowners and adjoining landowners. Amendments or general amendments that do not affect a specific site will not be notified by letter Direct notices to industry stakeholders (at the discretion of Council Officers, Council may issue written notices to stakeholders and professionals performing planning and regulatory functions in the locality) 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 Days

Type of Matter	How we Consult	Purpose	Consultation Period
Draft Contribution Plans A plan that through a developer contribution levies new development for a contribution toward facilities such as transport, community and recreational facilities required to service new development	<ul style="list-style-type: none"> Website Social Media 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 days
Draft Planning Agreements Planning agreements entered into between Council and a developer. The planning agreement allows contributions for land dedication, recreation, community and transport facilities in lieu of development contributions under the EP&A Act	<ul style="list-style-type: none"> Website Social media Where possible Planning agreements will be exhibited alongside an associated development application or planning proposal 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 Days
Planning Proposals or local environmental plans, subject to a gateway determination Planning proposal can be prepared to: <ul style="list-style-type: none"> Rezoned land to change the uses allowed on the land Make administrative amendments to the Muswellbrook Local Environmental Plan 2009 (for example, addition of heritage items, changes to permitted land uses in certain zones, update to clauses and maps) 	<ul style="list-style-type: none"> Website Social media Letter Notices to adjoining land owners (site specific rezoning and additional use proposals to be notified to adjoining land owners – proposals applying more generally to LEP provisions or larger areas of the Shire may not be notified to landowners unless otherwise specified by a Gateway Determination) Any other method specified by the Gateway Determination 	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days (or as specified by the Gateway Determination)
Council Staff	Inform / Involve	Community Engagement and Participation Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future
Development Applications Application for development consent (other than for complying development certificate, designated development or State Significant development) Examples include: Development applications for some residential, commercial, retail and industrial development)	<ul style="list-style-type: none"> Publication of Plans online at Council's website and/or NSW Planning Portal website. Social Media Letter Notices to adjoining properties <p>See the heading Development Applications not requiring notifications for information on the types of development not requiring notification. Types of development specified in that Section do not require any consultation and notification under this part.</p>	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days

Type of Matter	How we Consult	Purpose	Consultation Period
Development Applications that are ‘Designated Development’ or ‘Nominated Integrated’ Development <ul style="list-style-type: none"> See Schedule 3 of the EP&A 2021 Regulations for details of ‘designated development’ See Section 8A of EP&A Act 1979 for details of development that comprises ‘nominated integrated’ development. Types of development include integrated development under Heritage Act 1977, Water Management Act 2000, Protection of the Environment Operations Act 1997 and threatened species development Category 1 Remediation work under SEPP (Resilience and Hazards) 2021 is subject to notification under this criteria 	<ul style="list-style-type: none"> Website Social media Letter Notices to adjoining properties Site notice 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 days
Council Related Development Development lodged by or on behalf of Council, Councillors and Senior Staff	<ul style="list-style-type: none"> Notification generally involves: Website Social media Letter Notices to adjoining properties Refer to Council’s Development Conflict of Interest Management Policy for any additional requirements	Provide the highest level of transparency in the processing of development by Council, Councillors and key Council personal. Acknowledge community concerns and provide feedback on how public input influenced the decision	28 days (unless otherwise specified in the Development Conflict of Interest Management Policy)
Modification of Development Consent Modifications where notification required Refer to the Modifications to Development Consent sub-headings under the ‘Development Applications Not Requiring Notification’ heading for information on Modification applications requiring and not requiring notification	<ul style="list-style-type: none"> Website Social media Letter Notices to adjoining properties 	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days
Section 8.2 Reviews An application to review the determination of a development application under Division 8.2 of the EP&A Act	The manner which the initial development application was notified	Acknowledge concerns and provide feedback on how public input influenced the decision	The period for which the initial development application was notified

***Notes –**

*Development Applications or planning matters requiring Advertisement – at Council’s discretion and in addition to measures specified in the table, advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate, to ensure the public is reasonably aware of the proposal.

*Amendments to Development Applications – subject to the review of the Assessment Officer, Development Applications which are amended through the assessment of the development application and prior to its determination will generally be re-notified for a period of 14 days where the amendments are considered to materially increase or create new potential impacts to neighbouring properties which were not included when the proposal was initially notified.

*Legislative requirements – in the event of any inconsistency between the notification requirements of this plan and any provision set out under the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2021, the provisions of that legislation shall prevail over this plan.

*Exempt and Complying Development – development that is exempt or complying development is not subject to any notification provisions under this plan.

*Review of Environmental Factors (REF) for Council projects – see Council’s Conflict of Interest Policy related to any consultative actions for Council projects carried out under a REF.





Development Applications Not Requiring Notification

Development Applications

All development applications submitted to Council will be subject to a Preliminary Review by Council's Development Control Unit or Senior Staff members.

Part of this process is a review of whether the development application requires public notification.

Minor development applications and development applications not likely to adversely impact the amenity of adjoining land will not require community consultation under this plan.

The table below sets out the type of applications that are generally considered minor applications not requiring community consultation.

Proposal

Low scale development that is ancillary to residential accommodation (with the exception of external alterations related to heritage items)

Note: Low-scale development includes such things as carports, detached garages, internal alterations, outbuilding, pergola, shed and swimming pool development and the like

Single storey dwelling houses on residential zoned land – including modest alterations and additions to dwelling houses (excluding land located within a heritage conservation area or which relates to a heritage item)

Dwelling houses on Rural or Environmental land where the dwelling is a replacement dwelling or a dwelling on a Lot created by subdivision approved by Council after 17 April 2009

Alterations and additions to dwellings on rural or environmental zoned land

Alterations or additions to a commercial or industrial building provided that the site is not adjacent to a residential use

Change of use of buildings in Employment Zoned land

Except where the new use involves:

- A sex service premises
- Restricted premises
- Crematoria
- The carrying out of a new/additional industrial activity at a premises that has the potential to have an off-site impact and/or adjoins residential zoned land

Strata subdivisions

Internal building work to buildings, where there is no change to the external configuration of the building

Demolition works (other than demolition works involving a heritage item or heritage conservation area)



Notwithstanding the Proposal table(see previous page), Council at its discretion may decide to notify any development that is a type listed in the table above as a development that may impact on adjoining land.

In considering whether the notification of a type of development otherwise specified in the table above, Council Officers undertaking the Preliminary Review of the proposal may have regard to matters such as:

- The relationship between the proposed development and the Muswellbrook Local Environmental Plan 2009 (MLEP)
- A non-compliance with a development control within the Muswellbrook Development Control Plan
- Whether building works are proposed to, or in the vicinity of, an item of environmental heritage
- Whether external building works are proposed within a Heritage Conservation Area
- Whether the land subject to the development application is located within the Flood Planning Area
- Any technical study or report submitted or required to be submitted in relation to the development application
- Proposed trading hours
- Potential traffic generation and/or traffic and vehicle access considerations
- Relationship of any cut and fill with existing contours and adjoining land
- Stormwater management
- Any land use constraints applying to the land
- Any related Council Policy or Procedure informing Council Officers undertaking this function

Modifications to a Development Consent

After a development consent has been issued, the applicant, or anyone entitled to act on the applicant's behalf, can apply to Muswellbrook Shire Council, or the approval authority, for approval to modify that development consent.

In general, notification will occur in the same manner as the original development application.

However, Council may decide that further notification in relation to a proposed amendment is not required if it does not result in a greater environmental impact and the assessing officer is of the opinion that the amended application differs only in minor respects from the original application.

Circumstances where Council would not require the notification of a modification application include:

- Where the modification is a Section 4.55(1) modification to correct a minor misdescription or error
- Modifications to an approved development that did not require notification when initially lodged
- Minor modifications attached to a development staging plan, or administrative requirements related to the carrying out of the development
- Section 4.55(1A) modifications where the amendment proposed would not result in any greater environmental impact

Submissions to Development Plans and Applications

Minimum information required in submissions

To ensure that submissions on plans or applications are assigned to the appropriate Council file and that the matters raised by submissions are given due consideration, it is important that submissions contain the following minimum information:

- The name and address of the person(s) making the submission
- An email address of the person making the submission (where an email address is not provided, Council Officers will not be able to provide a timely notice of any Council Meeting where the matter is to be considered and determined)
- The Council file reference as identified on the exhibition notice
- A statement on whether the person(s) lodging the submission supports or objects to the planning matter or application
- Contain clear reasons for the objection or support of the planning matter or application

Submissions must relate to the plan or application that is being notified or exhibited and should not contain defamatory comments.

Submissions must reach Muswellbrook Shire Council no later than close of business on the last day of the respective notification or exhibition period.

Consideration of late submissions

Submissions that have been received within the exhibition period for a plan or application shall be taken into consideration in the review of the respective plan or application. At its discretion, Council may consider late submissions in circumstances where such consideration will not generate additional delays in the finalisation of the respective plan or application.

General Information Related to exhibition and making of submissions

- During a public exhibition period where a planning matter or development application is notified online at Council's website, documents that may be reasonably necessary to inform an interested person in reviewing the matter are to be made publicly available at the related website link

While a link that provides a pathway to access the documents will be published on Council's website, for some matters this link may take the user to the NSW Planning Portal which provides a service pathway for the relevant documents to be published and accessed

- Letter Notices issued to adjoining or potentially affected property owners related to a planning matter or development application will include suitable information to identify the proposal and any related land, notification dates, information related to the making of a submission and information as to where the full sets of plans and documentation may be viewed

Where the notice relates to a development application Council Officers may include a set of notification plans (site, elevation plans and/or other plans that Council Officers consider to assist in providing a general overview of the proposed development)

Complete sets of plans and technical reports accompanying a planning matter or development application will not typically be circulated as part of a letter notice. The letter notice will contain information as to how these documents may be viewed by an interested person

- For planning matters and development applications notified by social media, a Notice related to the matter will be published online through Council's core social media profile (currently the 'Muswellbrook Shire Council' Facebook page – though subject to change at the direction of Council Communications Team). The Notice will include a description to identify the proposal, notification dates, information related to the making of submissions and information related to where full sets of plans and documents may be viewed. Where allowed for by the social media platform the Notice will include a link to the location of the documents may be viewed online



- Comments made to a social media post online or in shared versions of the post will not be taken under consideration as submissions to the related matter
- Council Development Assessment Officers will endeavour to make themselves available to interested members of the public to discuss the development assessment process or provide information on a development application on public notification. Any persons interested in seeking further information on a development application, the process for making a submission or the development assessment process is invited to contact Council's Planning Section on 6549 3700
- Multiple submissions from one household will be considered as one objection
- A petition will be considered as one objection, notwithstanding the number of individual signatures contained in the petition
- Where the option is available individuals making submissions are encouraged to do so via the NSW Planning Portal. In circumstances where a Planning Portal submission option is not available or the person making the submission is unable to successfully navigate the Portal, Council will accept submissions lodged in letter or email format
- As a general rule Council Development Assessment Officers will not correspond directly with an individual submitter through the assessment process for a development application
- Depending on the nature of a development application, Council Officers may during the assessment process provide an applicant with the content of submissions made and request a response to the submissions received. Where the contents of submissions are provided to an applicant Council Officers will take care to exclude or redact any phone number, address, email address, submitter names, signatures or other personal details from the document provided to the applicant
- Where a matter is reported to a Council Meeting for determination details of the submissions received will typically be included in the Council Report. Council Officers will endeavour to exclude or redact any phone number, address, email address, submitter names, signatures or other personal details from appearing in the Council Business Paper

Determination of Planning Matters where Submissions have been received

- The determination of planning matters are principally informed by the provisions of the Environmental Planning and Assessment Act 1979
- Council has a legislated obligation to consider matters raised by a public submission in their determination of development applications
- The determination of various planning matters, including some development applications will require the matter to be reported to a Council Meeting to determine. Where a submission has been received to a planning matter being reported to the elected Council submissions will be referenced, and the matters they raise considered as part of any related planning report and determination
- Subject the decision-making delegations issued by Council to the General Manager and any related Council Policy, the determination of certain development applications which have received submissions may be undertaken by appropriately delegated Council Officers. Where a development application for which a submission has been received is determined by a Council Officer it remains a legislated requirement for that Council Officers to take into consideration matters raised by the submission in their assessment and determination of the development application. Where a matter is determined under delegated authority copies of the related assessment report and Notice of Determination will be made available to any submitters or interested members of the public on request

A submission has the greatest impact in the planning process.

How We Listen and Respond

Council respects that any person making a submission has invested their time understanding a proposal and in putting forward comments to contribute to best practice decision making.

Considerate of a submitters interest and time investment in informing the determination of a matter Council is committed to the investment of its own resources to ensure the following actions are carried out.

We are committed to:

- The receipt of every submission received is acknowledged through a receipt email issued by the NSW Planning Portal or otherwise in writing
- Where a planning matter or development application which has received submissions is being reported to a Council Meeting to determine individuals who have made a submission in relation to the matter and provided Council with a contact email address will be notified of the Council Meeting date and provided with information for attending and addressing the Council Meeting

Please be aware that Notices of Council Meetings will only be issued once the related Business Paper has been finalised. The target timeline for the finalisation of business papers is 5 days prior to the related Council Meeting. This can mean that Notices of Council Meetings are issued with a short turn around between the Notice and the related Council Meeting

- Following the determination of a planning matter or development application correspondence will be issued to any person who made a submission in relation to the matter advising of the outcome of Council's determination
- Council Business Papers, Meeting Minutes, Development Assessment Reports, Notices of Determination and other public documents related to Council's determination of a planning matter will be made available to submitters or interested members of the public on request following determination

Evaluation and Measurement

Council will assess our community engagement activities based on the following areas ensuring continuous improvement of our approach for future engagement and encouraging greater community participation in Council's decision-making:

- **Process** – How effectively was the engagement designed and carried out?
- **Relevance** – Was the engagement appropriate, and did the community participate?
- **Reach** – Were we inclusive, and did we reach those impacted or interested in the outcome?
- **Outcomes** – Did we meet the objectives of the engagement?

This strategy will be reviewed within three months of local government elections, as part of the broader review of the Community Strategic Plan, or sooner if there are changes to legislation or other requirements.





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**10.3.3. DRAFT Internal Audit Charter MSC050E for Adoption**

Responsible Officer: Derek Finnigan - General Manager

Author: 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: 6.2.3 - Implement an Internal Audit Program in consultation with the Audit, Risk and Improvement Committee.

Operational Plan Action: 6.2.3.1 - Internal Audits to be conducted in accordance with the adopted annual internal audit plan.

Attachments:

1. Current Adopted Internal Audit Charter for reference only [10.3.3.1 - 6 pages]
2. DRAFT Internal Audit Charter MSC050I 20240412 (1) [10.3.3.2 - 15 pages]
3. DRAFT Internal Audit Charter MSC050I Clean [10.3.3.3 - 12 pages]

PURPOSE

To submit for Council's consideration the attached *Draft Internal Audit Charter* for adoption, which has been endorsed by Manex and the Audit, Risk and Improvement Committee.

OFFICER'S RECOMMENDATION

Council adopts the *Draft Internal Audit Charter*.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The Office of Local Government has provided a Model Internal Audit Charter to assist councils in implementing and complying with updated legislation. The Model has been reviewed and adapted to suit Council's requirements. The *Draft Internal Audit Charter* has been endorsed by Manex and Council's Audit, Risk & Improvement Committee.

PREVIOUS RESOLUTIONS

Not applicable.

BACKGROUND

Amendments have been made to the *Local Government (General) Regulation 2021* to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for audit, risk and improvement committees. Councils and joint organisations are required to comply with these requirements from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The Office of Local Government has issued comprehensive [Guidelines for Risk](#)



[Management and Internal Audit for Local Government in NSW](#) (the Guidelines) to assist councils and joint organisations to implement these requirements.

CONSULTATION

Manager Governance and Risk

Business Improvement Officer

Governance Officer

Manex meeting 17 June 2024

Audit, Risk and Improvement Committee (ARIC) 27 June 2024

REPORT

The Office of Local Government (OLG) has provided a *Model Internal Audit Charter* to assist councils in implementing the requirements under the guidelines. The *Model Internal Audit Charter* has been reviewed and adapted to suit Council's requirements and is attached to this report (Attachment 1 - *DRAFT Internal Audit Charter*).

The *DRAFT Internal Audit Charter* has been endorsed by Manex on 17 June 2024 and endorsed by ARIC on 27 June 2024 and is now required to be adopted by Council.

Council's current *Internal Audit Charter* (Attachment 2) was adopted in 2020 and will be superseded by the *Draft Internal Audit Charter* if it is adopted.

CONCLUSION

It is recommended that Council adopts the *DRAFT Internal Audit Charter*.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

The *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the *Risk Management and Internal Audit for local government in NSW Guidelines* require each council in NSW to have in place:

- an audit, risk and improvement committee that continuously reviews and provides independent advice to the council on how it is functioning and managing risk;
- a robust risk management framework that accurately identifies and mitigates the risks facing the council and its operations; and
- an effective internal audit function that provides independent advice as to whether the council is functioning effectively, and that the council's internal controls to manage risk are working.

Councils that do not comply with the Guidelines and are not granted an exemption may face enforcement action under the Local Government Act.



RISK MANAGEMENT IMPLICATIONS

An internal audit charter is a critical document that guides internal audit and risk management activities. Its absence can lead to confusion, inefficiencies, missed risks, and a lack of confidence in managing risks effectively.

COMMUNITY CONSULTATION / COMMUNICATIONS

The Internal Audit Charter is considered to be an internal document and does not require public exhibition.



muswellbrook shire council

Internal Audit Charter

Authorisation Details:

Authorised by:	Council
Minute No:	292
Date:	31/03/2020
Review timeframe:	31/03/2022
Department:	Governance
Document Owner:	Manager Governance

Review History:

Version No.	Date changed	Modified by	Amendments made
2	4/3/2020	Melissa Cleary	10. 3 year rolling plan
3	22/9/2020	Melissa Cleary	Remove draft watermark; update authorisation details; amend font
4	15/12/2020	Melissa Cleary	Minor formatting amendments
5	25/1/2022	Melissa Cleary	Reassigning role responsibility from <i>Manager Integrated Planning, Risk & Governance</i> to <i>Manager Corporate Services and Chief Financial Officer</i> to reflect an organisational restructure completed in 2021

This document is a controlled document. Before using this document, check it is the latest version by referring to the Controlled Document Register. Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

The mission of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal Audit at Muswellbrook Shire Council is managed by the Manager Corporate Services and Chief Financial Officer, who is responsible for managing internal audit activities in accordance with this internal audit charter.

Introduction

This Internal Audit Charter is a formal statement of purpose, authority and responsibility for an internal auditing function within Muswellbrook Shire Council.

- It establishes Internal Audit within Muswellbrook Shire Council and recognises the importance of such an independent and objective service to the organisation.
- It outlines the legal and operational framework under which Internal Audit will operate.
- It authorises the Manager Corporate Services and Chief Financial Officer to promote and direct a broad range of internal audits across Muswellbrook Shire Council and, where permitted, external bodies.

Although there are no specific requirements under the *Local Government Act 1993* for internal audit in local Councils, *Internal Audit Guidelines – September 2010* recommend that Councils have an internal audit function.

1. Role and Authority

The Manager Corporate Services and Chief Financial Officer is authorised to direct a comprehensive program of internal audit work in the form of reviews, previews, consultancy advice, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks in the context of the achievement of business objectives.

For this purpose, all members of Internal Audit are authorised to have full, free and unrestricted access to all functions, property, personnel, records, information, accounts, files, monies and other documentation, as necessary for the conduct of their work.

2. Objectivity, Independence and Organisational Status

Objectivity requires an unbiased mental attitude. As such, all Internal Audit staff shall perform internal audit engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Further, it requires Internal Audit staff not to subordinate their judgment on internal audit matters to that of others.

Internal Audit contractors are not permitted to undertake responsibilities, functions and duties outside of internal audit work. Internal Audit contractors shall report to the Manager Corporate Services and Chief Financial Officer any situations where they feel their objectivity may be impaired. Similarly, the Manager Corporate Services and Chief Financial Officer should report any such situations to the Audit, Risk and Improvement Committee.

Where the Manager Corporate Services and Chief Financial Officer also has responsibility for other aspects of Council operations that may possibly be the subject of an audit by the internal

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audit function, to preserve the independence and objectivity of internal audit the following safeguards will be considered:

- documenting any conflicts of interest (perceived or actual);
- assigning the role usually performed by the Manager Corporate Services and Chief Financial Officer during an audit assignment of any operational area which is also the responsibility of the Manager Corporate Services and Chief Financial Officer, to another member of the executive who is independent of the internal audit function and retains the same level of seniority of the Manager Corporate Services and Chief Financial Officer;
- ensuring that internal audit project briefs are reviewed by the Audit, Risk and Improvement Committee to ensure adequate coverage of the proposed audit, where the audit assignment concerns any operational area which is also the responsibility of the Manager Corporate Services and Chief Financial Officer; and
- providing mechanisms for the internal audit service providers to raise any identified or perceived conflicts of interest with the Audit, Risk and Improvement Committee.

The work of Internal Audit does not relieve the staff of Muswellbrook Shire Council from their accountability to discharge their responsibilities. All Muswellbrook Shire Council staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing remedial action endorsed by management following an internal audit.

Internal Audit shall not be responsible for operational activities on a daily basis, or in the detailed development or implementation of new or changed systems, or for internal checking processes.

3. Scope of Work

The scope of services provided by Internal Audit shall encompass:

- The examination and evaluation of the adequacy and effectiveness of systems of internal control, risk management, governance, and the status of ethical behaviour.
- Ascertaining conformity with the goals and objectives of Muswellbrook Shire Council.
- Assessment of the economic and efficient use of resources.
- The examination of compliance with policies, procedures, plans and legislation.
- Assessment of the reliability and integrity of information.
- Assessment of the safeguarding of assets.
- Any special investigations as directed by the Audit, Risk and Improvement Committee.
- All activities of Muswellbrook Shire Council, whether financial or non-financial, manual or computerised.

4. The scope of work may include

- **Assurance services** – objective examination of evidence for the purpose of providing an independent assessment on risk management, control, or governance processes for the organisation. Examples may include financial, performance, operational, compliance, system security, and due diligence engagements.
- **Consulting services** – advisory and related client service activities, the nature and scope of which are agreed with the client and which are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation and training.

5. Internal Audit Methodology

Internal Audit shall use the most appropriate methodology for each internal audit engagement, depending on the nature of the activity and the pre-determined parameters for the engagement. Generally, internal audits will include:

- Planning.
- Reviewing and assessing risks in the context of the audit objectives.
- Examination and evaluation of information.
- Communicating results.
- Following up on implementation of audit recommendations.

6. Operating Principles

Internal Audit shall conform with:

- The Standards and Code of Ethics issued by the Institute of Internal Auditors.
- Where relevant, the Statement on Information Systems Auditing Standards issued by the Information Systems and Control Association.
- Relevant auditing standards issued by the Auditing and Assurance Standards Board.

7. The Internal Auditor shall:

- Possess the knowledge, skills, and technical proficiency essential to the performance of internal audits.
- Be skilled in dealing with people and in communicating audit issues effectively.
- Exercise due professional care in performing internal audit engagements.

8. Internal Audit staff shall:

- Conduct themselves in a professional manner.
- Conduct their activities in a manner consistent with the concepts expressed in the Standards and the Code of Ethics.

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9. Reporting Arrangements

At each Audit, Risk and Improvement Committee meeting the Manager Corporate Services and Chief Financial Officer shall submit a report summarising all audit activities undertaken during the period, indicating:

- ✓ Internal audit engagements completed or in progress;
- ✓ Outcomes of each internal audit engagement undertaken;
- ✓ Remedial action taken or in progress;

On completion of each internal audit engagement, Internal Audit shall issue a report to its audit customers detailing the objective and scope of the audit, and resulting issues based on the outcome of the audit. Internal Audit shall seek from the responsible senior executive an agreed and endorsed action plan outlining remedial action to be taken, along with an implementation timetable and person responsible. Responsible officers shall have a maximum of ten working days to provide written management responses and action plans in response to issues and recommendations contained in internal audit reports.

The Manager Corporate Services and Chief Financial Officer shall make available all internal audit reports to the Audit, Risk and Improvement Committee. However, the work of Internal Audit is solely for the benefit of Muswellbrook Shire Council and is not to be relied on or provided to any other person or organisation, except where this is formally authorised by the Audit, Risk and Improvement Committee or the Manager Corporate Services and Chief Financial Officer.

In addition to the normal process of reporting on work undertaken by Internal Audit, the Manager Corporate Services and Chief Financial Officer shall draw to the attention of the Audit, Risk and Improvement Committee all matters that, in the Manager Corporate Services and Chief Financial Officer's opinion, warrant reporting in this manner.

10. Planning Requirements

Internal Audit uses a risk-based 3 year rolling program of internal audits from which an annual Internal Audit Plan will be developed for each 12 month period. This approach is designed to be flexible, dynamic and timelier in order to meet the changing needs and priorities of Muswellbrook Shire Council.

The Manager Corporate Services and Chief Financial Officer shall prepare an annual Internal Audit Plan for review and approval by the Audit, Risk and Improvement Committee, showing the proposed areas for audit. The annual Internal Audit Plan shall be based on an assessment of the goals, objectives and business risks of Muswellbrook Shire Council, and shall also take into consideration any special requirements of the Audit, Risk and Improvement Committee and senior executives.

The Manager Corporate Services and Chief Financial Officer has discretionary authority to adjust the Internal Audit Plan as a result of receiving special requests from management to conduct reviews that are not on the plan, with these to be approved at the next meeting of the Audit, Risk and Improvement Committee.

11. Quality Assurance & Improvement Program

The Manager Corporate Services and Chief Financial Officer shall oversee the development and implementation of a quality assurance and improvement program for Internal Audit, to

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provide assurance that internal audit work conforms to the Standards and is focused on continuous improvement.

12. Co-ordination with External Audit

The Manager Corporate Services and Chief Financial Officer shall periodically consult with the external auditor, to discuss matters of mutual interest, to co-ordinate audit activity, and to reduce duplication of audit effort.

13. Review of the Internal Audit Charter

The Manager Corporate Services and Chief Financial Officer shall periodically review the Internal Audit Charter to ensure it remains up-to-date and reflects the current scope of internal audit work.

14. Evaluation of Internal Audit

The Manager Corporate Services and Chief Financial Officer shall develop performance measures (key performance indicators) for consideration and endorsement by the Audit, Risk and Improvement Committee, as a means for the performance of Internal Audit to be periodically evaluated.

Internal Audit shall also be subject to an independent quality review at least every five years. Such review shall be in line with the Standards of Professional Practice in Internal Audit and be commissioned by and report to the Audit, Risk and Improvement Committee.

15. Conflict of Interests

Internal auditors are not to provide audit services for work for which they may previously have been responsible. Whilst the Standards provide guidance on this point and allow this to occur after 12 months, each instance should be carefully assessed.

When engaging internal audit contractors, the Manager Corporate Services and Chief Financial Officer shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon internal audit work.

Instances of perceived or actual conflicts of interest by the Manager Corporate Services and Chief Financial Officer or Internal Audit staff and contractors are to be immediately reported to the Audit, Risk and Improvement Committee by the Manager Corporate Services and Chief Financial Officer.

Any changes to this Internal Audit Charter will be approved by the Audit, Risk and Improvement Committee.



**muswellbrook
shire council**

DRAFT Internal Audit Charter MSC050I

Authorisation Details

Authorised by:		Internal/External:	Internal
Date:		Minute No:	
Review timeframe:	This charter is to be reviewed annually by ARIC and once each Council term by the Governing Body. Any substantive changes are to be approved by the Governing Body.		
Review due date:	ARIC:	Council:	
Department:	Governance and Risk		
Document Owner:	Manager Governance and Risk		
Community Strategic Plan Goal	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.		
Community Strategic Plan Strategy	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders.		
Delivery Program activity	6.2.3 Implement an Internal Audit Program in consultation with the Audit Risk and Improvement Committee.		

