

# Ordinary Council Meeting

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## Business Paper

Tuesday 25 March 2025



**MUSWELLBROOK SHIRE COUNCIL**

P.O Box 122  
MUSWELLBROOK  
19 March, 2025

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Community Hall, Golden Highway, Sandy Hollow, NSW 2333 on **Tuesday 25 March 2025** commencing at 6:00 pm.

Derek Finnigan  
**GENERAL MANAGER**





# Council Meetings

## Meeting Principles

Council and committee meetings should be:

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

## Public Forums

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

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

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

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



## Declarations of Interest

### **Statement of Ethical Obligations**

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

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

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

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

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

- Significant
- Less than significant

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

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

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



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**1. Applications for Attendance via Audio Visual Link**

**2. Acknowledgement of Country**

**3. Civic Prayer**

**4. Apologies and Applications for a Leave of Absence**

**5. Confirmation of Minutes**

**Ordinary Council Meeting held in 25 February, 2025**

**RECOMMENDATION**

The Minutes of the Ordinary Council Meeting held on **25 February, 2025**, 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)

### 9.1. Response to Questions from February Ordinary Council Meeting

**Responsible Officer:** General Manager

**Author:** Director - Community & Economy

**Attachments:** Nil

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#### PURPOSE

To provide responses to the Questions for Next Meeting raised at the 25 February 2025 Ordinary Council Meeting.

#### OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

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

#### REPORT

The following Questions for Next Meeting was raised at the Ordinary Council Meeting held on 25 February 2025. Responses have been prepared and are provided below for the information of Councillors:

**1. Cr D. Hartley inquired whether Council could investigate the feasibility of increasing the aquatic gym to a 24-hour facility?**

Council staff are currently looking into the feasibility of increasing the Fitness Centre access to 24hrs.

A further report will be provided to council outlining costings associated with providing 24hr access such as duress alarms in toilets and hallways, external security fees, installation of additional cameras and fob points as well as any required changes to Council's Closed Circuit Television (CCTV) in Public Places Policy.



## 10. Business (Specific Reports)

### 10.1. Planning and Environment

#### 10.1.1. Development Application 2023-14 - Storage Complex, Turner Street Denman

**Responsible Officer:** Director - Planning & Environment

**Author:** Development Co-Ordinator

**Community Strategic Plan:** Not Applicable

**Delivery Program Goal:** Not Applicable

**Operational Plan Action:** Not Applicable

**Attachments:**

- Not applicable
1. Attachment A - DA 2023-14 Section 4.15 Assessment Report Consultant Planner Report [10.1.1.1 - 41 pages]
  2. Attachment B - DA 2023-14 - Recommended Conditions of Consent [10.1.1.2 - 19 pages]
  3. Attachment C - Ammended Proposed Plans [10.1.1.3 - 10 pages]
  4. Attachment D - Submissions [10.1.1.4 - 19 pages]

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#### PURPOSE

This report has been prepared to assist Council in its determination of DA 2023/14. The development application involves the establishment of a storage premises at Lot 42 DP 771226 (Corner of Bell St and Turner St, Denman).

The application has been reported to Council for determination as:

- Council received a total of eleven submissions related to the proposed development; and
- The development application is a Council related development and Council is the owner of the land subject to this proposal.

In compliance with Council processes for the assessment of Council development, Council Officers engaged an external Planning Consultant to undertake the assessment of the application. Their assessment report is attached, and its conclusions have informed the recommendation before Council.

#### OFFICER'S RECOMMENDATION

Council grants development consent to development application DA 2023/14, being the establishment of a storage premises at Lot 42 DP 771226, subject to the recommended conditions of consent included in Attachment B.

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

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



## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The development application relates to Lot 42 DP 771226. The subject site is a vacant site located at the corner of Turner and Bell Streets, Denman, opposite the Denman Recreation Area and adjoining the Ulan to Muswellbrook Railway. The site is identified in the image below.

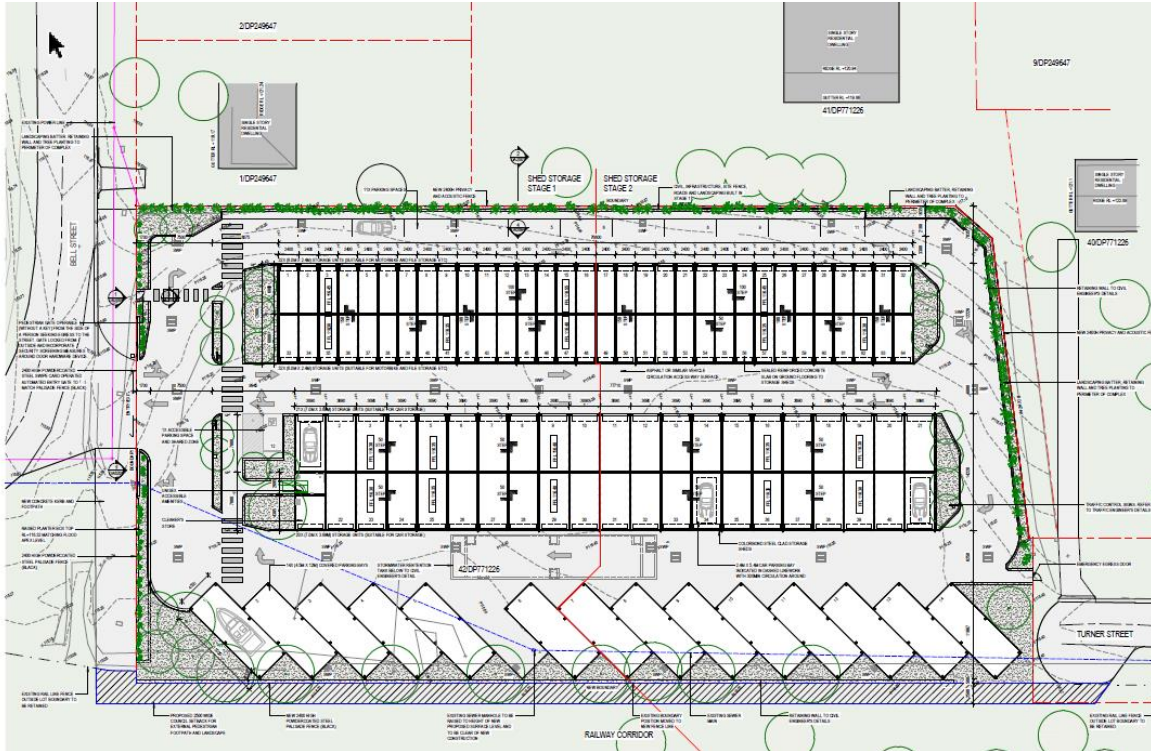


The development application seeks to establish a storage premises comprised of the following:

- Two (2) Storage Buildings with a floor area of 924 m<sup>2</sup> and 1,036 m<sup>2</sup>.
- These two buildings will be divided into 103 individual storage units with floor areas ranging in size from 14.5 m<sup>2</sup> to 37.8 m<sup>2</sup>.
- Twelve (12) storage bays (covered but not enclosed) with a covered area of 54 m<sup>2</sup>.
- One (1) cleaner's store.
- One (1) unisex accessible toilet.
- Eleven (11) car parking spaces (including 1 accessible space).
- Business Identification Signage.

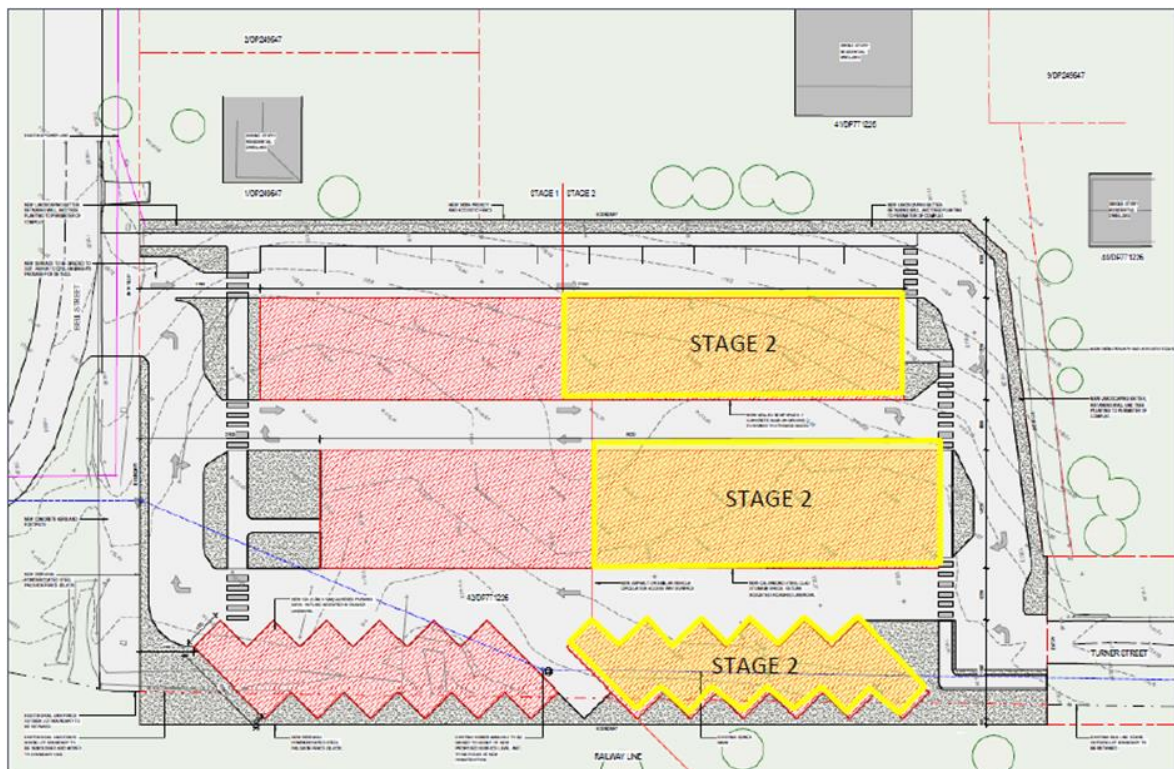
The image below shows the general layout of premises and storage unit arrangement.





The application has proposed to construct the storage premises in two (2) Stages.

Stage 1 will include all site works, associated infrastructure, services, and the southern part of the storage facility buildings. Stage 2 will include completion of the northern half of the storage buildings. Refer to Figure 2 below for further details of the two stages of the proposed development.





The applicant has proposed that the premises would be operated unattended by staff, with access for renters facilitated by the application of a passcode. The applicant initially proposed that the passcode would permit 24/7 access to the facility but has advised that they would accept a condition limiting the operating hours to between 7:00am – 10:00pm Monday to Friday and 8:00am – 9:00pm Saturday and Sunday.

#### **APRIL 2024 COUNCIL REPORT & DA AMENDMENTS SUMMARY**

The Development application was previously reported to Council's April 2024 Ordinary Council Meeting.

At this Meeting Council resolved :

*'This matter be deferred to enable further information to be provided on access to the property and pedestrian access'*

Following the Council resolution and in line with Council's position the applicant was requested to give further consideration to the potential for the development to be amended to:

- Include a single site access via bell Street.
- Include a pedestrian walkway to be retained in Council's ownership adjacent the rail corridor between Bell and Turner Streets.

Following the consideration of these matters the applicant provided updated plans incorporating both request amendments in December 2024.

Informed by the amended proposed plans Council Officers have reviewed the development assessment and recommended conditions to reflect these design amendments.

As referenced through this Council Report the development assessment report prepared related to the development application prior to its amendment was completed by a Consultant Planner. That report was supportive of the proposed development without the incorporation of the amendments requested by Council to improve amenity and traffic outcomes that informed the December 2024 amendment. The balance of the assessment report, its key findings and recommendations remains un-altered from the assessment and recommendation put forward by the Consultant Planner that completed the initial assessment.

#### **ASSESSMENT SUMMARY**

As Council is the owner of the land, the development application is 'Council related development'. To ensure transparency in the assessment of this application, an external Planning Consultant has undertaken the assessment. The Planning Consultant's Section 4.15 Assessment report (attachment A) recommended the application be granted development consent subject to the recommended conditions of consent contained in Attachment B.

Key findings of the assessment include:

- The land is zoned RU5 Village under the Muswellbrook Local Environmental Plan (MLEP) 2009. The proposed 'storage premises' is a type of development permissible with consent within the RU5 zone. The development is consistent with other development standards applicable under MLEP 2009.
- A Preliminary Site Investigation was submitted to consider potential site contamination. The findings of this assessment were supportive of the development progressing subject to the removal of a stockpile of uncontrolled fill (approximately 6m<sup>3</sup>) from the site. Further related commentary is included in the assessment report heading related to SEPP (Resilience and Hazards) 2021.



- The proposed development is consistent with the provisions of other relevant State Environmental Planning Policies.
- The proposed development is consistent with the relevant provisions of the Muswellbrook Development Control Plan.
- Prior to 1977, the land subject to this development application was owned by NSW Public Transport. The land was transferred into the ownership of the Denman Shire Council (since amalgamated with Muswellbrook Shire Council). A search of Council's records did not identify any approved development of the site between 1977 and the present or any information related to any use of the land within that period. A similar development application was previously lodged for the site, however, was withdrawn by the applicant prior to its determination (DA 2021/125).
- The proposed development was referred to the following Government Agencies and Council Officers/Sections:
  - AUSGRID;
  - Australian Rail Track Corporation (ARTC);
  - Council's Water & Wastewater team;
  - Council's Building Surveyor;
  - Council's Senior Environmental Health Officer; and
  - Council's Roads and Drainage team.

The referral advice is summarised under the referrals heading of the attached Section 4.15 Assessment report and have informed the recommended conditions of consent.

- The final design of the proposed development involves the discharge of stormwater into the adjoining Australian Rail Track Corporation (ARTC) Rail corridor. ARTC did not object subject to recommended conditions of consent, including the submission of a stormwater design for approval prior to the issue of a Construction Certificate to demonstrate that the detailed stormwater discharge design will not have an adverse impact on the rail corridor.
- Access to the premises was proposed to be 24 hours per day, 7 days per week (24/7). The Assessing Consultant recommended a condition of consent limiting site access to between 7:00am – 10:00pm Monday to Friday and 8:00am – 9:00pm Saturday and Sunday. This recommendation has been accepted by the applicant. Several additional operating conditions relating to the management of noise from the proposed facility are also recommended (see conditions 45, 51, 53, 59, and 61).
- Following the April 2024 Ordinary Council Meeting where the Council resolved to defer the determination of the application in lieu of further consideration of traffic and pedestrian connectivity related matters, the applicant has revisited and amended aspects of the development design to:
  - Remove the previous Turner Street Site Access.
  - Submitted turning circle details for the revised access plan to demonstrate suitable swept paths for an updated design plan that includes a Bell Street only vehicle access point.
  - Detailed a pedestrian thoroughfare between Bell and Turner Streets to be retained by Council outside the development site.
  - Minor design layout updates to reflect changes.

## CONSULTATION

The proposed development was advertised and notified in accordance with the provisions of Council's Community Consultation Plan between 15 March 2023 to 12 April 2023. Eleven (11)



submissions were received.

Section 4 of the attached Section 4.15 Assessment Report includes a table summarising and considering the key issues raised in public submissions received in relation to the proposed development.

The submissions received have been included in Attachment D to this report.

Key concerns raised by the submissions are:

- Traffic and access impacts – particularly regarding the proposed northern Turner Street vehicle access.
- Potential stormwater and flood impacts on adjoining properties.
- Relationship with the Muswellbrook Development Control Plan (DCP), particularly the Character Statement Provisions of the DCP.
- Site contamination.
- Potential impact on the amenity of adjoining residential properties.
- Suitability of the site.
- Safety and security.
- Noise

The Section 4.15 Assessment Report includes commentary on the matters raised.

### OPTIONS

Council may:

Option 1 - Approve the proposed development subject to the recommended conditions of consent. This is the recommended option based on the s4.15 assessment.

Option 2 - Approve the proposed development subject to different conditions of consent.

Option 3 - Refuse the proposed development and in doing so provide reasons for refusal.

### CONCLUSION

An independent Planning Consultant has undertaken the assessment of this application. The Section 4.15 Assessment prepared by this consultant is included as Attachment A to the report and their recommended conditions in Attachment B.

The Consultant has concluded that the proposed development would be in accordance with the relevant heads of consideration under the Environmental Planning and Assessment Act 1979 and that Council may grant consent to the development application subject to conditions of consent.

### LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of the Environmental Planning and Assessment Act 1979 to appeal that determination at the Land and Environment Court.



## **DEVELOPMENT ASSESSMENT REPORT**

**Attached:** Site Plan

### **REPORT TO: COUNCIL**

<b>ADDRESS:</b>	LOT: 42 DP: 771226 Turner Street, DENMAN, NSW 2328			
<b>APPLICATION No:</b>	2023/14      PAN-302604			
<b>PROPOSAL:</b>	Storage Premises (103 self-storage units and 12 open storage bays).			
<b>COST:</b>	\$3,555,527.00 (Incl. GST)			
<b>PLANS REF:</b>	Drawings no.	Drawn by	Date	Received
<b>OWNER:</b>	Muswellbrook Shire Council			
<b>APPLICANT:</b>	David Ireland PSA Consulting, PO Box 10824, Adelaide Street, Brisbane, QLD, 4000			
<b>AUTHOR:</b>	Mr H A McTaggart			
<b>DATE LODGED:</b>	28 February 2023			
<b>ADD. INFO REC'D:</b>	N/A			
<b>DATE OF REPORT:</b>	5 April 2024			
<b>PORTAL APPLICATION NO:</b>	PAN-302604			
<b>KEY ISSUES:</b>	Access, infrastructure (i.e. sewer and water main), suitability of the site, stormwater, potential soil contamination, public interest			
<b>SUBMISSIONS:</b>	Notification period 15/03/2023 - 12/04/2023 - Eleven (11) Submissions			

### **1.0 RECOMMENDATION**

It is recommended that development consent be granted to DA 2023/14 / PAN-302604 under delegated Authority for a Storage Premises (103 self-storage units and 12 open storage bays) subject to the recommended conditions of consent.

## 2.0 SITE DESCRIPTION

The development application for a storage facility has been lodged over one existing allotment. The proposal relates to Lot 42, DP 771226, and exists on the 1 Turner Street, Denman, which is highlighted in red in Figure 1. The site is rectangular in shape, with a southern boundary of 60.4 metres and an eastern boundary to the Muswellbrook-Merriwa Railway Line of 108.6 metres. The total area of this lot is approximately 6,432 m<sup>2</sup>.

The subject land is currently vacant land with no improvements and zoned *RU5 Village* under the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009). This land use zone promotes residential and commercial development and enables flexibility for development while minimising any impact from non-residential uses. The land adjoins other properties zoned *RU5 Village* and *SP2 Rail Infrastructure*.

Physically the land adjoins a mixture of residential, recreational and commercial developments. The subject land exists approximately 22.8 kilometres south-west of the centre of Muswellbrook.

The allotment is affected by minor localised flooding (maximum depth 290 mm) as indicated by Muswellbrook Shire Council's flood certificate and mapping. The subject land is not listed as having heritage significance, however, one item of local heritage significance (Railway terminus site I37) adjoins the subject site. Furthermore, the land is identified as bushfire prone by the NSW (Rural Fire Service (RFS) Bushfire Map.



**Figure 1 – Aerial Image of subject site identified as Lot 42, DP 771226, 1 Turner Street, Denman**

Flood Prone Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Bushfire Prone Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Terrestrial Vegetation	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Item	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Zone	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Contaminated Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Mine Subsidence	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>



### Operation

The site will be a secured site which can only be accessed by renters with a passcode. It is proposed the site will be run by an off-site (Council appointed) manager. Once a space has been rented, access to the site will be achieved via the use of a passcode which will allow access to the site, proposing a 24 hours / 7 days per week operation. Activity on the site is to be monitored through the use of on-site security cameras.

The applicant proposes to implement strict management actions, to ensure that the site functions in a manner that does not impact residential amenity. These measures include:

- Construction of a 2.4 m high acoustic and privacy fence along the northern and western site boundaries.
- Customer vehicles are to be restricted to cars, car and trailer and a small (up to 4.5 tonnes) rigid truck (e.g. a Hertz removalist truck).
- Small rigid trucks will be restricted to daylight hours (7.00 am – 6.00 pm).
- Cars and Trailers are able to access all parts of the site at all times.
- Traffic speed of 10 km/hr will be applied to the facility, and vehicles are not to be left idling when within the premises.

Cleaners will also access the site regularly to maintain the site is in good order, collect any litter, and place the bins for weekly collection.

The development concerned is permitted with development consent in the *RU5 Village* zone pursuant to the Land Use Table of the MLEP 2009.

Notification Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Notification Dates	15/03/2023 to 12/04/2023
Number of Submissions	Eleven (11)
Standard Local Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Regionally Significant Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Designated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Integrated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

### December 2024 Amendment

Note following the drafting of the initial Section 4.15 Assessment Report and the initial reporting of the development application to Council the proposed development has been amended by the applicant.

The amendment and updated plans:

- Removes the Turner Street vehicle access previously proposed.
- Provides traffic advice and turning circle information to demonstrate the suitability of the updated vehicle turning circles pathways.
- Includes pedestrian walkway to the exterior of the storage unit complex adjacent the Rail Corridor
- Includes modest amendments to the proposed design/layout to accommodate the key changes referenced.

## 4.0 RELEVANT HISTORY

### Previous Approvals

The subject land Lot 42, DP 771226 is currently vacant and was created under Subdivision No. 811, approved on 19 August 1985.

### Other Background Information



The land or part of it was transferred to the former Denman Shire Council in 1977 from the NSW Public Transport Commission.

There is no reference linking the Subdivision No. 811 to a Development Application. Accordingly, it is likely that the creation of the land and any associated boundary adjustments did not require a DA at the time of its creation.

Lot 42 was owned by Council at the point of its creation in 1985 and the equivalent land (pre-boundary adjustment) was owned by Council from the time of the lands grant from the NSW Public Transport Commission.

## 5.0 REFERRALS

Internal Comments	
CI – Roads and Drainage	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
CI – Water and Sewer	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Waste	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Environmental Health Officer	Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Building Surveyor	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Community Services	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Sustainability	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Heritage Advisor	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Other	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
External Comments	
TfNSW	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
ARTC	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
NSW Heritage	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW RFS	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Police	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Fire & Rescue	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
EPA	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Health	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
DPIE	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Local Traffic Committee	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Other - Ausgrid	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

### 5.1 External Referrals

The proposed development was referred to the following agencies for comment:-

#### *Ausgrid*

A response from Ausgrid 26 April 2023, under clause 2.48(1)(b)(iii) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, required due consideration be given to the compatibility of the development with existing Ausgrid infrastructure (i.e. risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity etc.). Overall, Ausgrid provided consent to the proposed development and the following recommendations:-

- The method of connection is required in accordance with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

- Prior to the commencement of construction, the nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

When Ausgrid is engaged by the nominated electrical contractor an assessment will be conducted determining whether or not:

- the existing network can support the expected electrical load of the development;
- a substation is required on-site (either a pad mount kiosk or chamber style); and
- site conditions or other issues need to be addressed that may impact on the method of supply.