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

📮 P.O. Box 122 Muswellbrook 2333 🌐 muswellbrook.nsw.gov.au 📺 📷 📱 muswellbrook shire council 📄 ABN 86 864 180 944

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[Council/joint organisation]Muswellbrook Shire Council (Council) has established the [name of internal audit function]Internal Audit as a key component of the [council's/joint organisation's]Council's governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of the [name of internal audit function]Internal Audit in the [council/joint organisation]Muswellbrook Shire Council and has been approved by the Governing Body taking into account the advice of the [council's/joint organisation's]Council's Audit, Risk and Improvement Committee.

1 Purpose of Internal Audit

Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve the [council's/joint organisation's]Council's operations. It helps the [council/joint organisation]Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes¹.

Internal audit provides an independent and objective review and advisory service to provide advice to the Governing Body, [general manager/executive officer]General Manager and Audit, Risk and Improvement Committee about the [council's/joint organisation's]Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists the [council/joint organisation]Council to improve its business performance.

2 Independence

[Council's/joint organisation's]Council's [name of internal audit function]Internal Audit is to be independent of the [council/joint organisation]Council so it can provide an unbiased assessment of the [council's/joint organisation's]Council's operations and risk and control activities.

[Name of internal audit function]Internal Audit reports functionally to the [council's/joint organisation's]Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the [general manager/executive officer]Manager Governance and Risk to facilitate day-to-day operations. Internal audit activities are not subject to direction by the [council/joint organisation]Council and the [council's/joint organisation's]Council's management has no role in the exercise of the [council's/joint organisation's]Council's internal audit activities.

The Audit, Risk and Improvement Committee is responsible for communicating any internal audit issues or information to the Governing Body. Should the Governing Body require additional information, a request for the information may be made to the Chairperson by resolution. The Chairperson is only required to provide the information requested by the Governing Body where the Chairperson is satisfied that it is reasonably necessary for the Governing Body to receive the information for the purposes of performing its functions under the Local Government Act. Individual [councillors/board members]Councillors are not entitled to request or receive information from the committee.

¹ As defined by the International Standards for the Professional Practice of Internal Auditing (2017)

[Detail any delegations made by the general manager/executive officer regarding their internal audit responsibilities]. The Manager Governance and Risk is appointed by the General Manager as the Internal Audit Coordinator.

The [general manager/executive officer] General Manager must consult with the Chairperson of the [council's/joint organisation's] Council's Audit, Risk and Improvement Committee before appointing or making decisions affecting the employment of the Manager Governance and Risk (Internal Audit Coordinator) Internal Auditor.

Where the Chairperson of the [council's/joint organisation's] Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the Manager Governance and Risk (Internal Audit Coordinator) Internal Auditor, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the Governing Body.

The [internal audit coordinator] Manager Governance and Risk Internal Auditor is to confirm at least annually to the Audit, Risk and Improvement Committee the independence of internal audit activities from the [council/joint organisation] Council.

3 Authority

[Council/joint organisation] Council authorises the [name of internal audit function] the Internal Auditor to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the [internal audit coordinator] Manager Governance and Risk considers necessary for the [name of the internal audit function] the Internal Auditor to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The [internal audit coordinator] Manager Governance and Risk and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of [council/joint organisation] Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the [name of the internal audit function] Internal Audit are not to be made publicly available. The [name of the internal audit function] Internal Audit may only release [council/joint organisation] Council information to external parties that are assisting the [name of the internal audit function] Internal Audit to undertake its responsibilities with the approval of the [general manager/executive officer] General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Role

The [name of internal audit function] Internal Auditor is to support the [council's/joint organisation's] Council's Audit, Risk and Improvement Committee to review and provide independent advice to the [council/joint organisation] Council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of [council/joint organisation] Council and monitoring the implementation of corrective actions.

Commented [KH1]: Comment noted from Michael O'Connor "It is common practice to mark Internal Documents "confidential" and to add a water mark."

The [\[name of internal audit function\]](#) Internal Auditor is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

[\[Name of internal audit function\]](#) The Internal Auditor has no direct authority or responsibility for the activities it reviews. [\[Name of internal audit function\]](#) The Internal Auditor has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in [\[council/joint organisation\]](#) Council functions or activities (except in carrying out its own functions).

5 [\[Internal audit coordinator\]](#) Manager Governance and Risk (Internal Audit Co-Ordinator)

Option 1: In-house internal audit function

[\[Council's/joint organisation's\]](#) Council's [\[name of internal audit function\]](#) Internal Audit is to be led by a member of [\[council's/joint organisation's\]](#) Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the [\[council/joint organisation\]](#) Council and the Audit, Risk and Improvement Committee. The [\[internal audit coordinator\]](#) Manager Governance and Risk must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the [\[internal audit coordinator\]](#) Manager Governance and Risk include:

- managing the day-to-day activities of the [\[name of internal audit function\]](#) Internal Audit
- managing the [\[council's/joint organisation's\]](#) Council's internal audit budget
- supporting the operation of the [\[council's/joint organisation's\]](#) Council's Audit, Risk and Improvement Committee
- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the Audit, Risk and Improvement Committee
- monitoring the [\[council's/joint organisation's\]](#) Council's implementation of corrective actions that arise from the findings of audits
- implementing the Audit, Risk and Improvement Committee's annual work plan and four-year strategic work plan
- ensuring the [\[council's/joint organisation's\]](#) Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*, and
- contract management and oversight of supplementary external providers (where appropriate).

The Manager Governance and Risk has dual responsibilities within Council, including:

- [Internal Audit Co-Ordinator](#),
- [responsibility for the day to day management of Council's governance and risk function providing high level strategic, legislative and operational advice to assist the organisation to implement best practice governance framework](#).

- managing a team of professionals, including Governance, Integrated Planning and Reporting, Procurement, Internal Audit, Contracts Management and, Records Management and Works Health and Safety;
Public Interests Disclosure Officer

The full position descriptions can be viewed here:
<https://muswellbrooksc.sharepoint.com/sites/HRPortal/Establishment/Current%20Position%20Descriptions>

[Details of any dual responsibilities and independence safeguards] The role of Internal Audit Coordinator is assumed by Council's Manager – Governance and Risk. The Manager – Governance and Risk has dual responsibilities as detailed below:

Management of Internal Audit, Procurement, Governance, Business Improvement, Corporate Planning and Reporting, Business Improvement, Records, and Work, Health and Safety
Providing strategic advice to the General Manager and Council
Public Officer
Complaints Officer
Privacy Officer
Public Interests Disclosure Officer

The independence safeguards exist as detailed below:

Responsibility for Internal Actions in the Governance and Risk department are assigned to the Director Community and Economy or Governance Officer.
The Audit Risk and Improvement Committee are responsible for the Internal Audit Plan and directs the Manager of Governance and Risk on the program.
Scopes for the Internal Audit for the Governance and Risk Department is completed by the Director Community and Economy with input from the Audit Risk and Improvement Committee.

[Details of any shared arrangements]

Option 2: Outsourced internal audit function

[Council's/joint organisation's] Council's [name of internal audit function] Internal Audit is to be led by a member of [council's/joint organisation's] Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the [council/joint organisation] Council and the Audit, Risk and Improvement Committee. The [internal audit coordinator] Manager Governance and Risk must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the [internal audit coordinator] Manager Governance and Risk include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the Audit, Risk and Improvement Committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the Audit, Risk and Improvement Committee

Commented [EL2]: Details of the MGR PD to be posted here to declare dual responsibilities??

Commented [CW3R2]: Not sure how to complete this in regards to the safeguards in place. I've put the PD purposed and a link to the PD's.

Commented [CW4R2]: Will your PD need to be updated to say the role is the Internal Audit Coordinator?

Commented [KH5]: Removed as it is a double up of information and the function is the same regardless of whether we are using in house or external provider.

Commented [CW6R5]: Should in house be the section removed and keep the outsourced section to align with our plan for IA?

Commented [KH7R5]: Not yet, decision has not been made as to which approach we are taking. I would like to change the wording to allow flexibility and not specify if it is in house or outsourced of section 7

- acting as a liaison between the external provider and the Audit, Risk and Improvement Committee
- monitoring the [council's/joint organisation's] Councils implementation of corrective actions that arise from the findings of audits and reporting progress to the Audit, Risk and Improvement Committee, and
- assisting the Audit, Risk and Improvement Committee to ensure the [council's/joint organisation's] Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

[Details of any dual responsibilities and independence safeguards]

[Details of any shared arrangements]

6 [Name of Internal Audit team]

Option 1: In-house internal audit team

Members of the [name of internal audit function] Internal Audit are responsible to the [internal audit coordinator] Manager Governance and Risk.

Individuals that perform internal audit activities for [council/joint organisation] Council must have:

- an appropriate level of understanding of the [council's/joint organisation's] Council's culture, systems and processes
- the skills, knowledge and experience necessary to conduct internal audit activities in the [council/joint organisation] Council
- effective interpersonal and communication skills to ensure they can engage with [council/joint organisation] Council staff effectively and collaboratively, and
- honesty, integrity and diligence.
- Internal Auditor to meet with Audit Risk and Improvement annually in addition to attending meetings.

[Details of any dual responsibilities and independence safeguards]

[Details of any shared arrangements]

Option 2: Out-sourced internal audit team

[Council/joint organisation] Council is ~~may~~to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the [internal audit coordinator] Manager Governance and Risk is to ensure the external provider:

- does not conduct any audits on specific [council/joint organisation] Council operations or areas that they have worked on within the last two years
- is not the same provider conducting the [council's/joint organisation's] Council's external audit
- is not the auditor of any contractors of the [council/joint organisation] Council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The [internal audit coordinator] Manager Governance and Risk must consult with the aAudit, rRisk and iImprovement eCommittee and [general manager/executive officer] General Manager regarding

Commented [KH8]: Added on the advice ARIC

the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the [\[council/joint organisation\]Council](#).

[\[Details of any shared arrangements\]](#).

7 Performing internal audit activities

The work of the [\[name of internal audit function\]Internal Audit](#) is to be thoroughly planned and executed. The [\[council's/joint organisation's\]Council's](#) Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

[The committee is to review and provide feedback on the draft scope of work, prior to the engagement of the Internal Auditor.](#)

Commented [KH9]: Added on the advice of ARIC

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and [\[current Australian risk management standard\]—AS ISO 31000:2018](#).

The [\[internal audit coordinator\]Manager Governance and Risk](#) is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The [\[internal audit coordinator\]Manager Governance and Risk](#) is to establish an ongoing monitoring system to follow up [\[council's/joint organisation's\]Council's](#) progress in implementing corrective actions.

The [\[general manager/executive officer\]General Manager](#), in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of the [\[council's/joint organisation's\]Council's](#) [\[name of internal audit function\]Internal Audit](#).

The [\[internal audit coordinator\]Manager Governance and Risk](#) is to ensure that the Audit, Risk and Improvement Committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

8 Conduct

Internal audit personnel must comply with the [\[council's/joint organisation's\]Council's](#) Code of Conduct. Complaints about breaches of [\[council's/joint organisation's\]Council's](#) Code of Conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The [\[general manager/executive officer\]General Manager](#) must consult with the [\[council's/joint organisation's\]Council's](#) Audit, Risk and Improvement Committee before any disciplinary action is taken against the [\[internal audit coordinator\]Manager Governance and Risk](#) in response to a breach of the [\[council's/joint organisation's\]Council's](#) Code of Conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

9 Administrative Arrangements

1.1 Audit, Risk and Improvement Committee meetings

The [\[internal-audit-coordinator\]Manager Governance and Risk](#) will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The [\[internal-audit-coordinator\]Manager Governance and Risk](#) can be excluded from meetings by the committee at any time.

The [\[internal-audit-coordinator\]Manager Governance and Risk](#) must meet separately with the Audit, Risk and Improvement Committee at least once per year.

The [\[internal-audit-coordinator\]Manager Governance and Risk](#) can meet with the Chairperson of the Audit, Risk and Improvement Committee at any time, as necessary, between committee meetings.

1.2 External audit

Internal and external audit activities will be co-ordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

1.3 Dispute resolution

[\[Name of internal audit function\]Internal Audit](#) should maintain an effective working relationship with the [\[council/joint organisation\]Council](#) and the Audit, Risk and Improvement Committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the [\[name of internal audit function\]Internal Audit](#) and the [\[council/joint organisation\]Council](#), the dispute is to be resolved by the [\[general manager/executive officer\]General Manager](#) and/or the Audit, Risk and Improvement Committee. Disputes between the [\[name of internal audit function\]Internal Audit](#) and the Audit, Risk and Improvement Committee are to be resolved by the Governing Body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

1.4 Review arrangements

The [\[council's/joint organisation's\]Council's](#) Audit, Risk and Improvement Committee must review the performance of the internal audit function each year and report its findings to the Governing Body. A strategic review of the performance of the [\[name of internal audit function\]Internal Audit](#) must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the [\[Governing Body/board\]](#).

This charter is to be reviewed annually by the committee and once each council term by the Governing Body. Any substantive changes are to be approved by the Governing Body.

10 Further information

For further information on [\[council's/joint organisation's\]Council's](#) internal audit activities, contact [\[name\]Katie Hamm](#) on [\[email address\]katie.hamm@muswellbrook.nsw.gov.au](#) or by phone [\[phone number\]02 6549 3752](#).

Reviewed by [\[internal-audit-coordinator\]Manager Governance and Risk](#)

[\[sign and date\]](#)

Reviewed by Chairperson of the [\[council's/joint organisation's\]Council's](#) Audit, Risk and Improvement Committee

[\[sign and date\]](#)

Reviewed by [\[general-manager/executive-officer\]General Manager](#)

[\[sign and date\]](#)

Reviewed by [\[council/joint organisation\]Council](#) in accordance with a resolution of the Governing Body

[\[sign and date\]](#)

[\[resolution reference\]](#)

Schedule 1 – Internal Audit Function Responsibilities

[Note: each council/joint organisation is to determine the responsibilities of its internal audit function in relation to each matter listed in section 428A of the Local Government Act 1993 and list them in Schedule 1 to the council's/joint organisation's internal audit charter. Suggested responsibilities are provided below and further detailed in core requirement 3 and Appendix 2 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW.]

11 Audit

1.1 Internal audit

- Conduct internal audits as directed by the [council's/joint organisation's]Council's Audit, Risk and Improvement Committee.
- Implement the [council's/joint organisation's]Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by the [council/joint organisation]Council of corrective actions.
- Assist the [council/joint organisation]Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

1.2 External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor the [council's/joint organisation's]Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Commented [KH10]: Removed 1.2 External Audit from the advice of ARIC

12 Risk

1.3.1 Risk management

Review and advise:

- if the [council's/joint organisation's]Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the [council's/joint organisation's]Council's risk management framework is adequate and effective for identifying and managing the risks the [council/joint organisation]Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the [council/joint organisation]Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the [council's/joint organisation's]Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings

- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the [council/joint organisation]Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the [council/joint organisation]Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the [council's/joint organisation's]Council's risk management approach impacts on the [council's/joint organisation's]Council's insurance arrangements
- of the effectiveness of the [council's/joint organisation's]Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

4.41.2 Internal controls

Review and advise:

- whether the [council's/joint organisation's]Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the [council/joint organisation]Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the [council's/joint organisation's]Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

4.51.3 Compliance

Review and advise of the adequacy and effectiveness of the [council's/joint organisation's]Council's compliance framework, including:

- if the [council/joint organisation]Council has appropriately considered legal and compliance risks as part of the [council's/joint organisation's]Council's risk management framework
- how the [council/joint organisation]Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

4.61.4 Fraud and corruption

Review and advise of the adequacy and effectiveness of the [council's/joint organisation's]Council's fraud and corruption prevention framework and activities, including whether the [council/joint organisation]Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

1.7 Financial management

Review and advise:

- if the [council/joint organisation] Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the [council's/joint organisation's] Council's accounting policies and disclosures
- of the implications for the [council/joint organisation] Council of the findings of external audits and performance audits and the [council's/joint organisation's] Council's responses and implementation of recommendations
- whether the [council's/joint organisation's] Council's financial statement preparation procedures and timelines are sound
- the accuracy of the [council's/joint organisation's] Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the [council/joint organisation] Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the [council's/joint organisation's] Council's report is consistent with signed financial statements
- if the [council's/joint organisation's] Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the [council/joint organisation] Council are adequate
- if the [council's/joint organisation's] Council's grants and tied funding policies and procedures are sound

Commented [KH11]: Removed 1.7 Financial Management from the advice of ARIC

1.81.5 Governance

Review and advise of the adequacy of the [council/joint organisation] Council governance framework, including the [council's/joint organisation's] Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities

- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

1213 Improvement

1.1 Strategic planning

Review and advise:

- of the adequacy and effectiveness of the [council/joint organisation's]Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the [council/joint organisation]Council is successfully implementing and achieving its IP&R objectives and strategies.

1.2 Service reviews and business improvement

Review and advise:

- if the [council/joint organisation]Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the [council/joint organisation]Council can improve its service delivery and the [council's/joint organisation's]Council's performance of its business and functions generally

1.3 Performance data and measurement

Review and advise:

- if the [council/joint organisation]Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the [council/joint organisation]Council uses are effective, and
- of the adequacy of performance data collection and reporting.

Definitions

Term	Definition
Council	Muswellbrook Shire Council
Governing Body	Mayor and Councillors of Muswellbrook Shire Council
Internal Audit Coordinator	The Manager Governance and Risk is appointed by the General Manager as the Internal Audit Coordinator.

Related Documents

Legislation and Guidelines

- [Guidelines for Risk Management and Internal Audit \(updated November 2023\)](#)
- [International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors](#)
- [Australian Standard AS ISO 31000:2018 - Risk management - Guidelines.](#)
- [Local Government Act 1993](#)

Policies and Procedures

- [Model Code of Conduct MSC34E](#)
- [Procedures for the Administration of the Model Code of Conduct MSC34P](#)

Other Supporting Documents

- [N/A](#)

Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	31/03/2020	Manager Governance	Internal Audit Charter adopted by Council on 31/03/2020, minute number 292.
2	27/06/2024	Manager Governance and Risk	Complete rewrite. Draft version based on the OLG's Model Internal Audit Charter and the <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i> and endorsed by ARIC on 24/10/2024.



**muswellbrook
shire council**

DRAFT Internal Audit Charter MSC050I

Authorisation Details

Authorised by:		Internal/External:	Internal
Date:		Minute No:	
Review timeframe:	This charter is to be reviewed annually by ARIC and once each Council term by the Governing Body. Any substantive changes are to be approved by the Governing Body.		
Review due date:	ARIC:	Council:	
Department:	Governance and Risk		
Document Owner:	Manager Governance and Risk		
Community Strategic Plan Goal	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.		
Community Strategic Plan Strategy	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders.		
Delivery Program activity	6.2.3 Implement an Internal Audit Program in consultation with the Audit Risk and Improvement Committee.		

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

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

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Muswellbrook Shire Council (Council) has established Internal Audit as a key component of the Council's governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of Internal Audit in the Muswellbrook Shire Council and has been approved by the Governing Body taking into account the advice of the Council's Audit, Risk and Improvement Committee.

1 Purpose of Internal Audit

Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes¹.

Internal audit provides an independent and objective review and advisory service to provide advice to the Governing Body, General Manager and Audit, Risk and Improvement Committee about the Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists the Council to improve its business performance.

2 Independence

Council's Internal Audit is to be independent of the Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

Internal Audit reports functionally to the Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the Manager Governance and Risk to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and the Council's management has no role in the exercise of the Council's internal audit activities.

The Audit, Risk and Improvement Committee is responsible for communicating any internal audit issues or information to the Governing Body. Should the Governing Body require additional information, a request for the information may be made to the Chairperson by resolution. The Chairperson is only required to provide the information requested by the Governing Body where the Chairperson is satisfied that it is reasonably necessary for the Governing Body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

The Manager Governance and Risk is appointed by the General Manager as the Internal Audit Coordinator.

The General Manager must consult with the Chairperson of the Council's Audit, Risk and Improvement Committee before appointing or making decisions affecting the employment of the Internal Auditor.

¹ As defined by the International Standards for the Professional Practice of Internal Auditing (2017)

Where the Chairperson of the Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the Internal Auditor, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the Governing Body.

The Internal Auditor is to confirm at least annually to the Audit, Risk and Improvement Committee the independence of internal audit activities from the Council.

3 Authority

Council authorises the Internal Auditor to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Manager Governance and Risk considers necessary for the Internal Auditor to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Manager Governance and Risk and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to Internal Audit are not to be made publicly available. The Internal Audit may only release Council information to external parties that are assisting the Internal Audit to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Role

The Internal Auditor is to support the Council's Audit, Risk and Improvement Committee to review and provide independent advice to the Council in accordance with section 428A of the *Local Government Act 1993*. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

The Internal Auditor is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

The Internal Auditor has no direct authority or responsibility for the activities it reviews. The Internal Auditor has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

5 Manager Governance and Risk (Internal Audit Co-Ordinator)

Council's Internal Audit is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Council and the Audit, Risk and

Improvement Committee. The Manager Governance and Risk must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the Manager Governance and Risk include:

- managing the day-to-day activities of the Internal Audit
- managing the Council's internal audit budget
- supporting the operation of the Council's Audit, Risk and Improvement Committee
- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the Audit, Risk and Improvement Committee
- monitoring the Council's implementation of corrective actions that arise from the findings of audits
- implementing the Audit, Risk and Improvement Committee's annual work plan and four-year strategic work plan
- ensuring the Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*, and
- contract management and oversight of supplementary external providers (where appropriate).

The Manager Governance and Risk has dual responsibilities within Council, including:

- Internal Audit Co-Ordinator.
- responsibility for the day to day management of Council's governance and risk function providing high level strategic, legislative and operational advice to assist the organisation to implement best practice governance framework.
- managing a team of professionals, including Governance, Integrated Planning and Reporting, Internal Audit, and, Records Management

6 Internal Audit

Members of the Internal Audit are responsible to the Manager Governance and Risk.

Individuals that perform internal audit activities for Council must have:

- an appropriate level of understanding of the Council's culture, systems and processes
- the skills, knowledge and experience necessary to conduct internal audit activities in the Council
- effective interpersonal and communication skills to ensure they can engage with Council staff effectively and collaboratively, and
- honesty, integrity and diligence.
- Internal Auditor to meet with Audit Risk and Improvement annually in addition to attending meetings.

Council may contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Manager Governance and Risk is to ensure the external provider:

- does not conduct any audits on specific Council operations or areas that they have worked on within the last two years
- is not the same provider conducting the Council's external audit
- is not the auditor of any contractors of the Council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The Manager Governance and Risk must consult with the Audit, Risk and Improvement Committee and General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the Council.

7 Performing internal audit activities

The work of Internal Audit is to be thoroughly planned and executed. The Council's Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

The committee is to review and provide feedback on the draft scope of work, prior to the engagement of the Internal Auditor.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS ISO 31000:2018.

The Manager Governance and Risk is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The Manager Governance and Risk is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The General Manager, in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of the Council's Internal Audit.

The Manager Governance and Risk is to ensure that the Audit, Risk and Improvement Committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

8 Conduct

Internal audit personnel must comply with the Council's Code of Conduct. Complaints about breaches of Council's Code of Conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the Council's Audit, Risk and Improvement Committee before any disciplinary action is taken against the Manager Governance and Risk in response to a breach of the Council's Code of Conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

9 Administrative Arrangements

1.1 Audit, Risk and Improvement Committee meetings

The Manager Governance and Risk will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The Manager Governance and Risk can be excluded from meetings by the committee at any time.

The Manager Governance and Risk must meet separately with the Audit, Risk and Improvement Committee at least once per year.

The Manager Governance and Risk can meet with the Chairperson of the Audit, Risk and Improvement Committee at any time, as necessary, between committee meetings.

1.2 External audit

Internal and external audit activities will be co-ordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

1.3 Dispute resolution

Internal Audit should maintain an effective working relationship with the Council and the Audit, Risk and Improvement Committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the Internal Audit and the Council, the dispute is to be resolved by the General Manager and/or the Audit, Risk and Improvement Committee. Disputes between the Internal Audit and the Audit, Risk and Improvement Committee are to be resolved by the Governing Body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

1.4 Review arrangements

The Council's Audit, Risk and Improvement Committee must review the performance of the internal audit function each year and report its findings to the Governing Body. A strategic review of the performance of the Internal Audit must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the Governing Body.

This charter is to be reviewed annually by the committee and once each council term by the Governing Body. Any substantive changes are to be approved by the Governing Body.

10 Further information

For further information on Council's internal audit activities, contact Katie Hamm on katie.hamm@muswellbrook.nsw.gov.au or by phone 02 6549 3752.

DRAFT Internal Audit Charter



Reviewed by Manager Governance and Risk

[sign and date]

Reviewed by Chairperson of the Council's Audit, Risk and Improvement Committee

[sign and date]

Reviewed by General Manager

[sign and date]

Reviewed by Council in accordance with a resolution of the Governing Body

[sign and date]

[resolution reference]

DRAFT

Schedule 1 – Internal Audit Function Responsibilities

11 Audit

1.1 Internal audit

- Conduct internal audits as directed by the Council's Audit, Risk and Improvement Committee.
- Implement the Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by the Council of corrective actions.
- Assist the Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

12 Risk

1.1 Risk management

Review and advise:

- if the Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

1.2 Internal controls

Review and advise:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

1.3 Compliance

Review and advise of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

1.4 Fraud and corruption

Review and advise of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

1.5 Governance

Review and advise of the adequacy of the Council governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

13 Improvement

1.1 Strategic planning

Review and advise:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

1.2 Service reviews and business improvement

Review and advise:

- if the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the Council can improve its service delivery and the Council's performance of its business and functions generally

1.3 Performance data and measurement

Review and advise:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

Definitions

Term	Definition
Council	Muswellbrook Shire Council
<u>Governing Body</u>	<u>Mayor and Councillors of Muswellbrook Shire Council</u>
Internal Audit Coordinator	The Manager Governance and Risk is appointed by the General Manager as the Internal Audit Coordinator.

Related Documents

Legislation and Guidelines

- [Guidelines for Risk Management and Internal Audit \(updated November 2023\)](#)
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors
- Australian Standard AS ISO 31000:2018 - Risk management - Guidelines.
- Local Government Act 1993

Policies and Procedures

- Model Code of Conduct MSC34E
- Procedures for the Administration of the Model Code of Conduct MSC34P

Other Supporting Documents

- N/A

Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	31/03/2020	Manager Governance	Internal Audit Charter adopted by Council on 31/03/2020, minute number 292.
2	27/06/2024	Manager Governance and Risk	Complete rewrite. Draft version based on the OLG's Model Internal Audit Charter and the <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW and endorsed by ARIC on 24/10/2024</i>

**10.3.4. DRAFT Debt Recovery Policy for Public Exhibition**

Responsible Officer: Derek Finnigan - General Manager

Author: Financial Controller

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.5 - Implement a comprehensive and targeted business improvement program.

Operational Plan Action: 6.2.5.3 - Develop and review policies in accordance with statutory and operational requirements.

Attachments: 1. DRAFT Debt Recovery Policy MSC19E [10.3.4.1 - 9 pages]

PURPOSE

To request Council's endorsement to place the attached *DRAFT Debt Recovery Policy* on public exhibition as notice of intention to adopt.

OFFICER'S RECOMMENDATION

1. Council provides notice of intention to adopt the *DRAFT Debt Recovery Policy* by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

A review of the *Debt Recovery Policy* has been undertaken with legislation updates and amendments to the suitable arrangements, sundry debtors credit facilities, and delegations. The Draft Policy has been endorsed by Manex for public exhibition.

Public Exhibition of policies is usually 28 days however a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.

PREVIOUS RESOLUTIONS

Not applicable.

BACKGROUND

The objective of Council's *DRAFT Debt Recovery Policy MSC19E* (the policy) is:

- a) to provide direction for the collection of rates, annual charges, and sundry debtors and ensure that debt collections are reviewed on a regular basis; and
- b) to ensure integrity, confidentiality, and fairness are maintained in all proceedings for Council and its Customers during the debt recovery process.



The policy was last adopted by Council on 5 April 2022, and is one of Council's key financial policies that is required to be reviewed and readopted within the first 12 months of the term of each new Council.

CONSULTATION

Chief Financial Officer

Financial Controller

Finance Officer – Treasury and Collections

Business Improvement Officer

Manex – 4 November 2024

REPORT

A review of the *Debt Recovery Policy* has been conducted, and the amendments are shown as tracked changes in attachment 1.

On 4 November 2024, Manex endorsed the *DRAFT Debt Recovery Policy* to be submitted to Council for placement on public exhibition.

It is recommended that the *DRAFT Debt Recovery Policy* be publicly exhibited for 42 days as notice of intention to adopt. Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition period occurring during the Christmas holiday period.

FINANCIAL CONSIDERATIONS

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil known.

2. Financial Implications – Operational

Nil known.

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

RISK MANAGEMENT IMPLICATIONS

Minimise Muswellbrook Shire Council's exposure to unrecoverable debts.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 42 days via Council's website will provide the Community with an opportunity to make submissions.



DRAFT Debt Recovery Policy

MSC19E

Adopted by Council:
Date: 05/04/2022
Minute No. 279

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	Within the first 12 months of the term of each new Council	Review due date:	
Department:	Finance		
Document Owner:	Chief Financial Officer		
Community Strategic Plan Goal	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		
Delivery Program activity	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves		

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

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

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1. Policy Objective

- a) To provide direction for the collection of rates, annual charges and sundry debtors and ensure that debt collections are reviewed on a regular basis.
- b) To ensure integrity, confidentiality and fairness are maintained in all proceedings for Council and its Customers during the debt recovery process.

2. Risks being addressed

This policy will assist to minimise financial loss incurred from unpaid debts.

3. Scope

This policy applies to any person or organisation owing rates, charges, fees or other debts to Council.

4. Definitions

Term	Definition
Council	Muswellbrook Shire Council
The Act	Local Government Act 1993 (as amended)
The Regulation	Local Government (General) Regulation 2021 ¹⁰⁵ (as amended)
Payment Arrangement	a negotiated agreement to pay regular amounts of money as a course of action

5. Policy Statement for Rates, Charges and Water Usage

Payment of rates and charges is an important obligation of all property owners. Revenue collected from rates and charges is used to fund facilities and services for our community. Without this revenue Council would not be able to function or meet the needs of the local community.

5.1 Rate Payment Timetable

Rates and charges are levied by 31 July each year and are payable by four equal instalments by the following dates:

- 31 August
- 30 November
- 28 February
- 31 May

Any instalment not paid by the due date falls into arrears and attracts interest charges stipulated annually in the adopted Revenue Policy contained within Council's Operational Plan and in accordance with Section 566 of the Local Government Act 1993.

5.2 Overdue Rates and Charges, Water Charges and Usage

Council may take recovery action within one (1) month of the Rates and Water becoming overdue, unless the ratepayer requests a short extension of time or enters into a suitable payment arrangement with Council.

Council may accept a payment arrangement in accordance with Section 564 of the Act. Payment arrangements can be for weekly, fortnightly or monthly in accordance with suitable arrangements (see clause 35.3).

5.3 Suitable Arrangements

- a) Council determines the reasons for the arrangement are acceptable.
- b) The payment arrangement is entered into Council's billing system with a member from Council via writing, personally or by telephone. If the arrangement is adhered to no further action is required.
- c) Arrangements should be made on the basis that current rates and charges are to be paid in full by the end of the financial year. This will prevent arrears being carried forward into the next rate year. Also, that at least one payment per month is made. If this cannot be achieved, then the arrangement should be reasonable so that the debt is reduced as soon as possible. Council may make contact to those on a payment arrangement to reassess their payments. If the Payment Arrangement cannot be completed within the financial year, the case may be referred for review by the Chief Financial Officer or the General Manager.
- d) Interest will continue to accrue at the prescribed rate per annum as per Section 566 of the Act on any arrears during the period of extension or payment arrangement.
- e) If an arrangement is made and later dishonoured Council will write to the rate debtor requesting that payment be made within 7 days or written application be made for approval to pay by direct debit to avoid further debt recovery action.
- f) Those debtors who do not respond to the 7-day follow-up letter are to be issued with a further letter advising that if payment is not received within 14 days or an arrangement to pay is not made by that date, legal action will commence. The letter will also advise that such action will incur estimated legal costs and that those costs incurred will be added to the debt.
- g) Legal action to commence.

5.4 Debt Recovery

If insufficient payments have been made to cover overdue amounts for rates and charges, water charges or usage or where there is no current arrangement in place then debt recovery action will commence. Council or their Debt Recovery Agent will issue the following:

- a) A Reminder Notice.
- b) A Letter of Demand and/or a Letter of Intent.
- c) If the ratepayer does not contact Council or its Debt Recovery Agent to arrange to pay the arrears, or to enter into a suitable arrangement, then legal proceedings may be instigated against the ratepayer which will include the issue of a Statement of Claim against the owner/s of the property.

- d) Following service of the Statement of Claim, if the ratepayer fails to pay the arrears or enter into a suitable arrangement, Council will obtain Default Judgement and arrange to recover the Judgement Debt through the appropriate recovery actions.
- e) Any legal costs and expenses incurred in debt recovery proceedings will be charged against the property (including the expenses of tracing a person in accordance with Section 605 of the Act) and will be payable by the ratepayer as these costs will remain a charge on the land until paid in full.

6. Hardship

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. Please refer to Council's Hardship Policy MSC15E with cases of hardship.

7. Sale of Land

Where the above policy and procedures have not been successful in relation to the recovery of outstanding rates and charges, Part 2, Division 5 of the Act (Sale of land for unpaid rates and charges, Sections 713 – 726) is to be instigated where applicable.

- a) Commence sale of land for unpaid rates process in accordance with the Local Government Act.
- b) Letter advising that property is included on future list of properties to be sold for unpaid rates.
- c) Interest at the rate determined annually in the Council's Rates and Charges Policy is applied to all outstanding rates, whether a suitable arrangement is in place or not. Interest commences to accrue on unpaid rates after the due date.

8. Water Usage Charges

Water meters are read in accordance with Council's reading program and accounts over \$5.00 are sent to the users after each meter reading.

8.1 When water usage accounts are considered overdue

Water usage accounts are considered overdue thirty (30) days after account issue date. ~~Interest will accrue at the interest rate~~ Any instalment not paid by the due date falls into arrears and attracts interest charges stipulated annually in the adopted Revenue Policy contained within Council's Operational Plan and in accordance with Section 566 of the Local Government Act 1993.

Council will take recovery action one(1)month of the accounts becoming overdue, unless the ratepayer enters into a payment arrangement. Ratepayers must pay the overdue accounts in full by 30 June of the financial year in which they enter the payment arrangement.

9. Sundry Debtors

Council incurs expenses, which are recoverable from ratepayers and the general public e.g. construction of kerbing and guttering, footpaths, private works, property information, etc.

Generally, accounts are raised as debtor information comes to hand. ~~and invoices are issued in batches at least twice a month.~~ Within 10 days of the close of a month a monthly statement of debt is issued. The due date for payment is 30 days of the invoice date. Council may stop the provision of credit facilities to debtors when an account is overdue for more than 30 days. This matter will be determined in consultation with the manager of the Council department that initiated the sundry debtor request.

The following process is to apply to debtors: ~~other than those referred to in Policy C38/4 "Lease of Council buildings or property".~~

- a) If an account is not paid by the due date a second monthly statement will be forwarded as a reminder with advice that the account is now overdue.
- b) If payment is not received after issue of the second statement, then a letter will be forwarded warning of legal action and requesting immediate payment or the making of an arrangement within 7 days.
- c) If after 90 days of the due date there has been no satisfactory response, Council will commence normal debt recovery action to recover the debt.
- d) If the account is an ongoing account, e.g. property information etc., further credit to that debtor will be withdrawn until the account is paid in full.
- e) Requests for arrangements where legal action has occurred, or the debtor has defaulted on a previous arrangement must be in writing. Extensions of time without any payment are generally not acceptable. Regular payments assist the debtor in their financial planning and allows for early follow-up in case of further defaults. Extensions of time to pay past twelve months will be considered where there are exceptional circumstances, such as unemployment, sickness benefits, workers compensation etc.
- f) Where accounts for kerb and guttering and footpath paving are outstanding for longer than three (3) months and no arrangements for payment have been made with Council, action be taken forthwith to recover the debt. These charges are charges against the land. Any accounts raised will immediately be attached to Council's computer database to enable the amount outstanding to be shown on a section 603 certificate.
- g) Debtor arrangements to Council staff must be strictly enforced with no debt being allowed to fall into arrears unless there are exceptional circumstances. Any such circumstances should be approved by the General Manager. (Under Council's Code of Conduct Council cannot be seen to be providing financial benefit to non-paying staff).

10. Writing Off of Amounts Owing

The Act s564, s567, s607 and s610E provides for the writing off of rates, charges, fees and accrued interest. Applications for amounts to be written off should be in writing with an explanation of the reasons for the request. Each application will be considered on its individual merit, in conjunction with the criteria set out in the Act, and the Regulation.

~~The Regulations further provide that council, must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council. At a meeting held on the (11th October 2004) Council resolved that the amount be fixed at \$200 per account.~~

An amount of rates, charges ~~and/or a other~~ debt of or below ~~\$200~~\$1,000 per account may be written off either by:

- resolution of the council, or

- by order in writing of the Council's General Manager or CFO, in accordance with their Delegations of Authority.

The write-off of any amount above \$1,000 can only occur by resolution of Council.

The General Manager must advise Council of rates and charges and debts written off by order of the General Manager. The General Manager's order will be in writing in the form provided at Appendix A to this policy.

11. Dispute Resolution

The General Manager is the interpreter of this policy and shall be the sole arbiter in respect to the application of this policy.

12. Related Documents

Legislation and Guidelines

- Local Government Act 1993 (as amended)
- Local Government (General) Regulation 2021 (as amended)

Policies and Procedures

- Hardship Policy - MSC15E
- Code of Conduct

Other Supporting Documents

- N/A

Appendix A – General Manager's Order Form



GENERAL MANAGER'S ORDER NUMBER _____

Writing off of rates, charges, debts and accrued interest

In accordance with the provisions of the Local Government (General) Regulation 2021¹⁰⁵ Clause 131 and Council's Hardship pPolicy - MSC15E - Hardship, I hereby order that the following amounts be written off and the appropriate entries made in Council's records and accounts.

Name of person whose debt is being written off	
Account number	
Amount to be written off	
Type of account	
Reason why account was raised	

Reason for writing off the account

- ☐ Error in the assessment
- ☐ Amount is not lawfully recoverable
- ☐ Result of court decision
- ☐ Attempt to recover would not be cost effective
- ☐ Small balance write-off prior to rate levy
- ☐ Hardship

Date to be reported to Policy and Planning Committee _____

Signed
GENERAL MANAGER

Date:

Prepared by _____

Council File Number _____

Date:

Chief Financial Officer:

11. Authorisation Details

Authorised by:	Council
Minute No:	279
Date:	05/04/2022
Review timeframe:	Within the first 12 months of the term of each new Council
Department:	Finance
Document Owner:	Chief Financial Officer

12.13. Details Version History

Version No.	Date changed	Modified by	Amendments made
1	14/05/2001	Council minute no 142	
2	14/04/2003	Council minute no 1001	
3	11/10/2004	Council minute no 72	
4	14/08/2006	Council minute no 173	
5	05/04/2022	Council Minute no 279	Major Rewrite. Adopted 05/04/22 minute number 279. Public Exhibition from 6/04/22 for 28 days, no submissions received therefore adopted by Council on 05/04/22.
<u>6</u>	<u>31/10/2024</u>	<u>Finance Officer – Treasury and Collections</u>	<u>Review for new Council Term 2024-2028.</u>

**10.3.5. Muswellbrook Shire Aquatic and Fitness Centre Policy for Adoption**

Responsible Officer: Shaelee Welchman - Director - Community & Economy

Author: Aquatic Centre Manager

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.5 - Implement a comprehensive and targeted business improvement program.

Operational Plan Action: 6.2.5.2 - Develop and review policies in accordance with statutory operational requirements.

Attachments: 1. Muswellbrook Shire Aquatic and Fitness Centre Policy MSC062E [10.3.5.1 - 7 pages]

PURPOSE

To submit for Council's consideration the attached *Muswellbrook Shire Aquatic and Fitness Centre Policy* for adoption, which has completed 28 days of public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the attached *Muswellbrook Shire Aquatic and Fitness Centre Policy*.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The *Muswellbrook Shire Aquatic and Fitness Centre Policy* sets guidelines of appropriate behaviour within Council's Centres. The Policy has been reviewed and updated, and has completed a 28 day period of public exhibition. No submissions were received, and it is recommended that the policy is adopted.

PREVIOUS RESOLUTIONS

The *Muswellbrook Shire Aquatic and Fitness Centre Policy* was reported to the 23 July 2024 Ordinary Council Meeting, where Council resolved as follows:

1. Council APPROVES the attached *Draft Muswellbrook Shire Aquatic and Fitness Centre Policy* to be placed on public exhibition via Council's website for a period of 28 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's *Draft Pool Discipline Policy C38/10* has been reviewed, and the name changed to *Muswellbrook Shire Aquatic and Fitness Centre Policy MSC062E* (the policy).

The objective of the policy is to:

- set the Centres' guidelines of appropriate behaviour while using the Centres,



- seek to protect the safety and wellbeing of all persons, including staff, attending the Centres,
- set guidelines for staff members to follow in circumstances where patrons are behaving unacceptably, and
- adopt official maximum banning periods for breaches of the Conditions of Entry at the Centres.

CONSULTATION

Aquatic Centre Manager

Manager Community Services

Legal Counsel

Business Improvement Officers

Manex - 8 July 2024

Audit, Risk & Improvement Committee

Community via public exhibition on Council's website 25 July 2024 to 22 August 2024.

REPORT

The *Muswellbrook Shire Aquatic and Fitness Centre Policy* has been drafted to assist centre staff in dealing with undesirable behaviour.

At the Ordinary Council Meeting, held on 23 July 2024, Council endorsed the *Draft Muswellbrook Shire Aquatic and Fitness Centre Policy* to be placed on Public Exhibition, via Council's website for a period of 28 days.

The policy was exhibited on Council's website from 25 July 2024 to 22 August 2024.

No submissions were received by Council during the submission period.

The policy was also reviewed by Council's Audit, Risk and Improvement Committee and Council was advised by a Committee Member that the policy should refer to Council's Child Safe Policy and Child Safe Code of Conduct. The *Muswellbrook Shire Aquatic and Fitness Centre Policy* will be amended to include these recommendations.

FINANCIAL CONSIDERATIONS

Nil.

POLICY IMPLICATIONS

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

STATUTORY / LEGISLATIVE IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of the policy on Council's website from 25 July 2024 to 22 August 2024 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



Muswellbrook Shire Aquatic and Fitness Centre Policy

MSC062E

Authorisation Details

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

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

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

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1. Policy Objective

The objective of this policy is to:

- set the Centre's guidelines of appropriate behaviour while using the Centres,
- seek to protect the safety and wellbeing of all persons, including staff, attending the Centres,
- set guidelines for staff members to follow in circumstances where patrons are behaving unacceptably, and
- adopt official maximum banning periods for breaches of the Conditions of Entry at the Centres.

2. Risks being addressed

This policy sets clear guidelines for staff and patrons to assist in maintaining the safety of persons at the Centres and sets banning periods (i.e. bans) for a range of unacceptable behaviour displayed at the Centres.

3. Scope

This Policy applies to all patrons and staff at the Muswellbrook Aquatic and Fitness Centre and the Denman Memorial Pool.

For the purpose of this policy, Centre means the Muswellbrook Aquatic and Fitness Centre and the Denman Memorial Pool.

4. Policy Statement

Patrons are expected to follow any instructions given by Council staff and are required as a condition of entry to follow the rules and guidelines as listed on Council's website: <https://pools.muswellbrook.nsw.gov.au/>

- [Pool Rules and Guidelines](#)
- [Fitness Rules and Guidelines](#)
- [Lap Swimming Etiquette](#)

All staff are authorised to request a person to leave the Centre if they do not comply with any part of this policy or the relevant rules and guidelines. After reporting the incident, Council may implement a temporary or permanent prohibition on entry to the Centres.

4.1 Smoking

Under Section 6A of the *Smoke-free Environment Act 2000* (NSW), the Centres are smoke free, and smoking is banned in open areas within the perimeter of the Centres.

The smoke-free laws also apply to the use of e-cigarettes (vaping).

4.2 Children

Council participates in the [Royal Life Saving Keep Watch at Public Pools program](#) and follow the guidelines, which requires parents and guardians to:

- Watch your own child/children.
- Know that lifeguards are there to watch everyone in the pool and cannot watch your child – they are not babysitters.

- Be aware that other adults are not watching your children.
- Remember that they are responsible for the safety of their own child.

Active supervision at public pools consists of four key elements:

1. Be Prepared: Ensure you have everything you need before getting into the water, such as towels and dry clothes.
2. Be Close: Always be within arms' reach of your child.
3. All of Your Attention: Focus all of your attention on your child and get into the pool and talk and play with them.
4. All of the Time: You should never leave your child alone in the water, nor should they be left in the care of an older child or with the assumption that your responsibility diminishes due to the presence of lifeguards.

All Centre patrons should follow the safety rules displayed around the pool area, and follow the directions issued by lifeguards and staff. It is important that anyone visiting a public pool learns how to swim as well as water safety skills.

4.3 Swimming Pool Banning Periods

If Council becomes aware of, or has concerns that, a person has engaged or is engaging in undesirable behaviour, including, but not limited to verbal abuse/intimidation and physical assault towards staff, staff may immediately remove the relevant person(s) from the Centre.

If Council reasonably believes a person to have engaged in undesirable behaviour, Council may, in addition to removing the person from the Centre, issue a banning notice to that person in accordance with this Policy. All bans will be considered on a case-by-case basis and periods can be extended or reduced on investigations by staff. Council is entitled to issue a person with a banning notice if, in its reasonable opinion, it considers a person's behaviour to be undesirable behaviour. The length of the banning period stated in the banning notice will be such period as Council, in its absolute discretion, deems necessary to achieve the aim. However, Council will be guided by the following table:

Conduct/Offence	Maximum banning period	Outcome
Entering pool without paying / Forced entry.	1 Day; or 1 Month (For repeat offenders)	Warning not required and Police notified
Repeated failure to comply with non-smoking or non-vaping rules on Council property, including outdoor pool area and carpark.	1 Day	Warning not required
Repeated failure to comply with conditions of entry and/or direction from Staff.	2 Weeks	Warning not required and Police may be notified
Repeated dangerous actions (pushing, throwing etc.)	2 Weeks	Warning not required
Swearing	2 Weeks	Warning not required
Refusal to leave Centre when - requested 2nd time	1 Month	Police are notified

Fighting	12 Months	Warning not required, Police notified, and an official banning notice is issued
Vandalism	12 Months	Warning not required, Police notified, and an official banning notice is issued
Stealing	12 Months	Warning not required, Police notified, and an official banning notice is issued
Refusal to leave Centre when requested 3rd time and/or police attendance required	12 Months	Police are notified, and an official banning notice is issued
Verbal abuse/intimidation of staff	12 Months	Warning not required, Police notified, and an official banning notice is issued
Physical assault on staff (actual or attempted)	At Council discretion pending an investigation	Warning not required, Police notified, and an official banning notice is issued

Council is not liable whatsoever for any loss or damage sustained or incurred directly or indirectly by an offending person as a result of, or in connection with, the person's removal from the Centre, this issuance of a banning notice, or this Policy.

5. Roles, Responsibilities and Delegations

Role	Responsibility
Centre Staff	Authorised to ask patrons to leave.
Centre Manager / or their delegate	Issue banning notices. Report to General Manager and SafeHold on all banning notices issued.

6. Dispute Resolution

In the event a person ("Offending Person") is issued with a banning notice and the Offending Person disputes the banning notice, the Offending Person must, within 14 days of receipt of the Banning Notice, give notice in writing to the Centre Manager that it disputes the Banning Notice ("Dispute Notice").

The Dispute Notice must set out the basis on which the Offending Person disputes the Banning Notice, with sufficient detail to enable the Centre Manager to decide as to whether they should affirm, amend, or withdraw the banning notice.

Within 30 days of receiving the Dispute Notice, the Centre Manager will arrange a meeting with the Offending Person, allowing the Offending Person an opportunity to attend with a support person of their choice ("Dispute Meeting").

The Centre Manager will afford the Offending Person an opportunity to explain why the banning notice should be withdrawn, or the banning period reduced, and will have regard to the Offending Person's explanations.

Within 14 days of the Dispute Meeting, the Centre Manager will notify the Offending Person of the decision to either:

- a. affirm the banning notice and take no further action;
- b. require additional time to consider the Offending Person's explanation;
- c. amend the banning notice; or
- d. withdraw the banning notice.

An Offending Person will not be entitled to enter the Centres while the Centre Manager is considering the Dispute Notice.

If an Offending Person remains dissatisfied with the Centre Manager's decision, they may write to the General Manager to review the Centre Manager's decision. The final decision of the General Manager relating to the Dispute Notice will be final and binding on the Offending Person.

7. Related Documents

Legislation and Guidelines

- Public Health Act 2010
- Public Health Regulation 2022
- Local Government Act 1993
- Inclosed Lands Protection Act 1901 (NSW)
- Privacy and Personal Information Protection Act 1998 (the Privacy Act)
- NSW Swimming Pool regulations 2018
- Guidelines for Safe Pool Operations (NSW Royal Life Saving Australia)
- Fitness Australia Guidelines
- AustSwim Industry Guidelines
- Child Safe Standards

Policies and Procedures

- Model Code of Conduct

- Privacy Management Plan
- Smoke Free Workplace Policy

Other Supporting Documents

- <https://pools.muswellbrook.nsw.gov.au/pool-rules-and-guidelines>
- <https://pools.muswellbrook.nsw.gov.au/fitness-rules-and-guidelines>
- <https://pools.muswellbrook.nsw.gov.au/lap-swimming-etiquette>
- Delegations
- Banning Notice Template

8. Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	2007		Draft Policy
2	06/06/2024	Aquatic Centre Manager	Policy code updated from C38/10 to MSC062E. Rewrite of policy. Public exhibition of draft policy 25/07/2024 - 22/08/2024.

**10.3.6. State of the Shire Report - 2021/2024**

Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Corporate Planning and Reporting Officer
Community Strategic Plan:	6 - Community Leadership Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
Delivery Program Goal:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Operational Plan Action:	6.1.3.2 - Report on Council's Integrated Planning & Reporting (IP&R) requirements.
Attachments:	1. 2021-2024 State of the Shire - to be Noted [10.3.6.1 - 14 pages]

PURPOSE

Section 428(2) of the Local Government Act requires that Council reports on its progress in implementing the Community Strategic Plan at the end of the term of Council.

OFFICER'S RECOMMENDATION

Council notes the *2021 – 2024 State of the Shire Report*.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

The 2021-2024 State of the Shire Report summarises Council's achievements in the delivery of the Community Strategic Plan.

The Community Strategic Plan includes the themes that include Economic Prosperity, Social Equity, Environmental Sustainability, Cultural Vitality, Community Infrastructure and Community Leadership.

PREVIOUS RESOLUTIONS

This matter has no previous resolutions.

BACKGROUND

The State of the Shire report shows Council's progress in working towards the community's collective vision under the Community Strategic Plan. It highlights the key achievements under each theme and presents trend data to guide Muswellbrook Shire Council's future direction. Required under the Integrated Planning and Reporting framework, the report details Council's progress towards the community goals identified under the Community Strategic Plan.

It is presented to the newly elected Council for noting and provides key information to assist Council to undertake a review of the Community Strategic Plan. The State of the Shire report



highlights both Council's successes and areas for improvement. Reflecting on Council's progress assists with the identification of future opportunities and challenges, which will inform Council's review of the Community Strategic Plan.

CONSULTATION

Manex

Managers

REPORT

This Report aims to be an easy to read summary of Council's achievements against the *2017 – 2027 Community Strategic Plan* and meets the requirements of the Integrated Planning and Reporting Guidelines for local government in NSW.

A copy of the report is attached.

FINANCIAL CONSIDERATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY / LEGISLATIVE IMPLICATIONS

This report meets the requirements of S428(2) of the Local Government Act 1993.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk implications for Council.

COMMUNITY CONSULTATION / COMMUNICATIONS

The report has no community consultation requirements.



STATE OF THE SHIRE

2021 - 2024

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ACKNOWLEDGES THE LOCAL ABORIGINAL PEOPLE WHO ARE THE
TRADITIONAL OWNERS AND CUSTODIANS OF THE LAND

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muswellbrook
shire council

 (02) 6549 3700

 (02) 6549 3701

 council@muswellbrook.nsw.gov.au

 muswellbrook.nsw.gov.au

 Campbell's Corner 60-82 Bridge Street Muswellbrook NSW 2333

 PO Box 122 Muswellbrook 2333

   muswellbrook.shire.council

ABN 86 864 180 944

Images throughout the publication: newydigital, Mellanie Sutton and Muswellbrook Shire Council



DEREK FINNIGAN

A MESSAGE FROM THE GENERAL MANAGER



I wish to extend my congratulations to Councillors, staff and the broader community for their vision, commitment and dedication to the Muswellbrook Shire and the delivery of a wide range of projects and programs designed to improve amenity and liveability during the 2021-2024 term of Council.

Council is responsible for urban and regional planning, environmental management, local roads, water and wastewater infrastructure and services, waste management, sporting fields, parks and recreation facilities, aquatic centres, libraries, and the Muswellbrook Regional Arts Centre.

Council will continue to show leadership in the community and on the issues nominated as major challenges in the Shire, including economic growth and diversification, job creation, the future of the mining industry, improved air quality and in continuing to make our Shire an attractive, welcoming and healthy place to live.

Local governments, and in particular rural and regional Councils depend on the support, resources, and grants from State and Federal governments to provide an enhanced level of services and community facilities to support our communities.

Council will continue to advocate for a long-term commitment and equal share from the NSW Government which recognises the importance of mining to the NSW economy and provides certainty for our mining communities.

NOTABLE ACHIEVEMENTS DURING THE 2021-2024 TERM INCLUDE:

TARINPA:

(previously known as Hunter Beach) is a dedicated area between the Karoola Wetlands and the Hunter River, with direct access to the river, paths, picnic areas and walking trails.

ANIMAL CARE FACILITY AND SUSTAINABILITY HUB:

The centre point for animal care throughout the Shire and home to the Sustainability Hub and community garden.

WOLLOMBI PARK PUMP TRACK:

The new pump track, funded by the NSW Government's Places to Play Program, and designed and constructed by Common Ground Trails, is the first stage of the upgrade to Wollombi Park.

MERTON STREET DRAINAGE AND ROAD UPGRADE:

Council was successful in gaining funding from the NSW Government Disaster Ready Fund 2023-2024 Round One and Resources for Regions Round 9 Funding for construction of new stormwater drainage and road upgrade in Merton Street, Denman.

TURTLE ST DENMAN SHARED PATH:

Funding through the 2023-2024 Get NSW Active Program for a project to create safe, easy, and enjoyable walking and cycling trips. The shared path provides an important accessible linkage path for the Denman community.

SIMPSON PARK PLAYGROUND UPGRADE:

Equipment and facilities at Simpson Park in Muswellbrook were upgraded through the NSW Government's Everyone Can Play program to improve inclusivity and provide access to quality, walkable, green and open spaces for people of all ages and abilities.