#### *NSW Rural Fire Service*

The subject site is identified as being bushfire prone land. However, under the provisions of Clause 100B of the *Rural Fire Act 1997* the development is not required to be referred to NSW Rural Fire Service as it is not listed as a special fire protection purpose.

#### *ARTC*

Australian Rail Track Corporation (ARTC) provided a response 23 February 2023, in relation to stormwater and fencing, advising the following:

#### Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose a condition to ensure stormwater does not affect the rail corridor. A condition has been imposed in the Notice of Determination to reflect this should the development be supported.

#### Fencing

ARTC supports the fence being moved, however the applicant must ensure the following:

- The fence is consistent with ARTC Fence Standards.
- The ARTC Third Party Works process is followed and a Rail Safety Protection Officer is on site, in accordance with ARTC Rail Safety System during removal and relocation of the fence.
- During the installation of the new fence a Rail Services search prior to installation and is to be completed and will require ARTC approval.

ARTC also requests that the proponent seeks concurrence to carry out excavation and any other adjacent earthworks due to the proposed development being within 25 m of the rail corridor as it has the potential to impact on the safety and operation of the rail network. This will also be included as part of the conditions should Council support the development.

## **5.2 Internal Referrals**

The proposed development was referred to the following sections of Council for comment / consideration:-

### **5.2.1 Water and waste regarding any sewer/water assets**

#### Comments:

Council's Project Engineer – Kugan Thiru provided the following comments in relation to water and sewer requirements:-

The proposed development is required to pay 1ET each for water and sewer.

#### *Sewer Main*

The proposed car park over the sewer main is acceptable. There are no buildings proposed over the sewer main. An easement is required to be created along the sewer main for future maintenance purposes. It is better to avoid any zone of influence of building in red circled sewer main.

#### *Water Main*

The existing water main is still active and is known to be an asbestos main. The development does not propose any buildings over the water main. This can be relocated within the easement, if required. It was noted the water main is required to be investigated.

### **5.2.2 Building regarding compliance with the Building Code of Australia (BCA)**

#### Comments:

Council's Building Certifier provided the following comments regarding BCA requirements:-

*"I have reviewed the development and note a BCA and Access report have been provided with the application.*

*The BCA report indicates that construction will comply with the DtS provisions of the BCA, except where addressing clause C3.2 which relates to the 7b carports and requires the openings within 3m of the boundary to be protected. This will be up to the certifier issuing the CC how to deal with this as, in my opinion, the opening does not require protecting to comply with the DtS provisions. Notwithstanding, should the certifier issuing the CC require a performance solution, I believe there is merit in the description of the performance solution noted in the BCA report. It should be noted that hydrants will be required which will add to the cost, however this is detailed in the BCA report and would have already been included in the cost estimate.*

*With respect to the Access report; there have been some areas where the report has identified non-compliances, i.e., Continuous accessible path of travel to be provided from main allotment boundary and Parallel parking space to incorporate shared zone and dimension to comply with AS2890.6 requirements, however these can be addressed with the CC.*

*Please note, the reports have been prepared using BCA 2019; as the CC has not been lodged yet, the CC will be assessed using BCA 2022. There have not been major changes between the different versions to warrant updated reports to be drafted."*

The BCA criteria have been taken into consideration for the proposed development and deemed that any matters are to be considered at the Construction Certificate Stage.

A condition will be listed in the notice of determination, should the development be supported requiring the proposal to comply with the provisions of the BCA.

### **5.2.3 Community Infrastructure/Roads and Drainage**

- Roads and drainage regarding roads and stormwater infrastructure considerations.

The comments from each section are summarised as follows:-

Council's Roads and Drainage Officers have provided comments for the proposed development 2 August 2023 requesting additional information from the applicant. Details of their advice is outlined below:-

#### **Stormwater:**

- *Muswellbrook Shire Council do not support the use of the pumps for stormwater management due to pump failure and operation risks. The applicant is to demonstrate proposed stormwater discharge towards ARTC corridor. The applicant should also*

*review the overflow route for peak events with an obstacle by the proposed landscaped tree to be reviewed. Where the proposed development is altered to dispose stormwater via the ARTC corridor it would be relevant for Council to re-refer the proposal to ARTC for any related feedback on the adequacy of that discharge location and its impact on its infrastructure. To inform the assessment of this issue by ARTC the applicant should have regard to the existing stormwater drainage within the ARTC corridor and its ability to accommodate additional stormwater discharge from the proposed development. It is anticipated that the ARTC would have reservations around a situation where the proposed development increases discharge into the rail corridor during storm events. It is suggested that the applicant review the ARTC comments in context with this comment.*

Response from Applicant:

The revised stormwater design has removed the pump design and now discharges via gravity to the ARTC corridor via an On-Site Detention system. This OSD tank restricts the flow for up to a 1% AEP Storm event to predevelopment conditions. ARTC have reviewed this proposal and provided a letter of approval to discharge to the rail corridor.

- The applicant has proposed using 7x690 PSorb Ocean Protect storm filter cartridges and Ocean Guard pit baskets in all grated stormwater pits. While the stormwater quality has met Council standards, we have concerns about oil and grease. Council understands that Perlite or Granular Activated Carbon (GAC) would be more effective than PhosphoSorb (PSorb). Therefore, the proponent must justify/comment on the type of media choice and supply cartridges' calculations.*

Response from Applicant:

Adams Consulting Engineers liaised with the supplier of the treatment filters (Ocean Protect) who have recommended the use of an oil baffle wall within the tank prior to the treatment weir to help address the concern relating to oils and grease. Advice has been provided indicating that the inclusion of baffle walls when installed currently can remove 90% of oils and grease. The Oil Baffle is to match the length of the overflow weir, offset 250mm from the weir and extend 400mm below the weir as shown on the plans. Furthermore 'Ocean Protect' have advised that 'the PSORB Media is perfectly capable of removing hydrocarbons through adsorption and would not recommend adjusting the media being use'.

- A DRAINS model and report is to be supplied to ensure stormwater retention up to 1% AEP even has been addressed.*

Response from Applicant:

A DRAINS model has been provided for review along with new sheet C004 for DRAINS OSD output review.

- A headwall proposed close to the clear zone at the corner of Bell St creates a risk to the errant driver; therefore, a drivable headwall must be considered.*

Response from Applicant:

The headwall has been removed due to the different point of discharge in the updated plans. This item is no longer applicable.

- There needs to be adequate information on how the overflow point from the site with a retaining wall allows the flow to be controlled towards the rail corridor.*

Response from Applicant:

Outlet from the OSD tank to be discharged to the surface of the ARTC land with rock beaching and scour protection to ARTC requirements. A vermin proof covering over the tank has also been proposed at the outlet.

In the emergency event of the tank overflowing through the grated access hatches the stormwater will fall to the eastern boundary via the pavement falls and discharge over the boundary retaining wall to ARTC land.

**Traffic Movement/Road Pavement:**

- Council notes that heavy vehicles are to enter via Turner St access, and the queue length (AS2890.1) requires a minimum of two (2) cars or 3% capacity. However, only 2.9m is provided, which means a vehicle and trailer will block the access to the neighbouring driveway. Therefore, Council requests the applicant address this issue and supply a solution to the potential of blocking the adjacent driveway.
- The applicant has proposed marking, which shows left turn signs from Turner St and internally, which clarification is required if the intent needs to be changed to "Left Turn Only", with consideration of "No entry" appropriate signage to guide movement within the site. The applicant must prioritise reducing confusion at the corner for vehicles entering from Turner St and southbound cars turning left.

**Stage construction:**

- Although the site has been proposed as two stages, it needs to be clarified how traffic flow and drainage separated between the stages will be functional for each stage independently.
- Applicant to confirm entry gate details where swipe key required to enter site and potential obstruction of entering long vehicle from Turner St a concern for Council.

Additional Information and Final Comments from Council's Engineering Department

In response to Council's request for further information (Engineering) relating to the design of the development the proponent submitted the necessary information 30 October 2023. This information was reviewed and Engineering requirements were issued 7 March 2024. These are detailed as follows:-

- All works on site will require a Section 138 Road Permit prior to construction, to be followed at all times.
- A final stormwater management plan prior to CC is required including all relevant and updated information to Council's written satisfaction
- Final kerb design and linemarking is to be clear of drainage infrastructure and allow unimpeded access around the site
- All vehicular movements on site for the maximum sized vehicle are to be demonstrated as part of CC design
- All retaining walls are to be certified by a suitably experienced structural engineer
- Driveways into site to be in accordance with Council's F10 Kerb and Gutter Policy
- The applicant shall, within seven (7) days upon completion of the final works, submit to Council a Works as Executed plan (WAE) for approval. The plan shall be in the form of a marked-up copy of the approved Construction Certificate Civil Works Plan and also a marked-up digital CAD format compatible with Council's asset database system. Works As Executed information to include all infrastructure between the centreline of the road and front boundary for Bell St, and a distance of 30m from the front boundary along Turner St.
- All stormwater infrastructure is to be demonstrated to be free of sediment, gravel and litter prior to formal handover including photographic records
- All other requirements from ARTC as detailed are to be adhered to at all times

The abovementioned requirements will form part of the proposed conditions of consent for Stage 1 of the development.

**5.2.4 Environmental Health officer**

The Senior Environmental Health Officer indicated there are concerns with the stockpile of waste which needs to be classified and disposed of off-site prior to development.

A condition should form part of the notice of determination requiring a detailed contamination assessment which is to include a waste classification of the stockpile, to be undertaken to provide Council with further information for adequate assessment on contamination.

Storage of hazardous waste also needs to be considered associated with the storage of vehicles. The site will be required to have a spill response plan in to manage any potential leaks or spills from hazardous materials stored on site such as fuel or oil.

The Environmental Health Officer advised the following:-

*"I have some concerns regarding the 24 hour access to the facility, as the facility is located in very close proximity to residential lots and as such has the potential to cause a negative impact on the amenity. The applicant is to consider if 24 hours access is essential to the operation of the proposed development. Limiting hours of access in line with the NSW EPAs Noise restrictions in residential areas should be considered by the applicant, and alternate hours of access proposed to Council for review. The noise policy for industry defines "night period" from 10pm to 7am. Should the development wish to close operations from 10pm to 7am, the noise impacts to neighbours may be lessened and it is possible the development could proceed with conditions to mitigate any impacts to amenity....*

*Should the applicant not wish to vary the hours and remain 24/7 I note that I do not support the application in its current form and note the following for further information."*

## 6.0 ASSESSMENT

This report provides an assessment of the material presented in the Application against relevant planning legislation and policies.

### Section 4.15 Matters for Consideration

#### Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

##### Overview

Land use Zone	RU5 Village
Proposed Use	storage premises
Permissibility	<b>Permitted with Consent</b>
Zone Objective	<b>Complies with Objectives</b>

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

#### A. Muswellbrook Local Environmental Plan 2009

##### Land Use Zoning and permissibility

The subject site is zoned *RU5 Village zone* under the MLEP 2009.

The RU5 Village land use table has been included below for reference.

#### **2 Permitted without consent**

*Home occupations*

#### **3 Permitted with consent**

*Amusement centres; Attached dwellings; Boarding houses; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home*

*industries; Hostels; Information and education facilities; Mortuaries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Roads; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water supply systems; Wholesale supplies*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

The proposed development falls within the MLEP 2009 definition of a 'storage premises' being:

*"a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre."*

The land use storage premises is identified as a development that is permitted with consent in the RU5 zone of the MLEP 2009.

#### Objectives of the RU5 Village Zone

The relationship of the proposed development with the *RU5 Village* zone objectives and land use table has been considered below.

The RU5 Village land use zone objectives are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.*
- *To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.*
- *To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*

Clause 2.3 of the MLEP 2009 requires a consent authority to have regard to the relevant land use zoning objectives when determining a development application. Council Officers have considered the proposed development against the *RU5 Village* land use zone objectives referenced above. It is the view of Council Officers that the proposal would be in keeping with the applicable land use zone objectives.

The proposal seeks staged development consent for the erection of single-storey buildings and structures for use as a 'storage premises' at the site. The project will provide 103 x self-storage units and 12 x open storage bays (for caravans / boats) which will be available for rent by the general public. The development will facilitate an efficient operation of the land for commercial related purposes. The subdivision is not expected to cause conflict with adjoining land uses and the outcome is consistent with the RU5 Village land use zone objectives.

#### Relevant Clauses applicable under MLEP 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<b>2.3 Zone objectives and Land Use Table</b>	<p>The proposed development is compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause.</p> <p><b>Complies</b></p>



2.7 Demolition requires development consent	<p>This clause specifies that the demolition of buildings may be carried out with development consent.</p> <p><b>Not relevant</b></p>
<b>Part 4 Principal development standards</b>	
4.3 Height of buildings	<p>The maximum building height applicable to the land and proposed development under the provisions of the MLEP 2009 is 8.5 metres. The proposed development has maximum building heights of 4.38 metres and 5.10 metres and complies with this provision.</p> <p><b>Complies</b></p>
4.4 Floor space ratio	<p>This Clause prescribes a maximum Floor Space Ratio (FSR) of 0.5:1 for the subject land.</p> <p>The subject site has an area of 6,438 m<sup>2</sup>, and the proposed storage premises have a GFA of 1,695 m<sup>2</sup>, which equates to a FSR of 0.263:1. Therefore, the proposal complies with the required FSR.</p> <p><b>Complies</b></p>
<b>Part 5 Miscellaneous provisions</b>	
5.10 Heritage conservation	<p>The development site is not located within a heritage conservation area and does not include an item of environmental heritage.</p> <p>A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites or places are recorded in or near the development site. Furthermore, it is considered that the development will have minimal impact on the adjoining heritage listed item (Railway terminus site I37). Therefore, Council Officers are satisfied that the development may proceed in accordance with the requirements of this Clause.</p> <p><b>Complies</b></p>
5.21 Flood Planning	<p>The allotment is affected by minor localised flooding (maximum depth 0.29 metres) as indicated by Muswellbrook Shire Council's flood certificate and mapping. The proposed development will redirect the minor level of localised on-site flooding downstream to Council's existing infrastructure in Bell Street. It is expected the volume of redirected flood waters will result in insignificant changes to flood behavior as indicated in the Stormwater Management Plan. The development also achieves compliance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines. Consequently, the proposal is acceptable and complies with the provisions of this clause.</p> <p><b>Complies</b></p>
<b>Part 7 Additional local provisions</b>	
7.1 Terrestrial biodiversity	<p>The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment.</p> <p><b>Not relevant</b></p>
7.6 Earthworks	<p>This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.</p> <ul style="list-style-type: none"> <li>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</li> <li>b) the effect of the proposed development on the likely future use or redevelopment of the land,</li> <li>c) the quality of the fill or of the soil to be excavated, or both,</li> <li>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</li> <li>e) the source of any fill material or the destination of any excavated material,</li> <li>f) the likelihood of disturbing relics,</li> </ul>



	<p>g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>Each of the matters specified above have been considered through the assessment of the development application and Council Officers are satisfied that the proposed development could be carried out in accordance with the requirements of this Clause.</p> <p>To ensure that earthworks are appropriately completed, the applicant has prepared a sediment and erosion control plan, in accordance with 'The Blue Book' published by Landcom. Furthermore, the proponent has identified that all earthworks will be undertaken in accordance with the provisions of the Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences to ensure that earthworks do not result in unacceptable risk for future land uses. A condition will also be listed ensuring the proponent complies with the proposed management plan should the development be approved.</p> <p><b>Complies</b></p>
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## **B. State Environmental Planning Policies Relevant to Muswellbrook Shire**

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The current zoning of the land is RU5 Village and historically the land has been undeveloped and vacant. A search of Council's records does not identify that there has been any previous usage that could lead to any potential site contamination. A Preliminary Site Investigation was also completed by the proponent 16 April 2021. The preliminary analysis identified a stockpile of uncontrolled material onsite (approximately 6 m<sup>3</sup>), comprising of possible uncontrolled fill material. This was considered that the site generally presents a low risk posed by contamination, however material within the stockpile presents a medium risk to human health and the environment during proposed land use. Consequently, it was recommended a further detailed assessment of the physical and chemical properties of the stockpiled material occur. It was also recommended that all material classified as waste be disposed offsite to a facility that is suitably licensed to accept the particular class of waste.

A condition will be imposed in the notice of determination, should the development be approved, requiring further investigation in the existing stockpile and appropriate disposal after the results are determined.

It is considered the proposal for the construction of a commercial storage facility meets the requirements of the SEPP and no further investigation is required in relation to the remainder of the site, subject to the recommended conditions of consent.

### **State Environmental Planning Policy (Industry and Employment) 2021**

*Chapter 3 Advertising and signage* of this Policy is concerned with outdoor advertising and signage. This chapter outlines the signage to which this policy applies:

(1) *This Chapter applies to all signage that—*

- (a) *can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and*
- (b) *is visible from any public place or public reserve, except as provided by this Chapter.*

A 'public place' is defined in the *Local Government Act 1993* as:

- a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- b) a public road, public bridge, public wharf or public road-ferry, or
- c) a Crown reserve comprising land reserved for future public requirements, or
- d) public land or Crown land that is not:
- e) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
- f) a common, or
- g) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
- h) land that has been sold or leased or lawfully contracted to be sold or leased, or
- i) land that is declared by the regulations to be a public place for the purposes of this definition.

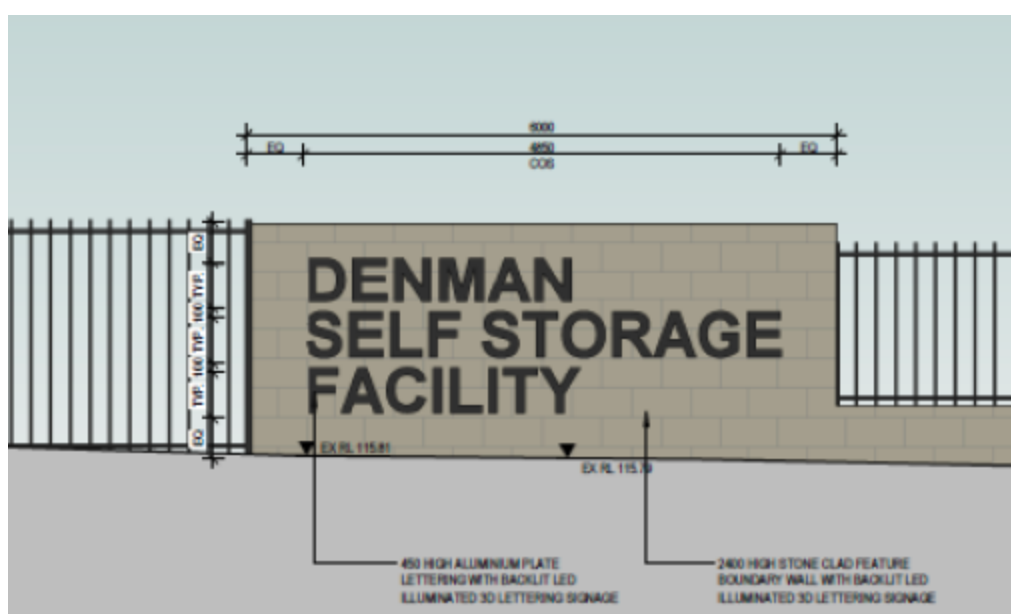
As the proposed signage will be visible from a 'public place', specifically a public road, this Policy is applicable to the application. The consent authority must not grant consent for the proposed signage unless it is satisfied that the signage is consistent with the objectives of Chapter 3 Advertising and signage, and that it satisfies the assessment criteria specified in Schedule 5 of the policy. An assessment of the proposed signage against these provisions is provided below:

(1) *This Chapter aims:*

a) *to ensure that signage (including advertising):*

i. *is compatible with the desired amenity and visual character of an area, and*

The subject building is located in the *RU5 Village* zone of Denman. The proposed development includes the erection of one business identification sign on the fence line. The proposed signage involves black aluminium lettering attached to the 2.4 metre high stone clad wall fronting Bell Street. The lettering is intended to be back lit with low level and adjustable lighting. The proposed layout is further detailed in Figure 3 below. The proposed development provides for limited signage in a suitable location. The proposed sign is of suitable size and will not contributing to visual clutter, nor will it detract from the visual quality of the subject building or the public domain. The proposed development is therefore considered compatible with the amenity and visual character of the area.



**Figure 3** - Proposed Signage for the Development at Lot 42, DP 771226, 1 Turner Street, Denman

ii. *provides effective communication in suitable locations, and*

The proposed signage is designed to identify the business within the premises and provides adequate communication. The signage will be located on the front fencing of the allotment and is considered to be suitably located.

iii. *is of high quality design and finish, and*

It is expected that the signage will be of high quality design and finish.

Schedule 5 Assessment Criteria:

**1 Character of the area**

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The subject land is located within the *RU5 Village* zone of Denman. As the proposed signage will advertise a permissible business within the zone, it is considered that the development is compatible with the existing and proposed future character of the locality.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There does not appear to be any particular themes for outdoor advertising in the area or locality.

**2 Special areas**

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The signage has been designed in order to have minimal impact on the building. The proposed sign is black in colour with limited / dimmable lighting and is considered to be low impact. This will not detract from the amenity or visual quality of the area.

**3 Views and vistas**

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed development will not obscure or compromise important views, nor will it dominate the skyline or reduce the quality of vistas.

- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any existing advertisements in the vicinity.

**4 Streetscape, setting or landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

It is considered that the proposed signage is appropriate for the allotment and its scale is not inconsistent with existing signage in proximity.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

Minimal impact on the streetscape, setting and landscape is anticipated as a result of the proposal.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The proposed development incorporates black aluminium lettering attached to the 2.4 metre high stone clad wall fronting Bell Street. There is no 'clutter' as a result of the lettering, given the intended location. This signage is considered to have negligible impact in the existing setting.

- *Does the proposal screen unsightliness?*

It is considered that there is no unsightliness to screen in this instance.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage does not protrude above buildings, structures or tree canopies in the area.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management as it appropriately located on the fence line.

## **5 Site and building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed signage is deemed to be compatible with the characteristics of the site.

- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

It is considered that the single fence façade sign is appropriate in terms of the relationship to the site and building.

## **6 Associated devices and logos with advertisements and advertising structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Logos are not associated with the proposed sign. Should the development be supported Council will provide conditions to ensure the lighting associated with the signage complies with the Australian Standards and is dimmable after 11.00 pm.

## **7 Illumination**

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*

The signage proposes background lighting. It is considered the illumination will not result in unacceptable glare. A condition will be provided to ensure this, should the development be supported by Council.