VICTORIA ST REHABILITATION:

A new road surfacing material, containing recycled content derived from waste streams that would otherwise be bound for landfill was used to renew and strengthen the road pavement on Victoria Street (between Carl Street and Dolahenty Street) and in the carpark at Muswellbrook Railway Station.

ROAD RESEALING PROGRAM:

The 12-month program in various locations around the Shire commenced in October 2023. Increasing the frequency of road reseals leads to greater protection of the underlying pavement, which in turn prevents deterioration and maximises the lifespan of the road.

YARRAMAN BRIDGE: The upgrade of a portion of Yarraman Road and the construction of a high-level bridge over Wybong Creek will greatly improve the accessibility and safety of the road network in this location.

Derek Finnigan
General Manager
Muswellbrook Shire

State of the Shire / End of Term Report 2021-2024 | 5



THE GOVERNING BODY

DEMOCRATIC GOVERNANCE

The governing body of the Council consists of twelve councillors elected for four years. The Mayor and Deputy Mayor are elected by Councillors every two years. The mayor holds a number of Council delegations and statutory responsibilities to make determinations on behalf of the governing body of Council between Council meetings and is responsible to the governing body for the determinations he makes.



CR STEVE REYNOLDS - MAYOR

Second term councillor Steve has been Mayor of Muswellbrook Shire since January 2022 and, as a lifetime local, fully understands the history, spirit and needs of the town, villages and surrounding areas. Steve's priorities include upholding his pledge to improve communication and engagement within the community and to deliver key capital projects with the assistance of a team of dedicated councillors.

Steven.Reynolds@muswellbrook.nsw.gov.au

CR GRAEME MCNEILL - DEPUTY MAYOR

Incumbent councillor Graeme is serving his third term on Council. With a special interest in sport and recreation and long-time involvement with the Olympic Park project, Graeme's priorities include pathways, cycleways, improvements to roads and investment in the Shire's young people. His hope for this term is to build a strong, united Council to drive a strong united community.

Graeme.McNeill@muswellbrook.nsw.gov.au



CR AMANDA BARRY

First term councillor and Denman resident, Amanda wants to be part of a strong council that can be trusted and respected. As an advocate of community engagement, she wants to work towards creating a shared vision for the future, including developing more efficient and effective community services and a focus on the protection and enhancement of the Shire's natural environment.

Amanda.Barry@muswellbrook.nsw.gov.au

CR MARK BOWDITCH

A second term councillor, Mark works in the environmental re-vegetation industry and is involved in running trainee programs for youth with the goal of providing them with the practical skills needed to enhance future opportunities. His priorities during this term of Council are the protection of the environment, transparency, education, the development of employment opportunities, support for homeowners and a focus on listening to residents.

Mark.Bowditch@muswellbrook.nsw.gov.au



THE GOVERNING BODY

THE GOVERNING BODY



CR DE-ANNE DOUGLAS

First term councillor and long-term Muswellbrook resident, De-anne brings a wealth of local knowledge and experience to the role. De-anne is a former manager of the Muswellbrook PCYC and has deep community connections and a strong local voice. Her immediate priorities include improved access to medical services and the delivery of the planned Youth Centre.

De-anne.Douglas@muswellbrook.nsw.gov.au



CR DARRYL MARSHALL

A Shire resident for 56 years, first term councillor Darryl has worked across the wine, agriculture and coal industries and ran his own contracting business for more than 20 years. Now that he is semi-retired, he has the time to make a commitment to Council and pledges to serve the people of the region, work hard for the community and bring a truly local voice to Council.

Darryl.Marshall@muswellbrook.nsw.gov.au

CR JEFFREY DRAYTON

With previous extensive experience on Council Jeffrey wants to see Council refocus on important issues and best outcomes for the community and to respond, react and rectify social issues, such as homelessness, domestic violence, child safety and protection that some in the community are currently dealing with. He would also like to see Council address the benefits the mining industry should be providing to the community, including jobs for residents of the LGA.

Jeff.Drayton@muswellbrook.nsw.gov.au



CR JENNIFER LECKY

As a life member of the Australian Local Government Women's Association (NSW) and many years of experience on Council, Jennifer's passions are her community and supporting women entering politics. During the current term she would like to see revenue contributions from mining companies used to benefit the community and work towards developing a more vibrant region.

Jennifer.Lekky@muswellbrook.nsw.gov.au



CR LOUISE DUNN

Long-term resident, schoolteacher and first term councillor Louise has a strong sense of community and has resolved to bring the Shire back to being caring and compassionate to all. While acknowledging that carbon neutrality and sustainable energy is the way of the future, she also understands that coal mining is vital to the economy and would also like to see more parks and open spaces throughout the LGA.

Louise.Dunn@muswellbrook.nsw.gov.au



CR ROD SCHOLES

Third term councillor and Muswellbrook resident since 1982, Rod and his family have contributed greatly to the Shire community. He has served as deputy mayor and mayor during his time on Council and brings a wealth of experience to the table. During this term he wants to continue to improve the Shire's liveability, infrastructure and services, and advocate for better local health services.

Rod.Scholes@muswellbrook.nsw.gov.au

CR ROHIT MAHAJAN

Born in India, Rohit is now a proud Australian citizen, Muswellbrook resident and successful businessman. Running his own business puts him face-to-face with a wide range of community members on a daily basis and he shares their concerns regarding local business and employment opportunities. With sound relationships in place, he wants to be their voice on Council and believes local government can only be deemed to be successful if the community is happy and contented.

Rohit.Mahajan@muswellbrook.nsw.gov.au



CR BRETT WOODRUFF

With strong connections to the Shire spanning four decades, Denman resident Brett wants to continue to represent the region with both head and heart. Council's longest serving councillor, this is his sixth term, he is determined to provide residents with guidance, support and governance. His mantra is to look back and appreciate the past, enjoy the now and plan for the future.

Brett.Woodruff@muswellbrook.nsw.gov.au





ECONOMIC PROSPERITY

DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
1.1.1 Facilitate the expansion of existing and the establishment of new industry and business	General Manager	Yes	The Upper Hunter Employment Land Strategy was adopted by Council at the 26 March 2024 Ordinary Council Meeting. The Study provides recommendations on actions Council can take to increase employment land opportunities.
1.2.1 Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise	General Manager	Yes	Initiatives carried out by Council to diversify the Shire's economy and support the growth of existing industry and business enterprise include: 1. Activities of the Upper Hunter Country Tourism Association. 2. Development of creative content for social media and promotion: 3. Engagement of a production company to prepare a lifestyle promotional video; and 4. Endorsement from Council to partner with Upper Hunter Shire Council on the Upper Hunter Regional Place Brand.
1.2.2 Complete the Employment Land use Strategy	General Manager	Yes	The Employment Land Use Strategy has been completed and was endorsed by Council at the 26 March 2024 Ordinary Council Meeting.
1.2.3 Review the Local Environment Plan and Development Control Plan to improve investment certainty for industry	Director Environment & Planning	Yes	Updates have been finalised for stormwater management and flooding. A separate Community Participation Plan enabled removal of Notification provisions from the Development Control Plan (DCP). Work has begun on a new section in the DCP for Agritourism.
1.2.4 Implement the Muswellbrook and Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan	Director of Property & Place	Yes	The Development Application for the demolition of 88-108 Bridge Street buildings has been approved. Tenders for demolition of the buildings will be submitted to Council in the first quarter of 2024-25. An architect has been engaged to progress with the detailed design of the Muswellbrook civic centre pocket park. The Feasibility Design for the Possum Gully Diversion Study is in progress.
1.2.5 Develop a Rural and Environmental Land Strategy	Director Environment & Planning	No	Staff resources were reallocated to work with EnergyCo and Transport for NSW to address issues of transportation of Over Size Over Mass vehicles through the Shire to the New England Renewable Energy Zone (REZ) and the Central-west Orana REZ, the new 500KV transmission line projects, and preparation of a local housing strategy (grant funded). Work on implementing recommendations of the Employment Land Strategy and updating Policy following the Local Government elections will push this project back to 2025/26.
1.2.6 Review the Local Strategic Plan in response to changes to the NSW Planning Act	Director Environment & Planning	Yes	The review highlighted that to implement actions in the Hunter Regional Plan Council needs to complete an employment lands strategy and housing strategy and include recommendations from these strategies into the Local Strategic Planning Statement.
1.3.1 Advocate to maintain the Hunter TAFE campus and advocate to activate the University of Newcastle campus	General Manager	Yes	Council is working with the University of Newcastle and other education institutions to increase the occupancy of the Hunter Innovation Precinct.
1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire	Director of Property & Place	Yes	Projects have been completed as approved by Council. 2024-25 infrastructure renewal project proposals will be reported to Council in the first half of 2024-25.
1.4.2 Advocate for increased medical services in the Shire	General Manager	Yes	Council was successful in securing funding from the State Government to continue to deliver and expand the Welcome Experience programme. This programme has been instrumental in assisting a number of health care professionals to relocate to Muswellbrook Shire, including what is now a full complement of paramedics residing locally. Ongoing advocacy is also being carried out with the State Government.



Square meters of roads sealed / rehabilitated

2021	127,707m ²
2022	128,402m ²
2023	69,029m ²
2024	132,186m ²
Total	457,325m²

Square meters of footpaths new and replaced

2021	7,400m ²
2022	2,220m ²
2023	2,286.2m ²
2024	512m ²
Total	12,418.2m²





SOCIAL EQUITY

Community Population

2021 16,086
2022 16,357
2023 16,357
2024 16,778
Total increase = 692



Council Website views

2021 305,705
2022 344,515
2023 285,005
2024 258,094

Cats and dogs rescued

2021 Cats & Dogs 186
2022 Cats & Dogs 156
2023 Cats & Dogs 152
2024 Cats & Dogs 81
Total = 575



DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
2.1.1 Implement the funded outcomes of the Recreation Needs Study	Director of Property & Place	Yes	Recreation projects have been carried out in accordance with Council's approved priorities. At the 23 July 2024 Ordinary Council Meeting, Council endorsed the 2023-24 Recreation Needs and Management Study.
2.1.2 Promote and facilitate increased participation in active and passive recreation activities	Director of Property & Place	Yes	Meetings with sports facility user groups and Sport and Recreation Committee meetings were conducted as scheduled. With regards to the Muswellbrook Aquatic Centre, the Learn to Swim programme is being delivered to over 350 participants over a six-day-per-week schedule. Aqua aerobics classes are also being delivered twice per week, as are boxing classes.
2.1.3 Consider and deliver social inclusion principles across Council functions	General Manager	Yes	Council has implemented actions arising from the adopted Disability Inclusion Action Plan in consultation with community partners. All Council projects consider full accessibility as a core component of planning and design.
2.1.4 Advocate for affordable housing	General Manager	Yes	Council convened and facilitated the Upper Hunter Community Services Interagency and participated in the Homelessness in the Upper Hunter Forum Working Group that focused on raising community awareness regarding the referral process to assist homeless persons.
2.2.1 Advocate for the needs of people in social housing	General Manager	Yes	Council conducted meetings with Home in Place to advocate for the needs of people residing in social housing in Muswellbrook Shire.
2.3.1 Facilitate investment in child-care services across the Shire	General Manager	Yes	Funding has been secured to assist the Muswellbrook Childcare Centre to develop a Business Plan. A tender has been awarded for extensions to the Denman Childcare Centre.
2.4.1 Advocate to enhance the delivery of services to support older people to live in the Muswellbrook Shire	General Manager	Yes	Programmes to support older people have been regularly provided at the Muswellbrook Shire libraries. The Local 2024 Senior Festivals Brochure was completed and provided to the community in both hard copy and digital versions.
2.5.1 Raise awareness of the local Aboriginal Community and an appreciation of their long traditions and culture	Manager Community Services	Yes	Meetings of the Aboriginal Cultural Inclusion Committee were conducted during 2023-24. The Committee assisted in the planning of the annual Reconciliation Aboriginal Flag Raising ceremony, which included the 20-year anniversary of the Reconciliation Mural.
2.5.2 Engage with the Wanaruah Local Aboriginal Land Council on development of the Common	Manager Community Services	Yes	Regular meetings have been conducted with representatives of the Wanaruah Local Aboriginal Land Council.
2.6.1 Engage with young people in the Shire to better inform projects and programs for youth and children	Manager Community Services	Yes	Tenders have been called for the construction of a new Muswellbrook Youth Centre. The Child Safe Action Plan has been adopted, and is being implemented by a staff working group. The Youth Engagement Strategy is under development.



ENVIRONMENTAL SUSTAINABILITY



National Tree Day

2021	1,500 trees/ shrubs/ grasses
2022	1,700 trees/ shrubs/ grasses
2023	1,600 trees/ shrubs/ grasses
2024	1,600 trees/ shrubs/ grasses
Total = 6,400 trees/ shrubs/ grasses	

Approved Mining Developments

2021	7
2022	8
2023	8
2024	Mines in Operation 6 / Mines in Rehabilitation Phase 2



Litres of fuel / fossils

2021

Electricity used by Council 6,120MWH
 Water consumed in Muswellbrook Shire 1,398 Megalitres
 Water used by Council 99 Megalitres
 Fuel used by Council Vehicles 296,798.88 Kilolitres

2022

Electricity used by Council 5,390 MWH
 Water consumed in Muswellbrook Shire 1,368 Megalitres
 Water used by Council 84 Megalitres
 Fuel used by Council Vehicles 268,487.07 Kilolitres

Totals

Electricity used by Council MWH 25,808MWH
 Water used by Council 521Megalitres

2023

Electricity used by Council 7,488MWH
 Water consumed in Muswellbrook Shire 1,466 Megalitres
 Water used by Council 155 Megalitres
 Fuel used by Council Vehicles 291,782.54 Kilolitres

2024

Electricity used by Council 6,810MWH
 Water consumed in Muswellbrook Shire 1,632 Megalitres
 Water used by Council 183 Megalitres
 Fuel used by Council Vehicles 314,600 Kilolitres

Water consumed in Muswellbrook Shire 5,864 Megalitres
 Fuel used by Council Vehicles 3,588,05849 Megalitres



DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
3.1.1 Meet with other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce	Director Environment and Planning	Yes	Staff hold meetings four times a year with the Resources Regulator on rehabilitation. The Regulator has adopted new Form & Way procedures requiring mines to upload information on the NSW Gov portal, and the Regulator has commenced a Targeted Assessment Program focusing on key areas of mine operations. The meetings have now moved to two per year.
3.2.1 Support Landcare initiatives and advocate for programs to enhance native vegetation connectivity across the Shire and upper hunter region	Director Environment & Planning	Yes	Funding has been provided annually to local land care groups. Education programs are in place for community on land care initiatives.
3.3.1 Implement funded actions of the adopted Urban Riparian Masterplan	Director Environment & Planning	Yes	Tarimpa construction was carried out, and is a very popular recreation and educational facility. Muscle Creek, Karoola Park, Tarimpa, and the Denman wetlands natural areas were maintained.
3.3.2 Develop a Catchment Management Plan for Muscle Creek and Possum Gully	Chief Engineer	Yes	A final draft of the Catchment Management Plan for Muscle Creek and Possum Gully has been completed and placed on public exhibition until September 2024.
3.4.1 Continue Community Engagement Program on water, waste and energy efficiency	Director Environment & Planning	Yes	Local grants provided to community groups and businesses to implement water, energy and waste reduction projects. Education programs are in place for the community and business owners.
3.4.2 Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible	Director Environment & Planning	Yes	New development required to submit a Statement of Environmental Effects or Environmental Impact Statement, which is reviewed by staff. Conditions of consent focus on delivering improved environmental outcomes.
3.4.3 Advocate and support Circular Economy principles and Waste Management Initiatives	General Manager	Yes	Standardised sustainability schedules have been implemented for tender and quotation processes. The contract for Food Organics Garden Organics (FOGO) commenced 1 July 2024.
3.5.1 Increase the proportion of the energy used by Council from renewable sources	General Manager	Yes	Council's new energy agreement for major sites will require 100% of energy sourced from renewables.
3.5.2 Develop a recycled water plan for community parks	Deputy General Manager	No	A draft Recycled Water Management Plan is underway. This will include consideration of recycled water to be used to irrigate nominated community parks.



CULTURAL VITALITY

DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
4.1.1 Support the conservation and restoration of the Shire's heritage item	Director Environment & Planning	Yes	Council employs a highly trained heritage advisor 7 hours/month to provide feedback on development proposals and restoration projects for heritage items. A local Heritage Grant program also provides some financial assistance annually for the conservation of heritage items.
4.1.2 Ensure sites or artifacts of Aboriginal significance are protected where new development proposals are considered	Director Environment & Planning	Yes	New developments are required to submit a Statement of Environmental Effects or Environmental Impact Statement, which is reviewed by staff. Aboriginal Heritage is one of the heads of consideration.
4.2.1 Progress a Regional Entertainment and Conference Centre	Director of Property & Place	Yes	Meetings of the Regional Entertainment Centre Development Advisory Committee have been facilitated monthly or as required. A revised design is being undertaken to ensure the project may be constructed within Council's approved budget.
4.3.1 Develop and implement a program of Shire events to engage more locals and attract more visitors	General Manager	Yes	Council has established a temporary tourism and events structure, and is working to deliver a number of events, delivered by Council and community groups, including: 1. Blue Heeler Film Festival - 1 November 2024; 2. Denman Wine, Food & Film Affair - 2 November 2024; New Year's Eve - 31 December 2024. Council has also supported the TV and Movie Nostalgia Festival and a range of other community events across the Shire.
4.3.2 Deliver an arts program	Manager Community Services	Yes	A range of exhibitions were provided through the arts programme at the Muswellbrook Regional Arts Centre, including the Muswellbrook Art Prize and the Viola Bromley Art Prize. LiddellWORKS also opened on 8 June 2024, showcasing artworks made as part of the residency programme, along with community and participatory artworks.
4.3.3 Support Arts Upper Hunter as the peak organisation of artist endeavour	Manager Community Services	Yes	Arts Upper Hunter have been supported to provide a range of activities, including the LiddellWORKS exhibition. The Arts Upper Hunter Funding Deed has been exchanged and signed by Arts Upper Hunter.

Service Requests Lodged

2021	3,914
2022	4,616
2023	4,000
2024	3,571
Total	16,101





Development Applications Lodged

2021 168
2022 192
2023 228
2024 147
Total = 735



COMMUNITY INFRASTRUCTURE

DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
5.1.1 Review, develop and maintain liveable town and village precincts	Director of Property & Place	Yes	Muswellbrook's civic precinct continues to develop as an innovation and education precinct. Designs for the development of a pocket park are progressing in alignment with Council's endorsed concept design. The development of Memorial Park, Denman, has resulted in increased patronage and visitation of the Denman civic precinct and is a highly utilised and appreciated community asset. In Sandy Hollow, a pocket park has been developed, and planning is in place for the provision of public toilets.
5.1.2 Maintain and continually improve asset management	Deputy General Manager	Yes	A draft Road Asset Management Plan has been completed and is under review. Draft Sewer and Water Asset Management Plans have also been completed and are under review. A road and stormwater asset inspection programme will commence during the first half of 2024-25.
5.1.3 Facilitate investment in high quality community infrastructure necessary to a Regional Centre	General Manager	Yes	Muswellbrook's civic precinct continues to develop as an innovation and education precinct. Designs for the development of a pocket park are progressing in alignment with Council's endorsed concept design. A design for the replacement of the public toilets in Simpson Park will be carried out in 2024-25, with the aim of replacing the public toilets with a changing places facility. The construction of the Donald Horne building has contributed greatly to the development of the Hunter Innovation Hub in the Muswellbrook civic precinct. Design for a Regional Entertainment and Conference Centre is well advanced.
5.1.4 Maintain and continually improve community infrastructure across the Shire	Deputy General Manager	Yes	Prioritised works programs are reported to Council, to ensure that community infrastructure is maintained and continually improved. Regular asset condition inspections are carried out to inform the development of infrastructure renewals.
5.2.1 Facilitate and implement improved all abilities access and inclusion across the Shire	Director of Property & Place	Yes	Council has implemented actions arising from the adopted Disability Inclusion Action Plan in consultation with community partners. All Council projects consider accessibility as a core component of planning and design.
5.3.1 Water, sewerage and waste services are provided in compliance with regulatory requirements	Operations Manager – Water and Waste Water	Yes	Water, sewerage, and waste services have been delivered in alignment with regulatory requirements. Regular compliance reports have been submitted to Council.
5.4.1 Maintain and continually improve the Shire's shared pathway networks to increase connectivity	Chief Engineer	Yes	Council has provided annual budgets for new and renewed shared pathways, and has been successful in being awarded grant funding to construct new sections of shared pathway. New shared pathways have been constructed to enhance accessibility and to improve liveability, and has also provided options for alternative transport.



THE
COMMUNITY
HAS THEIR
SAY.....

"Hospital expansion"

"Swimming
pool upgrades
were good"

"There is a skate
park for the kids"



COMMUNITY LEADERSHIP

DELIVERY PROGRAM	RESPONSIBILITY	COMPLETED	COMMENTS
6.1.1 Engage with the community and other stakeholders to determine service level expectations and appropriate measures	Manager Governance	Yes	Community Satisfaction Surveys have been conducted during the term of Council. These surveys have been undertaken in a manner to ensure comparability over time.
6.1.2 Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community	Manager Governance	No	Council's Community Engagement Strategy has been implemented to build awareness and understanding of Council's activities and community needs. Community engagement activities have been regularly reported to Council and the Grants Review Committee.
6.1.3 Enhance Council's communication with the community to build awareness and understanding of Council's activities and Community needs	General Manager	Yes	Council's digital media platforms have been expanded to include Instagram and LinkedIn. Community engagement has increased in line with this expansion.
6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves	Director Corporate Services & CFO	Yes	Council's financial reporting processes have been continually improved to provide greater transparency, increased efficiency and accountability, and to facilitate optimal strategic and operational decision making. Monthly financial reports and quarterly budget reviews have been reported to Council.
6.2.2 Develop and implement a Service Review Program	Director Corporate Services & CFO	No	A Service Review Program is being developed to enhance organisational service reviews.
6.2.3 Implement an Internal Audit Program in consultation with the Audit Risk and Improvement Committee	Director Corporate Services & CFO	Yes	Internal audits have been conducted in compliance with a prioritised internal audit program.
6.2.4 Regulatory activities undertaken to maintain public safety and companion animal wellbeing	Director Environment and Planning	Yes	Council employs two Rangers. A large percentage of their time is spent on managing straying and surrendered cats and dogs, dog attacks and educating people on responsible pet ownership. A program to financially assist households to desex cats is in place.
6.2.5 Implement a comprehensive and targeted business improvement program	Director Corporate Services & CFO	Yes	Policies to support business improvement have been reviewed. Policies will continue to be developed and reviewed in accordance with statutory and operational requirements.
6.3.1 Continue to prioritise safety and risk management initiatives and upgrades to Council Facilities	General Manager	Yes	Crime Prevention Through Environmental Design principles are a core component of Council project design. Council's Work Health & Safety Committee has assisted to ensure safety and risk management initiatives are included as the highest priority on all works programmes.
6.3.2 Continue to prioritise employee welfare initiatives	General Manager	Yes	A Staff Satisfaction Survey has been carried out, and Council's internal Staff Consultative Committee will develop a prioritised list of improvements to enhance staff satisfaction and welfare. A Staff Training and Professional Development Officer has been engaged to develop organisational and individual staff training plans.



LONG TERM FINANCIAL PLAN

STATE OF THE SHIRE REPORT FOR THE PERIOD 2021-2024 - LTFP

OPERATING PERFORMANCE

The key financial measures of Operating Performance are in line with the Long-Term Financial Plan (LTFP) and have performed above expectation due to higher revenue from grants, interest on investments and user fees and charges.

Council has been consistent with maintaining its own source of operating revenue which is in line with the LTFP projections.

Council has been proactively managing its expenditure within budget and has taken additional controls to ensure it is maintained throughout each year.

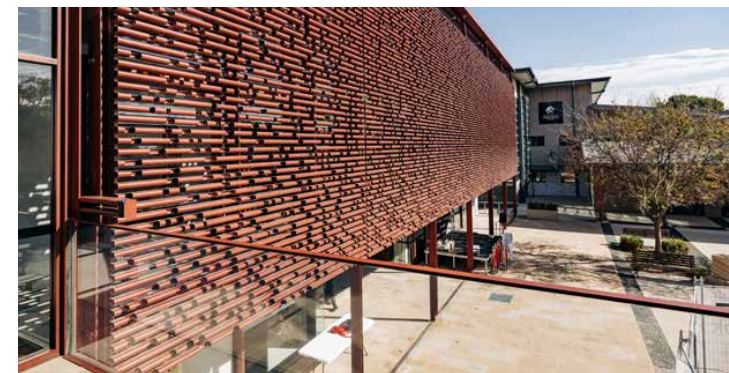
CAPITAL PERFORMANCE

Council has faced challenges in meeting the major asset performance benchmarks for the Office of Local Government (OLG) and the LTFP.

Although capital grants have significantly increased over the period, changes in scope and other factors have led to project delays.

Council will be focusing more on building and infrastructure asset renewals and reducing the infrastructure backlog.

Report from Chief Financial Officer

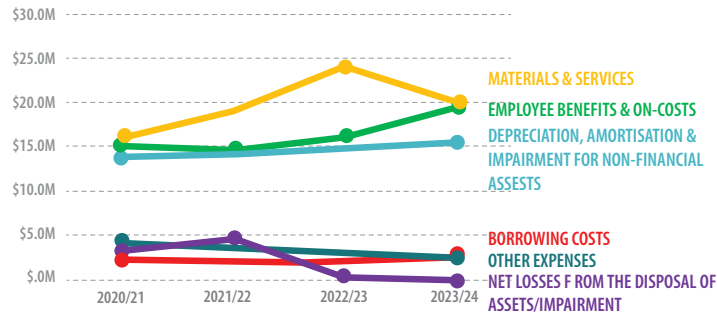


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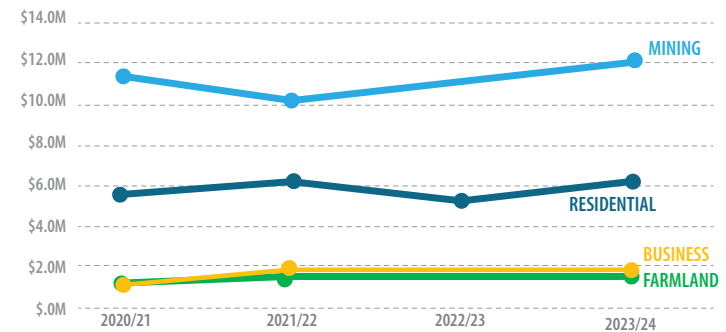
STATE OF THE SHIRE GRAPHS 2021 - 2024

STATE OF THE SHIRE GRAPHS 2021 - 2024

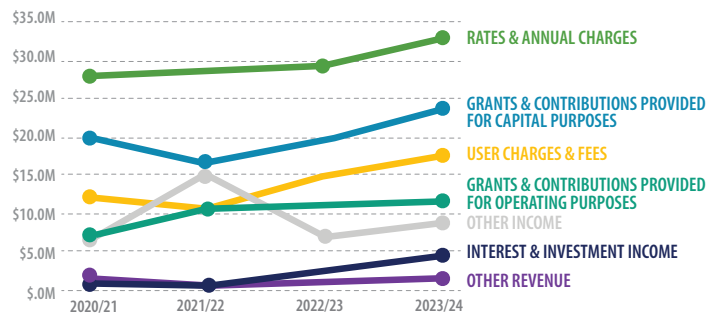
EXPENDITURE TYPES



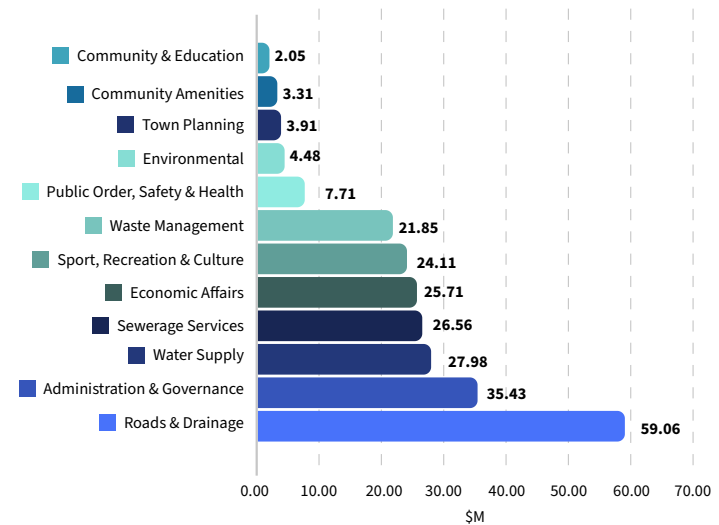
RATES REVENUE




REVENUE SOURCES




EXPENDITURE OF SERVICES 2021-2024






 (02) 6549 3700




 (02) 6549 3701

 council@muswellbrook.nsw.gov.au

 muswellbrook.nsw.gov.au

 Campbell's Corner 60-82 Bridge Street Muswellbrook NSW 2333

 PO Box 122 Muswellbrook 2333

   [muswellbrook shire council](https://www.facebook.com/muswellbrookshirecouncil)

ABN 86 864 180 944

**10.3.7. Report on Investments held as at 30 November 2024**

Responsible Officer: Derek Finnigan - General Manager

Author: Financial Controller

Community Strategic Plan: 6 - *Community Leadership*

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

Delivery Program Goal: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Operational Plan Action: 6.2.1.1 - Provide transparent reporting to the community about Council's finances.

Attachments:

1. Investment Portfolio - November 2024 [**10.3.7.1** - 3 pages]
2. Trading Limit Report - November 2024 [**10.3.7.2** - 8 pages]

PURPOSE

To submit for Council's information the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

Council NOTES Council's Investments as at 30 November 2024.

Moved: _____ **Seconded:** _____

REPORT

Clause 212 (1) of the *Local Government (General) Regulation 2005* requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

Funds invested under Section 625 of the *Local Government Act 1993*, as at 30 November 2024, are shown in the attachments.

COMMENT:

As at 30 November 2024, Council held \$103.7M in cash and investments, with a weighted running yield of 5.25%.

The Responsible Accounting Officer certifies that the investments listed have been made in accordance with the Act, the Regulations, and Council's Investment Policy. This includes investments that have been made in accordance with the Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	Westpac Bus Prem At Call		4,991,784.05	1.00000000	4,991,784.05	100.000	0.000	4,991,784.05	4.73%	4.44%	
	Westpac Muswellbrook Trading Acct At Call		831,762.90	1.00000000	831,762.90	100.000	0.000	831,762.90	0.79%	0.00%	
			5,823,546.95		5,823,546.95			5,823,546.95	5.52%		3.81%
Fixed Rate Bond											
	BOQ 4.7 27 Jan 2027 Fixed	AU3CB0296168	4,000,000.00	1.00000000	4,000,000.00	99.594	1.609	4,048,120.00	3.84%	4.77%	
	BOQ 5.3 30 Apr 2029 Fixed	AU3CB0308955	2,000,000.00	1.00000000	2,000,000.00	101.165	0.451	2,032,320.00	1.93%	5.31%	
	JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	99.920	1.149	505,345.00	0.48%	6.44%	
	NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		2,000,000.00	1.00000000	2,000,000.00	100.000	0.506	2,010,120.00	1.91%	1.10%	
	NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.506	1,507,590.00	1.43%	1.10%	
			10,000,000.00		10,000,000.00			10,103,495.00	9.58%		3.67%
Floating Rate Note											
	AMP 1.27 13 Sep 2027 FRN	AU3FN0091674	1,000,000.00	1.00000000	1,000,000.00	100.233	1.217	1,014,500.00	0.96%	5.68%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.361	0.373	1,007,340.00	0.96%	5.92%	
	Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.412	1.200	2,032,240.00	1.93%	5.92%	
	Auswide 1.6 22 Mar 2027 FRN	AU3FN0086104	1,500,000.00	1.00000000	1,500,000.00	100.609	1.123	1,525,980.00	1.45%	6.03%	
	Auswide 1.33 13 Sep 2027 FRN	AU3FN0091575	1,000,000.00	1.00000000	1,000,000.00	99.962	1.230	1,011,920.00	0.96%	5.74%	
	BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	5,500,000.00	1.00000000	5,500,000.00	101.015	0.131	5,563,030.00	5.28%	5.94%	
	BAL 1.7 21 Feb 2028 FRN	AU3FN0085031	2,000,000.00	1.00000000	2,000,000.00	101.411	0.151	2,031,240.00	1.93%	6.08%	
	CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	6,000,000.00	1.00000000	6,000,000.00	101.511	0.316	6,109,620.00	5.79%	6.01%	
	CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	100.002	1.142	1,770,020.00	1.68%	6.13%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	100.010	1.098	3,033,240.00	2.88%	4.89%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.919	1.041	3,028,800.00	2.87%	5.07%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	100.074	0.395	4,521,105.00	4.29%	5.54%	
	NPBS 1.85 14 Feb 2029 FRN	AU3FN0085023	2,000,000.00	1.00000000	2,000,000.00	102.488	0.275	2,055,260.00	1.95%	6.19%	
	PCU 1.15 08 Nov 2027 FRN	AU3FN0093423	1,000,000.00	1.00000000	1,000,000.00	99.784	0.336	1,001,200.00	0.95%	5.57%	
	Qld Police 1.35 19 May 2025 FRN	AU3FN0069175	750,000.00	1.00000000	750,000.00	100.254	0.190	753,330.00	0.71%	5.78%	
	Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.886	1.433	2,046,380.00	1.94%	6.15%	
	Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	101.251	1.215	3,073,980.00	2.92%	6.07%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	100.304	0.447	1,662,391.50	1.58%	5.18%	
	UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	102.277	0.294	4,102,840.00	3.89%	5.87%	
			46,650,000.00		46,650,000.00			47,344,416.50	44.90%		5.79%
Term Deposit											
	AMP 5.75 21 Jan 2025 550DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	2.064	1,275,796.24	1.21%	5.75%	
	AMP 5.2 30 Apr 2025 292DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.009	1,020,087.67	0.97%	5.20%	
	AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.433	4,097,326.04	3.89%	5.35%	

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
AMP 5.2 17 Jun 2025 308DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	1.553	1,523,293.16	1.44%	5.20%	
AMP 5.25 01 Dec 2025 732DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	5.264	1,052,643.84	1.00%	5.25%	
BOQ 4.9 01 Oct 2025 761DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.195	3,035,843.85	2.88%	4.90%	
DFB 5.45 04 Dec 2025 730DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	5.390	2,107,805.48	2.00%	5.45%	
JUDO 5.2 13 Dec 2024 183DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	2.422	3,072,657.54	2.91%	5.20%	
JUDO 5.7 06 Jan 2025 557DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	8.121	2,162,410.96	2.05%	5.70%	
JUDO 5 04 Mar 2025 203DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.493	1,014,931.51	0.96%	5.00%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.202	1,022,019.18	0.97%	5.70%	
PCUSA 5.11 27 Nov 2025 365DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.042	1,500,630.00	1.42%	5.11%	
RABO 4.75 25 Feb 2025 180DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	1.210	1,518,154.11	1.44%	4.75%	
RABO 5 30 Apr 2025 184DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.452	1,004,520.55	0.95%	5.00%	
RABO 5.05 15 May 2025 275DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	1.508	1,522,621.23	1.44%	5.05%	
RABO 5.04 29 Jul 2025 274DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.456	1,004,556.71	0.95%	5.04%	
RABO 5.33 30 Jul 2025 365DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.796	2,035,922.74	1.93%	5.33%	
RABO 5.31 30 Sep 2025 425DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.760	3,052,809.03	2.89%	5.31%	
RABO 5 28 Oct 2025 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.452	1,004,520.55	0.95%	5.00%	
RABO 5.25 05 Jul 2027 1096DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	2.143	2,042,863.02	1.94%	5.25%	
RABO 5.2 31 Jul 2028 1462DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.752	1,017,523.29	0.96%	5.20%	
RABO 5.07 27 Oct 2028 1460DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.458	1,004,583.84	0.95%	5.07%	
RABO 5.4 04 Jul 2029 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	2.204	2,044,087.68	1.94%	5.40%	
RABO 5.25 30 Jul 2029 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.769	1,017,691.78	0.97%	5.25%	
SCC 5.37 13 Jun 2025 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.501	1,025,010.96	0.97%	5.37%	
		41,250,000.00		41,250,000.00			42,180,310.95	40.00%		5.24%
Fixed Interest Total		103,723,546.95		103,723,546.95			105,451,769.40	100.00%		5.25%

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LAMINAR CAPITAL PTY LTD
ACN 134 784 740
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933
SYDNEY OFFICE: LEVEL 18 ANGEL PLACE, 123 PITT STREET, SYDNEY NSW, 2000 T 61 2 8094 1230
BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP100EXT-01.20
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded
Settlement Date-Based Balances

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-		9,750,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	94.00	6.00	622,355	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 103,723,546.95	31,117,064.09	0.00	100.00	31,117,064	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Auswide Bank Limited	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	53.00	47.00	4,872,355	0.00	0
Bank Australia Limited	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	72.00	28.00	2,872,355	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	5,823,546.95	Book	30.00	% of 103,723,546.95	31,117,064.09	19.00	81.00	25,293,517	0.00	0
Bank of Queensland Ltd	A+ to A-		9,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	87.00	13.00	1,372,355	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	5,823,546.95	Book	30.00	% of 103,723,546.95	31,117,064.09	19.00	81.00	25,293,517	0.00	0
BankVic	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 103,723,546.95	31,117,064.09	0.00	100.00	31,117,064	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 103,723,546.95	31,117,064.09	0.00	100.00	31,117,064	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 103,723,546.95	20,744,709.39	0.00	100.00	20,744,709	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	58.00	42.00	4,372,355	0.00	0
Defence Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	19.00	81.00	8,372,355	0.00	0
Greater Bank - a division of Newcastle Greater Mutual Group Limited	BBB+ to BBB-	Newcastle Greater Mutual Group Ltd	6,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	63.00	37.00	3,872,355	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	17.00	83.00	8,622,355	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Judo Bank	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	72.00	28.00	2,872,355	0.00	0
Macquarie Bank Ltd	A+ to A-		3,000,000.00	Book	20.00	% of 103,723,546.95	20,744,709.39	14.00	86.00	17,744,709	0.00	0
ME Bank - a division of Bank of Queensland Ltd	A+ to A-	Bank of Queensland Ltd	9,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	87.00	13.00	1,372,355	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	29.00	71.00	7,372,355	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 103,723,546.95	31,117,064.09	0.00	100.00	31,117,064	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		6,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	63.00	37.00	3,872,355	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 103,723,546.95	31,117,064.09	11.00	89.00	27,617,064	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 103,723,546.95	103,723,546.95	0.00	100.00	103,723,547	0.00	0

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Police Bank Ltd	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	10.00	90.00	9,372,355	0.00	0
Police Credit Union	N/R		1,500,000.00	Book	5.00	% of 103,723,546.95	5,186,177.35	29.00	71.00	3,686,177	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		5,750,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	55.00	45.00	4,622,355	0.00	0
Rabobank Australia Ltd	A+ to A-		18,000,000.00	Book	20.00	% of 103,723,546.95	20,744,709.39	87.00	13.00	2,744,709	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 103,723,546.95	20,744,709.39	0.00	100.00	20,744,709	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 103,723,546.95	5,186,177.35	0.00	100.00	5,186,177	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
Southern Cross CU	N/R		1,000,000.00	Book	5.00	% of 103,723,546.95	5,186,177.35	19.00	81.00	4,186,177	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	5,823,546.95	Book	30.00	% of 103,723,546.95	31,117,064.09	19.00	81.00	25,293,517	0.00	0
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	AA+ to AA-	ANZ Banking Group Ltd	0.00	Book	20.00	% of 103,723,546.95	20,744,709.39	0.00	100.00	20,744,709	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 103,723,546.95	20,744,709.39	27.00	73.00	15,094,709	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		5,823,546.95	Book	30.00	% of 103,723,546.95	31,117,064.09	19.00	81.00	25,293,517	0.00	0
			136,694,187.80				772,740,424.78			636,046,240		0
			(Excluding Parent Group Duplicates)									
			103,723,546.95									

2 Security Rating Group Trading Limits

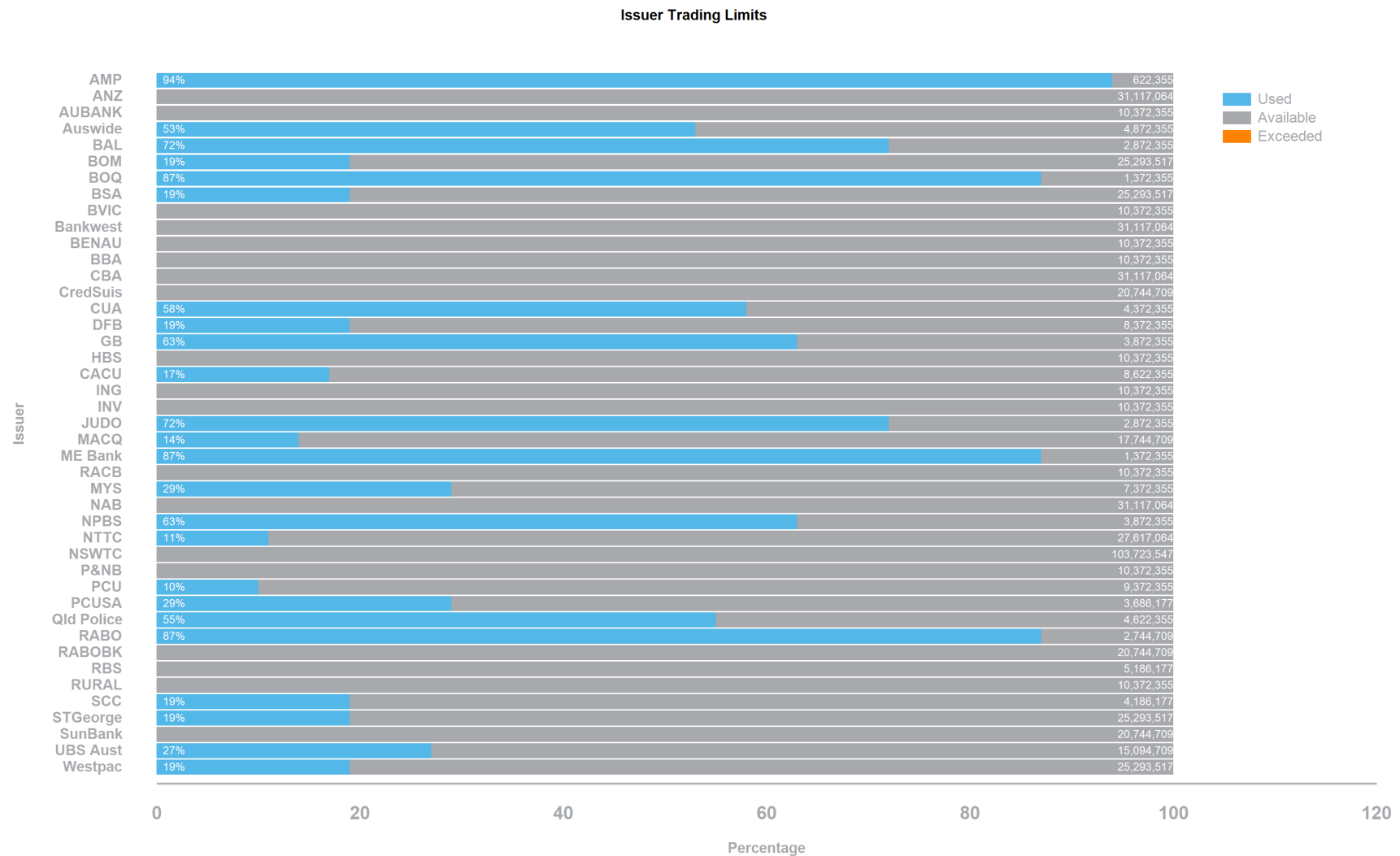
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 103,723,546.95	103,723,546.95	0.00	100.00	103,723,547	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 103,723,546.95	103,723,546.95	3.00	97.00	100,223,547	0.00	0
A+ to A-	20,000,000.00	Book	70.00	% of 103,723,546.95	72,606,482.87	28.00	72.00	52,606,483	0.00	0
A1+	5,823,546.95	Book	100.00	% of 103,723,546.95	103,723,546.95	6.00	94.00	97,900,000	0.00	0
A1	12,650,000.00	Book	100.00	% of 103,723,546.95	103,723,546.95	12.00	88.00	91,073,547	0.00	0
A2	27,500,000.00	Book	70.00	% of 103,723,546.95	72,606,482.87	38.00	62.00	45,106,483	0.00	0
A3	0.00	Book	60.00	% of 103,723,546.95	62,234,128.17	0.00	100.00	62,234,128	0.00	0
BBB+ to BBB-	31,750,000.00	Book	60.00	% of 103,723,546.95	62,234,128.17	51.00	49.00	30,484,128	0.00	0
N/R	2,500,000.00	Book	10.00	% of 103,723,546.95	10,372,354.70	24.00	76.00	7,872,355	0.00	0
	103,723,546.95				694,947,764.57			591,224,218		0

Notes

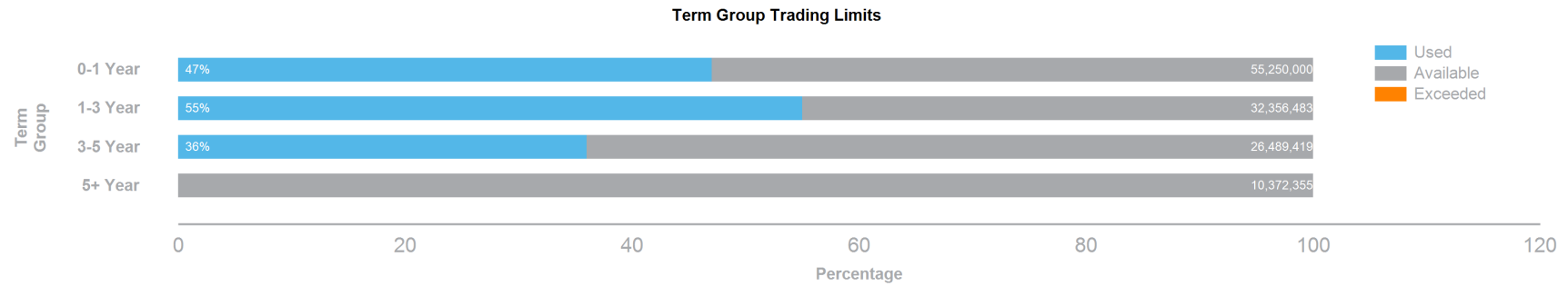
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	48,473,546.95	Book	100.00	% of 103,723,546.95	103,723,546.95	47.00	53.00	55,250,000	0.00	0
1-3 Year	40,250,000.00	Book	70.00	% of 103,723,546.95	72,606,482.87	55.00	45.00	32,356,483	0.00	0
3-5 Year	15,000,000.00	Book	40.00	% of 103,723,546.95	41,489,418.78	36.00	64.00	26,489,419	0.00	0
5+ Year	0.00	Book	10.00	% of 103,723,546.95	10,372,354.70	0.00	100.00	10,372,355	0.00	0
	103,723,546.95				228,191,803.29			124,468,257		0







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LAMINAR CAPITAL PTY LTD
ACN 134 784 740
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933
SYDNEY OFFICE: LEVEL 18 ANGEL PLACE, 123 PITT STREET, SYDNEY NSW, 2000 T 61 2 8094 1230
BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 November 2024
Balance Date: 1 December 2024 (but 30 Nov 2024 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: BalOnly
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Not Ignored

**10.3.8. Monthly Financial Report - November 2024**

Responsible Officer: Derek Finnigan - General Manager

Author: Finance Business Partner

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Operational Plan Action: 6.2.1.1 - Provide transparent reporting to the community about Council's finances.

Attachments: 1. Monthly Council Report November 2024 [10.3.8.1 - 10 pages]

PURPOSE

To provide an overview of the monthly financial performance of Council's General, Water, Sewer, and Future Funds, and to identify and explain any material variances against Council's approved budget for the month ending 30 November 2024.

OFFICER'S RECOMMENDATION

Council notes the Financial Reports for the month ending 30 November 2024.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the November 2024 details of:

- Monthly & Year-to-Date operating performance by Fund;
- Capital Project Spend; and
- Outstanding Debtor Balances.

Overview

The preparation of the 2025-2026 Budget is currently in progress, in addition to the December 2024 Quarterly Budget Review.

The rates and charges are budgeted and levied in the month of July for the whole year. Presently, revenue shows variance against budget, which is expected to be received later in the year.



Material Exceptions:

General Fund

Revenue:

- Rates and Charges are budgeted and recognised in July.
- Total revenue is \$37.16M against the November budget of \$39.80M, resulting in a negative variance of \$2.63M.
- User Charges and Fees show an unfavourable variance due to timing with the transport for NSW works program, which is expected to be received later in the year. The total orders received are to the tune of \$2.46M, out of which \$2.20M has been received during last month only.
- Under operating grants, the remaining Financial Assistance Grant is expected to be received later in the year.

Expenses:

- Insurance under other costs is allocated and paid in July.
- Overall costs are 33% against annual budgets, having a favourable variance of \$5.22M, with major contribution from materials (principally, Roads & Drainage, Property & Building and Waste Management – totalling \$3.27M).
- The variance under the above includes \$0.80M from Transport for NSW works. Works are expected to be expended later during the year, according to the work order schedule.

Water Fund

- Water User Charges and Fees revenue show an unfavourable variance after the first water billing cycle. The deficit is expected to be recovered in the following next two billing cycles: December 2024 and April 2025 water meter readings.
- Expenses show a favourable variance of \$0.36M.

Sewer Fund

- Overall, Sewer Costs show a favourable variance against budget of \$1.05M.
- Revenue is short by \$0.44M. This is expected to be covered by non-residential sewer charges throughout the remainder of the year.

Future Fund

Revenue:

- Commercial leased property income is having shortfall against YTD budgets.

Expenses:

- Overall expenses show a favourable variance of \$0.16M.

Capital Projects

- YTD Capital Spend is \$7.05M, which equates to 10% of the total Capital Budget, including carryovers.

Muswellbrook Shire Council

Financial Report - November 2024



Council Consolidated								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$35,949,982	\$36,423,336	(\$473,354)	-1%	\$35,993,634	\$36,423,336	99%	* Rates and charges budgets are allocated and levied in July. Revenue is short against budget, due to transport for NSW works program and FAG grant expected to be received at end of the year.
User Charges and Fees	\$6,863,037	\$8,837,810	(\$1,974,773)	-22%	\$21,294,328	\$21,219,231	32%	
Interest and Investments Revenues	\$2,029,496	\$1,461,860	\$567,636	39%	\$3,509,869	\$3,509,869	57.82%	
Other Revenues	\$785,010	\$1,075,918	(\$290,908)	-27%	\$2,545,098	\$2,583,236	30%	
Operating Grants and Contributions	\$2,996,517	\$4,053,680	(\$1,057,163)	-26%	\$9,465,797	\$9,732,724	31%	See individual funds for commentary specific to that fund
Internal Revenue	\$1,988,884	\$2,678,162	(\$689,278)	-26%	\$5,780,160	\$6,430,160	31%	
Total Revenue	\$50,612,926	\$54,530,765	(\$3,917,839)	-7%	\$78,588,886	\$79,898,556	63%	
Expenses								
Wages and Salaries	\$6,730,992	\$7,567,606	\$836,614	11%	\$18,002,105	\$18,169,523	37%	Overall costs are at 34% against annual budgets after Sep Review. Insurance cost is allocated and expended in July.
Materials and Contracts	\$7,786,261	\$11,500,126	\$3,713,865	32%	\$26,265,790	\$27,611,347	28%	
Other Costs	\$2,668,184	\$3,792,384	\$1,124,200	30%	\$7,649,947	\$7,426,904	36%	
Borrowing Costs	\$826,705	\$1,113,837	\$287,132	26%	\$2,674,278	\$2,674,278	31%	
Overheads	\$1,988,885	\$2,465,075	\$476,190	19%	\$5,918,547	\$5,918,547	34%	See individual funds for commentary specific to that fund
Depreciation	\$6,398,380	\$6,769,015	\$370,635	5%	\$16,252,138	\$16,252,138	39%	
Total Expenses	\$26,399,407	\$33,208,043	\$6,808,636	21%	\$76,762,805	\$78,052,737	34%	
Result	\$24,213,519	\$21,322,722	\$2,890,797		\$1,826,081	\$1,845,819		

Muswellbrook Shire Council

Financial Report - November 2024



General Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
Revenue	YTD				Full Year			
Rates and Charges	\$27,193,653	\$27,115,706	\$77,947	0%	\$26,686,004	\$27,115,706	100%	
User Charges and Fees	\$2,689,831	\$3,584,453	(\$894,622)	-25%	\$8,598,475	\$8,606,129	31.25%	*Rates and charges budgets are allocated and levied in July.
Interest and Investments Revenues	\$1,512,147	\$1,067,364	\$444,783	42%	\$2,562,699	\$2,562,699	59%	
Other Revenues	\$784,730	\$1,075,251	(\$290,521)	-27%	\$2,541,456	\$2,581,634	30%	*Overall revenue is short of YTD budgets by 7%. Under user charges and fees, deficit is due to budget for transport NSW works program, which is expected to be received later.
Operating Grants and Contributions	\$2,994,767	\$4,108,371	(\$1,113,604)	-27%	\$9,597,109	\$9,864,036	30%	
Internal Revenue	\$1,988,884	\$2,850,000	(\$861,116)	-30%	\$6,192,736	\$6,842,736	29%	
Total Revenue	\$37,164,012	\$39,801,144	(\$2,637,132)	-7%	\$56,178,479	\$57,572,940	65%	
Expenses								
Wages and Salaries	\$5,885,461	\$6,450,448	\$564,987	9%	\$15,319,851	\$15,487,269	38.00%	
Materials and Contracts	\$6,031,311	\$9,306,289	\$3,274,978	35%	\$20,970,931	\$22,344,030	27%	
Other Costs	\$1,859,874	\$2,640,086	\$780,212	30%	\$5,339,245	\$5,173,451	35.95%	Overall costs are 33 % against annual budgets. Insurance cost under other costs is allocated and expended in July.
Borrowing Costs	\$56,204	\$317,484	\$261,280	82%	\$762,266	\$762,266	7%	
Overheads	\$929,629	\$958,365	\$28,736	3%	\$2,300,997	\$2,300,997	40%	
Depreciation	\$4,468,523	\$4,783,304	\$314,781	7%	\$11,484,523	\$11,484,523	39%	
Total Expenses	\$19,231,002	\$24,455,975	\$5,224,973	21%	\$56,177,813	\$57,552,536	33%	
Result	\$17,933,010	\$15,345,169	\$2,587,841		\$666	\$20,404		