## **8 Safety**

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Given that sightlines are not obscured by the proposed signage, it is not expected that there will be an adverse impact on the safety of vehicles, pedestrians or bicyclists.

It is considered that the proposed signage complies with the provisions of this Policy, given the information detailed in the above assessment.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Further to the permissibility provisions of the *SEPP (Transport and Infrastructure) 2021* Section 2.122 of the SEPP relates to development that constitutes traffic generating development. Schedule 3 of the SEPP provides a list of developments that must be referred to *Transport for New South Wales* (TfNSW). In accordance with the SEPP the proposed development is not listed as a development in Schedule 3. Section 2.122 also applies where a development has capacity to accommodate 200 or more vehicles. It is considered that the development would not have capacity to accommodate 200 or more vehicles and does not constitute traffic generating development. This is reinforced in the Traffic Impact Assessment prepared by PSA Consulting 23 January 2023.

The Traffic Impact Assessment confirms that the traffic generated by the development is not likely to have any adverse impact on the “...*surrounding road network due to the nature of the site being low traffic generating (i.e. maximum trip generation of 9 trips per hour on a weekend) and the hierarchy of the surrounding roads.*”

In conclusion, the independent Traffic Impact Assessment resolved the storage premises at the proposed location is generally in accordance with AS2890 series and the MDCP 2009.

In accordance with Clause 2.48 of the SEPP (Transport and Infrastructure) 2021 the development application requires referral to the electrical supply authority as the development involves works within 5 m of the overhead powerlines located within the Bell Street frontage of the site.

A response from Ausgrid 26 April 2023, under clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, required due consideration be given to the compatibility of the development with existing Ausgrid infrastructure (i.e. risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity etc.). Overall, Ausgrid provided consent to the proposed development and the following recommendations:-

- The method of connection is required in accordance with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements.
- Prior to the commencement of construction the nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

Subject to Council’s requirements, and the proposed management strategies by the proponent it is considered the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with Bell Street.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

This consolidated Policy applies in the Muswellbrook Shire Council local government area to land that is listed in Schedule 1 (i.e. Central Coast) of the SEPP and land identified in the Koala Habitat Protection Map. Therefore, the provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.

Significant disturbance and modification of the natural environment has occurred on the subject land as a result of historic land uses that are urban related (i.e. residential). In this regard, the subject land has been previously cleared to accommodate the land uses, and there are no significant stands of native vegetation located in proximity to the development site as identified in the Department of Planning and Environment’s Biodiversity Values Map. A site inspection also confirmed that the proposed location of the development is largely clear of native vegetation.

In addition to the above information, there will be no additional clearing of native trees and shrubs undertaken for the development and as such, the subject application does not pose a risk to koala habitat, and the provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* have been met.

#### ***Biodiversity Conservation Act 2016***

The *Biodiversity Conservation Act 2016* is legislation which applies to the whole of NSW. The purpose of the act is to protect the following biodiversity values:

- (a) *vegetation integrity—being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state,*

- (b) *habitat suitability—being the degree to which the habitat needs of threatened species is present at a particular site,*
- (c) *biodiversity values, or biodiversity-related values, prescribed by the regulations.*

This proposal does not require any clearing of trees and therefore there is not expected to be any loss of habitat as a result of the development. The minimum lot size for the development site is 750 m<sup>2</sup> and the development does not exceed the biodiversity offsets threshold. Furthermore, as there is no tree removal or clearing there are no requirements under the *Biodiversity Conservation Act 2016*.

#### **Section 4.15(1)(a)(ii) the provisions of any draft EPI.**

The proposed development does not relate to any draft environmental planning instrument. There are no draft EPIs relevant to the subject Application.

#### **Section 4.15(1)(a)(iii) the provisions of any development control plan**

The *Muswellbrook Development Control Plan 2009* (MDCP 2009) is the development control plan relevant to all development in the Muswellbrook Local Government Area.

### **Development Control Plan – Principles of Development**

#### **Relevant Provisions applicable under MDCP 2009**

<i>Provision</i>	<i>Comment</i>
<b>Section 3 – Site Analysis</b>	
	<p>The development has been designed to comply with the local provisions for the urban area. The proposed plans for the development meet Council's requirements. Services such as power, water, gas, telecommunications, and sewer all currently exist on the property. Furthermore, all setbacks from existing development comply with the new subdivision boundaries.</p> <p>Council Officers are satisfied that the proponent has adequately considered the provisions of this Section and prepared the documentation accompanying the development application in accordance with the requirements of this Section. Appropriate information has been supplied to assess the development.</p> <p><b>Complies</b></p>
<b>Section 4 – Notification</b>	<p>The proposed development was advertised and notified from 15 March 2023 to 12 April 2023 and eleven (11) submissions were received during the notification period. Refer to requirements of the Community Participation Plan (see comments and table below).</p> <p><b>Complies</b></p>
<b>Section 7- Village Zones</b>	
<b>Application</b>	<p>A Section 138 application is required to provide safe and easy access to and from the subject site as no access crossovers currently exist on the development site. A condition will be included in the notice of determination requiring the submission of a S.138 Application should approval be granted.</p> <p><b>Complies</b></p>
<b>Aims and Objectives</b>	<p>The proposed storage premises meets the aims and objectives specified under this part as it facilitates a low-impact land use that is appropriate for the RU5 Village zone. The proposal also strengthens commercial hierarchies and provides employment opportunities for the town of Denman.</p> <p><b>Complies</b></p>
<b>Section 7.2 Assessment Process</b>	
<b>Consent Authority</b>	<p>The proposal complies with Section 3 of the DCP and all required documents have been provided as part of this DA submission.</p> <p><b>Complies</b></p>

<i>Construction and Principle Certifying Authority</i>	<p>The proposed involves the construction of a storage premises involving (Class 7b); therefore a Construction Certificate (CC) is required in this instance.</p> <p><b>Complies</b></p>
<i>Character Statements</i>	<p>This section requires development to be consistent and not compromise the integrity of the character statement for Denman.</p> <p>The proposed development will not have a significant impact on the character of Denman. It is considered that the mitigation measures proposed for the construction (i.e. landscaping, layout, colours, screening etc.) will provide a sympathetic design that is consistent with the design theme of Denman.</p> <p>The proposed storage premises is identified as permissible development within the RU5 Village Zone and aligns with the intended character of Denman.</p> <p><b>Complies</b></p>
<i>Section 7.4 Non-residential Development</i>	
<i>Location</i>	<p>The objectives of this clause are to ensure the development does not have an adverse impact on adjoining residential amenity and that business does not detract from the social amenity provided by the main street of the village. Maintaining the economic viability of small business in the business precinct is also another objective.</p> <p>The proposed development involves the construction of a low-key commercial Storage Premises and is permissible in the RU5 - Village zone of the MLEP 2009. The development is a specific business operation that involves storage of items owned by members of the public in which a fee is paid for the service. Given this type of business is a specialty service it will not detract from the commercial function of Denman. Furthermore, the necessary controls / measures undertaken by the development will ameliorate any impacts from the development. Should the development be supported by Council conditions will be imposed that will see the appropriate management of the development.</p> <p><b>Complies</b></p>
<i>Design Guidelines</i>	<p>The single-story design features and setbacks are consistent with the adjoining residential development and the proposed built form will not conflict with the existing streetscape.</p> <p>Additionally, the site is not located within the Denman Heritage Character Area and the proposed storage premises are constructed of a suitable colorbond sheeting and other building materials that are consistent with buildings in the surrounding area.</p> <p>The buildings have been appropriately designed to maintain a low profile with the incorporation of the landscaping and design features to reduce bulk and visual intrusion.</p> <p><b>Complies</b></p>
<i>Vehicle Parking</i>	<p>On site car parking is to be provided in accordance with Section 16 of the DCP and complies with the provisions. The proposed development requires 1 car parking spaces per 300 m<sup>2</sup> of gross floor area (GFA). With a GFA of 2,578 m<sup>2</sup>, 9 car parking spaces should be provided at the site. The development proposes 11 car parking spaces (inclusive of one accessible parking space) along the western boundary of the site. The parking spaces are also designed in accordance with AS2890.1 Off-street car parking and AS2890.6 Off-street parking for people with disabilities series.</p> <p><b>Complies</b></p>
<i>Signage and Use of Footpaths</i>	<p>The proposed Business Identification Signage is comprised of black aluminium lettering and is to be located on the stone clad feature boundary wall along the southern Bell Street frontage. The lettering is intended to be back lit with low level and adjustable lighting.</p> <p>It is considered that the signage is integrated with the building and landscaping elements on the site and compatible with the character of the locality.</p> <p>There are no footpaths in the vicinity of the proposed development.</p>



	<b>Complies</b>
<i>Waste Water Disposal</i>	The proposal is to be connected to the existing sewer along Bell Street to the south of the site and comply with Council's requirements.  <b>Complies</b>
<i>Form, Massing and Scale</i>	The objectives of this section require all new buildings to not dominate the surrounding built environment and to reinforce the existing characteristic-built form of the area, while meeting the heritage character statement in section 15 of the DCP.  The proposed commercial building is not located within the Denman Heritage Character Area. Additionally, the proposed landscape treatment and layout of the building are considered to alleviate the impact of the development on the surrounding village zone.  <b>Complies</b>
<i>Access</i>	The objective of this clause is to ensure equitable access for people with disabilities or the aged. The proposed development complies with applicable BCA provisions and Section 16 – Car Parking and Development of the MDCP 2009.  <b>Complies</b>
<i>Setbacks</i>	The proposed setbacks are consistent with adjoining residential development and adopts a low profile one (1) story-built form. The proposal is considered to comply with Councils objectives and development control standards.  <b>Complies</b>
<i>Landscaping</i>	The proposed plans confirm that 15.3% (988 m <sup>2</sup> ) of the site is proposed to be retained for soft landscaping. The landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint) and various native shrubs, grasses and groundcovers. Landscaping is provided in the front setback area, along driveways and for screening of parking areas.  Landscaping also includes large shade and small feature trees, raised garden beds and mass ground covers is included in the setback, along car parking areas and along the site boundaries.  The boundaries adjoining the existing residence have been provided with a 1.5 m landscape buffer comprised of an acoustic fence (2.4 m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.  <b>Complies</b>
<b>Section 14 Outdoor Signage</b>	
	The proposed signage will be comprised of aluminium plate, black lettering fixed to the 2.4 m high stone clad wall fronting Bell Street. The lettering will be back lit with low level and adjustable lighting to ensure that there is no glare impact. This has been reduced in size and erected at only one end of the building (original proposal included larger signage size and at both ends of the building).  It is considered that the signage is well integrated with the building and landscaping elements on the site and compatible with the character of the locality.  Council Officers are satisfied that the proposed signage complies with the controls of this Section of the DCP and objectives.  <b>Complies</b>
<b>Section 15 Heritage</b>	
<i>Heritage Conservation</i>	The site subject to this development application is not located within a Heritage Conversation Area and does not include an item of environmental heritage. A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has also shown that no Aboriginal sites or places are recorded in or near the development site.



	<p>However, the nearest heritage item to the development site is the Railway terminus site (I37), a locally listed item. This heritage item is situated on the eastern side of the development site. Given the proposed development is physically separated from this heritage item by the Railway and open space, it is considered unlikely to have any substantive impact on the importance of this locally listed item.</p> <p>Therefore, Council Officers are satisfied the proposed development can occur given that it complies with the requirements of this Clause and has no impact on any items of heritage significance.</p> <p><b>Complies</b></p>
<b>Section 16 Carparking and Access</b>	
<i>Non-Residential Development</i>	<p>The Traffic Report confirms that site access, parking, servicing and traffic generation has been designed in accordance with Australian Standards Parking Facilities AS2890 series and Muswellbrook Development Control Plan 2009. The proposed site access and parking arrangements include:</p> <ul style="list-style-type: none"> <li>• Ingress only secure access driveway gate from the north, via Turner Street.</li> <li>• Ingress / egress secure access driveway gates from the south, via Bell Street.</li> <li>• Pedestrian egress gates to Bell Street and Turner Street.</li> <li>• 11 x formal car parking bays within the western site boundary, including 1 x accessible parking space.</li> </ul> <p>The on-site access has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. The access widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 metres.</p> <p>It is considered the proposed development is likely to generate sporadic traffic movements. The Report also indicates traffic is likely to be a low generating (i.e. maximum trip generation of 9 trips per hour on a weekend) due to the nature of the site and the hierarchy of the surrounding roads.</p> <p>It is considered the development is not likely to result in any adverse impact. Council Officers are satisfied that the rate for off-street car parking proposed, and on-site manoeuvrability would meet the relevant DCP off-street car parking and access requirements.</p> <p><b>Complies</b></p>
<i>Design Guidelines for off-street vehicular parking areas</i>	<p>The Traffic Report has reviewed the site access, parking, servicing and traffic generation of the proposed storage premises development and confirms that it has been designed in accordance with Australian Standards Parking Facilities AS2890 series and Muswellbrook Development Control Plan 2009.</p> <p><b>Complies</b></p>
<i>Car Park Design</i>	<p>The site has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. To permit site servicing and operation as a storage premises, the aisle widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 m (e.g. refuse truck) and a car towing a caravan / boat with a length of 12.5 m.</p> <p><b>Complies</b></p>
<i>Parking for People with Disabilities</i>	<p>One accessible parking space is provided within a width of 2.1 m, adjoining the pedestrian path of 1.5 m as per the provisions of AS2890.1.</p> <p><b>Complies</b></p>
<i>Loading/Unloading Facilities</i>	<p>The site has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. To permit site servicing and operation as a storage premises, the aisle widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 m and a car towing a caravan / boat with a length of 12.5 m.</p> <p><b>Complies</b></p>
<i>Internal Roads</i>	<p>The design allows for internal circulation on aisles with a minim width of 4 m (1 way) and 6 m (2 way).</p>

	<b>Complies</b>
<i>Construction Materials</i>	Car parking and maneuvering areas are proposed to be constructed using asphalt (or similar) surface.
	<b>Complies</b>
<i>Landscaping</i>	The proposal identifies that 15.3% (988 m <sup>2</sup> ) of the site is dedicated as soft landscaping. The proposed landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint), and a diverse range of native shrubs, grasses and groundcovers. The landscaping has been used to soften the appearance of the facility and break up the building façade. Furthermore, boundaries with the existing residence have been provided with a 1.5 m landscape buffer comprised of an acoustic fence (2.4 m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.
	<b>Complies</b>
<i>Car Parking Schedule for Specific Land Uses</i>	The proposed development requires 1 car parking spaces per 300 m <sup>2</sup> of gross floor area (GFA). With a GFA of 2,578 m <sup>2</sup> , 9 car parking spaces should be provided at the site. The development proposes 11 car parking spaces (inclusive of one accessible parking space) along the western boundary of the site.  The parking spaces are designed in accordance with AS2890.1 Off-street car parking and AS2890.6 Off-street parking for people with disabilities series.
	<b>Complies</b>
<i>Section 20 Erosion and Sediment Control</i>	
	This section of the MDCP 2009 states the requirements for Erosion and Sediment Control. A condition of consent will be imposed on any development consent requiring that appropriate methods of erosion and sediment control are put in place throughout the carrying out of the development in accordance with Council's standard requirements.
	<b>Complies</b>
<i>Section 21 Contaminated Land</i>	
	A Preliminary Site Investigation (PSI) Report has been prepared and determined that the site generally presents a <u>Low</u> risk posed by contamination. However, material within the stockpile presents a <u>medium</u> risk to human health.  The Report recommended a detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be undertaken either prior to commencement of development or during development. It was also recommended that if offsite management of solid waste is opted for, a waste classification must be derived in accordance with the NSW EPA (2014) – Waste Classification Guidelines - Part 1: Classifying Waste.  Should the development be supported by Council an appropriate condition of consent will be imposed, requiring the chemical characterisation of the fill material to be determined. Furthermore, a condition is to be included requiring appropriate removal of the existing stockpile prior to commencement of works on the subject site.
	<b>Complies</b>
<i>Section 24 – Waste Minimisation and Management</i>	
<i>Construction of Buildings or Structures</i>	This section of the MDCP 2009 states the requirements for waste management. A waste minimisation management plan has been provided which outlines anticipated waste streams and waste collection to be provided to the development. The development proposes standard waste / recycling wheelie bins for on-site waste collection during operation.  It is recommended that the Waste Management Minimisation Plan and the DCP objectives be adhered to and this will occur through the imposition of a recommended condition. This would ensure compliance with the MDCP 2009.
	<b>Complies</b>
<i>Section 25 Stormwater Management</i>	

<i>All Development</i>	<p>Stormwater Drainage Plans have been prepared by an independent engineering consultant. The approach to stormwater management for the site has been prepared in consultation with the council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p>Matters relating to stormwater management have been appropriately addressed in Section 5.2.3 of this report.</p> <p>The proposed Civil Design Plans show that stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale located on the southern side of Bell Street.</p> <p><b>Complies</b></p>
<i>Flooding and Runoff Regimes</i>	<p>The approach to stormwater management arrangements have been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p>The estimated permissible site discharge (during a 100 ARI event) is 57.41 L/S, requiring an estimated 70.67 m<sup>3</sup> of on-site detention. As shown on the Civil Design Plans, the stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale located on the southern side of Bell Street.</p> <p><b>Complies</b></p>
<i>Overflow disposal</i>	<p>The Stormwater Drainage Plans demonstrate that there are no adverse impacts on upstream of downstream properties.</p> <p><b>Complies</b></p>
<i>Pollutants</i>	<p>The intention is to remove litter and contaminants such as oil, sediment, and other pollutants before stormwater discharges into the receiving system beyond the site of the development.</p> <p>The approach to stormwater management for the site has been prepared in consultation with the council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p><b>Complies</b></p>
<i>Non-Residential Development</i>	<p>The proposed development would likely increase stormwater runoff due to the increased building footprint, car parking area and other impervious surfaces.</p> <p>The initial design plans for the development were considered unacceptable by Council. Amended civil plans were submitted to Council at the request of the engineering team and were reviewed. These plans were referred to Council's Community Infrastructure Department to consider the acceptability of the stormwater management system proposed and any impact of the development on Council's stormwater drainage network.</p> <p>Council has indicated support for the revised designs, subject to recommended conditions relating to the construction and operational management of the stormwater system.</p>

#### Section 4 – Notification

The proposed development involves the construction of a storage premises on Lot 42, DP 771226. The proposed development was publicly advertised and notified 15 March 2023 to 12 April 2023 in accordance with the requirements of the Muswellbrook Community Participation Plan. A total of eleven (11) submissions, all of which objected to the proposal, were received by Council in relation to the development. Copies of submissions received have been included as attachments to this report.

The content of the submissions received have been considered by Council's Assessing Officer. Concerns raised by the submitters in relation to the proposed development have been summarised and commented on in the table below.

Submitter Issue	Planning Comment
<p><i>Traffic and Accessibility</i></p> <p>Turner Street is a no-through road with limited accessibility and is currently too narrow and unsafe for passing traffic. The development will increase traffic and further impair access for all vehicles (e.g. cars, garbage trucks, emergency vehicles etc.).</p> <p>The proposed driveways of the development are too narrow and will not accommodate the anticipated traffic. The proposed design also allows for ingress from only the south, which will be difficult for vehicles navigating Bell Street, which is narrow. Traffic will also try to gain access from Turner, causing congestion.</p> <p>Constant increased traffic will occur at all hours causing a disruption to the residential amenity.</p> <p>The development will restrict access for the existing properties adjoining and opposite the site. The development will have an impact on access for existing properties in Bell and Turner Street. Both streets are also not suitable for the increase in traffic from development.</p> <p>Future residential development in West Denman would have an impact on traffic and congestion for the narrow roads in the area and the storage area will contribute to this traffic.</p> <p>The railway crossing is not built to accommodate a commercial building and its operation.</p> <p>The distance between the proposed fence and the neighbouring fence is 3 m, which would restrict vehicle access for the adjoining neighbour would be our only vehicle access to our property. It is also believed that services such as water, electricity, and telecommunications may be required to be relocated.</p>	<p>Traffic</p> <p>The Traffic Report submitted with the development application confirms that site access, parking, servicing and traffic generation has been designed to comply with Australian Standards Parking Facilities AS2890 series and the Muswellbrook Development Control Plan 2009.</p> <p>The Report also indicates traffic is likely to be a low generating (i.e. maximum trip generation of 9 trips per hour on a weekend) due to the nature of the site and the hierarchy of the surrounding roads. Additionally, the proposed development is likely to generate sporadic traffic movements.</p> <p>Access</p> <p>The on-site access has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. The access widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 metres.</p> <p>The proposed development complies or is capable of complying with applicable BCA provisions and Section 16 - Car Parking and Development of the MDCP 2009. Council Officers are also satisfied that on-site manoeuvrability would meet the relevant DCP off-street car parking and access requirements. Therefore, the development is not likely to result in any adverse impact.</p> <p>After the initial design plans for stormwater, access and manoeuvrability were rejected by Council revised plans were submitted for review. The amended plans are considered satisfactory subject to recommended conditions. These will be included in the Notice of Determination, should the development be approved.</p> <p>The development is proposed within the confines of the subject sites boundaries and will have no impact on existing services on an adjoining allotment.</p> <p><b>Amended plans</b> –amended plans have been provided to Council December 2024 which remove the Turner Street vehicle access. This amendment provides improved outcomes from a neighbour amenity impact perspective by removing site traffic from Turner Street with Bell Street to be the only site access.</p>
<p><i>Decrease in Property Value</i></p> <p>The industrial development will cause nearby properties to decrease in value.</p>	<p>The potential impacts of a development on the value of nearby land is not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Flooding and Stormwater</i></p> <p>The following issues in relation Flooding and Stormwater have been identified by the submissions:-</p> <ul style="list-style-type: none"> <li>• The subject land has in the past been a water course</li> </ul>	<p>The approach to stormwater management for the site has been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood</p>

<p>for the run-off of stormwater from Bell Street and Turner street. The facility will cause excess water to run through nearby streets (e.g. Almond Street) and accumulate in Bell Street.</p> <ul style="list-style-type: none"> <li>• During rainfall the land is subject to flooding and water resides on the land for extended periods. Should fill from the development occur on the land flood water will transfer to adjoining properties.</li> <li>• The development will cause run-off water from the land to increase. This will discharge to Merton Street which is already problematic during storm events.</li> <li>• The proposed concrete retaining wall will cause stormwater to overflow onto adjoining properties, causing damage to existing fences and retaining walls.</li> <li>• The proposed development does not adequately address the potential impact of the excess water the facility will generate onto nearby streets.</li> </ul>	<p>risk Management Guidelines.</p> <p>The proposed concept plans for the development are considered satisfactory subject to recommended conditions. These will be included in the Notice of Determination, should the development be approved. These conditions relate the submission of a final stormwater management plan and civil works plans for approval prior to commencement of construction.</p>
<p><i>Muswellbrook DCP 2009</i></p> <p>Comments on the Statement of Environmental Effects Report were made regarding the Muswellbrook DCP 2009. These are detailed as follows:-</p> <p><u>Section 7 Village Zones</u></p> <p><i>7.2.3 Character Statements</i> The industrial facility is not appropriate in the existing residential area. The village environment will be undermined by the development.</p> <p><i>7.4.2 Design Guidelines</i> The proposal does not comply with Council's design guidelines in the DCP as the development does not avoid long facades and rooflines. Additionally, proposed landscaping will not "...reduce the bulk and visual intrusion due to the industrious façade of the proposed facility."</p> <p><i>7.4.6 Form, Massing and Scale</i> The proposed building's façade and use will dominate the surrounding built environment. The building is defined as a commercial building/facility and will be significantly larger than surrounding buildings.</p> <p>The proposed development does not reinforce the existing characteristic of surrounding residential properties.</p> <p><i>7.4.8 Setbacks</i> The proposed facility will dominate the streetscape and its overall profile and bulk is not low in comparison to existing residential properties.</p> <p><u>Section 21 Contaminated Land</u></p>	<p>The proposed development complies or is capable of complying with applicable BCA provisions. Furthermore, the information submitted with the development application indicates that the character of the development would be compatible with the existing setting.</p> <p>The proposed development has adequately addressed Council's design guidelines for development and request for further information.</p> <p>Appropriate landscaping measures are provided in the landscaping plans to soften the visual impact of the proposed development at its interface with adjoining residential properties. A variety of vegetation screening measures (native trees and shrubs) are proposed along site boundaries that will grow to a mature height (5m to 15m).</p> <p>It is agreed that the building is slightly larger than the residential buildings within the existing residential setting. However, the proposed development and measures to be undertaken (either enforced by Council or executed by the applicant) is not expected to result in any significant land use conflicts or adversely affect the amenity of surrounding land.</p> <p>It is considered the measures imposed for the construction of the single storey storage facility will encourage consistency with development on adjoining allotments.</p> <p>The proposed development is in accordance with this Section of the DCP. The development complies with all setbacks and respects the setbacks of other buildings along the streetscape.</p> <p>An area is reserved adjacent the site's Bell Street frontage for further landscaping to minimise any potential impacts.</p> <p>An independent consultant (<i>Environmental Earth</i></p>

<p>The land could potentially be contaminated given the runoff pooling on the site from neighbouring properties over the years. Consequently, potential contaminants could exist under the existing vegetation which could become airborne with any disruption to the soil. This will be a risk to the residents in the immediate area.</p>	<p><i>Services</i>) has confirmed the site generally presents a low risk posed by contamination, and material within the stockpile presents a medium risk to human health and the environment. As a consequence it was recommended that a further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be undertaken either prior to commencement of development or during development.</p> <p>A condition of consent will be issued in the Notice of Determination, should the application be supported, requiring the chemical characterisation of the fill material and appropriate removal prior to commencement of works for the proposed development.</p>
<p><b>Land Contamination</b></p> <p>The land has historical evidence of potential contamination. Uncontrolled stockpiled material has historically occurred on the land.</p> <p>State Rail NSW have in the past used the land as a Borrow Pit which created a large dam. Muswellbrook Shire Council have backfilled this dam with potentially contaminated unwanted soil which makes the land unusable for construction.</p> <p>The Statement of Environmental Effects (SoEE) is not accurate in relation to the 6 cubic metres of suspect fill. One of the submissions identifies as a former council employee of 30 years. The submissions states "...I was involved in putting 50 truckloads of unclean fill into the dam which was created by the railway as a Borrow Pit."</p>	<p>An independent consultant (<i>Environmental Earth Services</i>) has confirmed the site generally presents a low risk posed by contamination, and material within the stockpile presents a medium risk to human health and the environment. As a consequence it was recommended that a further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be undertaken either prior to commencement of development or during development. Appropriate conditions will be provided in the Notice of Determination should the development be supported to ensure .</p> <p>An appropriate condition of consent can be issued in the Notice of Determination, should the application be approved, requiring the chemical characterisation of the fill material and appropriate methods for removal prior to issue of a Construction Certificate for the proposed development.</p>
<p><b>Overshadowing and Solar Impact</b></p> <p>The proposed development will prevent natural light from entering the front of an existing dwelling in Turner Street.</p>	<p>The proposed development is single storey and compliant with the required Council development setbacks from all boundaries.</p> <p>Furthermore, there are no impacts expected in terms of overshadowing. The development will not affect current solar access and will not impede solar access on adjoining buildings.</p>
<p><b>Impacts on the Amenity</b></p> <p>This proposal is not in keeping with the historical village atmosphere of Denman. The "...<i>mountain views, open spaces, village feel</i>..." will be adversely impacted for the nearby residents. Furthermore, the proposed development is too close to Council's Recreational Camping Area and the historical Museum and will be unsightly.</p> <p>The proposed development will "<i>disrupt the village atmosphere</i>" for the residents of the area and those west of the railway line.</p> <p>Privacy to the surrounding residents will be reduced by the development.</p> <p>The north side of the facility proposes a concrete retaining wall with a colorbond fence, resulting in approximately 3 m in total height. The proposed fencing at 2.4 metres height and retaining wall will not prevent any potential impacts on the amenity of the area (i.e. noise, visual, traffic etc.).</p>	<p>The design of the development and proposed conditions of consent, should it be supported by Council, will minimise any potential impacts on adjoining properties.</p> <p>In terms of visual privacy, there are no impacts expected. As an additional measure to manage any potential visual impact of the development, Council Officers have recommended additional landscaping along the buildings rear elevation to include trees with 8 m mature canopy height to screen the proposed development. The additional landscaping is considered to assist with softening the visual impact of the proposed development at its interface with adjoining residential properties.</p>
<p><b>Proposal not suitable for the Residential area</b></p> <p>The development is considered to be an industrial building and should be located on industrial land. The development is not in keeping with the character of the</p>	<p>The proposal is a permissible use within the RU5 zone and is considered to be compatible with surrounding land uses. The proposed development will support</p>



<p>area and the <i>RU5 Village</i> zone. The proposed development and its location is not appropriate for the area. There are other areas in Denman more suitable for this type of development.</p> <p>The proposal of 103 storage units will not be financially viable. The Denman population does not require such large facility as the population cannot financially sustain this type of development. The demand for such a facility is not available for the area. The development is not in the public interest of Denman residents.</p> <p>An alternative suggestion for better use of the land is to turn the property into a native vegetation area, which will be more visually appealing to the local community.</p>	<p>economic activity and provide new job opportunities for the Denman area. Should the application be supported it is not expected the development will create any unacceptable land use conflicts.</p> <p>The proposed development is defined as a 'storage premises' under the provisions of the MLEP 2009, which is:-</p> <p><i>"a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre."</i></p> <p>A storage premises is permissible with consent within the <i>RU5 - Village</i> zone, under the provisions of the MLEP 2009. The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 and other applicable environmental planning instruments. The proposed development has been assessed against the relevant assessment criteria under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> and found to comply.</p> <p>Comments relating to the viability of the development are not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Council Transparency of the Development</i></p> <p>The development application will not be assessed fairly and the review process will not be transparent.</p>	<p>Council have engaged a planning consultant independent of Council to assessment the proposed development. The intention of the proposed development is to provide storage units for use by the general public at a charged fee. The construction of the development is to occur over a two (2) stage construction process. Notification of the development has complied with all legislation protocols for community consultation including the <i>Environmental Planning and Assessment Act 1979</i> and the Muswellbrook Community Participation Plan.</p>
<p><i>Safety and Security</i></p> <p>The following issues relating to safety and security were identified in the submissions:-</p> <ul style="list-style-type: none"> <li>• There will be an increase in crime at the premises and for surrounding residences should the development proceed.</li> <li>• The use of lights as a deterrent will be an issue for shift workers in the area.</li> <li>• The greater traffic movement will increase the potential for accidents, for the elderly, visitors and especially children who play in the streets.</li> <li>• The safety of Denman is at risk from the potential items that will be stored at the premises. Dangerous items such as gas bottles, fuel, chemicals and oil will be located at the premises, in association with Caravans, Boats and other vehicles and would be a hazard to adjoining residences.</li> </ul>	<p>The development is located in an urban area and passive surveillance of the environment will be applied throughout the locality.</p> <p>Council Officers are satisfied that suitable safety and security measures would be incorporated into the development to minimise risk associated with the operation of the storage facility. This includes security cameras and lighting which will comply with the relevant Australian Standards. This will be conditioned in the Notice of Determination should the development be supported by Council.</p> <p>The Traffic Report submitted with the development application confirms that site access, parking, servicing and traffic generation has been designed to comply with Australian Standards Parking Facilities AS2890 series and the Muswellbrook Development Control Plan 2009. Subject to Council's requirements, and the proposed management strategies by the proponent it is considered the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with Bell Street.</p>

	<p>The Report also indicates traffic is likely to be a low generating (i.e. maximum trip generation of 11 trips per hour on a weekend) due to the nature of the site and the hierarchy of the surrounding roads. Additionally, the proposed development is likely to generate sporadic traffic movements, minimising the overall impact on the road network.</p> <p>Hazardous items associated with the development including those associated with fire or chemical spills are not considered to present a risk to the community in a way that would substantiate the refusal of the development. Conditions of consent have been recommended, should the development be supported, to require spill kits and management practices to be incorporated for the development in accordance with relevant legislation and industry standards.</p> <p>A condition will be provided in the determination, should the application be supported, detailing the management of potentially dangerous items.</p>
<p><i>Signage</i></p> <p>The proposed signage is not integrated nor compatible with the character of the locality</p>	<p>The original assessment of the development (DA2021-108) identified that the proposed signage was not compliant with Council provisions and further information was required. This application was later withdrawn from assessment. The resubmission of the proposal has addressed these concerns and an amendment to the proposed advertising signs was included. That is, the number and size of signage has been reduced and is more unified with the overall development. Council are satisfied with the proposed signage.</p>
<p><i>Noise</i></p> <p>There will be an increase in noise disruption in the residential area that will be intolerable and unacceptable.</p> <p>The development is proposed to be operational "...24 hours per day, 365 days per year...", which is unfair to the residents within the area.</p>	<p>An Environmental Noise Assessment has been prepared by independent consultants for the development. This assessment has been prepared in accordance with the of the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI) and the NSW Road Noise Policy (RNP). The noise sources associated with the proposed development include vehicle movements through the site and use of the proposed car park.</p> <p>The applicant proposes to implement strict noise management and mitigation actions to ensure that the site function in a manner which will not introduce unacceptable acoustic impacts on neighbouring properties. Based on all the available information, noise levels will be within acceptable limits. That is, the Environmental Noise Assessment modelling indicates that the development will comply with the Project Noise Trigger Levels at all surrounding residential receivers in the Daytime, Evening and Night-time operational scenarios.</p> <p>Further, a number of recommendations have been made in the noise assessment to mitigate/manage noise. These are to form part of the conditions should the development be supported:-</p> <ul style="list-style-type: none"> <li>• A 2.4 m high acoustic fence is recommended along the northern and western site boundaries. The fence should be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m<sup>2</sup>.</li> <li>• Trucks larger than box trucks (3-4.5 tonne) are to be restricted from accessing the site.</li> <li>• Permitted trucks are only to access the premises during the day period (i.e. 7am to 6pm).</li> </ul>

	<ul style="list-style-type: none"> <li>Permitted trucks would only enter the premises from Bell Street. They may also travel along the middle internal road of the site but are restricted from access the western boundary of the site or entering from Bell Street.</li> <li>Traffic speed of 10km/h should be signposted within the facility. Expect all drivers to comply with the speed limit and to implement responsible driving within the facility to minimise noise associated with unnecessary acceleration and braking within the facility.</li> <li>Vehicles are not to be left idling when within the premises.</li> <li>Install signposts at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises this will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors.</li> <li>A mechanism for nearby receivers should be provided such that noise related issues can be fed back to the operator and the plan of management updated if required.</li> </ul> <p>Council Officers have reduced the proposed hours of operation and introduced alternate operating hours. Significant screening measures are also proposed.</p>
<p><i>Development not located within Boundary</i></p> <p>The proposed building will be located over a council owned road, cutting off one end of Turner Street which should not occur.</p> <p>It is believed the property should be a gazetted road and Turner Street should be allowed to be connected and continue continued through.</p>	<p>The development is proposed within the boundary of the subject land and complies with all setbacks of Council's MDCP 2009 and respects the setbacks of other buildings along the streetscape.</p> <p>The connection of Turner Street through the subject land was never an intended use of the land by Council.</p>
<p><i>Ownership of the Road Reserve</i></p> <p><i>"Half of the land proposed is a gazetted Road Reserve (Turner Street)."</i></p> <p>Council are not the owners of the Road Reserve in Turner Street, which is instead under the ownership of The Lands Department.</p>	<p>The development proposed on the property identified as Lot 42, DP 771226 is under the ownership and management of Muswellbrook Shire Council and is proposed within the boundaries of the subject land.</p>
<p><i>Inappropriate use of the development</i></p> <p>The use of storage units will be mainly by those that are not local to the area who could store chemicals, explosives, drugs and contaminants.</p>	<p>The operational use of the land will be appropriately managed by way of conditions imposed by Council and the proposed management plans for the development.</p>
<p><i>Impact on Future Development</i></p> <p>The proposal will impact on the potential to subdivide adjoining properties in the future.</p>	<p>The potential impacts of a development on the value of nearby land and its subdivision potential is not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Impact on fire safety management plans</i></p> <p>This site provides a quick access point to essential services such as fire rescue, police, ambulance and roadside pick-up. The site may not be identified within a bushfire Prone area but could encroach on fire-safety management plans for the area.</p>	<p>The subject site is identified as being bushfire prone land. However, under the provisions of Clause 100B of the <i>Rural Fire Act 1997</i> the development is not required to be referred to NSW Rural Fire Service as it is not listed as having a special fire protection purpose.</p>
<p><i>Informal Access Request</i></p> <p>A request is required to access information under the Government Information (Public Access) Act 2009 (GIPA Act) for the following:-</p> <p>1) all correspondence between Council and</p>	<p>This request should be undertaken independent of this development application and the enquiry is unrelated in the assessment of the proposed development as it relates to historical approvals</p>

<p>previous DA applicants related to Lot 42, DP 771226 Turner Street</p> <p>2) Reports used by either previous applicants or Council to prohibit other potential developments for Lot 42; and</p> <p>3) any other information related to flooding, historical use of the land and reparation works recommended for the site.</p>	
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#### Section 94 Contributions Plan 2001

Section 7.11 (Formerly Section 94) Contributions are not applicable to the proposed development.

#### Section 94A Contributions Plan 2009

Section 7.12 (Formerly Section 94A) applies to the total value of the project that is \$3,555,527.00 (GST inclusive). A contribution would be applicable at a rate of 1% of the total capital investment value. Consequently, a developer contribution of \$3,555.53 will apply to the proposed development should the Application be approved.

#### **Section 4.15(1)(a)(iia) the provisions of any planning agreement**

There are no planning agreements relevant to the subject Application.

#### **Section 4.15(1)(a)(iv) the provisions of the regulations**

The development is not listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*. Therefore, the proposal is not deemed to require, with the exception of Muswellbrook Shire Council, development consent by any state agency or governing body.

Additionally, Clause 61 (demolition) of the *Environmental Planning and Assessment Regulation 2021* specifies the additional matters a consent authority is required to consider when determining a development application. It is confirmed that none of these matters apply to the proposed development.

In relation to Clause 62 (Fire Safety) of the regulations the development must demonstrate compliance with the Building Code of Australia (BCA) during the application for the Construction Certificate. During the assessment of the CC application, fire safety measures in the development shall be reviewed, a Fire Safety Schedule shall be issued by the Certifying Authority and any additional measures shall be required to be installed prior to issue of an Occupation Certificate.

As part of the Construction Certificate (CC) under clause 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the development must demonstrate compliance with the relevant provisions of the Disability Discrimination Act 1992. Furthermore, the development must be accessible; an accessible carpark is to be provided on site; and accessible and ambulant amenities is to be made available.

#### **Section 4.15(1)(b) the likely impacts of the development**

Key potential impacts of the proposed development have been considered and commented on under the sub-headings below.

##### Context and setting

The development site is currently undeveloped vacant land. The proposed development is located within an urban area and will have minimal impact on the context and setting of the locality. The development will make the boundaries reflect the physical separation and fencing on the property and will also correspond with existing allotment sizes.

The proposed storage facility does not adversely impact the sites existing context and setting. The proposed plans included in the SoEE Report meet Councils statutory requirements for

design. It is satisfied the proposal is consistent with the guidelines for development and is in accordance with the relevant design requirements.

In view of the above it is considered that the development would not have a significant adverse impact on adjoining neighbours and local context and setting that would warrant the refusal of the development application. Accordingly, no objection is raised to the proposed storage premises with regard to its compatibility with the local context and setting.

#### Built Form

The proposed development and its colour scheme (Deep Ocean / Shale Grey / Monument colorbond) has adequately addressed Council's design guidelines for development. Acoustic and privacy fencing and boundary landscaping has been provided along the site boundaries to create a suitable buffer, privacy and amenity for the nearest neighbours. The proposed conditions on external lighting will also ensure that any adverse impact upon adjacent residential privacy are avoided, and any amenity impacts are minimised.

The proposed design and materials of the development and measures to be undertaken (either enforced by Council or executed by the applicant) are not expected to result in any significant land use conflicts or adversely affect the amenity of surrounding land. It is considered the measures imposed for the construction of the single storey storage facility will encourage consistency with development on adjoining allotments and is not expected to result in any unacceptable impacts.

It is considered the proposed additional landscaping will soften the visual impact of the proposed development at its interface with adjoining residential properties and is satisfactory in this regard.

#### Access, Transport and Traffic

Legal and physical access (pedestrian and vehicular) to the site is proposed via Bell Street and Turner Street. The Traffic Impact Assessment, prepared by PSA Consulting (Australia) Pty Ltd, was submitted with the proposal. This assessment came to the following conclusions in relation to the proposed development and its traffic impacts:

- it is not likely that any adverse impact would result on the surrounding road network due to the nature of the site being low traffic generating and the hierarchy of the surrounding roads; and
- the proposed storage premises at Bell Street and Turner Street, in terms of design of access, car parking and servicing arrangements is generally in accordance with AS2890 series and the MDCP 2009.

Therefore, the safety, efficiency and on-going operation of the roads would not be adversely affected by the development given the additional traffic movements would be minor and manageable. The current road network is suitably designed for the proposal, and manoeuvring areas have been designed to accept the current access arrangements. Any vehicles to and from the site is expected to be suitably accommodated within the surrounding road network.

It is considered the development would have minimal impacts to traffic and access or degradation of the road. It is also considered the development will provide sufficient access to the lot. Council is satisfied with the proposed development in this regard.

#### Public Domain

No negative impacts on the public domain have been identified as detailed throughout this assessment report. The proposed development is consistent with existing development in the locality.

A contribution under the S.7.12 contribution plan is payable (above threshold) to facilitate the additional demand that will be imposed on Council's services as a result of the proposed development.

#### Utilities

Service provision has been previously addressed within Development Control Plan – *Utility Services* section. Existing water, sewer, power and telecommunications infrastructure is available within Bell Street to the south of the site. These services will be extended to service the proposed development.

The existing sewer running through the eastern part of the site will be retained in its current location. The proposal will require manhole level of the sewer main to be re-aligned with the proposed ground level. The development has been designed to ensure that there is no building over the sewer line and manhole. Any consequential alterations to existing infrastructure by the Applicant will be conditioned, should the proposal be supported by Council.

#### Heritage

The proposed development is not located within a Heritage Conservation Area and does not include a listed heritage item. However, the nearest heritage item to the development site is the Railway terminus site (I37), a locally listed item. This heritage item is situated on the eastern side of the development site. Given the proposed development is physically separated from this heritage item by the Railway and open space, it is considered unlikely to have any substantive impact on the importance of this locally listed item.

Therefore, Council Officers are satisfied the proposed development can occur given that it complies with the requirements of this Clause and has no impact on any items of heritage significance.

It is recommended that the development proceed subject to recommended conditions of consent that references the developers obligations to manage and report any previously unidentified aboriginal artefacts should they be uncovered through the continued operation of the existing development.

#### Lighting

The proposed development involves the erection of one fascia sign and the lighting of this signage. Council Officers have reviewed the adjustable back lit signage proposed against the requirements of the SEPP Advertising Structures and the provisions of Section 14 Outdoor Signage of Council's DCP. Council Officers are satisfied that the illumination of this sign won't have a significant adverse impact on the local area.

The outdoor lighting proposed also has the potential to impact adjoining land through the night. To eliminate any potential impact of lighting on adjoining land it is recommended that all lighting installations are carried out to comply with the requirements of Australian Standard AS4282.1997.

With these measures in place Council Officers are satisfied that the illumination from the lighting won't have a significant adverse impact on the local area.

#### Water

The development site has the provision of water that will service the facility. A section 68 approval shall be required to be issued for the connection to Council's infrastructure prior to the commencement of building works, pursuant to the provisions of the *Local Government Act 1993*.

The proposed Stormwater Drainage Plans have been prepared by a Civil Engineer for the development. Stormwater management arrangements have been prepared in consultation



with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.

Stormwater for the development is to be disposed of to the existing / proposed on-site infrastructure and a Section 68 application is required. This will be imposed as a condition of consent.

#### Flora and Fauna

The development will not result in the removal of any trees from the site. The proposed development is considered unlikely to impact on the protection and management of threatened species, critical habitats, threatened or endangered ecological communities.

#### Soils

The proposed development does not appear to pose any significant impacts to soil quality, site erosion, land degradation or salinity, nor does it pose any risk for subsistence or landslip.

Council's Environmental Health Officer highlighted concerns regarding the existing stockpile of waste. It was advised that the stockpile needs to be classified and disposed of offsite prior to development. A detailed contamination assessment which is to include a waste classification of the stockpile, is required to be undertaken to provide Council with further information for adequate assessment on contamination.

A condition shall also be imposed as part of the development consent requiring establishment and maintenance of erosion and sediment controls for the duration of construction works.

#### Air/Microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area.

#### Waste

Waste generated during construction is to be maintained onsite and shall be disposed to Council's land fill. A standard condition shall be imposed requiring the establishment and maintenance of a site rubbish container for the duration of construction works.

A Site Waste Minimisation and Management Plan (SWMMP) has been prepared as part of the proposed development and Council is satisfied with the proposed Plan. A condition will be listed in the notice of determination, should the development be supported, to ensure that any operational waste is disposed of appropriately.

Any development headworks contributions applicable are under the provision of the Muswellbrook sewer Development Services Plan.

#### Energy

The proposed subdivision development is expected to have a negligible impact on energy resources.

#### Noise and Vibration

The closest noise sensitive receivers are residential premises located adjacent to the site at the west and north boundaries. The noise sources associated with the proposed development include vehicle movements through the site and use of the proposed car park.