Muswellbrook Shire Council

Financial Report - November 2024



Water Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$2,378,467	\$2,379,111	(\$644)	0%	\$2,379,111	\$2,379,111	100%	
User Charges and Fees	\$1,301,509	\$2,265,800	(\$964,291)	-43%	\$5,440,096	\$5,440,096	24%	*Rates and charges budgets are allocated and levied in July.
Interest and Investments Revenues	\$338,082	\$265,498	\$72,584	27%	\$637,451	\$637,451	53%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	*Water User Charges and Fees revenue show an unfavourable variance, due to water billing cycles. The first water account has been raised in Sep 24. The second water account will be raised in Jan 2025.
Operating Grants and Contributions	\$1,750	\$15,942	(\$14,192)	-89%	\$38,277	\$38,277	5%	
Internal Revenue	\$0	(\$171,838)	\$171,838	-100%	(\$412,576)	(\$412,576)	0%	
Total Revenue	\$4,019,808	\$4,754,514	(\$734,706)	-15%	\$8,082,359	\$8,082,359	50%	
Expenses								
Wages and Salaries	\$523,071	\$608,147	\$85,076	14%	\$1,460,138	\$1,460,138	36%	
Materials and Contracts	\$933,072	\$1,023,968	\$90,896	9%	\$2,458,506	\$2,458,506	38%	
Other Costs	\$97,422	\$260,216	\$162,794	63%	\$541,556	\$541,556	18%	* Overall, costs show a favourable variance sitting at 37% against annual budgets.
Borrowing Costs	\$0	\$0	\$0	0%	\$0	\$0	0%	
Overheads	\$503,186	\$502,986	(\$200)	0%	\$1,207,649	\$1,207,649	42%	
Depreciation	\$880,118	\$909,207	\$29,089	3%	\$2,182,969	\$2,182,969	40%	
Total Expenses	\$2,936,869	\$3,304,524	\$367,655	11%	\$7,850,818	\$7,850,818	37%	
Result	\$1,082,939	\$1,449,990	(\$367,051)		\$231,541	\$231,541		

Muswellbrook Shire Council

Financial Report - November 2024



Sewer Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
Revenue	YTD				Full Year			
Rates and Charges	\$6,377,862	\$6,928,519	(\$550,657)	-8%	\$6,928,519	\$6,928,519	92%	*Rates and charges budgets are allocated and levied in July. However non residential sewer charges are expected to be received throughout the year.
User Charges and Fees	\$178,710	\$193,880	(\$15,170)	-8%	\$465,498	\$465,498	38%	
Interest and Investments Revenues	\$179,267	\$128,998	\$50,269	39%	\$309,719	\$309,719	58%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	(\$70,634)	\$70,634	-100%	(\$169,589)	(\$169,589)	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$6,735,839	\$7,180,763	(\$444,924)	-6%	\$7,534,147	\$7,534,147	89%	
Expenses								
Wages and Salaries	\$266,980	\$397,975	\$130,995	33%	\$955,523	\$955,523	28%	* Overall, costs show a favourable variance sitting at 28% against annual budgets.
Materials and Contracts	\$349,442	\$665,119	\$315,677	47%	\$1,596,924	\$1,596,924	22%	
Other Costs	\$264,267	\$396,698	\$132,431	33%	\$817,889	\$817,889	32%	
Borrowing Costs	\$245,410	\$244,524	(\$886)	0%	\$587,093	\$587,093	42%	
Overheads	\$40,194	\$488,053	\$447,859	92%	\$1,171,795	\$1,171,795	3%	
Depreciation	\$970,573	\$997,370	\$26,797	3%	\$2,394,646	\$2,394,646	41%	
Total Expenses	\$2,136,866	\$3,189,739	\$1,052,873	33%	\$7,523,870	\$7,523,870	28%	
Result	\$4,598,973	\$3,991,024	\$607,949		\$10,277	\$10,277		

Muswellbrook Shire Council

Financial Report - November 2024



Future Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
Revenue	YTD				Full Year			
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$2,692,987	\$2,793,677	(\$100,690)	-4%	\$6,790,259	\$6,707,508	40%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	* The revenue is having a deficit from lease rentals and usage charges expected to be recovered later.
Other Revenues	\$280	\$667	(\$387)	-58%	\$3,642	\$1,602	17%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$2,693,267	\$2,794,344	(\$101,077)	-4%	\$6,793,901	\$6,709,110	40%	
Expenses								
Wages and Salaries	\$55,480	\$111,036	\$55,556	50%	\$266,593	\$266,593	21%	
Materials and Contracts	\$472,436	\$504,751	\$32,315	6%	\$1,239,429	\$1,211,887	39%	
Other Costs	\$446,621	\$495,383	\$48,762	10%	\$951,257	\$894,008	50%	* Overall, costs show a favourable variance sitting at 41% against YTD budgets.
Borrowing Costs	\$525,091	\$551,829	\$26,738	5%	\$1,324,919	\$1,324,919	40%	
Overheads	\$515,876	\$515,671	(\$205)	0%	\$1,238,106	\$1,238,106	42%	
Depreciation	\$79,166	\$79,135	(\$31)	0%	\$190,000	\$190,000	42%	
Total Expenses	\$2,094,670	\$2,257,805	\$163,135	7%	\$5,210,304	\$5,125,513	41%	
Result	\$598,597	\$536,539	\$62,058		\$1,583,597	\$1,583,597		

Muswellbrook Shire Council
Financial Report - November 2025
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	Sep Review Change	September Review Budget	YTD % Spend	Over Budget	Comments
General Fund Projects								
Planning, Community and Corporate Services Projects								
Adventure Playground - Wollombi Road	25,139	21,200	21,200	2,800	24,000	119%	(1,139)	
Aquatic Centres Programme	143,254	89,953	409,953	-	409,953	35%		
Art Acquisitions	8,039	-	70,000	-	70,000	11%		
Art Centre Offsite Storage	-	-	821,893	-	821,893	0%		
Buildings New and Replacement	41,651	1,523,248	2,023,248	(250,000)	1,773,248	2%		
Bushfire Assets	-	-	-	-	-	0%		
Capital Works Contingency	25	-	130,000	-	130,000	0%		
CBD Stage 7 (Town Centre)	-	-	-	-	-	0%		
Civic Precinct (Town Square)	210,200	1,705,062	3,085,362	-	3,085,362	7%		
Corporate Services General Programme	-	-	-	-	-	0%		
COVID 19	70,701	-	142,749	-	142,749	50%		
Denman Childrens Centre - Expansion (Contribution)	-	-	-	-	-	0%		
Denman Heritage Shed	-	-	-	-	-	0%		
Denman Netball Courts	-	-	280,173	(280,173)	-	0%		
Denman Tourist Park	44,798	-	546,766	-	546,766	8%		
Future Fund Contribution	-	-	775,000	-	775,000	0%		
General Design Program	-	45,513	95,513	-	95,513	0%		
Hunter Beach	-	10,161	10,161	-	10,161	0%		
Information Technology Strategy	12,856	-	200,000	-	200,000	6%		
Karoola Park Citizens Walk Pathway	-	9,004	9,004	-	9,004	0%		
Karoola Park-Community Assets Program (CAP)	3,572	-	-	1,569,375	1,569,375	0%		
Library Books General Capital Purchases (General)	11,943	18,403	108,403	-	108,403	11%		
Library Subsidy Projects	30,840	106,668	106,668	-	106,668	29%		
Local Priority Grant	14,791	61,943	72,943	-	72,943	20%		
Loan - Staff Housing	16,671	-	40,013	-	40,013	42%		
Loan - 140 Bridge Street	-	-	5,414	-	5,414	0%		
Loan - 88 Bridge Street	-	-	54,210	-	54,210	0%		
Loan - Campbells Corner	-	-	225,180	-	225,180	0%		
Loan - Donald Home	-	-	229,044	-	229,044	0%		
Major Landcare Projects	44,479	-	75,000	-	75,000	59%		
Muscle Creek Catchment Strategy	340	82,081	82,081	-	82,081	0%		
Muscle Creek Emergency Stabilisation	-	-	250,000	-	250,000	0%		
Purchase Paxton Street Denman	-	-	-	-	-	0%		
Mbk and Dnm Indoor Sports Centre Upgrades	-	-	-	-	-	0%		
MSC Depot	-	-	-	-	-	0%		
Olympic Park Project	90	459,362	5,064,705	-	5,064,705	0%		
Performance and Convention Centre	7,257	502,747	3,102,747	-	3,102,747	0%		
Public Art Sculpture	-	-	-	-	-	0%		
Purchase of Land - Companion Animal Impounding Facilit	8,626	-	150,000	-	150,000	6%		
Recreation Capital Works	736,201	891,888	1,266,888	(2,800)	1,264,088	58%		
Resources for Regions 9 - Denman Rec Area	90,464	1,832,546	1,832,546	613,517	2,446,063	5%		
Resources for Regions 9 - Depot	67,098	313,714	4,513,714	-	4,513,714	1%		
Resources for Regoins 9 - Campbells Corner	25,480	167,521	867,521	-	867,521	3%		
STEM Equipment Replacement	-	140,324	250,324	-	250,324	0%		
Simpson Park	-	-	403,871	-	403,871	0%		
Waste Flip Screen	-	102,960	102,960	-	102,960	0%		
Sport and Rereation Small Capital Grants Program	-	-	-	-	-	0%		
Total Planning, Community and Corporate Services	1,614,515	8,084,298	27,425,254	1,652,719	29,077,973	6%	(1,139)	

Muswellbrook Shire Council
Financial Report - November 2025
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	Sep Review Change	September Review Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects								
Bridge St Footpath	17,281	-	69,926	-	69,926	25%		
Bridges Renewal Programme	-	92,496	342,496	-	342,496	0%		
Carpark Renewal Programme	-	-	100,000	-	100,000	0%		
CPTIGS - Bus Shelter	-	198,916	198,916	-	198,916	0%		
Drainage	-	-	-	-	-	0%		
Drainage Devices Programme	24,499	-	500,000	-	500,000	5%		
Dry Creek Road-Replacement of Road Causeway	12,493	-	-	705,157	705,157	0%		
Flood Warning Systems	61,690	147,856	147,856	-	147,856	42%		
FOGO - Design and EIS	-	-	-	-	-	0%		
Footpath and Cycleway Renewal Programme	181,135	-	200,000	-	200,000	91%		
Heavy Patching Programme	254,955	-	750,000	(33,056)	716,944	34%		
Hunter Beach to CBD Pathway	-	-	600,000	-	600,000	0%		
Kamilaroi, Cassidy, Thompson Shared Path	-	-	-	100,625	100,625	0%		
Palace Street Rehabilitation	-	-	-	1,510,954	1,510,954	0%		
Resilience Works Karoola Park	12,640	443,014	443,014	-	443,014	3%		
Kerb and Gutter Replacement Programme	181,196	-	535,000	-	535,000	34%		
Kirk and Peberdy Bridges	-	-	-	-	-	0%		
Large Plant Items	72,718	1,223,878	1,923,878	-	1,923,878	4%		
Leachate Dam	-	25,795	475,795	-	475,795	0%		
LISF - Roads Infrastructure Backlog	-	-	-	-	-	0%		
ARGN 960 Natural Disaster Event - Baerami Creek Caus	-	672,039	672,039	-	672,039	0%		
New Footpath and Cycleway Programme	-	-	145,000	-	145,000	0%		
Purchase of Vehicles	235,380	207,993	607,993	-	607,993	39%		
Rainbow Creek Bridge	6,647	274,687	374,687	291,426	666,113	2%		
Regional Road Renewal Programme	-	-	69,000	-	69,000	0%		
Resources for Regions - Round 5	-	-	-	-	-	0%		
Resources for Regions- Round 7	461,471	828,733	828,733	-	828,733	56%		
Resources for Regions 9	1,259,101	1,687,822	1,687,822	-	1,687,822	75%		
Road Resealing Programme	213,312	-	1,000,000	-	1,000,000	21%		
Roads Capital Contingency	-	-	150,000	-	150,000	0%		
Roads to Recovery Program	212,643	577,898	1,155,796	(404,526)	751,270	18%		
Rosebrook Bridge	-	-	-	-	-	0%		
Rural Road Regravelling Programme	19,582	-	250,000	-	250,000	8%		
Rural Road Renewal Programme	301,960	264,886	764,886	-	764,886	39%		
Safety Device Renewal Programme	-	-	-	-	-	0%		
Stormwater Drainage (new)	-	-	150,000	-	150,000	0%		
Transport Vehicles	157,266	160,000	360,000	-	360,000	44%		
Urban Road Renewal Programme	290,495	355,132	755,132	-	755,132	38%		
Victoria Street Rehab	-	-	-	-	-	0%		
Widden Creek Stabilisation Works	-	144,880	144,880	-	144,880	0%		
Widden Bridge/Traffic Singals/Kenilworth St	-	-	90,250	-	90,250	0%		
Wilkinson Bridge	46,725	-	112,617	-	112,617	41%		
Yarraman Road Upgrade	2,280	71,882	71,882	-	71,882	3%		
Footpath - Turtle St Denman	-	-	-	-	-	0%		
Total Roads and Drainage	4,025,469	7,377,907	15,677,598	2,170,580	17,848,178	26%	-	
Total General Fund	5,639,984	15,462,205	43,102,852	3,823,299	46,926,151	13%	(1,139)	

Muswellbrook Shire Council
Financial Report - November 2025
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	Sep Review Change	September Review Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects								
Donald Horne Building	-	-	-	-	-	0%		
Brook Street Plaza	31,246	-	74,993	-	74,993	42%		
Town Education Campus	20,831	-	49,995	-	49,995	42%		
Seven Hills	-	-	446,776	-	446,776	0%		
Marketplace	-	-	-	-	-	0%		
Renewal of Existing Assets/New Acquisitions	264,925	264,618	665,412	-	665,412	40%		
Throsby ACT	216,666	-	520,000	-	520,000	42%		
Upgrade of Loxton House	-	-	-	-	-	0%		
Total Future Fund	533,668	264,618	1,757,176	-	1,757,176	30%	-	
Sewer Fund								
Access & Security Improvements RWTW	13,500	-	150,000	-	150,000	9%		
Mains Renewal and Replacement	7,206	-	200,000	-	200,000	4%		
Operations Contingency Project	14,316	-	50,000	-	50,000	29%		
Sewer Plant and Equipment	-	80,000	180,000	-	180,000	0%		
Solar Array	-	699,622	699,622	-	699,622	0%		
System Plant Asset Renewals	30,286	108,017	528,017	-	528,017	6%		
Transportation System Improvement	140,041	95,964	595,964	-	595,964	23%		
Loan - Sewer RWTW	292,226	-	712,698	-	712,698	41%		
Upgrade Sewer Pump Station 1	-	87,094	1,987,094	-	1,987,094	0%		
CCTV Inspection on of Mains	-	-	-	-	-	0%		
Skellatar Main	-	-	104,299	-	104,299	0%		
Total Sewer Fund	497,293	1,070,697	5,207,694	-	5,207,694	10%	-	

Muswellbrook Shire Council
Financial Report - November 2025
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	Sep Review Change	September Review Budget	YTD % Spend	Over Budget	Comments
Water Fund								
Asbestos, Earthworks, Security	11,993	-	150,000	-	150,000	8%		
Laboratory Equipment	10,110	-	20,000	-	20,000	51%		
Mains Renewal and Replacement (inc Carryover)	177,391	390,285	890,285	-	890,285	20%		
Office Upgrade	-	-	-	-	-	0%		
Operations Contingency Project	-	-	50,000	-	50,000	0%		
Replacement of Water Meters Programme	32,530	-	65,000	-	65,000	50%		
GLE Pipeline	5,358	1,362,625	18,362,625	(17,000,000)	1,362,625	0%		
South Muswellbrook Reservoir	-	-	-	-	-	0%		
System Plant Asset Renewals	104,514	331,398	881,398	-	881,398	12%		
Upgrade Fluoride Dosing System WTP	-	150,598	150,598	-	150,598	0%		
Vehicle-Equipment Replacement	32,354	65,000	165,000	-	165,000	20%		
Water Stop Valve Replacement	11,150	-	200,000	-	200,000	6%		
Total Water Fund	385,400	2,299,906	20,934,906	(17,000,000)	3,934,906	2%	-	
Consolidated Total	7,056,345	19,097,426	71,002,628	- 13,176,701	57,825,927	10%	(1,139)	

Debtor Balances as at 30 November 2024

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$83,571	\$59,421	\$5,569	\$11,789	\$240,415	\$400,765
Inspection Fees	\$21,379	\$0	\$0	\$0	\$0	\$21,379
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$3,060	\$3,060
Council Properties - Future Fund *	\$14,621	\$25,732	\$51,257	\$63,861	(\$9,832)	\$145,639
Council Properties - Marketplace *	\$153,137	\$18,524	(\$2,095)	\$103,412	(\$4,730)	\$268,248
Council Properties - Education Fund	\$4,811	\$0	\$0	\$10,681	\$94,524	\$110,016
Recreation	\$881	\$0	(\$396)	\$741	\$7,843	\$9,069
Sundries**	\$66,002	(\$6,718)	(\$4,357)	\$247,920	\$954,040	\$1,256,887
Water Tanker Sales	\$25,516	\$1,115	\$1,055	\$755	\$16,190	\$44,632
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$22,487	\$8,473	\$0	\$0	\$35,025	\$65,985
GST Tax Debtor	(\$103,667)	\$0	\$0	\$104,013	\$164,444	\$164,790
TOTAL	\$289,080	\$106,547	\$51,032	\$543,172	\$1,500,980	\$2,490,811

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



10.4. Community and Economy

10.4.1. Draft Awarding of Grants and Contributions Policy for Public Exhibition

Responsible Officer: Shaelee Welchman - Director - Community & Economy

Author: Director - Community & Economy

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.5 - Implement a comprehensive and targeted business improvement program.

Operational Plan Action: 6.2.5.3 - Develop and review policies in accordance with statutory and operational requirements.

Attachments:

1. DRAFT Awarding of Grants and Contributions Policy MSC072E [10.4.1.1 - 11 pages]
2. DRAFT Awarding of Grants and Contributions Policy MSC072E CLEAN VERSION [10.4.1.2 - 7 pages]
3. DRAFT Community Grants and Contributions Guidelines [10.4.1.3 - 5 pages]
4. DRAFT Community Grants and Contributions Guidelines CLEAN VERSION [10.4.1.4 - 4 pages]

PURPOSE

To request Council's endorsement to place the attached *Draft Awarding of Grants and Contributions Policy* on public exhibition as notice of intention to adopt.

OFFICER'S RECOMMENDATION

1. Council provides notice of intention to adopt the *Draft Awarding of Grants and Contributions Policy*, by placing it on public exhibition via Council's website for a period of 42 days; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

Council's adopted *Awarding of Sponsorships, Grants and Contributions Policy* has been split into two policies to separate sponsorships and grants. The *Draft Awarding of Grants and Contributions Policy* has been completely rewritten to align with the requirements of Council and to assist applicants in applying for grants. The sponsorship policy is still being rewritten and will be reported on in the new year.

Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.



PREVIOUS RESOLUTIONS

The *Awarding of Sponsorships, Grants and Contributions Policy* was adopted by Council on 27 February 2024.

BACKGROUND

Council's adopted *Awarding of Sponsorships, Grants and Contributions Policy* was written to make the process for applications set to a specific timeframe for applications. Feedback from the community and staff has been received and the current process is not as effective or use friendly as is desired. The set timeframes make it hard for the community to meet the application periods. A rewrite of the grants policy and community grants guidelines was required to offer support to the community from Council's grants program.

CONSULTATION

Director Community and Economy

Legal Counsel

Manager Governance and Risk

Grants and Community Engagement Advisor

Business Improvement Officers

Manex – 2 December 2024

REPORT

A review of the *Awarding of Sponsorship, Grants and Contributions Policy* has been conducted, and it has been decided to split the policy into two policies: an *Awarding of Sponsorship Policy* and an *Awarding of Grants and Contributions Policy*. Splitting the policies allows for an equitable and transparent process for Council's sponsorships and grants programs.

The *Draft Awarding of Grants and Contributions Policy* (attachment 1) and the *Community Grants and Contributions Guidelines* (attachment 3) have been rewritten to allow for the grants and contributions program to be open all year round, unless the funds are exhausted or there is a need for Council to close the program.

Additional versions that incorporate all proposed edits into a clean, finalised document of the *Draft Awarding of Grants and Contributions Policy* (attachment 2) and the *Community Grants and Contributions Guidelines* (attachment 4) are attached to this report for ease of reading.

The *Draft Awarding of Sponsorship Policy* is still under review and will be reported to Council in the near future. The Sponsorship Program is not anticipated to open for applications in the next few months.

On 2 December 2024, Manex endorsed the *Draft Awarding of Grants and Contributions Policy* to be submitted to Council for Public Exhibition.

It is recommended that the *Draft Awarding of Grants and Contributions Policy* be publicly exhibited for 42 days as notice of intention to adopt. Public Exhibition of policies is usually 28 days, however, a longer period of 42 days is proposed due to the public exhibition occurring during the Christmas holiday period.

FINANCIAL CONSIDERATIONS

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



POLICY IMPLICATIONS

This policy was reviewed to simplify the process for applying to Council for a grant or contribution.

STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

RISK MANAGEMENT IMPLICATIONS

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

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

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 42 days via Council's website will provide the community with an opportunity to make submissions.



**muswellbrook
shire council**

DRAFT Awarding of ~~Sponsorship~~, Grants and Contributions Policy

MSC0725E

Authorisation Details

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

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

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

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1. Policy Objective

The objectives of this policy are to:

- provide a framework for the establishment and management of Muswellbrook Shire Council's (Council) Community Grants and Contributions program in accordance with section 356 and section 377 of the Local Government Act 1993 (NSW).
- support the delivery of community driven outcomes and benefits aligned with the Community Strategic Plan for the benefit of residents of the Muswellbrook Shire Local Government Area (LGA).
- provide clear guidelines on the criteria by which community grant and contribution applications will be assessed and funding allocations, fee waiving and in-kind support determined.
- provide an equitable, open, and transparent process which allows Council to conduct a meaningful comparison of requests for grant funding and contributions.
- provide community not-for-profit groups and individuals with financial and in-kind support to meet identified community needs.

This policy is to be read in conjunction with the supporting grant guidelines. This policy and the supporting guidelines determine the types of organisations and industries or individuals that Council considers appropriate to partner with through grant funding and contributions.

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

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

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

2. Risks being addressed

This policy outlines principles on the allocation of funds, fee waiving and in-kind support, thereby mitigating the risk of misappropriation of Council resources and ensuring an equal opportunity and transparent process.

3. Scope

This policy applies to all Council staff and Councillors, and regulates all the entire sponsorship, grants, and other contributions awarded by Council to third parties listed in section 8.3 or as determined by Council.

Council departments which that provide any type of sponsorships, grants, or contributions from their operational budgets also must comply with the principles outlined in this Policy. The Policy is created to facilitate Council's functions subject to s356 of the Act.

This policy does not apply to Council sponsorships.

4. Definitions

Term	Definition
Acquittal	A report submitted as per the sponsorship grant or contributions terms and conditions at the conclusion of an event/activity/project detailing how the recipient administered the sponsorship funds and met the activity outcomes in the terms and conditions.
Council	Muswellbrook Shire Council
Community Strategic Plan (CSP)	The Community Strategy Plan describes the community's vision and aspirations for a period of ten or more years. Further information on Muswellbrook's CSP is available on Council's website: https://www.muswellbrook.nsw.gov.au/council-integrated-planning-overview/
Contributions	Contributions include fee waiving and in-kind assistance and other cost that Council may incur or forgoes. Financial or in-kind assistance given to help the community to conduct activities, build capacity, host events, and build strong partnerships with Council. Contributions include fee waiving and in-kind assistance
Fee Waiving	Council fees and charges waived and nil \$0 amount or reduced amount applicable applied. <i>Any financial assistance granted to offset or subsidise Council fees or charges is consistent with the requirements of s610E and s610F of the Local Government Act.</i>
Grants	Financial assistance to not-for-profit organisations and individuals , not-for-profit community groups and organisations that work towards enhancing the environmental, social, cultural, and recreational well-being of the communities of Muswellbrook Shire.
Grant and Contribution Terms and Conditions	Clearly defined roles and responsibilities for both Council and grant and contribution recipients.
In-kind assistance	Assistance in the way of Includes staff time, plant, and equipment or other resources/supplies from Council. This "in-kind" assistance may does not involve a direct cash component, but still has financial consequences and budgetary implications for Council .
Personal Benefit	Something offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment. See Part 6 Personal Benefit of Council's Code of Conduct for further information.

Sponsorship

Sponsorships provided by Muswellbrook Shire Council are not donations but are a commercial arrangement in which Council provides a contribution in money or in kind to support an event/activity/project, in return for certain, specified benefits.

Sponsorship does not include:

- the selling of advertising space;
- joint ventures;
- consultancies;
- grants (with regards to received sponsorship);
- unconditional gifts, donations, bequests, or endowments.

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

5. Policy Statement

5.1 ~~General~~ Principles

Muswellbrook Shire Council commits itself to the following:

Alignment with the Community Strategic Plan (CSP) - This policy and associated guidelines support delivery of the CSP and related documents.

Value with public money and outcomes orientation - This policy supports applications whose outcomes meet community needs and ideally offer a mix of funding sources to help maximise the impact of funding from Council. Value for money and acceptable financial risk for Council, using public funds, is considered as part of Council's assessment criteria.

Accountability and transparency - This policy provides a robust governance framework for the transparent and merit-based provision of support grants and contributions with clearly defined roles and responsibilities for both Council and grant recipients.

Inclusiveness - Council invites and values applications from not-for-profit organisations and individuals and organisations representing people of diverse abilities, genders, ethnicity, cultures, and ages.

Collaboration - Council values the relationships grant recipients develop with Council, other grant recipients and the community. Collaboration enhances positive community outcomes through the delivery of initiatives funded by Council.

5.2 Assessment of applications

Council or a delegated committee of Council reviews and determines all applications.

Applications will be reviewed and assessed against the following criteria:

- a) alignment of the proposed event/activity/project to the themes in the Muswellbrook Shire CSP;

- b) level of community interest and/or significance as demonstrated by the applicant;
- c) relevance to the Muswellbrook Shire LGA and/or community;
- d) evidence of match funding where applicable; and
- e) impact, value for money, return on investment and alignment with Council's brand and reputation.

When assessing applications, the following documents will be considered:

- a) Council's Awarding of Grants and Contributions Policy;
- b) The associated grant guidelines; and
- c) the applicant's risk assessment for the event/activity/project.

5.3 Grant and Contributions Terms and Conditions

All grant agreements, must adhere to the following principles:

- Take the form of a written agreement;
- Not infer any real or apparent conflict between the intent and actions of Council;
- Not impose or imply conditions that would limit or appear to limit Council's ability to carry out its functions fully and/or impartially;
- That the grant and/or contribution does not compromise or question the integrity of Council operations;
- Be formed in based on public accountability and transparency with clear statements of objectives and benefits negotiated;
- Council considers the value for money received in return for Council's investment in the grant and/or contribution; and
- Grants and/or contributions will not include Council's explicit endorsement of the organisation or the organisation's activities or product.

- a) ~~This policy outlines the administration for sponsorships, grants, and contributions to eligible applicants.~~
- b) ~~Eligible applicants include registered not-for-profit or charity and other incorporated bodies, where in the Council's opinion, the applications demonstrate a community need which are in line with Council's Community Strategic Plan.~~
- e) ~~Applications should have high community engagement, focusing on supporting local organisations, businesses, and residents, and will be assessed against the suitability, risks, appropriateness, and potential economic, social, and cultural benefits to the community.~~
- d) ~~Council will only provide financial assistance to incorporated organisations. Unincorporated organisations (or groups of individuals) will need to be auspiced by an organisation that is incorporated or under another legal structure.~~
- e) ~~Organisations are required to have in place current Public Liability insurance to the value of \$20 million.~~

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

~~4.1 Acknowledgement of Council's awarding of sponsorship, grants and contributions~~

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

~~I. Early termination of the Agreement; and/or~~

~~II. Excluding the third party from future consideration for sponsorships, grants, or contributions from Council.~~

Acquittal process

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

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

Evaluation

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

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

5.6. Roles, Responsibilities, and Delegations

All applications are reviewed by Council or a delegated committee of Council Council's Grants Review Committee.

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

Role	Responsibility
Muswellbrook Shire Council	Annually determines the budget allocated to the grants and contributions program.
A delegated committee of Council	Under section 377 of the <i>Local Government Act 1993</i> (NSW), a committee of Council may be delegated authority to approve a grant or contribution as part of the grants and contributions program.
General Manager	Under section 377 of the <i>Local Government Act 1993</i> (NSW), the General Manager may be delegated authority to approve a grant or contribution as part of the grants and contributions program.
Director Community and Economy	Review and publish the grants and contributions program, including the policy and guidelines.
Sponsorship Grants or contributions recipients	Comply with this policy and the grant guidelines, as well as any conditions of the Grant and Contribution Terms and Conditions.

6.7. Dispute Resolution

The General Manager is the interpreter of this policy and shall be the sole arbiter in respect to the application of this Policy.

7.8. Related Documents

8.1 8.1 Legislation and Guidelines

Local Government Act 1993

Local Government (General) Regulation 2021

Doc ID: [933694] Record Number: 24/78822 - DRAFT Awarding of Sponsorship, Grants and Contributions Policy - MSC072E

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Uncontrolled document when printed

Date printed – 11 December 2024

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

8.2 Policies and Procedures

Revenue Policy

Community Strategic Plan

Delivery Plan

Operational Plan

Model Code of Conduct

8.3 Other Supporting Documents

~~Sponsorship~~, Grants and Contributions Application ~~and Agreement~~ Form

[Grant and Contribution Terms and Conditions](#)

~~Sponsorship Guidelines~~

Community Grants ~~and Contributions~~ Guidelines

Sport and Recreation Large Capital Grants Program Guidelines

Sport and Recreation Small Capital Grants Program Guidelines

Muswellbrook Community Sustainable Education Grant Guidelines

Muswellbrook Sustainable Education Grant Application Form

Local Heritage Assistance Fund ~~g~~Guideline

Muswellbrook Shire Council's Landcare ~~G~~grants

Sustainable Event Management Procedure and Checklist

Post Event Evaluation and Reporting

Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
V1	08/03/2004		
V2	11/10/2004		
V3	14/11/2005		
V4	13/05/2013		Waiving User Hire Fees and Development Application Fees for Charitable organisations
V5	14/02/2017		
V6	11/06/2019	Joshua Brown	Significant rewrite. Adopted by Council 11/06/2019, Minute No. 325.
V7	03/10/2023	Policy review group	Significant rewrite and separation of awarding and seeking sponsorship policy. Policy renamed from <i>Financial Assistance and Sponsorship Policy</i> to <i>Awarding of Sponsorship, Grants and Contributions Policy</i> .

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			Public exhibition of draft policy 30/11/2023 – 04/01/2024. Adopted by Council on 27/02/2024, Minute No. 295.
<u>V8</u>	<u>29/11/2024</u>	<u>Policy review group</u>	<u>Significant rewrite and separation of sponsorship and grants into individual policies.</u>



DRAFT Awarding of Grants and Contributions Policy

MSC072E

Authorisation Details

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

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

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

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1. Policy Objective

The objectives of this policy are to:

- provide a framework for the establishment and management of Muswellbrook Shire Council's (Council) Community Grant and Contribution program in accordance with section 356 and section 377 of the Local Government Act 1993 (NSW).
- support the delivery of community driven outcomes and benefits aligned with the Community Strategic Plan for the benefit of residents of the Muswellbrook Shire Local Government Area (LGA).
- provide clear guidelines on the criteria by which community grant and contribution applications will be assessed and funding allocations, fee waiving and in-kind support determined.
- provide an equitable, open, and transparent process which allows Council to conduct a meaningful comparison of requests for grant funding and contributions.
- provide not-for-profit groups and individuals with financial and in-kind support to meet identified community needs.

This policy is to be read in conjunction with the supporting grant guidelines. This policy and the supporting guidelines determine the types of organisations and individuals that Council considers appropriate to partner with through grant funding and contributions.

2. Risks being addressed

This policy outlines principles on the allocation of funds, fee waiving and in-kind support, thereby mitigating the risk of misappropriation of Council resources and ensuring an equal opportunity and transparent process.

3. Scope

This policy applies to all Council staff and Councillors and regulates all grants and contributions awarded by Council to third parties listed in section 8.3 or as determined by Council.

Council departments which provide any type of grant or contribution from their operational budgets also must comply with the principles outlined in this policy.

This policy does not apply to Council sponsorships.

4. Definitions

Term	Definition
Acquittal	A report submitted as per the grant or contribution terms and conditions at the conclusion of an event/activity/project detailing how the recipient administered the funds and met the activity outcomes in the terms and conditions.
Council	Muswellbrook Shire Council
Community Strategic Plan (CSP)	The Community Strategy Plan describes the community's vision and aspirations for a period of ten or more years. Further information on Muswellbrook's CSP is available on Council's website: https://www.muswellbrook.nsw.gov.au/council-integrated-planning-overview/
Contributions	Contributions include fee waiving and in-kind assistance and other cost that Council may incur or forgoes.
Fee Waiving	Council fees and charges waived or reduced amount applied. <i>Any financial assistance granted to offset or subsidise Council fees or charges is consistent with the requirements of s610E and s610F of the Local Government Act.</i>
Grants	Financial assistance to not-for-profit organisations and individuals that work towards enhancing the environmental, social, cultural, and recreational well-being of the communities of Muswellbrook Shire.
Grant and Contribution Terms and Conditions	Clearly defined roles and responsibilities for both Council and grant and contribution recipients.
In-kind	Includes staff time, plant, and equipment or other resources/supplies from Council. This "in-kind" assistance does not involve a direct cash component, but has financial implications for Council.
Personal Benefit	Something offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment. See Part 6 Personal Benefit of Council's Code of Conduct for further information.

5. Policy Statement

5.1 Principles

Muswellbrook Shire Council commits itself to the following:

Alignment with the Community Strategic Plan (CSP) - This policy and associated guidelines support delivery of the CSP and related documents.

Value with public money and outcomes orientation - This policy supports applications whose outcomes meet community needs and ideally offer a mix of funding sources to help maximise the impact of funding from Council. Value for money and acceptable financial risk for Council, using public funds, is considered as part of Council's assessment criteria.

Accountability and transparency - This policy provides a robust framework for the transparent and merit-based provision of grants and contributions with clearly defined roles and responsibilities for both Council and grant recipients.

Inclusiveness - Council invites and values applications from not-for-profit organisations and individuals representing people of diverse abilities, genders, ethnicity, cultures, and ages.

Collaboration - Council values the relationships grant recipients develop with Council, other grant recipients and the community. Collaboration enhances positive community outcomes through the delivery of initiatives funded by Council.

5.2 Assessment of applications

Council or a delegated committee of Council reviews and determines all applications.

Applications will be reviewed and assessed against the following criteria:

- a) alignment of the proposed event/activity/project to the themes in the Muswellbrook Shire CSP;
- b) level of community interest and/or significance as demonstrated by the applicant;
- c) relevance to the Muswellbrook Shire LGA and/or community;
- d) evidence of match funding where applicable; and
- e) impact, value for money, return on investment and alignment with Council's brand and reputation.

When assessing applications, the following documents will be considered:

- a) Council's Awarding of Grants and Contributions Policy;
- b) The associated grant guidelines; and
- c) the applicant's risk assessment for the event/activity/project.

5.3 Grant and Contribution Terms and Conditions

All grant agreements, must adhere to the following principles:

- Take the form of a written agreement;
- Not infer any real or apparent conflict between the intent and actions of Council;
- Not impose or imply conditions that would limit or appear to limit Council's ability to carry out its functions fully and/or impartially;

- The grant and/or contribution does not compromise or question the integrity of Council operations;
- Be based on public accountability and transparency with clear statements of objectives and benefits negotiated;
- Council considers the value for money received in return for Council's investment in the grant and/or contribution; and
- Grants and/or contributions will not include Council's explicit endorsement of the organisation or the organisation's activities or product.

6. Roles, Responsibilities, and Delegations

Council or a delegated committee of Council has delegation to recommend the approval or rejection of applications for grants and contributions.

Role	Responsibility
Muswellbrook Shire Council	Annually determines the budget allocated to the grants and contributions program.
A delegated committee of Council	Under section 377 of the <i>Local Government Act 1993</i> (NSW), a committee of Council may be delegated authority to approve a grant or contribution as part of the grants and contributions program.
General Manager	Under section 377 of the <i>Local Government Act 1993</i> (NSW), the General Manager may be delegated authority to approve a grant or contribution as part of the grants and contributions program.
Director Community and Economy	Review and publish the grants and contributions program, including the policy and guidelines.
Grants or contributions recipients	Comply with this policy and the grant guidelines, as well as any conditions of the Grant and Contribution Terms and Conditions.

7. Dispute Resolution

The General Manager is the interpreter of this policy and shall be the sole arbiter in respect to the application of this Policy.

8. Related Documents

8.1 Legislation and Guidelines

Local Government Act 1993

Local Government (General) Regulation 2021

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

8.2 Policies and Procedures

Revenue Policy

Community Strategic Plan

Delivery Plan

Operational Plan

Model Code of Conduct

8.3 Other Supporting Documents

Grants and Contributions Application Form

Grant and Contribution Terms and Conditions

Community Grants and Contributions Guidelines

Sport and Recreation Large Capital Grants Program Guidelines

Sport and Recreation Small Capital Grants Program Guidelines

Muswellbrook Community Sustainable Education Grant Guidelines

Muswellbrook Sustainable Education Grant Application Form

Local Heritage Assistance Fund Guideline

Muswellbrook Shire Council's Landcare Grants

Sustainable Event Management Procedure and Checklist

Post Event Evaluation and Reporting

Version History

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

Version No.	Date changed	Modified by	Amendments/Previous adoption details
V1	08/03/2004		
V2	11/10/2004		
V3	14/11/2005		
V4	13/05/2013		Waiving User Hire Fees and Development Application Fees for Charitable organisations
V5	14/02/2017		
V6	11/06/2019	Joshua Brown	Significant rewrite. Adopted by Council 11/06/2019, Minute No. 325.
V7	03/10/2023	Policy review group	Significant rewrite and separation of awarding and seeking sponsorship policy. Policy renamed from <i>Financial Assistance and Sponsorship Policy</i> to <i>Awarding of Sponsorship, Grants and Contributions Policy</i> . Public exhibition of draft policy 30/11/2023 - 04/01/2024. Adopted by Council on 27/02/2024, Minute No. 295.
V8	29/11/2024	Policy review group	Significant rewrite and separation of sponsorship and grants into individual policies.

DRAFT Community Grants and Contributions Guidelines

1. Introduction

1.1. Muswellbrook Shire Council (Council) offers community grants and contributions opportunities, both financial and in-kind. This document outlines the guidelines and process required to apply for a community grant or contribution from Council through the grants and contributions program.

2. Community grants and contributions provide financial assistance to individuals, not-for-profit community groups and individuals, and organisations that work towards enhancing the social, cultural and recreational well-being of the communities of Muswellbrook Shire.

1.2.

2.1. Community grants and contributions will be provided on a one-off basis and no guarantee is made for future grants beyond the term described in the relevant funding agreement.

There will be two funding rounds each year and the number and value of grants given in any funding period is subject to the total annual funding pool. The next application round will open on Thursday, 29 February 2024 and close at 5 pm on Friday, 29 March 2024.

2. Eligibility Criteria

2.1. Council prioritises grant funding within its available budget. Council's allocation of funding available for community grants and contributions is reviewed annually as part of Council's budgeting preparation and approval. Therefore, allocations may vary from year to year according to the priorities adopted by Council.

2.2. There is no guarantee of funding even if all eligibility criteria are met.

2.3. Council may accept community grant and contributions applications from the following entities: Company Limited by Guarantee, Cooperative, Incorporated Association, Indigenous Corporation, Not-for-profit organisation Partnership, Charity, Social Enterprise, Proprietary Limited Company and Individuals.

2.4. Council preference is to will only provide financial assistance to incorporated organisations. Unincorporated organisations (or groups of individuals) will need to be auspiced by an organisation that is incorporated or under another legal structure. Individuals, where unable to be auspiced by an organisation, will need to provide additional information to facilitate payment.

2.5. Applications will be considered where, in Council's sole opinion, a community need is demonstrated in line with the Muswellbrook Shire Community Strategic Plan.

2.6. Applications should have high community engagement, focusing on supporting local organisations, businesses, and residents, and will be assessed against the suitability, risks, appropriateness, and potential economic, social, and cultural benefits to the community.

2.7. Applications should be for events/activities/projects that will address at least one of the goals outlined in the current Muswellbrook Shire Community Strategic Plan.

2.8. These guidelines also apply to Community Rural Halls funding applications, except where specified.

2.9. Council will only consider grant application with reputable entities whose public image, products and services are consistent with the values, goals and policies of Council.

2.10. Grants are available on a matched funding (dollar for dollar) basis (excluding scholarships and Community Rural Halls applications). In-kind support contributions (donated goods, services or volunteer work to support the project) will be considered.

- 2.11. Council does not support requests for community grants from outside the Muswellbrook Shire local government area unless it can be demonstrated there is a benefit or contribution to the Muswellbrook Shire community.
- 2.12. Applicants, excluding individuals, must provide a current copy of their Certificate of Currency as evidence of public liability cover of a minimum of \$20 million and for a higher risk event/activity/project a minimum of \$50 million.
- 2.13. An application for a community grant or contribution must be received at least one month prior to the event/activity/project. Applications may not be submitted for work that has already taken place.
- 2.14. If the community grant or contribution is for an event/activity/project that requires development consent, approvals must be evidenced before funding will be made available. –
- 2.15. Where an event/activity/project will involve adults working with children, successful applicants must ensure all necessary 'Working with Children' checks are undertaken. The applicant must provide Council with a letter advising of the successful completion and clearance of these checks prior to commencement of the event/activity/project. The letter must be signed by an office bearer of the organisation receiving the community grant or contribution.
- 2.16. No Councillor or employee of Council may seek or receive a personal benefit or be perceived to receive any personal benefit as a result of a community grant or contribution from Council.
- 2.2.2.17. Where the community grant or contribution is intended for an event, applicants should consider Council's Sustainable Event Management Procedure.

3. Unsuitable for Community Grants and Contributions

- 3.1. Applications for the following grant programs are not included in the Communicaty Grants and Contributions program and are funded from separate funding allocation:
- a) Sport and Recreation Large Capital Grants Program
 - b) Sport and Recreation Small Capital Grants Program
 - c) Muswellbrook Community Sustainable Education Grant
 - d) Muswellbrook Sustainable Education Grant
 - e) Local Heritage Assistance Fund
 - f) Muswellbrook Shire Council's Landcare Grants

Capital projects for sporting groups are ineligible not eligible for community grants as funding is available through Council's Small and Large Capital Grants program.

- 3.2. Council does not consider the following persons/entities suitable for grant funding:
- a) those whose services or products are considered to be injurious to health or are seen to be in conflict with policies and responsibilities to the community, such as those involved in the manufacture, distribution and wholesaling of tobacco related products, pornography and addictive drugs;
 - b) guilty of illegal or improper conduct as identified by the ICAC or any similar authority;
 - c) those with a record of unsatisfactory acquittal of prior grant, ~~contribution~~ contribution or sponsorship provided by Council; or
 - d) those with a record of outstanding debt with Council; and
 - e) who are employees or Councillors of the Council directly applying for a community grant.
- 3.3. Events/activities/projects that are not eligible for community grants:
- a) religious ceremonies and/or events/activities/projects in which the promotion of a single faith is the main purpose;
 - b) events/activities/projects that could be perceived as divisive within the community and do not contribute positively to a unified and inclusive community;
 - c) events/activities/projects that vilify or discriminate a person or persons in respect of race, religion or

sexual orientation;

- d) academic research, coursework or fees, or projects seeking financial support for research, studio work or events/activities/projects that will be submitted for academic assessment; and
- e) ongoing operational costs, including rent or lease costs, general administrative costs or staffing or salary costs.

4. Application

Council will publish details about opening date, closing date, timeline for assessment and approval, and other details of the processes for community grants on its website.

- 4.1. Applications will only be accepted during the "open for application" funding rounds will remain open unless the funding allocation is exhausted or Council chooses to close the applications process.
- 4.2. All applications must be made online via Council's website: <https://www.muswellbrook.nsw.gov.au/grants-and-sponsorship-programs/>. Computers can be booked at Muswellbrook or Denman library branches and library officers can assist in accessing the online application form.
- 4.3. Organisations will need to calculate a dollar value for in-kind support - calculate volunteer general labour at \$30 per hour; calculate volunteer specialist labour (for example, engineer or architect) at \$50 per hour; calculate donated goods at the price you would pay for them if they were not donated.
- 4.4. Accurate cost estimates/quotes must be submitted as part of an application. For products this can be in the form of a screenshot of prices taken from a reputable source.
- 4.5. A maximum of \$10,000 per year may be granted to a single applicant per year. There is no upper limit on the amount of funding requested, however in the past funding has been provided for projects ranging from \$350 to \$2,000.
- 4.6. Applicants must identify and declare any actual, potential, or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct, which is available on Council's website.

5. Assessment

- 5.1. Council or a delegated committee of Council reviews and determines all applications.
- 5.2. Applications will be reviewed and assessed against the following criteria:
 - a) alignment of the proposed event/activity/project to the themes in the Muswellbrook Shire Community Strategic Plan;
 - b) level of community interest and/or significance as demonstrated by the applicant;
 - c) compliance with the terms and conditions
 - d) provision of all required documentation eg. certificate of currency, evidence of match funding where applicable;
 - e) relevance to the Muswellbrook Shire Local Government Area and/or community; and
 - f) impact, value for money, return on investment and alignment with Council's brand and reputation.
- 5.3. When assessing applications, the following documents will be considered:
 - a) Council's Awarding of Grants and Contributions Policy;
 - b) These Council's eCommunity gGrants and Contributions gGuidelines; and
 - c) the applicant's risk assessment for the event/activity/project.
- 5.4. Council may offer community grants of less than the amount being sought by the applicant.

6. Notification and invoicing

- 6.1. All applicants will be notified in writing of the outcome.
- 6.2. Successful applicants will be required to follow the Grant or and Contribution Terms and Conditions, which

will include conditions and reporting requirements in exchange for funding.

6.3. Successful community grants and contributions will be payable to applicants on the provision of an invoice.

7. Project Management

7.1. The grant funds and/or in-kind assistance may only be used for the purpose specified in the application. Any change must be approved in writing by Council before commencement of the event/activity/project is undertaken.

7.2. The successful applicant will be responsible for project management and all project costs, with all works undertaken being required to comply with Council policies:
<https://www.muswellbrook.nsw.gov.au/policies/>.

7.3. Funded projects must be started within 6 months of receipt of the letter of offer/terms and conditions.

7.4. Funded events/activities/projects must be completed within 12 months of the funding being awarded.

8. Acknowledgement of community grant

8.1. Council reserves the right to publicise approved events/activities/projects in any form of media.

8.2. Successful applicants will be required to acknowledge the funding provided by Council in line with the [Community Grant and Contribution Terms and Conditions for the event/activity/project](#).

9. Post Project

9.1. Successful applicants must submit an acquittal report to Council within one month of event/activity/project completion. The report should provide evidence of how the community grant funds or contributions were spent and include photos (before, during and after) that showcase the outcomes of the event/activity/project.

9.2. Funding amounts provided to recipients of the grants and contributions program will be disclosed in Council's Annual Report. Funding amounts exceeding \$1,000 will be itemised separately in Council's Annual Report.

Grant applications will be considered from "not for profit" educational, sporting and other community groups providing facilities/services in Muswellbrook Local Government Area. These guidelines also apply to Community Rural Halls funding applications, except where specified. Capital projects for sporting groups are not eligible as funding is available through Council's Small and Large Capital Grants program.

Funding will be provided for local initiatives and projects that will address at least one of the goals outlined in the Muswellbrook Shire 2022-2032 Community Strategic Plan.pdf.

Grants are available on a matched funding (dollar for dollar) basis (excluding Community Rural Halls applications). In-kind support contributions (donated goods, services or volunteer work to support the project) will be considered.

Grants are not available for organisations that owe money to Muswellbrook Shire Council or have not completed a previous grant acquittal.

Applicants must provide a current copy of their Certificate of Currency as evidence of public liability cover of at least \$20m. Applications may not be submitted for work that has already taken place.

If grants are for structures, relevant development approvals must be in evidence before funding will be made available.

Applications

Organisations will need to calculate a dollar value for in-kind support – calculate volunteer general labour at \$30 per hour; calculate volunteer specialist labour (for example, engineer or architect) at \$50 per hour; calculate donated goods at the price you would pay for them if they were not donated.

There is no upper limit on the amount of funding requested, however in the past funding has been provided for projects ranging from \$350 to \$2,000.

Accurate cost estimates/quotes must be submitted as part of an application.

Completed applications should be emailed to: Council@muswellbrook.nsw.gov.au or hard copies can be delivered to: Council's

Administration Building, Campbell's Corner, 60-82 Bridge Street, Muswellbrook NSW 2333.

Assessment

The grants will be assessed using criteria listed in these guidelines.

Council's Grants Review Committee will assess the applications and make recommendations to Council for approval.

The number of grants given in any funding period is subject to the total annual funding pool allocated in each year's budget.

Council has the authority to offer grants of less than the amount being sought by applicants.

Notification and invoicing

All applicants will be notified of the funding round outcome within 10 working days of determination and grants will be payable to successful applicants on the provision of an invoice.

Muswellbrook Shire Council will return the co-signed grant agreement to each successful applicant.

Project management

Funded projects must be started within 6 months of receipt of the letter of offer/Council co-signing the funding agreement.

The grant may only be used for the purpose specified in the application. Any change must be approved in writing by Council before the work is undertaken.

Applicants will be required to acknowledge the funding provided by Council in a manner approved by Council's Communications Team in any communication about the project.

Council reserves the right to publicise approved projects in any media form it chooses.

The successful applicant will be responsible for project management and all project costs in excess of the approved grant, with all works undertaken being required to comply with Council policies, including but not limited to the Awarding of Sponsorship, Grants and Contributions Policy, Workplace Health and Safety, Volunteer and Procurement policies. Works might be subject to inspection and verification.

Funded projects must be completed within 12 months of receipt of the letter of offer/signing the funding agreement.

Post project

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

DRAFT Community Grants and Contributions Guidelines

1. Introduction

- 1.1. Muswellbrook Shire Council (Council) offers community grants and contributions opportunities, both financial and in-kind. This document outlines the guidelines and process required to apply for a community grant or contribution from Council through the grants and contributions program.
- 1.2. Community grants and contributions provide financial assistance to not-for-profit community groups and individuals, that work towards enhancing the social, cultural and recreational well-being of the communities of Muswellbrook Shire.

2. Eligibility Criteria

- 2.1. Council prioritises grant funding within its available budget. Council's allocation of funding available for community grants and contributions is reviewed annually as part of Council's budgeting preparation and approval. Therefore, allocations may vary from year to year according to the priorities adopted by Council.
- 2.2. There is no guarantee of funding even if all eligibility criteria are met.
- 2.3. Council may accept community grant and contribution applications from not-for-profit organisation and individuals.
- 2.4. Council preference is to provide financial assistance to incorporated organisations. Unincorporated organisations (or groups of individuals) will need to be auspice by an organisation that is incorporated or under another legal structure. Individuals, where unable to be auspice by an organisation, will need to provide additional information to facilitate payment.
- 2.5. Applications will be considered where, in Council's sole opinion, a community need is demonstrated in line with the Muswellbrook Shire Community Strategic Plan.
- 2.6. Applications should have high community engagement, focusing on supporting local organisations, businesses, and residents, and will be assessed against the suitability, risks, appropriateness, and potential economic, social, and cultural benefits to the community.
- 2.7. Applications should be for events/activities/projects that will address at least one of the goals outlined in the current Muswellbrook Shire Community Strategic Plan.
- 2.8. These guidelines also apply to Community Rural Halls funding applications, except where specified.
- 2.9. Council will only consider reputable entities whose public image, products and services are consistent with the values, goals and policies of Council.
- 2.10. Grants are available on a matched funding (dollar for dollar) basis (excluding scholarships and Community Rural Halls applications). In-kind support contributions (donated goods, services or volunteer work to support the project) will be considered.
- 2.11. Council does not support requests for community grants from outside the Muswellbrook Shire local government area unless it can be demonstrated there is a benefit or contribution to the Muswellbrook Shire community.
- 2.12. Applicants, excluding individuals, must provide a current copy of their Certificate of Currency as evidence of public liability cover of a minimum of \$20 million and for a higher risk event/activity/project a minimum of \$50 million.
- 2.13. An application for a community grant or contribution must be received at least one month prior to the event/activity/project. Applications may not be submitted for work that has already taken place.

- 2.14. If the community grant or contribution is for an event/activity/project that requires development consent, approvals must be evidenced before funding will be made available.
- 2.15. Where an event/activity/project will involve adults working with children, successful applicants must ensure all necessary 'Working with Children' checks are undertaken. The applicant must provide Council with a letter advising of the successful completion and clearance of these checks prior to commencement of the event/activity/project. The letter must be signed by an office bearer of the organisation receiving the community grant or contribution.
- 2.16. No Councillor or employee of Council may seek or receive a personal benefit or be perceived to receive any personal benefit as a result of a community grant or contribution from Council.
- 2.17. Where the community grant or contribution is intended for an event, applicants should consider Council's Sustainable Event Management Procedure.

3. Unsuitable for Community Grants and Contributions

- 3.1. Applications for the following grant programs are not included in the Community Grants and Contributions program and are funded from separate funding allocation:
 - a) Sport and Recreation Large Capital Grants Program
 - b) Sport and Recreation Small Capital Grants Program
 - c) Muswellbrook Community Sustainable Education Grant
 - d) Muswellbrook Sustainable Education Grant
 - e) Local Heritage Assistance Fund
 - f) Muswellbrook Shire Council's Landcare Grants
- 3.2. Council does not consider the following persons/entities suitable for grant funding:
 - a) those whose services or products are considered to be injurious to health or are seen to be in conflict with policies and responsibilities to the community, such as those involved in the manufacture, distribution and wholesaling of tobacco related products, pornography and addictive drugs;
 - b) guilty of illegal or improper conduct as identified by the ICAC or any similar authority;
 - c) those with a record of unsatisfactory acquittal of prior grant, contribution or sponsorship provided by Council; or
 - d) those with a record of outstanding debt with Council; and
 - e) who are employees or Councillors of the Council directly applying for a community grant.
- 3.3. Events/activities/projects that are not eligible for community grants:
 - a) religious ceremonies and/or events/activities/projects in which the promotion of a single faith is the main purpose;
 - b) events/activities/projects that could be perceived as divisive within the community and do not contribute positively to a unified and inclusive community;
 - c) events/activities/projects that vilify or discriminate a person or persons in respect of race, religion or sexual orientation;
 - d) academic research, coursework or fees, or projects seeking financial support for research, studio work or events/activities/projects that will be submitted for academic assessment; and
 - e) ongoing operational costs, including rent or lease costs, general administrative costs or staffing or salary costs.

4. Application

- 4.1. Applications will remain open unless the funding allocation is exhausted or Council chooses to close the applications process.
- 4.2. All applications must be made online via Council's website: <https://www.muswellbrook.nsw.gov.au/grants-and-sponsorship-programs/>. Computers can be booked at Muswellbrook or Denman library branches and

library officers can assist in accessing the online application form.

- 4.3. Organisations will need to calculate a dollar value for in-kind support - calculate volunteer general labour at \$30 per hour; calculate volunteer specialist labour (for example, engineer or architect) at \$50 per hour; calculate donated goods at the price you would pay for them if they were not donated.
- 4.4. Accurate cost estimates/quotes must be submitted as part of an application. For products this can be in the form of a screenshot of prices taken from a reputable source.
- 4.5. A maximum of \$10,000 per year may be granted to a single applicant per year.
- 4.6. Applicants must identify and declare any actual, potential, or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct, which is available on Council's website.