#### *Construction Noise*

The construction of the proposed development has the potential to generate noise that would impact adjoining residential properties. This is reflected by the findings of the Noise Impact

Assessment which recommends control measures to limit the potential for construction activities to cause noise disturbances to adjoining properties.

These disturbances will occur for a limited duration during construction. The Noise Impact Assessment recommends conditions of consent including the restriction of building works to between 7am – 6pm Monday to Friday, 8am – 1pm Saturday, with no work to be carried out on Sundays and public holidays.

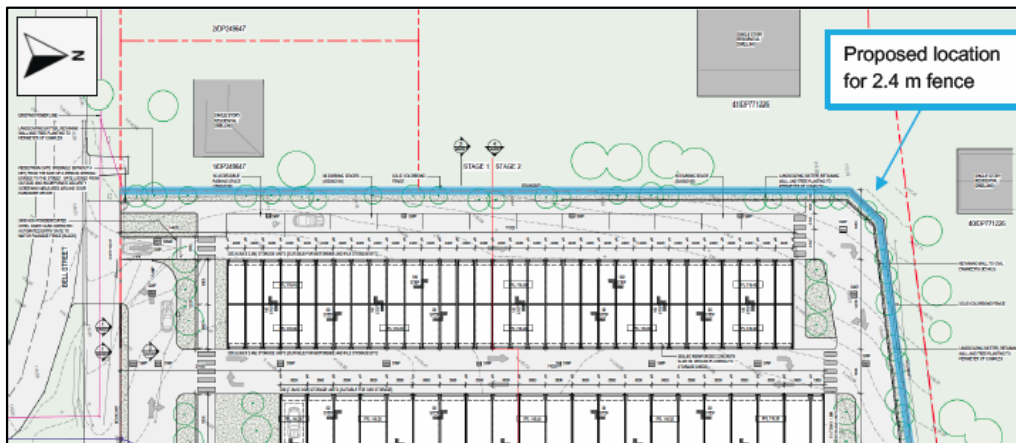
Construction noise will be conditioned, should the development be supported by Council.

#### *Operational Noise*

The impact of noise related to the operation of the proposed development has been a key consideration through the assessment of this development application. The development has been assessed against the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI). The NPI sets out the EPA's requirements for the assessment and management of noise from industry in NSW.

The Acoustic Assessment Report, prepared by *Resonate* Wednesday, 18 January 2023, demonstrated that the noise emissions from the typical operation of the development are predicted to comply with the relevant environmental noise criteria at all residences in the vicinity of the site provided the proponent complies with the noise management and control measure recommendations of the report. These are identified as follows:-

- *To mitigate noise to surrounding residences a 2.4 m high acoustic fence is recommended in the location shown in Figure 2 below. The fence should be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m<sup>2</sup>.*
- *Trucks larger than box trucks (3-4.5 tonne) are to be restricted from accessing the site.*
- *Permitted trucks are only to access the premises during the day period (i.e. 7am to 6pm).*
- *Permitted trucks would only enter the premises from Turner Street and exit from Bell Street. They may also travel along the middle internal road of the site but are restricted from access the western boundary of the site or entering from Bell Street.*
- *Traffic speed of 10km/h should be signposted within the facility. Expect all drivers to comply with the speed limit and to implement responsible driving within the facility to minimise noise associated with unnecessary acceleration and braking within the facility.*
- *Vehicles are not to be left idling when within the premises.*
- *Install signposts at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises this will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors.*
- *A mechanism for nearby receivers should be provided such that noise related issues can be fed back to the operator and the plan of management updated if required.*



***Figure 2 – Proposed location of acoustic fence***

The above recommendations will be formed as part of the conditions of consent should Council support the proposed development. On this basis the proposed storage facility will be able to operate within the relevant noise provisions in the NSW EPA Noise Policy for Industry and the NSW Road Noise Policy.

However, it is considered that the 24-hour operation of the proposed development has the potential to have adverse environmental and safety impacts if not carried out in accordance with recommended mitigation measures. Additionally, the potential impacts to the immediate area are deemed considerable. Therefore, in order to avoid the risk it is recommended that approval be granted for reduced hours of operation. A complaints register is also suggested for a 6 monthly review where the hours can be further adjusted if required. The implemented hours of operation will be 7.00 am – 10.00 pm Monday Friday and 8.00 am- 8.00 pm Saturday and Sunday in line with the NSW EPAs Noise Policy guidelines.

**Natural Hazards**

Council's flood certificate identifies that a small portion of the site is identified as being subject to localised flooding. This has been addressed in the design of the development and it is considered there will be negligible impact on the development or adjoining properties.

The land is also identified as bushfire prone and under the provisions of Clause 100B of the *Rural Fire Act 1997*. However, the development is not required to be referred to NSW Rural Fire Service as it is not listed as a special fire protection purpose.

The proposed development is not identified as being affected by any further natural hazards that may affect the ability of the development to proceed.

**Technological Hazards**

The proposed development can potentially involve the storage of dangerous goods (i.e. petrol, oil, gas etc.). The applicant has identified the proposed stormwater management system will be fitted with pollution reduction devices, which is designed to remove contaminants such as oil, sediment and other pollutants prior to stormwater discharging into the drainage system and beyond the site.

To ensure that the proposed development is constructed and managed in accordance with Council's requirements the application was also referred to Council's Senior Environmental Health Officer who recommended conditions of consent related to spill control and ensuring the construction complies with the requirements.

**Safety and Security and Crime Prevention**

The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. The development is located in an urban area and passive surveillance of the environment will occur throughout the locality.

The five (5) Crime Prevention Through Environmental Design (CPTED) principles (i.e. surveillance, lighting, access control, territorial reinforcement, space management) are also to be considered in the development to ensure it does not create or exacerbate crime risk. The proposed development satisfies the requirements prepared by the former NSW Department of Urban Affairs and Planning (DUAP 2001).

Council Officers are satisfied that suitable safety and security measures (security cameras, surveillance, Secure entry and exit points, lighting, landscaping etc.) would be incorporated into the proposed storage facility to minimise risk associated with the continued management of the development.

#### Social and Economic Impacts on the Locality

The intermittent use of the development and proposed screening measures in place will have little social impact on the surrounding area. This is considered acceptable with existing structures in the vicinity and on adjoining allotments.

The economic benefits associated with the development are expected to be generally positive through providing opportunities for local employment throughout both the construction and operation period.

The proposed development would support economic activity and provide new job opportunities for Muswellbrook and Denman. At the same time as having these positive economic and social impacts the proposal has the potential to have adverse impacts related to safety, security and criminal activity related to the proposed 24-hour operation. The applicant has put forward various measures to manage the risk of these adverse social impacts occurring in relation to the proposal. Where these proposed safety and security measures are incorporated into the development it is considered that the proposal may be supported from a social impact perspective.

#### Construction

At a minimum, the construction phase of the development will be required to address the following:

- Hours of building work (to be consistent with NSW State Guidelines);
- Construction waste storage and management;
- Noise and dust management and control of other potential pollutants;
- Continuity of public access to services; and
- Signage.

Should the proposal be supported by Council the abovementioned construction matters will be required to be addressed as conditions of development consent.

#### Cumulative Impacts

The proposal is considered to be compatible with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts. The Proposal involves a storage premises to occur over two stages. The landscaping proposed is considered to minimise any impacts. Furthermore, pertinent matters have been addressed in detail in this assessment report, which demonstrates that the development is consistent with applicable planning legislation.

#### **Section 4.15(1)(c) the suitability of the site for the development**

The proposed development is consistent with the existing and future development in the locality. The potential environmental hazards have been appropriately addressed in the SoEE and the subject site is considered suitable for the proposed development.

The storage premises will provide suitable access from a public road to appropriately service the facility. The subject site is zoned *RU5 Village* and consistent with the objectives of the zone. The environmental impacts of the development are negligible and it is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

#### **Section 4.15(1)(d) any submissions made**

In accordance with the requirements of the Community Participation Plan the proposed development was notified between 15 March 2023 to 12 April 2023. Written notices were posted to the owners of property in the vicinity of the development site. The application was also notified online at Council's website and posted via the Council's Facebook.

Eleven (11) submissions were received during the notification period, and all objected to the proposed development at the subject site.

The submissions received have been considered by Council Officers in the assessment of the development and the reasoning provided for any objections to the proposed development have been summarised and commented in Section 4.15(1)(a)(iii) of this Report. The submissions have also been attached for Council's review.

#### **Section 4.15(1)(e) the public interest.**

The proposed development is generally in accordance with the public interest. This view has been informed by the following considerations:

- The proposed development is permissible with consent in the RU5 Village zone under the provisions of the MLEP 2009.
- The proposed development would comply with the relevant requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 and other applicable environmental planning instruments
- The proposed development would comply with the relevant requirements of the MDCP 2009.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have any significant adverse environmental impact.
- The proposed development will facilitate a storage facility service on the land for the benefit of the Denman and Muswellbrook community.
- The proposed development would generate additional economic activity and employment opportunities in the Denman locality.
- The environmental impacts of the development are negligible and the resultant storage premises will be viable for commercial purposes that is permissible in the *RU5 Village* zone.

Therefore, it is recommended that approval be granted subject to conditions.

## **7.0 CONCLUSION & RECOMMENDATION**

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development would be in accordance with the provisions of all relevant Environmental Planning Instruments, relevant Development Control Plans, the *Environmental Planning and Assessment Regulation 2021*, is unlikely to result in any significant adverse environmental impacts.

It is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* detailed below:-

## **ATTACHMENTS**



A. Submissions Received During Notification Period - Eleven (11)

## B. Proposed Storage Facility Site Plan



## DA 2023/14 RECOMMENDED CONDITIONS OF CONSENT

### ADMINISTRATIVE CONDITIONS

#### Obligation To Minimise Harm To The Environment

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the operation, maintenance or rehabilitation of the Development.

### IDENTIFICATION OF APPROVED PLANS

#### Development in Accordance with Plans

2. The development is to be carried out in accordance with the development application and the plans (submitted/amended with the 3 16 December 2024 amendment to the development) referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
DA0000	L	CM <sup>+</sup>	11/12/2024	16/12/2024
DA0001	L	CM <sup>+</sup>	11/12/2024	16/12/2024
DA0101	M	CM <sup>+</sup>	11/12/2024	16/12/2024
DA1001	N	CM <sup>+</sup>	11/12/2024	16/12/2024
DA1011	M	CM <sup>+</sup>	11/12/2024	16/12/2024
DA2001	M	CM <sup>+</sup>	11/12/2024	16/12/2024
DA6001	K	CM <sup>+</sup>	11/12/2024	16/12/2024
DA6101	K	CM <sup>+</sup>	11/12/2024	16/12/2024
DA6201	J	CM <sup>+</sup>	11/12/2024	16/12/2024
DA7001	J	CM <sup>+</sup>	11/12/2024	16/12/2024
SK01	1	PSA Consulting	26/11/2024	16/12/2024
SK03	1	PSA Consulting	26/11/2024	16/12/2024
SK04	1	PSA Consulting	26/11/2024	16/12/2024
SK07	1	PSA Consulting	26/11/2024	16/12/2024

The additional plans referenced in the table below. Where any inconsistency between the plans referenced in the below additional table and the plans reflecting the development application amendment included in the table above the plans in the table above take precedence.

Drawing No.	Revision	Drawn by	Drawing Date	Received
DA9001	G	CM <sup>+</sup>	16/01/2023	28/02/2023
DA9002	E	CM <sup>+</sup>	16/01/2023	28/02/2023
DA9003	E	CM <sup>+</sup>	16/01/2023	28/02/2023
L-001	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-002	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023

L-003	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-004	D	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-005	D	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
C001	3	Adams	06/07/2022	28/02/2023
C002	3	Adams	06/07/2022	28/02/2023
C003	3	Adams	06/07/2022	28/02/2023
C0010	4	Adams	06/07/2022	28/02/2023
C0015	3	Adams	06/07/2022	28/02/2023
C0020	3	Adams	06/07/2022	28/02/2023

### Development in Accordance with Documentation

3. The development is to be carried out generally in accordance with the following documents.

Where any inconsistency between the documents referenced and the amended plans submitted with the 16 December application amendment the 16 December 2024 approved plans take precedence to the extent of any inconsistency.

Where there is a discrepancy between any of the documents referenced by this condition of consent and any other condition referenced by the consent or an amendment to the application made by the applicant in writing the provisions of the related condition or amendment to the application takes precedence over matters referenced by the documents below.

Title	Written by	Date
BCA Assessment Report	BCA Logic	22 April 2021
BCA Access Assessment Report	BCA Logic	22 April 2021
Survey Plan	MM Hyndes Bailey & Co.	12 July 2021
Traffic Report	PSA Consulting	2 September 2021
Site Waste Minimisation and Management Plan	PSA Consulting	9 September 2021
Statement of Environmental Effects	PSA Consulting	17 September 2021
Bushfire Assessment Report	Building Code & Bushfire Hazard Solutions Pty Limited	9 December 2021
Environmental Noise Assessment	Resonate	18 January 2023
Waste Management Plan	Jonathan Widagbo	20 January 2023

### OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

#### Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Access to premises standard**

5. The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

**Australian Rail Track Corporation (ARTC)**

6. During the removal and relocation of the boundary fence the applicant must ensure:
  - i. Consistency with ARTC Fence Standards;
  - ii. The ARTC Third Party Works process is followed and a Rail Safety Protection Officer is on site in accordance with ARTC Rail Safety System.
  - iii. The applicant completes a Rail Services search prior to the installation of the fence and with ARTC approval.

ARTC concurrence is required to carry out excavation and any other adjacent earthworks due to the proposed development being within 25 m of the rail corridor and having the potential to impact on the safety and operation of the rail network.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**Hazardous Material survey and Asbestos removal**

7. Prior to the carrying out of any excavation work relating to the development:
  - (a) a detailed contamination assessment is to be prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) and submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist within the stockpiles located on the site (e.g. lead in paints, ceiling dust, glass fibre insulation or asbestos based products). The detailed contamination assessment is to include a waste classification of the stockpile.

Note: If no hazardous materials are identified, the excavation works and removal of stockpiles may proceed in accordance with the conditions of this consent.
  - (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application. The report shall contain details regarding:
    - (i) The type of hazardous material;
    - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
    - (iii) Proposed methods of containment; and
    - (iv) Proposed methods of disposal.
    - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar



measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.

- (c) any works involving asbestos based products must be undertaken in accordance with the requirements of the Work Cover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information).
- (d) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of *AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the site.
- (e) Following completion of asbestos removal works a suitably qualified/licensed asbestos hygienist must undertake a clearance inspection and issue an asbestos clearance certificate.
- (f) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate application.

**Notes:**

- 1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at [HYPERLINK "http://www.lead.org.au" www.lead.org.au](http://www.lead.org.au).
- 2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

### **Construction Certificate Requirements**

- 8. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works, it must cover the works being undertaken onsite.

**Note:** A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

### **Section 138 Roads Act Approval**

- 9. Prior to the carrying out of any works the person acting with this consent must obtain approval from Council under Section 138 of the Roads Act 1993 and follow the requirements at all times.

It will be necessary for any Section 138 Application to be accompanied by information required by Council's Community Infrastructure Department, including a Safe Work Method Statement (SWIMS) and a copy of the public liability insurance of the principle contractor for the works.

### **Stormwater**

10. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

### **Turner St – Bell Street Pedestrian Pathway**

11. Prior to a Construction Certificate being issued, the person acting with this consent shall submit suitable design plans for approval by Council's Community Infrastructure Roads and Drainage Section for the construction of a pedestrian pathway within the nominated area shown on the approved plans to provide a pedestrian pathway to connect Bell and Turner Streets.

Documentary evidence demonstrating approval with this requirement is to be provided to the Certifying Authority with any Construction Certificate application.

### **ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

12. Prior to the issue of a Construction Certificate a final stormwater management plan is required and must include all relevant and updated information to Council's written satisfaction.
13. All retaining walls are to be certified by a suitably experienced structural engineer and submitted to Council prior to the issue of a Construction Certificate.

### **Construction Management Program**

14. Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and approved in writing by the Council prior. The program shall include such matters as:
  - a) a Safe Work Method Statement;
  - b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
  - c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
  - d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
  - e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
  - f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any

- part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
  - h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
  - j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
  - k) proposed protection for Council and adjoining properties;
  - l) the location and operation of any on site crane;
  - m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
  - n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

#### **Electricity Connection**

15. Prior to the commencement of construction the nominated electrical consultant / contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

The method of connection is required in accordance with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

#### **Muswellbrook Shire Water and Waste Division**

16. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to release of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Certifying Authority prior to release of the Occupation Certificate.

#### **Section 68 Local Government Act 1993 Approvals**

17. Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater, water and sewer works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

#### **Landscape Maintenance Strategy**

18. To ensure the survival, management and maintenance of the landscaping installed as part of the development, a landscape maintenance strategy is to be developed and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Strategy shall address maintenance issues, such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.

#### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**

##### **Sediment and Erosion Control**

19. Prior to the issue of any Construction Certificate the person acting with this consent is to provide a Sediment and Erosion Control Plan for approval by the Certifying Authority. The Plan is to include, but not be limited to, measures such as:

- a) Indication of soil stockpile locations;
- b) runoff control measures; and
- c) stormwater pit protection during construction.

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

##### **Control of Sediment entering roadways**

20. During construction the person acting with this consent is to take all necessary precautions to prevent the spread of any gravel and sediment onto the adjoining roadways.

A shaker ramp or similar is to be installed at the site during earthworks and siteworks and until the fill has been stabilised and initial siteworks completed.

### **Outdoor Lighting**

21. All lighting is to be designed and positioned to minimise any adverse impact on neighbouring premises.

Prior to the issue of a Construction plans a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting – Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

### **Site Sign**

22. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

### **Site Facilities**

23. Site Facilities:

- a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) A minimum width of 1.2 m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- c) Any such hoarding or fence is to be removed when the work has been completed.

- d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- f) Each toilet provided must:
  - be a standard flushing toilet, connected to a public sewer, or
  - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
  - an approved temporary chemical closet.
- g) The provision of toilet facilities must be completed before any other work is commenced.
- h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
  - protect and support the building from damage, and
  - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

#### **Damage to Public Infrastructure**

- 24. The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

#### **Public Liability Insurance**

- 25. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal



Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

### **Materials**

26. In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building only utilise non-reflective metal cladding. Zincalume or reflective white sheet metal cladding is not to be used without the prior written approval from Council.

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Construction Hours**

27. Construction hours are restricted to the following:-

- (a) Subject to this clause, building construction is to be carried out during the following hours:
  - i. 7.00 am to 6.00 pm, Monday to Friday; and
  - ii. 8.00 am to 1.00 pm, Saturday.
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

#### **Out of Hours Work Permits**

28. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

#### **Prohibition on Use of Pavements**

29. Building materials and equipment must be stored wholly within the work site unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

#### **Dust Emission and Air Quality**

30. The following must be carried out during the course of construction:-
- (a) Materials must not be burnt on the site.
  - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
  - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.
  - (d) Throughout the carrying out of earthworks a watercart or suitable alternate water supply is to be maintain on-site at all times for the wetting down of any exposed fill, stockpiles and other material.
  - (e) During high wind days and adverse weather conditions works related to the installation of fill at the site is to be halted. During adverse weather conditions it may be necessary for workers to remain on-site to carryout dust suppression measures and ensure all sediment and erosion controls remain in place.

#### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

##### **Occupation**

31. The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.
32. The applicant shall, within seven (7) days upon completion of the final works, submit to Council a Works as Executed plan (WAE) for approval. The plan shall be in the form of a marked-up copy of the approved Construction Certificate Civil Works Plan and also a marked-up digital CAD format compatible with Council's asset database system. Works As Executed information are to include all infrastructure between the centreline of the road and front boundary for Bell Street, and a distance of 30 metres from the front boundary along Turner Street.

##### **Final Compliance Certificate for Water Supply and Sewerage Works**

33. The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

##### **Stormwater infrastructure**

34. Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.
35. All stormwater infrastructure is to be demonstrated to be free of sediment, gravel and litter prior to formal handover including photographic records

### **Construction of Parking Areas**

36. Prior to the issue of an Occupation Certificate all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Car park lighting is also to be installed to minimise light spill and is to be in accordance with AS 1158 and AS 4282-1997.

### **Allocation of Parking Areas**

37. All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of the Occupation Certificate.

### **Kerb and Gutter**

38. Prior to the issue of any Occupation Certificate for the development all works within Turner Street and Bell Street Road reserve are to be fully constructed in accordance with the requirements under the relevant Roads Act approvals to the satisfaction of the Roads Authority.

Final kerb design and line marking is to be clear of drainage infrastructure and allow unimpeded access around the site.

### **Connection to Sewer**

39. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

### **Installation of landscaping**

40. Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

### **Fencing**

41. The 2.4 m high acoustic fence to be installed, as identified in the location on the approved plan, is to be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m<sup>2</sup>.

### **Construction of Waste Storage Areas**

42. Prior to issue of any Occupation Certificate the bin storage area is to be constructed in accordance with the approved plans and requirements of this condition or as otherwise specified by Council in writing.

In addition to the design information included on the approved plans the bin storage area is to be constructed in accordance with the following:

- The bin storage is to be discreetly located at the site and screened through the construction of a gated fence/screen enclosure.
- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.
- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be located in a close proximity to the waste storage area.

#### **Emergency Spill Response Management Plan**

43. Prior to the issue of any Occupation Certificate an Emergency Spill Response Management Plan is to be submitted to and approved by Muswellbrook Shire Council to manage any potential leaks or spills from hazardous materials. The plan shall include but no be limited to the following:

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the Plan and details of staff training. The plan is to be to the satisfaction of council.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition and the endorsement of the emergency response plan prior to the issue of any Occupation Certificate which relates to the storage facility.

#### **Evidence of Mandatory Council Inspections**

44. Prior to the issue of an Occupation Certificate the person acting with this consent should provide the Principle Certifying Authority with documentary evidence that all mandatory Council inspections required under any Section 68 and 138 Approvals have been carried out. This evidence should include a satisfactory inspection report is to be obtained from Council confirming that the outcome of the inspection.

Where a mandatory inspection has not been carried out that relates to alterations to Council infrastructure it will be necessary for the person acting with this consent and the Principle Certifying Authority to confirm that Council does not require further details in relation to the construction of the relevant infrastructure or the carrying out of any improvements to the completed works.

#### **Noise Attenuation Barrier and Site Fencing**

45. Prior to the issue of an Occupation Certificate the Noise Attenuation barrier shown on the proposed plans is to be fully constructed and fencing installed.

#### **Directional Signage**

46. Prior to the issue of any Occupation Certificate vehicle directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

#### **Security Measures**

47. Prior to the issue of an Occupation Certificate all physical security measures including, but limited to CCTV cameras, lighting, security locks and alarms systems are to be installed at the premises. Details of the installation of these security measures are to be provided to the satisfaction of the Certifying Authority.

#### **Turner Street – Bell Street Pedestrian Pathway Construction**

48. Prior to the issue of an Occupation Certificate the pedestrian pathway connecting Turner and Bell Street is to be fully constructed in accordance with the related plans approved by Council's Community Infrastructure Section per the related condition of consent.

The Certifying Authority is to be provided with documentary evidence demonstrating compliance with this requirement and that Council Community Infrastructure Department have provided correspondence to confirm their satisfaction at the completion of the related works.

#### **Turner Street – Bell Street Pedestrian Pathway Dedication**

49. Prior to the issue of any final Occupation Certificate the pedestrian pathway connecting Turner and Bell Street is to be dedicated to Council as a public footpath.

Subject to any view from Council's Community Infrastructure Department this dedication should be in the form of either:

- a) Dedication of the footpath as a public road.
- b) Subdivision of the public footpath into an additional private lot (subject to any changes to legislation it is considered likely that this subdivision would constitute a form of exempt development) and registration of the resulting lot containing the pedestrian pathway as a Lot owned by Muswellbrook Shire Council.

#### **CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

##### **Acoustic Barrier and Noise Attenuation Measures**

50. At all times the person acting with this consent is to ensure that all acoustic barriers and noise attenuation measures shown on the approved plans or required by this consent are to be maintained at the site.

##### **Stormwater Management**

51. The diversion of stormwater is to be coordinated to minimise any impact or nuisance on adjoining land. All stormwater measures undertaken are to be maintained throughout the life of the development.

### **Hours of Operation**

52. The hours of operation are limited to 7.00 am to 10.00 pm Monday to Friday and 8.00 am to 8.00 pm Saturday and Sunday.

### **Complaints Register**

53. For the first six (6) months that the premises is operated, the operation is to comply with the following:
- a) The person acting with this consent is to keep a detailed record of complaints received during the hours between 7 pm and 10 pm). The record should include:
    - Name and address of the complainant (if provided).
    - the date and time of the complaint.
    - Date and time of the incident which the complaint relates to.
    - Details of the incident or issue that the complaint relates to.
    - Name of the employee who received the complaint.
    - Any remedial action taken to rectify or manage the issue that the complaint relates to.
    - Summary of any feedback provided to the complainant following remedial action (feedback should be provided during regular business hours except when responding to an emergency or where more immediate feedback is requested by a complainant).
  - b) The register for complaints is to be kept at the premises at all times and is to be reviewed monthly by staff to ensure that all complaints are being reviewed, actioned and responded to where appropriate. Each complaint received should be reported to Management for investigation and follow up where necessary within 7 days of its receipt.
  - c) At the conclusion of the six (6) month period a copy of the complaint register is to be provided to Council for review where the hours can be further adjusted if required.

### **Stormwater Disposal**

54. All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the requirements of any approval under Section 68 of the Local Government Act 1993 and the approved stormwater management plans.

### **Noise Limitations**

55. The noise levels generated by the development and use of the premises (not including the construction phase) shall not exceed the following criteria measured at the boundary of an adjoining residential receiver:

Day	47dB(A)Leq15min
Evening	45dB(A)Leq15min
Night	40dB(A)Leq15min

Certification from a qualified acoustic consultant that these requirements are being met is to be provided to Council within 3 months of the issue of an Occupation Certificate.



Certification provided to demonstrate that this requirement is being adhered to should be supported by noise monitoring carried out at the site while the premises is being operated. Noise monitoring and any subsequent report is to be prepared in accordance with industry best practice. As a minimum, noise monitoring carried out should include the premises at 3 nominated busiest operating periods.

Where noise monitoring indicates a discrepancy between the project noise and the criteria above the acoustic consultant should provide recommendations for noise attenuation or development adjustments to ensure the relevant noise criteria is achieved. All recommended measures are to be implemented and further noise monitoring carried out to demonstrate compliance with this condition and the subsequent reports provided to Council.

## **CONTINUED OPERATIONS**

### **Landscaping**

56. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

### **Security Measures**

57. At all times all safety, security and crime prevention Measures referenced by the Crime Risk Assessment are to be maintained at the site unless otherwise directed in writing by NSW Police or Council.

### **Smoking**

58. The operator of the development shall ensure that it complies with the relevant requirements of the Smoke Free Environment Legislation.

### **Graffiti Removal**

59. All graffiti and any vandalism to the premises is to be removed within 24 hours of being noticed. Where this cannot be achieved due to contractor availability, or the nature of the damage suitable arrangements are to be made within that time period for the removal of graffiti and repair of damage in a timely manner and as soon as practical.

### **Lighting Installation**

60. At all times the outdoor lighting installed at the premises is to be maintained in a manner to minimise impact on adjoining land. Outdoor lighting is to be installed and maintained in accordance with the approved outdoor lighting plan and the provisions of Australian Standard AS 4282:1997 Control of the Obstructive Effects of Outdoor Lighting.

Where the person acting with this consent becomes aware of a complaint or issue with outdoor lighting affecting the amenity of adjoining premises reasonable steps are to be taken to address the issue and minimise the impact of any light spill on adjoining land.

### **Noise**

61. To ensure the ongoing mitigation and management of any potential noise impacts the following measures are to be implemented:
- i. Trucks larger than box trucks (3-4.5 tonne) are not permitted to access the site.
  - ii. Trucks below 3-4.5 tonne are only permitted to enter the premises from Turner Street and exit from Bell Street. These vehicle types are only permitted to manoeuvre throughout the middle internal road of the site and cannot gain access from the western boundary of the site or enter from Bell Street.
  - iii. Permitted trucks can only access the premises between 7.00 am to 6.00 pm.
  - iv. A traffic speed of 10 km/h is to be signposted within the facility to minimise noise associated with unnecessary acceleration and braking within the facility.
  - v. Signposts are to be installed at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises. This will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors.
62. All requirements from the Australian Rail Track Corporation are to be adhered to at all times.

#### **Operation Audit**

63. Twelve months from commencement of the premises operation an environmental audit in relation to the premises, with a focus on its peak periods of use, is to be carried out.

The audit is to be carried out by a suitably qualified professional or team of professionals with experience in town planning, crime risk management, acoustic assessment and light pollution. Prior to the conclusion of the twelve month trial period, details of the personnel engaged to complete the audit are to be provided to Council along with a reasonable anticipated timeline for its completion and submission to Council. If the person(s) nominated to complete the audit is not duly qualified to complete the audit or is not sufficiently independent Council may request an alternate person be engaged.

The audit must:

- i. Assess and report on the development's compliance with the conditions of consent;
- ii. Review the development's complaint register to ensure that it is being kept up to date and that appropriate action is being taken to resolve complaints and environmental impacts where they arise;
- iii. Review the effectiveness of noise, lighting and crime risk management strategies and make any recommendations around improvements to the site's function;
- iv. Conduct interviews with adjoining residents to identify any adverse environmental impacts being experienced as an outcome of the development. The audit report should recommend measures to address any issues identified through this consultation;
- v. Provide recommendations around any actions required to be implemented, ensure that the development operates to a high environmental standard and in line with best practice into the future.

A copy of the audit report is to be submitted to Council for review and approval. All recommendations put forward by the audit are to be implemented by the development and maintained into the future following its endorsement by Council.

**REASON FOR IMPOSITION OF CONDITIONS:**

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
  - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
  - (iii) The protection, provision, and co-ordination of communication and utility services;
  - (iv) The provision of land for public purposes;
  - (v) The provision and co-ordination of community services and facilities;
  - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats; and
  - (vii) Ecologically Sustainable Development.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

**ADVICE:**

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 4.55 of the *Environmental Planning & Assessment Act, 1979*. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the *Environmental Planning & Assessment Act 1979*.

- This document is a development consent only and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.

- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act and may result in enforcement action being taken by Council if these requirements are not complied with.






Document Notes

Verify all dimensions on site before commencing work. Report all discrepancies to the Engineer immediately. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the work may be used to check dimensions on smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authoriser's requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	21/03/21	ISSUED FOR INFORMATION	HW
B	09/06/21	ISSUED FOR COORDINATION	HW
C	26/04/21	ISSUED FOR COORDINATION	HW
D	28/07/21	ISSUED FOR COORDINATION	HW
E	09/06/21	ISSUED FOR COORDINATION	HW
F	09/06/21	ISSUED FOR COORDINATION	AL
G	12/01/22	ISSUED FOR DA	AL
H	11/03/22	ISSUED FOR DA	AL
I	16/03/22	ISSUED FOR DA	AL
K	23/09/23	ISSUED RFI COORDINATION	JW
L	11/12/24	ISSUED FOR COORDINATION	JW



CLIENT:	 <b>muswellbrook shire council</b>
ARCHITECT:	<b>CM<sup>+</sup></b>
COMBINED ADDRESSING INTERNATIONAL PTY. LTD. ABN 50 556 972 346 1 800 6 624 888 991 (outside australia call 02 9551 0999) email: info@cmplus.com.au www.cmplus.com.au	
	 <b>0 SCALE 1:500 20</b> <b>SCALE: 1:500 @ A1</b>
<b>PROJECT:</b> <b>20034</b> <b>DENMAN STORAGE SHED COMPLEX</b> <b>TURNER STREET, DENMAN, NSW</b>	
<b>DRAWING TITLE:</b> <b>COVER</b>	
<b>SHEET NUMBER:</b> <b>DA0000</b>	<b>REV:</b> <b>L</b>
DWG NO: 20034-001	















**NOT FOR CONSTRUCTION**

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Q:\FULL\BIRACR\OH Project\COM Project\2023-2024\German Storage (Shed Complex V1 - CAD20 Working\2023\_German Storage (Shed Complex\_2024\_Contract V1

REV	DATE	DESCRIPTION	APP
A	15/04/21	ISSUED FOR COORDINATION	MM
B	20/04/21	ISSUED FOR COORDINATION	MM
C	20/07/21	ISSUED FOR COORDINATION	MM
D	01/09/21	ISSUED FOR COORDINATION	MM
E	09/05/22	ISSUED FOR COORDINATION	AL
F	12/07/22	ISSUED FOR DA	AL
G	01/11/22	ISSUED FOR DA	AL
H	16/01/23	ISSUED FOR DA	AL
J	23/10/23	ISSUED RFI COORDINATION	JW

[illegible]

**muswellbrook  
shire council**

CM<sup>+</sup>

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PROJECT:  
**20034**  
DENMAN STORAGE SHED COMPLEX  
TURNER STREET, DENMAN, NSW

DRAWING TITLE:  
**SCHEDULE - FIXTURES**

SHEET NUMBER: **DA6101**      REV: **K**

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Attachment 10.1.1.3 Attachment C - Ammended Proposed Plans







**Document Notes**  
Verify all dimensions on site before commencing work. Report all discrepancies to the Architect Prior to construction. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to conform to relevant Australian Standards and Codes together with all Authoriser's requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	2/26/02	ISSUED FOR COORDINATION	MM
B	2/28/02	ISSUED FOR COORDINATION	MM
C	3/19/02	ISSUED FOR COORDINATION	MM
D	3/26/02	ISSUED FOR COORDINATION	AL
E	12/01/02	ISSUED FOR DA	AL
F	01/11/03	ISSUED FOR DA	AL
G	16/01/03	ISSUED FOR DA	AL
H	23/10/03	ISSUED RFI COORDINATION	JW
J	11/12/04	ISSUED FOR COORDINATION	JW

CLIENT:  muswellbrook  
shire council

ARCHITECT:

CM<sup>+</sup>

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B11 Morrison NSW AFB No 2467

PROJECT:  
**20034**  
DENMAN STORAGE SHED COMPLEX  
TURNER STREET, DENMAN, NSW

DRAWING TITLE:  
**MATERIALS BOARD**

SHEET NUMBER: **DA7001** REV: **J**  
PLOTTED: 15/12/2024 11:49:36 AM

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[REDACTED]

4<sup>th</sup> April, 2023

The General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Dear Sir

DA: 2023/14 – STORAGE COMPLEX – LOT 42 TURNER STREET, DENMAN NSW

Although this development does not directly impact on me I am against it being built on this particular piece of land. This to me is a commercial development and should be built in a like area.

Having seen what was proposed for the town some years ago and seen the transformation that has taken place and knowing that there are still some further developments to occur up in the area of the swimming pool and old sports ground these storage units do not fit the criteria of those plans. There is at present a new heritage building being built which when finalised will further enhance the current area.

It was pointed out, when a meeting was held on site recently, that there were tons of fill over the years dumped on this site, and this came from a former Council employee, now retired. It was also stated that the proposed storage complex would be operational 24 hours per day, 365 days per year. Not fair to householders in the area.

I would suggest that Council think of the previous plans for the town, ditch this one, and think of something else that would blend in with the current overview. Why not another park/picnic area with the planned housing development and vacant land in this part of town.

[REDACTED]

**From:** [REDACTED]  
**To:** [Muswellbrook Shire Council](#)  
**Subject:** DA 2023-14 Storage Complex – 103 self storage units and 12 open storage bays  
**Date:** Friday, 17 March 2023 4:21:01 PM

---

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

As a resident and owner [REDACTED], my opinion of the proposed storage unit facility going into Lot: 42 DP:771226 Turner Street is absolutely absurd. This is not an industrial estate, Denman is a small community we do not need storage units of any kind, or if the proposed storage units are to be put somewhere. Out of town or going up towards the council waste transfer station would be a better option.

Not only will it look bad on the community having units in a small town, it will attract the likes of unwanted persons I.e. theft. The proposed storage units being erected [REDACTED]

[REDACTED] adds growing fears to a heavily reduced amount of privacy [REDACTED]  
[REDACTED] Increased noise will carry from being an open concrete pad from the local trains that pass by. Being already close to the trains that pass by, the echo that it will produce will be unbearable, thus further disrupting my family. As a business perspective, there is not enough people in Denman to even remotely make this storage facility useful to the local community, the majority of the community already have their own homes that are big enough to store their belongings within their residence. My suggestion is to turn the open block into a native vegetation, it will be more visually appealing to the local community who like to walk around our beautiful town, more appealing for those who participate in our local sports driving up towards the football fields and pony club grounds rather than looking towards a vast empty concrete pad of storage units. By adding native flora to the block instead of converting it to a storage facility will also increase the numbers of friendly fauna to the area such as native birds and bees who's population numbers are being diminished by urban development.

Any further questions or queries as to why myself personally do not wish for this proposal to go ahead feel free to contact me on [REDACTED]

Get [Outlook for Android](#)

**From:** [REDACTED]  
**To:** [Muswellbrook Shire Council](#)  
**Subject:** DA 2023-14 Storage Complex – 103 self storage units and 12 open storage bays  
**Date:** Sunday, 19 March 2023 11:19:50 AM

---

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General manager

I am writing to object to this development DA 2023-14 being built in Turner St .This is a residential area and it is busy enough and noisy enough being ,near the railway line ,at the moment and residents surely shouldn't have to put up with any more noise and traffic..In all the places that I have lived Storage units are always in industrial areas not established residential areas so if this goes ahead as planned Shame on you and your council for not caring about the people who you are supposed to represent..

Yours sincerely

[REDACTED]

**From:** [REDACTED]  
**To:** [Muswellbrook Shire Council](#)  
**Subject:** Proposed Development Application No. 2023/14  
**Date:** Tuesday, 11 April 2023 9:30:31 AM

---

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The General Manager

I refer to the above proposal of 103 self storage units and 12 open storage bays on Lot 42 DP 771226 Turner Street Denman.

I wish to bring to the Council's attention our absolute NO to this development proposal.

We bought our home in Denman because it was a rural 'village' town. We object to the proposal for the following reasons

- \* Any storage complex should be in an 'industrial area' as they are in Muswellbrook NO in residential.
- \* Turner Street is a quiet dead end street where children play. It is not safe for up to 100 cars/trucks going in/out.
- \* Bell Street is also not safe for up to 100 cars/trucks going in/out on the corner. Which is also the school bus route.
- \* The railway crossing is not built to operate a commercial building and its business.
- \* The safety of Denman is at risk as we will not know what is stored there eg. chemicals.
- \* The storage complex does not add to the community. It will be random people entering/exiting.
- \* All the people I have spoken with agree we don't want or need it for this town.
- \* All the previous objections to this submissions in 2021\2022 still apply eg flooding at the bottom of Turner Street.
- \* The residents in Turner Street nos. 12 and 10 will have the storage units metres from their home. How is that safe for children?

The only solution we see is to put storage units  
In industrial areas not residential.

If you have come out and seen the site you would see it is an inappropriate site.  
Please do the right thing for residents residing here.

[REDACTED]

Sent from my iPhone

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 11 April 2023 9:11 PM  
**To:** Muswellbrook Shire Council  
**Subject:** OBJECTION IN CONFIDENCE

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[REDACTED]

Development Application Number: 2023/14

To the General Manager,

We, [REDACTED] are OBJECTING to the storage complex.

We just moved an hour away to be here with the likings of Denman being a quiet, quaint town and we're concerned this storage complex will increase the level of noise and traffic in this area. Turner Street is technically two streets. We already get vehicles driving down our (no-through road) street thinking they can get through to the other side and have to turn around because they can't get through. From what we can understand from the plans there is no access from our end of Turner Street but that will not stop people from trying to get through around the back. And we really do not want the extra traffic.

For the security side of things, this will increase the number of people in this area which can lead to thefts and break-ins to neighbouring houses, which includes ours. For you to try and reduce the crime, I would say cameras would be installed and for the cameras to work better at night, lights will have to be installed, also. This is going to be highly irritating when trying to sleep especially for the people that work big shifts in the mines and need to sleep. We already try to deal with the trains, another interference is definitely not the way to go. Falling asleep behind the wheel is one of the biggest killers on Australia's roads.

If a storage complex is REALLY necessary - we recommend it belongs in an industrial area, not Denman.

Kind regards and signed,

[REDACTED]



MUSWELLBROOK

SHIRE COUNCIL

'ATTENTION'

TO COUNCIL MANAGER.

GENERAL MANAGER



I AM OBJECTING,  
TO THE PROPOSED  
DEVELOPMENT OF STORAGE COMPLEX  
PREMISES LOT 42 DP. 771226-TURNER ST DENMAN.  
APPLICATION No 2023/14.

- 1/ SITE PLAN IS NOT COMPLETE, OR READY TO GO AHEAD.  
MORE DETAIL AND INFORMATION IS NEEDED.  
DRIVE WAY TO 12 TURNER ST, IS NOT CORRECT. THE  
NEIGHBOURS BOUNDARY HAS BEEN CHANGED, TO FIX THE  
PROBLEM WITH THE MISTAKE OF BUILDING THERE HOUSE.  
SO UNDER YOUR PLAN. THE DRIVEWAY WON'T BE BIG  
ENOUGH (LOT 99185)
- 2/ A STORAGE COMPLEX,  
WILL BE VERY NOISY, WITH TRUCKS, PEOPLE, LIGHTS,  
POLLUTION, ALARMS, UNSIGHTLY, CONSTANT TRAFFIC, PLUS  
THE TRAINS. CONSTANTLY.  
A 2.4MTR FENCE WILL NOT HIDE ALL THESE  
PROBLEMS.
- 3/ WHAT COMPENSATION ARE GIVING TO RESIDENTS  
COMPLETELY CLOSED BY YOUR COMPOUND?
- 4/ CONSTANT TRAFFIC PASSING SWIMMING POOL WILL  
BE A THREAT TO ALL CONCERNED.  
PLUS SPORTS AREA, PONY CLUB. WILL CAUSE HOLD  
UPS GOING OVER RAILWAY LIGHTS.



PAGE 2.

5/ THIS PARCEL OF LAND HAS ALWAYS BEEN ALLOTTED TO BE A PARK, WHICH WOULD BE SO WELCOMED BY THE COMMUNITY FOR KIDS TO BE OUTDOORS AND HAVE A SAFE PLACE. ALSO OUR ELDERLY AND VISITORS TO USE WHEN PASSING THROUGH. AND TO WALK WITH OUR DOGS!!

6/ THE PROPOSED SIGHT HAS A BAD STORM WATER PROBLEM FROM BELL & TURNER STS ALL HAS BEEN A MAJOR PROBLEM.

Yours Sincerely,





MUSWELLBROOK SHIRE COUNCIL.

PAGE 1

ATTENTION - THE GENERAL MANAGER,


I AM WRITING TO OBJECT TO  
THE PROPOSED STORAGE COMPLEX  
AT THE BOTTOM END OF TURNER ST.  
LOT N° 42 D.P. 771226 TURNER STREET.

IN A PRIME DOMESTIC HOUSING  
LOCATION AND DEVALUATING PEOPLES  
HOMES AND SERENITY WITH CONSTANT  
TRUCK & VEHICLE MOVEMENTS CREATING  
NOISES & DISTURBING PEOPLES LIVES,  
NOT TO MENTION A INDUSTRIAL COMPLEX  
IN A LOVELY DOMESTIC AREA & MIRA.

THE PEOPLE AT N° 12 TURNER  
STREET WILL THINK THEY ARE IN  
JAIL WITH A TERRIBLE OUTCOME,  
ALSO THE BOUNDARY OF THE PROPOSED  
SITE LEAVES N° 12 TURNER STREET VERY  
LITTLE ACCESS TO THEIR HOMES, AS  
THE NEIGHBOUR HOUSE ON NORTHERN  
SIDE WAS BUILT ON THE WRONG  
AND FOOTINGS WERE MOVED (3) THREE  
TIMES TO GET IT SOME WHERE NEAR

THE HOME SHOULD BE SITUATED,  
AND THEY MOVED THE BOUNDARY OUT  
ONTO NO 12'S DRIVE WAY,

COUNCIL SAID THAT WAS ALL RIGHT  
AS THE BLOCK NEXT TO NO 12 TURNER  
STREET IS ONLY PARK LAND AND DID NOT  
MATTER, WHICH NOW LEAVES THEM  
WITH A DRIVEWAY FOR A BILLY CART.



THE ENTRY & EXIT THE PROPOSED  
PLANS SHOW ON TURNER & BELL  
STREETS IS NOT ACCEPTABLE IF  
THIS PROJECT GOES AHEAD,  
SHOULD "only" BE ON BELL STREET  
AS NO HOMES & PEOPLE TO ANNOY,  
ALL STORAGE SITES IN MUSWELLBARK  
ONLY HAVE ONE ENTRY & EXIT, AND  
BESIDES THERE IS ONLY SPORTING  
FIELDS AND NEW MENS SHED.



THIS PROPOSED SITE HAS A  
BAD STORM WATER PROBLEM  
FROM BELL & TURNER STREETS &  
NEW SUBDIVISIONS RUNNING OF  
BELL STREET THAT IS DROWNING  
MERTON STREET ON BOTTOM SIDE  
OF RAILWAY LINE, WITH OUT ADDING  
TO IT FURTHER.

FURTHER TO THIS MATTER, THE  
WAY HOUSING SUBDIVISIONS ARE  
GOING UP ON THE NORTH EASTERN  
END OF TURNER STREET WE WILL  
NEED MORE AREAS FOR CHILDREN  
TO PLAY & WALK THROUGH TO THE  
SWIMMING & RUN WITH PETS.