5. Assessment

- 5.1. Council or a delegated committee of Council reviews and determines all applications.
- 5.2. Applications will be reviewed and assessed against the following criteria:
 - a) alignment of the proposed event/activity/project to the themes in the Muswellbrook Shire Community Strategic Plan;
 - b) level of community interest and/or significance as demonstrated by the applicant;
 - c) compliance with the terms and conditions
 - d) provision of all required documentation eg. certificate of currency, evidence of match funding where applicable;
 - e) relevance to the Muswellbrook Shire Local Government Area and/or community; and
 - f) impact, value for money, return on investment and alignment with Council's brand and reputation.
- 5.3. When assessing applications, the following documents will be considered:
 - a) Council's Awarding of Grants and Contributions Policy;
 - b) these Community Grants and Contributions Guidelines; and
 - c) the applicant's risk assessment for the event/activity/project.
- 5.4. Council may offer community grants of less than the amount being sought by the applicant.

6. Notification and invoicing

- 6.1. All applicants will be notified in writing of the outcome.
- 6.2. Successful applicants will be required to follow the Grant and Contribution Terms and Conditions, which will include conditions and reporting requirements in exchange for funding.
- 6.3. Successful community grants and contributions will be payable to applicants on the provision of an invoice.

7. Project Management

- 7.1. The grant funds and/or in-kind assistance may only be used for the purpose specified in the application. Any change must be approved in writing by Council before commencement of the event/activity/project is undertaken.
- 7.2. The successful applicant will be responsible for project management and all project costs, with all works undertaken being required to comply with Council policies:
<https://www.muswellbrook.nsw.gov.au/policies/>.
- 7.3. Funded projects must be started within 6 months of receipt of the letter of offer/terms and conditions.
- 7.4. Funded events/activities/projects must be completed within 12 months of the funding being awarded.

8. Acknowledgement of community grant

- 8.1. Council reserves the right to publicise approved events/activities/projects in any form of media.
- 8.2. Successful applicants will be required to acknowledge the funding provided by Council in line with the Community Grant and Contribution Terms and Conditions for the event/activity/project.

9. Post Project

- 9.1. Successful applicants must submit an acquittal report to Council within one month of event/activity/project completion. The report should provide evidence of how the community grant funds or contributions were spent and include photos (before, during and after) that showcase the outcomes of the event/activity/project.
- 9.2. Funding amounts provided to recipients of the grants and contributions program will be disclosed in Council's Annual Report. Funding amounts exceeding \$1,000 will be itemised separately in Council's Annual Report.



10.4.2. Council Grant Funding Update

Responsible Officer: Shaelee Welchman - Director - Community & Economy

Author: Grants and Community Engagement Advisor

Community Strategic Plan: 6 - Community Leadership

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

Delivery Program Goal: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Operational Plan Action: Not applicable

Attachments: Nil

PURPOSE

To advise Council of recent grant applications submitted, grant funding recently announced or to be announced shortly, and of upcoming grant opportunities. In addition, to provide updates on Council's other grants and community engagement activities.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report and endorses Council staff to review and apply for funding opportunities contained within the report.

Moved: _____ **Seconded:** _____

EXECUTIVE SUMMARY

To advise Council of recent grant applications submitted, grant funding recently announced or to be announced shortly, and of upcoming grant opportunities. In addition, to provide updates on Council's other grants and community engagement activities.

Grant applications recently submitted include:

- An application for funding under Round 1 of a NSW Government program titled a **Fresh Start for Local Government Apprentices, Trainees and Cadets**, for 13 positions.
- An application for funding under the current round of the **Crown Reserves Improvement Fund** for Stage 2 of the upgrade of the Denman Tourist Park at the Denman Recreation Reserve.
- Two applications for funding under the **Get NSW Active** program, being a path from Osborn Avenue and Ruth White Avenue to the intersection of Adams Street and Thompson Street near Muswellbrook South Public School, and paths at the intersection of George, Doyle and Brentwood Streets and Brecht Street (from King Street to Brentwood Street, near the Muswellbrook Hospital Precinct/Muswellbrook High School.



Grant funding opportunities for review and submission:

- Seek funding for the preparation of a joint scoping study/project plan for the development of mobile joint repair cafés/tool libraries in Muswellbrook Shire, Upper Hunter Shire, and Tamworth Regional Council, with the aim of preparing another grant application for the implementation of the project coinciding with the next funding round in 2025.
- Seek funding of \$25,000 under the 2025-27 Local Government Heritage Grants, where Muswellbrook Shire Council is not required to provide a matched contribution;
- Consider options for funding, including Simpson Park, under Tranche 3 of the Australian Government Changing Places program, where Muswellbrook Shire Council is required to contribute 40% of the funding towards build costs;
- Apply for a share of the \$50 million NSW Community Investment Program for initiatives that promote regional economic development and support employment creation and retention;
- Seek funding under the proposed 2025 round of the NSW Community Building Partnership program; and
- Investigate options for the NSW Environment Protection Authority's Landfill Consolidation and Environmental Improvements Grants Program Round 5.

PREVIOUS RESOLUTIONS

Nil.

BACKGROUND

Council has been successful in obtaining grants which have been decided via competitive applications and continues to receive grant allocations from both State and Federal government and other sources for which Council nominates appropriate projects.

CONSULTATION

Grant applications are aligned to projects identified by the Muswellbrook Shire 2022-2026 Delivery Program and are prepared in consultation with Council's senior managers and key staff in relevant sections. Councillors are regularly consulted regarding grant applications via Council and Committee meetings.

REPORT

Grant Applications Recently Submitted

Council has recently submitted the following applications for grant funding:

- An application for funding under the current round of the **Crown Reserves Improvement Fund** for Stage 2 of the upgrade of the Denman Tourist Park at the Denman Recreation Reserve. Stage 2 will include enabling works such as hardscape and softscape and the construction of amenities, communal kitchen, and gate entry to the tourist park and fencing. Stage 1 of the development already delivered or underway includes amenities at the Denman and District Heritage Village and internal roads.
- Two applications for funding under the **Get NSW Active** program, which offers Councils funding to deliver projects that create safe, easy, and enjoyable walking and bike trips. Up to 100% of the project cost can be funded and the project(s) should be started by 1 July 2025 and must be completed by 30 June 2028. Council staff revised applications for:
 - a path from Osborn Avenue and Ruth White Avenue to the intersection of Adams Street and Thompson Street near Muswellbrook South Public School, and



- paths at the intersection of George, Doyle and Brentwood Streets and Brecht Street (from King Street to Brentwood Street, near the Muswellbrook Hospital Precinct/Muswellbrook High School).

These projects were submitted last year under the program but did not receive funding.

Upcoming Grant and Funding Opportunities

The following are current potential grant and other funding opportunities:

- Round 3 of the **Local Government Waste Solutions Fund** aims to support NSW local councils, collaborations of councils, and regional waste groups in the waste levy paying area to deliver innovative waste and recycling solutions to their communities that support transition towards a circular economy and contribute to achieving the priorities and targets identified in the NSW Waste and Sustainable Materials Strategy 2041 and the NSW Plastics Action Plan. **Applications close 12 December.** Muswellbrook Shire Council is having discussions with Upper Hunter Shire Council and Tamworth Regional Council about seeking funding to pay for the preparation of a scoping study/project plan for the development of joint repair cafés/tool libraries in each Local Government Area, with the aim of preparing an application for the next funding round in early 2025.
- The Multicultural NSW Stronger Together Grants Program supports multicultural festivals, events, and projects across NSW. Festivals are one way to promote cross-cultural awareness and understanding. They give the multicultural communities of NSW the opportunity to celebrate, preserve, and share traditions, and live the Multicultural Principles of the State. The **Stronger Together Local Council Major Festival grant funding** is allocating \$4 million for major festivals run by local Councils across NSW in 2025–26 and \$100,000 to \$500,000 in funding is available for each eligible local Council. Festivals staged must have minimum attendance of 10,000 people in regional NSW and Council staff suggest we, unfortunately, probably wouldn't be able to meet this condition. **Applications close 8 January 2025.**
- The **2025-27 Local Government Heritage Grants** aim to support, promote, and realise the values of locally significant heritage. This funding is for local councils who are best placed to understand their community and their connection to heritage. This is a non-competitive funding round, and eligible applicants can apply for a \$25,000 (ex GST) grant for initiatives that help identify, conserve, and promote places or objects that have significance to the local area and community. **Applications close 30 January 2025,** and successful projects must be delivered between July 2025 and May 2027. Data obtained from the Australian Bureau of Statistics Socio-Economic Indexes for Australia (SEIFA) 2021 is used to determine if Councils need to provide a matched contribution. Under this criterion, Muswellbrook Shire Council is **not required to provide a matched contribution.**
- The Australian Government is investing \$32.2 million from 2022 to 2026 to provide funding to build **Changing Places facilities** in Local Government Areas (LGAs) across Australia, and it is likely that Tranche 3 will be opening in the next few weeks. Changing Places provide suitable facilities for people who are not accommodated by standard accessible toilets and are larger than standard accessible toilets, and have extra features and more space to meet the needs of people with disability and their carers. These facilities allow individuals with high support needs to take part in all elements of community life, without having to limit their time out. For Muswellbrook Shire Council, 40% of the funding towards build costs is available since we already have one Changing Places facility at Denman Memorial Park, and staff suggest Simpson Park as the required location for our next facility.
- Businesses, consortiums, local governments, associations, Aboriginal corporations, not for profits, and other eligible applicants are encouraged to apply for a share of the \$50



million **Community Investment Program** for initiatives that promote regional economic development and support employment creation and retention. Grants of between \$500,000 and \$5 million will be available for infrastructure projects and capital investments to create jobs and economic opportunities, and between \$250,000 and \$1 million will be available for regional programs to improve service delivery and community connection and capacity building. **Applications close 20 February 2025.**

This is the second round of funding to be released from the NSW Government's \$400 million Regional Development Trust. This targeted investment has been guided by the Regional Development Advisory Council and informed by several roundtables with rural communities hosted by the Minister for Regional NSW. Staff are considering possible projects which could be funded under this round, which must align with the Regional Development Trust's key focus areas of:

- Sustainable regional industries;
 - Aboriginal economic development and enterprise;
 - Community connection and capacity building; and
 - Improving regional service delivery.
- The NSW **Community Building Partnership 2025** round will open on Tuesday 28 January 2025 and is likely to close around the **end of February 2025**. The NSW Government is investing in infrastructure projects that deliver positive social, environmental, and recreational outcomes, while also promoting community participation, inclusion, and cohesion, and since 2009 the Community Building Partnership (CBP) program has awarded more than \$464 million to over 20,900 projects. Program Guidelines will be available soon.
- The NSW Environment Protection Authority's **Landfill Consolidation and Environmental Improvements Grants Program Round 5** is now open and **applications close 21 March 2025**. The \$6 million Landfill Consolidation and Environmental Improvements Grants Program supports councils in the Regional Levy Area and Non-Levied Area to close, consolidate, and make environmental improvements at high-risk landfill sites. Staff are considering options for this funding and the grants are offered over three streams:
- Up to \$300,000 in Stream 1 for consolidation and closure of landfills and construction of transfer stations;
 - Up to \$250,000 in Stream 2 for site improvements for better environmental and operational performance; and
 - Up to \$25,000 in Stream 3 for access to professional services, such as feasibility studies, design closure plans, technical engineering plans, and education courses to support councils.

Other grants to be announced shortly

Council is expecting to be notified shortly about the outcome of the following applications:

- On 16 August, Council submitted an application for funding under the second stream of the Australian Government's \$500 million Housing Support Program, which had the theme Community Enabling Infrastructure Stream (CEI). Council's application requested \$8,601,800 for the **Denman to Sandy Hollow Water Pipeline Project**;
- In mid-September, Council submitted an application for almost \$5 million under Stream 1 (Precinct Development and Planning) of the Commonwealth Regional Precincts and Partnerships Program for a **Precinct and Place Strategy for the Hunter Integrated Energy Hub** around the Bayswater Power Station. The application was submitted in partnership with AGL;



- At the end of September, Council submitted an application under the Commonwealth Safer Local Roads and Infrastructure Program for the upgrade of 1.6 km of **Thomas Mitchell Drive**, south from the Denman Road intersection, and requested funding of \$3,000,512; Council will co-contribute \$750,129 of Roads to Recovery funding for a total project cost of \$3,750,641; and
- On 10 October, Council submitted an application, under Round 2 of the Commonwealth Growing Regions fund, for \$8,744,000 for the delivery of the **Muswellbrook Regional Entertainment Centre project**. Round 2 funding is aimed at providing investment in community-focused infrastructure which creates and enhances amenity, liveability, and social cohesion throughout regional Australia.

Muswellbrook Shire Council Grants Portal

The report for data from May to November 2024 for Council's grant finding portal at <https://muswellbrook.grantguru.com.au/> is listed in the table below. Registrations are people that have registered to the portal via the sign up form and are still active.

Indicator	Nov	Oct	Sep	Aug	Jul	Jun	May
Total cumulative registrations to the portal	105	105	105	105	105	103	105
Grant alerts sent by email to registered users	717	775	875	798	829	699	719

Community interaction with the grant finding portal is generally positive and the number of registered users continues to remain stable.

FINANCIAL CONSIDERATIONS

The funding received under these grant programs will offset expenditure that would otherwise need to be committed by Council.

POLICY IMPLICATIONS

Council will need to maintain any assets for which funding is obtained according to Policy A40-1 - Asset Management Policy.

STATUTORY / LEGISLATIVE IMPLICATIONS

Council's grant applications align with the goals identified in the Muswellbrook Shire 2022/2032 Community Strategic Plan and with a range of Federal, State, and regional strategies and plans.

Where grant applications are successful, Council will be required to enter into a grant agreement with the funding body.

RISK MANAGEMENT IMPLICATIONS

Council is required to identify risks and associated risk management strategies for each project in preparing a grant application.

COMMUNITY CONSULTATION / COMMUNICATIONS

The grant funding announcements contained in this report are no longer under embargo.



11. Minutes of Committee Meetings

11.1. Local Traffic Committee Minutes - 12/11/2024

Attachments:	1. Minutes - Local Traffic Committee Minutes - 12/11/2024 [11.1.1 - 2 pages] 2. Yarraman Road Line Marking Plan [11.1.2 - 1 page]
Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Roads Status Officer
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

PURPOSE

To inform Council of a meeting of the Local Traffic Committee held on 12 November 2024.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on 12 November 2024 be NOTED and the recommendations contained therein be ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Technical Officer reports that the Local Traffic Committee met on 12 November 2024. The Minutes of the meeting and Yarraman Road Line Marking Plan are attached for the information of Councillors.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 12 NOVEMBER 2024 COMMENCING AT 2PM

PRESENT: Mrs K. Scholes (Chair), Ms W. Wallace (TfNSW),

IN ATTENDANCE: Mrs I. Williams, Ms M. Crooks, Mr H Vella

1 Acknowledgement of Country

The Acknowledgement of Country was read by Mrs K. Scholes.

2 Apologies

RECOMMENDED on the motion of Ms W. Wallace and Mrs K. Scholes that:

The apologies for inability to attend the meeting submitted by Mr M. Kelly be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Ms W. Wallace and Mrs K. Scholes that:

The Minutes of the Local Traffic Committee Meeting held on **9 July, 2024** a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Mrs K. Scholes - Declared a non- pecuniary interest in item 6.2 - a relative lives in the Cassidy Avenue who is the complainant in the matter.

5 Business Arising

Mr M. Kelly requested if there is any further action on Line Marking in Market Street following Clr. Marshall's comments from the July meeting that, in his opinion, the new line marking in Market Street did not address the issue.

The committee was advised that the line marking in Market Street had been undertaken in accordance with the design for the section of road. Market Street is a high vehicle bypass of the New England Highway and it was requested that TfNSW undertake a Road Safety Audit of the full length of Market Street. This will be presented to the committee at a future date when the inspection has been undertaken.

6 Business

6.1 Line Marking Yarraman Road

Council uses its delegated authority to approve the double barrier (BB) and edge line (E1) line marking on the realigned portion of Yarraman Road from chainage



50 to 1252.5 as shown on the attached plan.

VOTE: Unanimous Support

6.2 Cassidy Avenue Request for Speed Humps

Council takes no action in this matter, due to the outcome of the investigation, and the residents are to be advised accordingly.

VOTE: Unanimous Support

GENERAL BUSINESS:

Ms W. Wallace advised that there were new decal signage available from TfNSW to direct pedestrians to crossing locations. This will be useful specifically around schools. Council's Road Safety Officer will identify suitable locations for these to be installed.

Ms M. Crooks had advised that there had been complaints about a double axle trailer being parked in Acacia Drive, however it was parked legally and was not obstructing traffic.

The Police had enquired about rectifying the load limit signage on Edderton Road and Rutherford Road and Aberdeen Street. Council advised that were consulting with the Weight of Loads inspector who will provide further advice in this matter and the signage will be changed where applicable.

7 Closed Committee

Nil

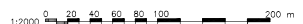
8 Date of Next Meeting

10 December 2024

9 Closure

The meeting was declared closed at 3:05pm.

.....
Mrs K. Scholes .
CHAIR



 <div style="display: inline-block; vertical-align: top; margin-left: 10px;"> 53 BONVILLE AVENUE THUNDERBOLT NSW 2232 PO BOX 29 WATKINS NSW 2230 </div> <div style="display: inline-block; vertical-align: top; margin-left: 10px;"> ARN: 54 003 867 374 Phone: (02) 4088 0200 FAX: (02) 4964 2104 Email: enr@arkhill.com.au </div>										YARRAMAN ROAD UPGRADE PAVEMENT MARKING PLAN									
<div style="display: flex; justify-content: space-between;"> <div> DESIGN R.K. 05-10-22 DRAWN B.S. 04-10-22 CHECKED R.K. 13-03-23 D.K. - - B.S. - - DWR CLK APP </div> <div> GLENCORE MCCO PROJECT ARKHILL DRAWING NUMBER 4175C0130 </div> <div> CLIENT PROJECT SITE DATE DATE APPROVED </div> </div>										<div style="display: flex; justify-content: space-between;"> <div> SCALE 1:2,000 </div> <div> CLIENT DRAWING NUMBER 504 </div> <div> REV 3 </div> </div>									
<div style="display: flex; justify-content: space-between;"> <div> 3 27-06-23 ROAD DESIGN UPDATE 2 19-03-23 APPROVED FOR CONSTRUCTION 1 27-01-23 GENERAL UPDATE 0 06-10-22 FOR CLIENT REVIEW </div> <div> REVISIONS DATE </div> </div>																			



11.2. Local Traffic Committee Minutes - 10/12/2024

Attachments:	1. Minutes - Local Traffic Committee - 10/12/2024 [11.2.1 - 3 pages]
Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Road Status Officer
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

PURPOSE

To inform Council of a meeting of the Local Traffic Committee held on 10 December 2024.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on 10 December 2024 be NOTED and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Technical Officer reports that the Local Traffic Committee met on 10 December 2024. The Minutes of the meeting are attached for the information of the Councillors.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK VIA TEAMS ON 10 DECEMBER 2024 COMMENCING AT 2:06pm

PRESENT: Cr D. Marshall (Chair), Cr D. Hartley (Alt Rep), Ms K. Scholes, Mr M. Kelly, Snr. Const. G. Hopkins and Ms W. Wallace (TfNSW).

IN ATTENDANCE: Mrs I. Williams, Ms N. Butt, Ms M. Crooks, Mr P. Chambers, Mr A. Le

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr D. Marshall.

2 Apologies

Nil

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Ms K. Scholes and Mr M Kelly that:

The Minutes of the Local Traffic Committee Meeting held on **12 November, 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Cr Hartley - Declared a pecuniary interest in Item 6.1 - Cr Hartley advised the Committee that he is employed by MACH Energy.

5 Business Arising

Line Marking Market Street

Cr Marshall advised the committee that he was still not satisfied that the line marking in Market Street can accommodate the passing of two buses.

Ms Scholes advised the meeting that TfNSW had been requested to undertake a road safety audit on Market Street where this issue would be investigated.

Load Limit Signage

Sen Const. G Hopkins advised the Committee that the load limit signage on some of the local roads were not correct.

Ms Scholes advised that staff had investigated and the signs had been ordered and were due for replacement early in the new year.

6 Business

6.1 MACH Energy Mt Pleasant Operations Road Closure Management Plan when Blasting within 500m of a Public Road

Disclosure of Interest

Cr Hartley declared a pecuniary interest in this item. Cr Hartley advised the Committee that he is employed by MACH Energy.



Cr Hartley left the meeting at 2.10pm and therefore took no part in discussion or voting on this matter

RECOMMENDED:

That Council use its delegate authority to approve the MACH Energy Mount Pleasant Road Closure Management Plan for Blasting within 500m of a public road as attached to this report.

VOTE: Unanimous Support

Cr Hartley returned to the meeting.

6.2 DA 2024-60 Pacific Brook Christian School

RECOMMENDED that the item be deferred until February to allow TfNSW to further investigate matter and to consider the impact of the development on the New England Highway as TfNSW would be the roads authority to sign off on the linemarking and signage on State Roads.

VOTE: Unanimous Support

GENERAL BUSINESS:

Bureen Road/ Martindale Road Intersection

Cr Hartley requested that the intersection of Bureen Road and Martindale Road be investigated.

The meeting was advised that this matter had previously been submitted to the Committee for consideration where it was recommended that centre double barrier line marking and Give Way Hold lines be line marked on the road. The Committee was also advised that a request will be raised for the linemarking to be refreshed at this location.

Speed Limit - Approach to Muswellbrook

Snr Const. Hopkins requested if the speed limit on the southern approach to Muswellbrook had been considered for review?

Ms Walker (TfNSW) advised that there would be no speed zone review, however there will be a town entry statement considered for the site.

Ms Scholes advised the Committee that a previous design had been undertaken for the town entry and would provide the design to TfNSW to consider as part of the proposal.

Maitland Street Potholes

The Committee was advised that the potholes along Maitland Street were also starting to open up again.

The Committee was also advised that a request would be sent to TfNSW to arrange for them to be filled or for heavy patching to be undertaken.

7 Closed Committee

Nil



8 Date of Next Meeting

11 February, 2025

9 Closure

The meeting was declared closed at 2:50pm.

.....
Cr. D. Marshall
CHAIR



11.3. Australia Day Nomination Committee - 10/12/2024

Attachments:	1. Minutes - Australia Day Nomination Committee - 10/12/2024 [11.3.1 - 2 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Governance Officer
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To inform Council of a meeting of the Australia Day Nomination Committee held on 10 December, 2024.

OFFICER'S RECOMMENDATION

Council NOTES the minutes of the meeting of the Australia Day Committee held on 10 December, 2024 and ADOPTS the recommendations contained therein.

Moved: _____ Seconded: _____

REPORT

The Governance Officer reports that the Australia Day Committee met on 10 December, 2024.

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

COMMENT

Nil

MINUTES OF THE AUSTRALIA DAY NOMINATION COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE STEM LAB, DONALD HORNE BUILDING, 140 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 10 DECEMBER, 2024 COMMENCING AT 4.56PM.

PRESENT: Cr J. Drayton (Mayor), Cr A. Barry, Cr L. Dunn, Cr D. Hartley, Cr G.T. McNeill, Cr D.E. Marshall, Cr M. Morris, Cr R. Scholes (Phone) and Cr S. Ward.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Welchman (Director - Community & Economy), Mr K. Hill (Manager - Economy & Tourism) and Mrs M. Sandell-Hay (Governance Officer).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr Hartley

2 Apologies

RECOMMENDED on the motion of Cr D. Marshall and Cr G. McNeill that:

The apologies for inability to attend the meeting submitted by Cr C. Bailey, Cr D. Douglas (OAM) and Cr R. Mahajan be ACCEPTED.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Cr G. McNeill - Declared an insignificant non-pecuniary interest in Item 4.1 - Cr McNeill advised Council that his wife and daughter are friends of one of the nominee's family.

Cr D. Hartley - Declared a non-pecuniary interest in item 4.1. Cr Hartley advised that his daughter is part of the Under 15's Tackle football team.

Cr J. Drayton - Declared an insignificant non-pecuniary interest in Item 4.1 - Cr Drayton advised Council that his wife is friends with one of the nominee's wives.

Cr R. Scholes - Declared an insignificant non-pecuniary interest in Item 4.1. Cr Scholes advised that he is a member of a service club that one of the nominees is also a member of.

4 Closed Committee

RECOMMENDED on the motion of Cr D. Marshall and Cr A. Barry that:

The Committee adjourn into Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.



4.1 Australia Day Nominations

Disclosure of Interest

Cr Hartley declared a significant pecuniary interest in this item. Cr Hartley advised that his daughter is part of a team nominated for an award. Cr Hartley left the meeting during discussion of the Team Award and therefore took no part in discussion or voting on the Team Award.

RESOLVED on the motion of Cr L. Dunn and Cr R. Scholes that:

The Committee consider the nominations and determine the winners of the 2024 Australia Day Awards for the following:

Awards	Winner
1. Citizen of the Year	Nominee 2073
2. Young Citizen of the Year	Nominee 2082
3. Arts and Culture Award	Nominee 2062.
4. Sustainability Award	Nominee 2052
5. Junior Sportsperson	No nominations
6. Senior Sportsperson	Nominee 2077
7. Services to Sport	Nominees 2065 & 2087
8. Sports Team	Nominee 2051
9. Northoak Award	No nominations
10. Open Award	Nominees 2047 & 3001

In Favour: Cr A. Barry, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward

Against: Nil

5 Resumption of Open Committee

RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

The meeting return to Open Committee.

In Favour: Cr A. Barry, Cr J. Drayton, Cr L. Dunn, Cr D. Hartley, Cr G. McNeill, Cr D. Marshall, Cr M. Morris, Cr R. Scholes and Cr S. Ward.

Against: Nil.

6 Closure

The meeting was declared closed at 5.12pm.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Drayton
Chairperson



12. Notices of Motion

Nil

13. Councillors Reports

14. Written Questions

14.1. Denman Bridge

Attachments: Nil

Responsible Officer: Matthew Lysaught - Director - Infrastructure & Property

Cr Amanda Barry has asked the following question with notice for the Council meeting to be conducted on 17 December 2024, as follows:

Does Council continue to support the replacement of the bridge over the Hunter River at Denman as part of the REZ road plans?

Additionally, could the Council provide insights into the reasons behind their stance on this issue, including any considerations of safety, efficiency, cost-effectiveness, and overall impact on the community and transportation infrastructure?

MOTION

The information contained in the report be NOTED.

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

Council has previously discussed with Transport for NSW the width constraints of the Denman Bridge and potential for future replacement of the bridge. The anecdotal advice provided is that replacement of Denman Bridge is not currently programmed or funded.

These constraints cannot be removed until the bridge is replaced or upgraded, but alternative oversize and over mass heavy vehicle routes are included in Council's adopted Mine Affected Roads Network Plan.

These alternative routes include the important strategic link of Wybong Road and Bengalla Link Road as a heavy vehicle bypass of the Golden Highway. Wybong Road and Bengalla Link Road are currently undergoing a process of being reclassified as State Roads.



15. Questions for Next Meeting

16. Adjournment into Closed Council

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

17. Closed Council

RECOMMENDATION

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

Moved: _____ Seconded: _____

17.1. **Contract 2024-2025-0620 - Supply and Installation of Playground Equipment and Softfall at Karoola Park**

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

17.2. **2024-2025-0623 Replacement of Rainbow Creek Timber Bridge with Reinforced Concrete Blocks Culvert**

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

17.3. **Contract 2023-2024-0610 for Design and Construction of Muswellbrook Sewage Pumping Station 1**

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.



17.4. 2023-2024-0583 - Demolition of 88-108 Bridge Street Buildings

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

17.5. Demolition of Fire Damaged Building

This report is CONFIDENTIAL under the provisions of Section 10A(2)(b) of the Local Government Act 1993, as it relates to the personal hardship of any resident or ratepayer.

18. Resumption of Open Council

The meeting return to Open Council.

19. Closure

Date of Next Meeting: 28 January, 2024