Yours Sincerely



► Derek Finnigan

Phone: 02 6549 3700

**To Derek Finnigan, General Manger, Muswellbrook Shire Council**

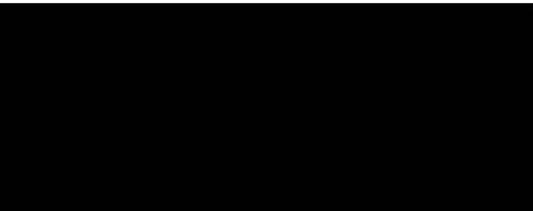
I would like to make a submission to objecting to the DA 2023/14 Denman Storage Shed Complex proposed by Conybeare Morrison International Pty Ltd Level 1 52-58 William St, Woolloomooloo NSW 2011 at the proposed site of Lot 42 DP:771226 – Turner St, Denman.

1. This proposal directly impacts access to our property. The north side of the facility has a concrete retaining wall with a 2.4m color bond fence atop it, leaving no more than 3m between this fence and the neighboring fence. This would be our only vehicle access to our property. On this narrow strip is all our utilities: water, electricity, and phone, 2 or which are above ground, the other in the middle level with the ground. As shown in the proposal, this fence goes directly over our water meter and states it may need to be relocated. All 3 services would need to be relocated for this to be used as a driveway, but as there is no other section of our property that meets the road, there is no other location to move them too making vehicle access to the property not possible without additional land being used. This would also stop access to emergency service vehicles having potential catastrophic consequences. I do not believe it be our responsibility to relocate these services.
2. This proposal would greatly affect the natural water course of the water that runs down through our yard from neighboring Almond St properties. During heavy or prolonged rainfall, a large amount of water flows through our yard and out into lot 42 where it pools. There is also a storm water runoff drainpipe from our property that runs threw into this lot that is not shown in this proposal and as such has not been addressed. With over half our boundary being closed in with a concrete retaining wall, this will cause a substantial amount of water to pool up on our property against the west and north boundary fences of the proposal. This in turn will cause flooding in our yard with nowhere for the water to go, as this is the lowest point of our property, and in turn causing damage to the fence and retaining walls. One of these locations where flooding would occur is in front of the dwelling where a sewer access point is located above the ground. This would be approx. 1m from the western fence line. With no direct sunlight to the front of the property for majority of the day due to the way it is situated this issue would not quickly rectify itself.
3. This proposal does not adequately address the impact of the excess water the facility will push out into nearby streets. Work has been done to show the water management inside the facility but not enough has been done to show how that water caught in the facility will impact the surrounding streets once it leaves the facility. Water buildup would also occur in Bell St. As shown in the proposal all water caught in

the facility will be run out from the southern boundary into the open drainage ditch on the opposite side of the road on the corner of Bell St and Turner St. This area already has some flooding during heavy or prolonged rainfall periods which would be greatly increased with the water from this facility being directed into it. Another is at the Turner St entrance to the proposal. All water from the northern boundary properties and all the runoff from along Turner St will pool near the Turner St entrance causing flooding unless adequate drainage is provided. Water build-up along Turner St could cause accelerated water flow down Merton St where flooding already occurs.

4. This proposal would allow the building of property over a council owned road, cutting off one end of Turner St to the other. As shown in aerial photos (and on Google maps) in the proposal this road is used on a regular basis by residents and should not be allowed to be built over and potentially sold off. Many Denman residents along with ourselves believe this road should be continued through this block as a gazetted road.
5. This proposal is not in keeping with the Historical Village atmosphere that Denman is known for. Our mountain views, open spaces, village feel. All these things will be adversely impacted for nearby residents and all tourists/locals using the updated recreational camping facilities and museum going in across the road which will be a focal point of the town when finished.
6. Although multiple studies have been conducted from online data for the site itself, there is not enough data provided for the impacts on the surrounding properties. I.E. Flood mapping does not show heavy water run off through 12 Turner St into lot 42 or heavy pooling at the northern side of lot 42. The Bushfire zoning states lot 42 is in a bushfire zone and our property is in a buffer zone. This proposal directly blocks emergency vehicle access to our property and could encroach on the fire safety management plans for this area. There are also no Appendix attached to the SEE so we are unable to view reports that may explain or show vital information.
7. This proposal will adversely affect the value of our property if it goes ahead and could negatively affect our ability to sell in the future.

Overall, we do not believe this site is appropriate for a storage unit facility, This type of facility, no matter how low impact the design is believed to be, belongs in a commercial/industrial area not on a residential block with a tourist/sporting area directly across the road even if it falls within the acceptable use of the RU5 zoning. If there is indeed a genuine need for this service, it would be better utilized in Muswellbrook or outside of the main Denman township area. A better use of the land would be to continue Turner St all the way through and add a green space, Maybe a small playground, covered seating areas and landscaping for the residents on this side of the railway corridor so our children do not always have to cross the railway line to go to the playground.





To Muswellbrook Shire Council  
[Council@muswellbrook.nsw.gov.au](mailto:Council@muswellbrook.nsw.gov.au)



Tuesday 21<sup>st</sup> March , 2023

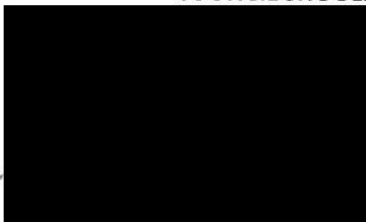
To The General Manager

**RE: DA2023-14 / DENMAN STORAGE SHED COMPLEX**

My Objections to this DA is as follows

1. Half the land proposed is a gazetted Road Reserve (Turner Street).
2. The Land is part of a water course.
3. The environmental statement claims there is 6 cubic metres of suspect fill which I know is incorrect, as a former council employee of 30 years I was involved in putting 50 truck loads of unclean fill into the dam which was created by the railway as a Borrow Pit.
4. Council are not the owners of the Road Reserve, The Lands Department are the owners.
5. Future Developments of dwellings in West Denman would put undue saturation of traffic on the narrow roads in this area and storage area would contribute more traffic.
6. This area is not classed as Industrial Zone, But Denman has Industrial Land as you leave town going west on The Golden Highway.
7. This DA was put forward 18 months ago and was not allowed so why is it put forward again?
8. It is too close to our Recreation Area and our Museum which Denman people are proud of so why put an unsightly stage unit so close?
9. The 24 hours use of the storage area would disrupt the village atmosphere of Denman and the people living west of the railway line.
10. The most important reason not to allow this to go ahead is the drainage. The land with buildings and roads would not act as a slowing affect of stormwater runoff. This would increase water to run into Merton Street which is already overflowing during storms.
11. The use of storage units will be mainly by outsiders (NOT LOCALS) and what is stored could be anything (chemicals, explosives, drugs and contaminants)

**COUNCIL SHOULD REJECT DA FOR THE BETTER OF THE PUBLIC**







To the General Manager

I am writing this letter in response to the recent proposal of the construction of a Self-Storage facility on Turner St in Denman DA # 2021/125.

I and my family own and reside at [REDACTED] and believe this proposal will have significant adverse effects on our otherwise quaint little street and this particular area of Denman.

Firstly I would like to address concerns directly relating to the Statement of environmental effects submitted by the developer.

Kind regards

[REDACTED]

#### **Muswellbrook development control plan 2009**

#### **Section 7 Village Zones**

#### **7.2.3 Character Statements**

##### ***Objectives***

***a) To ensure that the new development reflects and reinforces the existing and desired future character of the village zone.***

##### ***Controls***

- i) Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character statement in Denman***

**Complies: The proposed storage premises is a low profile facility which will provide additional services and meet a need in the Denman community.**

In my opinion an industrial style facility like this is in no way fitting to the surrounding residential properties and will very much take away the village atmosphere in this area of Denman.

#### **7.4.2 Design Guidelines**

##### **Controls**

- I) **Commercial developments reflect and reinforce the existing character of the business precinct.**

***(Response) N/A The development is not a commercial premise.***

By definition this facility is most certainly would be defined as a commercial premises

- V) **Long continuous facades and rooflines must be avoided in larger buildings**

***(Response) Complies.***

***While the storage premises necessitate a long building the buildings have a low profile and incorporate landscaping to reduce bulk and visual intrusion.***

The actual design of this premises is in no way trying to avoid long facades and rooflines.

Landscaping will in no way reduce the bulk and visual intrusion due to the industrious façade of the proposed facility.

#### **7.4.6 Form, Massing and Scale**

##### **Objectives**

- a) ***To ensure new buildings do not dominate the surrounding built environment.***

This development will most definitely dominate the surrounding built environment with its very industrial façade and use.

- b) ***To ensure that new buildings reinforce the existing characteristic built for of the locality***

This facility does in no way reinforce the existing characteristic of surrounding residential properties.

## **Controls**

- i) ***New commercial buildings are not significantly larger than surrounding buildings***

This is most certainly defined as a commercial building/facility and will in fact be much larger than surrounding buildings.

### **7.4.8 Setbacks**

#### ***Objectives***

- A) ***To ensure that new development does not dominate the streetscape and reflects the characteristic of setbacks on adjoining sites.***

This facility will most certainly dominate the streetscape and whilst it is by design low in height profile it is not low in overall profile and bulk as opposed to existing residential properties

## **Section 21 Contaminated Land**

*I refer to the response outlined in the PSI report which concludes that:*

*Environmental Earth Sciences considers that the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDUIM** risk to human health and the environment during proposed land use 'Setting D' (Commercial/Industrial) as defined within ASC NEPM (2013)*

Over the decades of inactive use of this land and being that it historically comprised of dams/pondage how much contaminated runoff from neighbouring land and properties has pooled and settled in the area. Being that presently the vast majority of this land is covered in vegetation I would conclude that potential contaminants could be confined under this said vegetation which could become airborne if any significant material is disrupted in the construction process. This may have health implications being that the proposed facility that has been identified above as (Commercial/Industrial) is in actual fact surrounded by residential properties which may in fact scale up the human health risks associated with this development.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

To the General Manager

I am writing this letter in objection to the proposed construction of self-storage complex to be constructed at Turner Street Denman DA#2021-125.

[REDACTED]

I have many concerns with this proposal but I will start with my concerns that being this is a council initiative and project I find it somewhat inappropriate that any objections that either I or my neighbours have against this development will be assessed by the same department that in fact propose to build this facility which could see a biased response to any objections raised.

I note that in the Statement of environmental effects multiple times this facility is classed by the developer as a non-commercial premises which in fact would be a false indication as to the facilities designed purpose and future use. I refer to the PSI report prepared by Environmental Earth Sciences where they classify this facility and land use as Setting D (commercial/industrial) as defined within ASC NEPM (2013)

I believe in no way could this development be classified as anything other than commercial/industrial which is in no way in keeping with many clauses in the councils own Development Control Plan 2009.

On a more personal note I have 3 main concerns being as follows:

- 1) Access to the facility using the northern end of Turner street where I reside, I do note that the design only allows for ingress from the north which could possibly see vehicles that enter from this direction having to try and navigate back out up a very narrow street not fit for purpose should they be unable to successfully enter the premises for whatever reason. Being that this is not a staffed facility this could happen for many reasons, for instance a power outage, card malfunction etc. which might see large vehicles either having to reverse the entire length back out or attempting to utilise private land to perform u turns.
- 2) My second concern relates to the known increase in criminal activity namely theft that is well known to be associated with these type of unmanned facilities, I note

Mayor Rod Scholes social media comment referring to the benefit of the added security provided to the facility by the way of local residential occupants. This statement alone shows that theft is a common risk associated with this type of facility. In relation to this, being that the actual facility will have good security measures I am concerned that individuals whom unsuccessfully attempt to illegally enter may be inclined to target neighbouring residential properties instead or alternatively.

- 3) My third concern relates to the Fire/Explosion hazards associated with the storage of unknown products that may be present in these individual units. This would also include the proposal of storage for caravans (gas cylinders) and boats (Fuel/Oil).

Any form of fire within this facility could have disastrous effects for all the residential residents within close proximity to this facility.

Please see attached concerns regarding the Statement of environmental effects document submitted by the contracted firm PSA Consulting on behalf of the Muswellbrook Shire Council.

I would like to conclude by thanking you for taking the time to look at my concerns and ask that you contact myself if you require any further information from me regarding my objection to this proposal. I am reachable via email [REDACTED] or phone [REDACTED].

Regards

[REDACTED]



### 10.1.2. Planning Proposal - Additional Permitted Uses - Liddell & Bayswater Power Station Site

**Responsible Officer:** Director - Planning & Environment

**Author:** Director - Planning & Environment

**Community Strategic Plan:** 1 - Economic Prosperity

*A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.*

**Delivery Program Goal:** 1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.

**Operational Plan Action:** 1.1.1.3 - Work with AGL Macquarie, Singleton Council, the State Government and other parties to maximise the economic opportunities on the Bayswater and former Liddell Power Station sites.

**Attachments:** 1. Attachment A - PP 2024 732 Planning Proposal New England Highway Bayswater Stage 2 post exhi [10.1.2.1 - 36 pages]

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#### PURPOSE

The planning proposal will amend the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009) to permit additional industrial uses, including rural industries, with consent on three (3) key sites on part of the former Liddell Power Station and current Bayswater Power Station sites.

The Planning Proposal was publicly notified, and no community submissions were received. The Planning Proposal has been updated since it was previously presented to Council to incorporate Agency comments.

The purpose of the report is to request Council's support to finalise the Planning Proposal using the Minister's plan making delegations.

**OFFICER'S RECOMMENDATION**

Council RESOLVES to:

1. note the outcomes of the State agency consultation, and
2. agree that Dam Safety NSW comments about future blasting requirements and the Department of Primary Industries assessment requirements for rural industries be incorporated into the future development control plan, and
3. endorse the planning proposal (Attachment A) to amend the *Muswellbrook Local Environmental Plan 2009* (MLEP), and
4. finalise the amendment to the MLEP 2009 under delegation granted by the Minister for Planning and Public Spaces, pursuant to section 3.36 of the Environmental Planning and Assessment Act 1979; and
5. prepare and exhibit a new Section in Muswellbrook DCP 2009 to apply to the land to which this Planning Proposal applies.

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

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

**EXECUTIVE SUMMARY**

AGL Macquarie and Council have previously agreed on the importance of attracting new employment opportunities to the Shire prior to closure of the Bayswater Power Station. AGL Macquarie has outlined plans for the former Liddell power station site and the current Bayswater Power Station site. It is being referred to as a renewable energy hub, featuring renewable energy technologies, including solar storage systems, grid-scale batteries, and potentially solar panel manufacturing and recycling facilities. However, the possible range of uses may extend beyond this.

The Planning Proposal intends to permit additional uses on the site while it remains zoned SP2 - Infrastructure, the most appropriate land use zone while a power station is still operating on the site.

**PREVIOUS RESOLUTIONS**

At the meeting held on 23 April 2024 Council RESOLVED to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to allow additional permitted uses on part Lot 601 DP 1019325, part Lot 2 DP 1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 as outlined in Attachment A; of "industry" on land adjacent to the Bayswater Ash Dam;
2. Request a Gateway Determination from the Department of Planning and Environment, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and
3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.





## BACKGROUND

The Liddell and Bayswater Power Station sites are zoned SP2 - Infrastructure (Power Station).

The current Land Use Table for the SP2 zone is reproduced below:

*2 Permitted without consent*

*Nil.*

*3 Permitted with consent*

*Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads.*

*4 Prohibited*

*Any development not specified in item 2 or 3*

## CONSULTATION

The Gateway Determination required AGL to submit a Preliminary Site Investigation for the land. This was provided to Council in January 2025. The Planning Proposal was publicly exhibited from Tuesday 4<sup>th</sup> February 2025 until Monday 10<sup>th</sup> March 2025 to comply with the Gateway determination. No community submissions were received.

The following State agencies were consulted about the planning proposal

- Transport for NSW,
- NSW Resources,
- NSW RFS,
- Dam Safety NSW
- Department of Primary Industries and Regional Development - Agriculture
- Environmental Protection Authority
- NSW Department of Climate Change, Energy, the Environment and Water - Water Group

Comments received are summarised in Section D of the planning proposal. No post exhibition changes are required.

It is recommended that Dam Safety NSW comments about future blasting requirements and the Department of Primary Industries' assessment requirements for rural industries be incorporated into the future development control plan.

## REPORT

The finalisation of the Planning Proposal will broaden the range of permissible industrial land uses to support the ongoing clean energy transition and the envisaged integrated industrial energy hub.

Compatible uses that have been identified by the Applicant include:

- Energy generation and storage;
- Manufacturing of renewable energy components (i.e., solar panels);
- Recycling of renewable energy components (i.e., material recycling facilities for solar panels and/or lithium batteries);
- Manufacture of building materials using materials sourced from on-site such as coal ash from power station activities;
- Agricultural produce industry to support ongoing agricultural land uses in the region; and



- Ancillary activities and services to support the needs of businesses and workers.

A copy of the updated Planning Proposal is provided in Attachment A, and a summary of the proposed changes to Muswellbrook LEP 2009 is provided below:

**Text amendments:**

- Amend the SP2 infrastructure land use table to make “environmental protection works” as a use permitted without consent;*
- Amend the SP2 infrastructure land use table to make “roads” and “water storage facilities” as uses permitted with consent.*
- Introduce new Part 7 Additional Local Clause to make the group terms “Industry” and “Rural Industry” permissible with consent on three (3) key sites (draft clause provided below).*

**Map amendments:**

- Introduce new key sites map – sheet KYS\_009

**New Local Clause 7.11 development on land associated with part lot 601 DP1019325, part lot 2 DP1095515, part lot 34 DP 752486 and part lot 145 DP 752486.**

- The objectives of this clause are as follows:*
  - to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generating activities; and*
  - to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.*
- This clause applies to land identified as part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 on the Key Sites Map.*
- Despite clause 2.3, development consent may be granted to development for the purpose of:*

*Industry; Rural industry*
- Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and*
  - The uses are compatible with or otherwise relate to the special characteristics of the site.*
- Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (6) has been prepared for the land.*
- The development control plan must provide for the following—*
  - a staging plan for the timely and efficient provision of necessary infrastructure,*
  - an overall transport movement hierarchy showing the major circulation routes and connections to achieve a safe movement system for private vehicles, public*



- transport, pedestrians and cyclists,*
- (c) an overall landscaping and vegetation management strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements to manage views of the sites both from the public and private domain,*
  - (d) the location of flora, fauna and vegetation corridors,*
  - (e) stormwater and water quality management controls,*
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
  - (g) detailed urban design controls for significant development sites,*
- (7) Subclause (5) does not apply to development for any of the following purposes—*
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,*
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,*
  - (c) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.*

#### **FINANCIAL CONSIDERATIONS**

Nil

#### **POLICY IMPLICATIONS**

The planning proposal aligns with Council's Operational Plan to maximise employment opportunities by broadening permissible land uses on the Bayswater and former Liddell Power Station sites.

Council's Operational Plan includes:

*Action 1.1.1.3 - Work with AGL Macquarie, Singleton Council, the State Government and other parties to maximise the economic opportunities on the Bayswater and former Liddell Power Station sites.*

#### **STATUTORY / LEGISLATIVE IMPLICATIONS**

The planning proposal will make the land uses “Industry” and “Rural Industry” permissible with consent on the three key sites under the MLEP 2009. All future development would continue to be assessed on its merits as part of a robust Development Application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

**Planning Proposal to permit additional industrial uses, including rural industries, at identified key sites**

**New England Highway, Muswellbrook (PP-2024-732)**

<b>Local Government Area:</b>		Muswellbrook Shire Council (MSC)
<b>Name of Draft LEP:</b>		Muswellbrook Local Environment Plan 2009 (PP-2024- 732)
<b>Subject Land:</b>		Site 1 - Part Lot 2 DP1095515. Site 2 - Part Lot 2 DP1095515. Site 3 - Part Lot 601 DP1019325, part Lot 34 DP 752486 and part Lot 145 DP 752486.
<b>Land Owner:</b>		AGL Macquarie P/L
<b>Applicant:</b>		AGL Macquarie P/L
<b>Folder Number:</b>		PP-2024-25
<b>Date:</b>		Xx
<b>Authors:</b>		Sharon Pope of Muswellbrook Shire Council Trent Wink Department of Planning, Housing and Infrastructure
<b>Tables:</b>	Table No.	Details
	1	Summary of amendments to MLEP 2009
	2	Assessment of Hunter Regional Plan 2041
	3	Assessment of Muswellbrook Local Strategic Planning Statement 2020 - 2040
	4.	Assessment of Muswellbrook Community Strategic Plan 2022-32
	5.	Assessment of State Environmental Planning Policies
	6.	Assessment of Section 9.1 Directions
	7.	Assessment of other Environmental Effects
<b>Maps:</b>	No.	
	1	Locality
	2	Aerial
	3	Site Identification
	4	Bushfire
	5	a) Zoning map b) Key Sites map

<b>Attachments:</b>	<b>No.</b>	<b>Details</b>
	1	Evaluation criteria for the delegation of plan making functions.
	2	Bushfire Risk Management Plan
	3	Aboriginal Heritage information Management System (AHIMS) records
	4	Traffic Impact Assessment
	5	a) Gateway determination dated 13 June 2024 b) Gateway Alteration dated 28 Nov 2024
	6	Preliminary Site Investigation

## Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The intent of the planning proposal (PP) is to amend the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009). The amendment will make industrial uses, including rural industries, permissible with consent on three (3) key sites. The three (3) sites have a combined area totalling 105.24 hectares.

The current zoning of SP2 Infrastructure zone only permits a limited range of uses. The amendment will facilitate the ongoing transition of existing Power Station Sites to permit a broader range of employment generating activities. A development control plan will need to be prepared before any development consent is granted on the subject land. It will address key issues, site characteristics and manage the delivery and sequencing of essential infrastructure. Land uses being envisaged include solar panel manufacturing, solar panel refurbishment and recycling, green steel production and agricultural industries.

This PP also aims to permit ancillary infrastructure in the SP2 zone not already covered and made permissible under *State Environmental Planning Policy (Transport & Infrastructure) 2021*.

## Part 2 – EXPLANATION OF PROVISIONS

The intended outcomes will be achieved by amending the MLEP 2009 as follows: -

Amendment Applies to	Explanation of provision
Amend the SP2 Infrastructure land use table	To include “Environmental Protection Works” as a use permitted without consent; To include “Roads” and “Water Storage Facilities” as uses permitted with consent.  * “Sewage reticulation”, “Sewage treatment plants” and “Water supply systems” (except for the sub term of water storage facility) are not proposed to be added to the SP2 zone table because these uses are already permitted with consent under the <i>SEPP (Transport &amp; Infrastructure) 2021</i> .
Key Sites Maps – Sheet KYS_009	To create a new map sheet identifying the 3 sites.
Part 7 Additional Local Provisions	To include a new local clause to permit “Industry” and “Rural Industry” land uses. The local clause requires the preparation of a development control plan before any development consent is granted to development on the subject land. The proposed Additional Local Provision is outlined below.

**Table 1 – Summary of MLEP 2009 Amendments**



Proposed drafting of local clause under Part 7 – Additional Local Provisions:

*"7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486.*

*(1) The objectives of this clause are as follows:*

*(a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generating activities; and*

*(b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.*

*(2) This clause applies to land identified as part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 on the Key Sites Map.*

*(3) Despite clause 2.3, development consent may be granted to development for the purpose of:*

*Industry; Rural industry*

*(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

*a) there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and*

*b) The uses are compatible with or otherwise relate to the special characteristics of the site.*

*(5) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (6) has been prepared for the land.*

*(6) The development control plan must provide for the following—*

*(a) a staging plan for the timely and efficient provision of necessary infrastructure,*

*(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a safe movement system for private vehicles, public transport, pedestrians and cyclists,*

*(c) an overall landscaping and vegetation management strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements to manage views of the sites both from the public and private domain,*

*(d) the location of flora, fauna and vegetation corridors,*

*(e) stormwater and water quality management controls,*

*(f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*

*(g) detailed urban design controls for significant development sites*

*(7) Subclause (5) does not apply to development for any of the following purposes—*

*(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,*

*(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,*

*(c) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.*

The development assessment process will determine the suitability of the proposed development and take into consideration the special characteristics, site constraints and infrastructure requirements.

All other planning controls applying to the site will remain unchanged.

### **Part 3 – JUSTIFICATION**

#### **Section A – Need for the Planning Proposal**

##### **3.1 Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the result of a strategic study or report. The PP gives effect to Planning Priorities 1-3 in the Muswellbrook Local Strategic Planning Statement dated October 2020 (LSPS). It also aligns with the Hunter Regional Plan 2041, which identifies Liddell & Bayswater as a regionally significant growth area because of its employment generating potential. This is discussed in more detail in Section B, below.

The AGL landholdings, located in Muswellbrook Local Government Area, are primarily zoned SP2 Infrastructure under MLEP 2009. It comprises a coal fired power station, a former coal fired power station that is scheduled for demolition, and ancillary infrastructure, such as ash dams, coal stockpile areas, coal conveyancing equipment, electricity switching yards, and electricity transmission lines.

The former Liddell Power Station (Liddell PS) was initially constructed by the NSW Government owned State Electricity Commission. It operated from the early 1970s until its closure in April 2023. AGL has decommissioned the building, which has involved isolating hazards, decontaminating the plant and ensuring it is safe and ready for demolition. When the State Significant Development is approved, demolition can commence. On completion of the demolition works, the Liddell PS site will be rehabilitated in line with regulatory requirements.

Bayswater Power Station (Bayswater PS) was also constructed by the State Electricity Commission and has been operating since 1985, along with the Hunter Valley Gas Turbines and a range of infrastructure to support water supply, water management, coal ash management, coal supply, power supply and control systems. Bayswater PS is scheduled to cease generating electricity between 2030 and 2035.

The landholdings provide an opportunity to attract employment generating development to create jobs for the skilled workforce impacted by the energy transition and the future closure of Bayswater PS and local mines.

**3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The proposed local clause will permit a broader range of permissible land uses for three (3) identified sites within the much larger AGL landholdings. Another project is underway to master plan the larger holding (across two Council areas), however, this will take time, and some new uses need to be established on the site before closure of the Bayswater PS.

All future land uses will require the lodgement of a development application, assessed under the EP&A Act and development consent being granted. This is considered consistent with the underlying objective to facilitate employment generating activities which support the renewable energy transition while the Bayswater PS is still operating. The development assessment process will take into consideration the special characteristics, site constraints and infrastructure requirements.

Other options considered and not pursued include:

- **Amending Schedule 1, Additional Permitted Uses** to permit the uses identified above. This option is not the preferred option because it does not include objectives that make clear that the intent of the additional permissible uses is to support the renewable energy transition. This option does not provide detailed development control to support the identified land uses and the future development of the land.
- **Amend the SP2 Infrastructure Zone Table to permit Industries with consent.** This option would apply to all land zoned SP2 Infrastructure under MLEP 2009 and has the potential to allow for inappropriate land uses to occur on other sites within the Muswellbrook Local Government Area (LGA). This option also does not provide detailed development control to support the identified land uses and the future development of the land. It is not preferred for these reasons.
- **Split SP2 Infrastructure/SP4 Enterprise zone and mapping the site as an Urban Release Area under Part 6 of the LEP to require a Development Control Plan.** This option was suggested by DPHI but is not preferred for this planning proposal, as MLEP 2009 does not currently contain an SP4 Enterprise zone, so it would be inconsistent with Ministerial Direction 1.4, given it would seek to rezone the site to a zone not already in the LEP, and Direction 7.1 given there is not currently a strategy approved by the Planning Secretary to create an employment zone on this site.

Council is intending to seek to use the SP4 zone for several “transition” sites across the Shire, predominantly open cut coal mine sites that are expected to cease operation in the short term. The full range of uses that may be permitted in the SP4 zone is not settled, but would likely include office and light industrial uses, limited residential accommodation, childcare, education establishments, intensive agriculture, local shops and so on, which would be inconsistent with the primary use of the Bayswater Power Station site for electricity generation until closure.

In summary, the proposal is the best means of achieving the objectives and intended outcomes as it provides an opportunity to permit desirable land uses consistent with the

underlying objective to facilitate employment generating activities which support the renewable energy transition.

## Section B – Relationship to Strategic Planning Framework

### **4.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

#### Hunter Regional Plan 2041 (HRP)

The PP is consistent with the HRP strategic directions. It implements the objectives to diversify the Hunter's mining, energy and industrial capacity and to plan for other employment generating opportunities and activities in the Liddell and Bayswater power stations.

The Liddell and Bayswater power station site is recognised as a regional significant growth area. The HRP requires place strategy planning be undertaken to investigate employment and environmental outcomes, whilst considering infrastructure capabilities, including water supply. However, the Department recently advised that the Hunter and Central Coast Place Delivery Program, currently implemented through the UDPs, has been reviewed. The place strategy requirement to accompany future planning proposals has been removed and Council should proceed with its local planning pathway with planning proposals informed by proponent prepared site-specific investigations.

To inform future employment and environmental outcomes, Council will continue to work with AGL to develop a master plan to identify how the land should be developed and constraints managed. An infrastructure strategy and delivery plan are also required in conjunction with the master plan, to determine capacity and infrastructure gaps.

An assessment of the HRP key strategies is outlined below:

Hunter Regional Plan 2041			
Objective	Performance Outcome	Strategy	Alignment
OBJECTIVE 1: Diversify the Hunter's mining, energy and industrial capacity	Any planning proposal or local strategic planning statement that does not comply with a strategy in this objective must demonstrate how the following performance outcomes will still be achieved: 1. Power stations and coal mines facilitate diverse job opportunities on their land either during operation or following closure, with land uses responsive to the characteristics of the locality.	Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will: – maximise employment generation or will attract visitors to the region. – make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access. – support the growth of adjoining industrial areas or settlement areas.	The Liddell and Bayswater Regionally Significant Growth Area map (Figure 24) identifies the site as a future "Integrated Industrial energy hub".  Council has been advised to proceed with preparing planning proposals informed by proponent prepared site-specific investigations to determine employment and environmental outcomes.

	<p>2. Employment lands provide a variety of employment uses and diversify the employment base.</p> <p>3. Employment lands close to inter-regional links support freight, logistics and industries which benefit from connections to interregional or global markets.</p> <p>4. Employment lands close to renewable energy zones support manufacturing related to renewables and energy intensive industries and clustering of business which supports those activities.</p> <p>5. Circular economy industries and facilities are in appropriate sites.</p> <p>6. New employment lands are serviced, manage biodiversity impacts and are situated to avoid land use conflict.</p> <p>7. Employment lands are retained and safeguarded by limiting the encroachment of sensitive land uses.</p>	<ul style="list-style-type: none"> <li>– enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors.</li> <li>– complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas.</li> <li>– have considered the existing and likely future uses of adjoining land and avoid land use conflict.</li> <li>– align with any specific guidance in the district planning priorities section of this plan.</li> </ul> <p>Strategy 1.2 Following completion of the Hunter– Central Coast REZ, local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>– opportunities to leverage new employment in related manufacturing and energy intensive industries that benefit from proximity to the energy infrastructure within the renewable energy zone.</li> <li>– the proximity of sensitive land uses to ensure sensitive land uses do not encroach on activities within the REZ.</li> </ul> <p>Strategy 1.3 Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>– how existing employment land areas, including those that provide urban services, will be retained unless opportunities for urban renewal arise through the relocation of industry.</li> <li>– if there is sufficient supply of vacant, serviced employment land providing capacity for a range of different sized employment enterprises the employment land needs for the local government area and identify flexible planning and development control frameworks to support their growth.</li> <li>– opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains.</li> <li>– the suitability of transport</li> </ul>	<p>The proposed local clause will permit a broader range of permissible land uses for three identified sites within the much larger AGL landholdings. Future development will be required to be consistent with the objective of the local clause to facilitate employment generating activities which support the renewable energy transition and minimise social and economic impacts.</p> <p>Employment opportunities in manufacturing, waste, freight and other industries should assist in providing jobs for the existing skilled workforce impacted by the energy transition and the future closure of Bayswater PS and local mines.</p> <p>It will also provide opportunities for circular economy industrial uses to reuse ash and other products during manufacturing processes by enabling co-location on the Bayswater site.</p> <p>The site offers both rail and highway access, water and infrastructure assets.</p>
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		<p>interchanges and bypasses for employment lands in consultation with Transport for NSW.</p> <ul style="list-style-type: none"> <li>– lands around the interchanges of the M1 Pacific Motorway and Pacific Highway should be used for employment activities that benefit from easy access to key markets such as manufacturing, logistics and warehousing.</li> <li>– the proximity of sensitive land uses and ensure they do not encroach upon these areas.</li> </ul> <p>Strategy 1.4 Planning proposals for new employment lands will demonstrate they:</p> <ul style="list-style-type: none"> <li>– are located in areas which will not result in land use conflict.</li> <li>– can be adequately serviced and any biodiversity impacts are manageable.</li> <li>– respond to the employment land needs identified for that local government area.</li> </ul>	
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**Table 2 Assessment of Hunter Regional Plan 2041**

***4.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

The PP gives effect to Planning Priorities 1-3 in the Muswellbrook LSPS as outlined in the Table 3 and implements the economic diversity goal of Muswellbrook Strategic Plan 2022-32 outlined in Table 4 below:

Muswellbrook Shire Local Strategic Planning Statement 2020-2040		
Priority	Detail	Consistency
Planning Priority 1: Our Shire embraces technology and innovation.	Council supports leading edge businesses growing and consolidating in Muswellbrook Shire as a mechanism toward supporting the Shire's transition to broader employment diversification.	The proposal will enable the lodgement of DAs for industrial land uses on the site, assisting with employment diversification opportunities. It will also provide opportunities for industrial uses to beneficially reuse ash and other by-products on the Bayswater site.
Planning Priority 2: We plan for the transition of mine and power station sites before their closure.	Mines and power stations occupy large tracts of land with infrastructure and topography that would be suitable for alternative uses over time, to replace	The site is suitable for various industrial land uses that will provide employment opportunities in the LGA.



	employment opportunities that may not exist in the future.	
Planning Priority 3: The mineral resource and power generation industry is productive, accountable and considerate of surrounding land uses	Coal mining, river sand extraction and quarrying for hard rock and shale are major components of the economy of the Shire. The two coal fired power stations are expected to close long-term, but new power generating activities, such as wind, solar, pumped hydro and biofuels are expected to be commissioned. Groups from the mining, quarrying and agricultural and visitor economy sectors have expressed a desire for certainty on the location of these different activities, enabling more confidence in investment decisions. Many of these activities are classed as State Significant Development (SSD) but Council has a strong role in advocating for appropriate land use planning decisions by the State Agencies.	As above.  DA's will be assessed on their merits in accordance with the requirements of the EP&A Act.

**Table 3 Assessment of Muswellbrook LSPS 2020-2040**

Muswellbrook Shire Council Community Strategic Plan 2022-2032	
Goal	Consistency
Economic prosperity. Strategy 1.2 of this goal is to:  <i>"Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries".</i>	This proposal seeks to make industrial land uses permissible with consent on the site. It will also provide opportunities for innovative industrial manufacturing uses which beneficially reuse ash and other generation by-products during manufacturing processes by enabling co-location on the Bayswater site.

**Table 4 Assessment of Muswellbrook Community Strategic Plan 2022-32**

#### **4.3 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

The proposal is consistent with the following State Plans and Strategies:

- NSW State Plan 2021
- NSW State Infrastructure Strategy 2022-2042
- Future Transport Strategy
- A 20 Year Economic Vision for Regional NSW

#### **4.4 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The PP is consistent with applicable State Environmental Planning Policies as outlined below:

Assessment of the Planning Proposal against relevant SEPPs			
SEPPs	Applicable	Consistent	Comment

(Biodiversity and Conservation) 2021	No	NA	The proposal itself does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways, water catchments, or strategic conservation areas. Any future development applications will be assessed in accordance with the requirements of this SEPP.
(Exempt and complying Development Codes) 2008	No	NA	The proposal does not propose any building works or changes to this policy.
(Housing) 2021	No	NA	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Industry and Employment) 2021	No	NA	The proposal does not propose any changes to the planning controls for advertising and signage. The land is not located in the Western Sydney employment area.
No 65 – Design Quality of Residential Apartment Development	No	NA	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Planning Systems) 2021	Yes	Yes	The proposal does not affect the assessment of any future proposed State significant development, State significant infrastructure, Regionally significant development or land subject to a development Delivery Plan. The land is not owned by an Aboriginal Land Council.
(Primary Production) 2021	No	NA	Land subject to the proposal is not primary production or rural development, located on state significant agricultural land, a farm dam and other small-scale and low risk artificial waterbody, a livestock industry, sustainable aquaculture or within the Central Coast plateau area
(Resilience and Hazards) 2021	Yes	Yes	<p>The site is not located in the coastal zone. If a DA for a hazardous or offensive development is lodged it will be assessed on its merits.</p> <p>The site is not listed on the significantly contaminated land register and is currently used for power station related purposes, being a form of industrial development, and regulated under an environmental protection licence issued by the NSW EPA.</p> <p>The Preliminary Site Investigation (PSI) prepared by GHD and dated 29 November 2024 concludes that the overall likelihood for significant chemical contamination to be present within Sites 1, 2 and 3 is considered to be moderate based on the current use and past activities and the surrounding areas. It notes that the planning proposal does not propose to change the use of the land from a contamination perspective in that the sites are currently used for power station related purposes, being a type commercial/industrial use and it is expected that each site can be made suitable for the proposed land uses.</p>

			<p>The assessment of future development applications under the <i>Environmental Planning and Assessment Act 1979</i> will include consideration of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and be accompanied by a Detailed Site Investigation Report to confirm the status of contamination and any remediation works required.</p> <p>Required remediation works can be regulated and validated via development consent conditions to ensure that the suitability of the site for the proposed industrial development.</p>
(Resources and Energy) 2021	No	NA	<p>The proposal is compatible with the surrounding separately approved mining operations which adjoin the Site and does not propose any changes to the controls contained in this SEPP. MSC recently approved a boundary realignment (DA 2023-130) to allow the transfer of land already approved for mining to Maxwell Ventures. This further protects and recognises its approved use. Consultation will be undertaken with NSW Mining, Exploration and Geosciences as required by the Gateway determination.</p>
(Sustainable Buildings) 2022	No	NA	<p>The proposal does not propose building works or changes to this policy, and the site is not on land zoned for residential purposes.</p>
(Transport and Infrastructure) 2021	Yes	Yes	<p>The proposal does not propose building works or changes to this policy. Future developments made permissible by this planning proposal may require referral to TFNSW depending on the type of development and traffic generation.</p>

**Table 5 Assessment of State Environmental Planning Policies**

#### 4.5 Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of the PP and its consistency against the applicable Ministerial Directions is provided below:

Compliance with Section 9.1 Directions		
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with the objectives and actions of the Hunter Regional Plan 2041
1.2 Development of Aboriginal Land Council land	NA	
1.3 Approval and Referral Requirements	Consistent	The proposal does not include any provisions that require additional concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4 Site Specific Provisions	Consistent	<p>The proposal will amend the LEP to make 'industry' 'Rural Industry' and additional infrastructure related land uses permissible with consent. The Proposal does not require rezoning to a land use that is not in the LEP.</p> <p>The proposal does not seek to include any new land uses that are not already defined in the LEP.</p>
1.4A Exclusion of Development Standards from Variation	NA	
3.1 Conservation Zones	NA	The site does not contain environmentally sensitive areas, land within a conservation zone or identified for environment conservation or protection purposes.
3.2 Heritage Conservation	Consistent	The proposal does not affect existing heritage provisions in the LEP.
4.1 Flooding	NA	<p>There is no flood study available for this site. The site does not adjoin a river, and Lake Liddell is a constructed water body that is kept full by water discharged from Bayswater PS. The Site is not considered to constitute Flood Prone Land.</p> <p>The Gateway determination (covering letter dated 13/6/24) approved any potential inconsistency with this Direction on the basis that the land is not considered flood prone and this issue will be further considered at the DA stage.</p>
4.3 Planning for Bushfire Protection	Inconsistent	<p>The planning proposal has a minor inconsistency with the Minister's Direction 4.3 Planning for Bushfire Protection because it doesn't introduce asset protection zones and other specific bushfire requirements.</p> <p>The site is mapped as Bushfire Prone Land - Vegetation Category 3. Bushland on the site is fragmented. Grassland is the predominant vegetation type.</p> <p>Future land uses will be subject to different risk profiles and accordingly APZ and BAL requirements. The existing road network is considered to have sufficient capacity, ingress and egress to accommodate evacuation, and emergency services</p>

		<p>vehicles. Key access routes would remain unchanged from those approved under previous consents/Bushfire Management Plan. Stored water is available at the site, primarily in storage dams.</p> <p>The NSW Rural Fire Service (NSW RFS) was consulted as required by the Gateway determination. NSW RFS advises that future developments will need to comply with Planning for Bushfire Protection guidelines.</p> <p>The Secretary approved the minor inconsistency with this Direction on 14 February 2025 on the basis that the NSW Rural Fire Service raised no objection.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The site is not listed on the significantly contaminated land register but is currently used for power station related purposes, being a form of industrial development, and regulated under environmental protection licences issued by the NSW EPA. The EPLs may need to be varied depending on the future development outcomes.</p> <p>The Preliminary Site Investigation (PSI) prepared by GHD and dated 29 November 2024 confirms that several contamination investigations have been completed, however these investigations did not focus on Sites 1 to 3 as they are outside the main operational area. While some investigation of Sites 1 to 3 was undertaken as part of these studies, the PSI identified that these investigations were not comprehensive. The EPA understands the PSI has indicated that the land can be made suitable for the proposed uses, on the recommendation that further investigation is required to assess the nature and extent of contamination across the three sites.</p> <p>The EPA recommends that the Planning Authority should seek to put in place mechanisms, through an Environmental Planning Instrument (LEP or DCP), that ensure, in the event the proposal is approved, the additional contamination investigations outlined in the "Conclusions and Recommendations" section of the PSI are carried out prior to any development taking place to those areas of the site where additional investigations are recommended. Council is satisfied that future remediation works will be undertaken as part of the development consent and prior to the issue of any Construction Certificate. A LEP or DCP requirement is not considered warranted in this instance.</p> <p>In conclusion, Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed permitted industrial land uses before the planning proposal is finalised.</p>
4.5 Acid Sulfate Soils	NA	
4.6 Mine Subsidence and Unstable Land	NA	<p>A small portion of land adjacent to the southern eastern end of Lake Liddell owned by AGL is located within a Mine Subsidence District but does not apply to the identified sites.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>The Direction does not strictly apply to this PP. It aims to broaden the permissible industrial uses on land zoned SP2 Infrastructure to facilitate</p>

		<p>employment generating activities which support the renewable energy transition.</p> <p>The PP is considered consistent with the underlying principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) by creating employment opportunities on a site, suitability located on the outskirts of Muswellbrook, with direct access to the New England Highway. It should positively contribute to employment opportunities for the skilled workforce impacted by the closure of the power stations and local mining operations.</p>
8.1 Mining, Petroleum Production and Extractive Industries	Consistency	<p>This direction applies to planning proposals that could have the effect of restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> <p>The proposal could hypothetically restrict the future mining of coal resources on the site. However, it should be noted that the site already contains significant infrastructure which restricts/limit mining opportunities if made permissible. The PP doesn't propose to change the mining prohibition.</p> <p>NSW Resources was consulted as required by the Gateway determination and this Direction. NSW Resources advises that it raises no resource sterilisation issues with this planning proposal proceeding.</p> <p>The Department agrees that the planning proposal has now demonstrated that it is consistent with section 9.1 Direction 8.1 Mining, Petroleum Production and Extractive Industries.</p>

**Table 6 Assessment of Section 9.1 Directions**

## **Section C – Environmental, Social and Economic Impact**

### **5.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The identified sites are located within highly disturbed landscape areas and do not contain any large expanses of intact native vegetation. The land has low ecological value.

No areas of the site have been declared as an area of outstanding biodiversity value in accordance with section 3.1 of the *Biodiversity Conservation Act 2016* (the 'BC Act') would be affected.



**5.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed**

An assessment of other environmental effects and how it will be managed is provided below.

Environmental Impact	Comment
Bush Fire	<p>Sites 1 and 2 are currently managed as active operational areas of the BPS and are regulated by the specific Hazard Management Plans contained in Attachment 2. Site 3 is part of the now decommissioned Liddell PS and contains limited vegetation and is mapped as Vegetation Category 3. Vegetation on this site is controlled by slashing/weed spraying. Ten-metre-wide fire breaks along the inside highway boundary fence.</p> <p>The Bushfire Risk Management Plan is provided in <b>Attachment 2</b>. Consultation will be undertaken with NSW Rural Fire Service (RFS) as required by the Gateway determination.</p>
Hydrology	<p>There has been no recorded flooding of this area. Any future development application would require an assessment of the impacts on the proposal on hydrology, flooding and stormwater management.</p>
Scenic and culturally significant landscapes	<p>The nearby landscape is dominated by power generation, including associated infrastructure. Agricultural clearing for the purposes of grazing, and open cut coal mining, has also occurred within and surrounding the AGL landholding.</p> <p>There are limited sensitive receivers or social infrastructure in the locality. The nearest sensitive receiver to any of the sites is located over 4km north-east of Site 3. However, the western section of Site 3 is visible from the New England Highway.</p> <p>Visual impacts are likely to be negligible given the separation between the site and other land uses and topographic and vegetative screening. Visual impacts would be assessed as part of future development applications including via a Visual Impact Assessment where required. Additional tree planting adjoining the New England Highway, in addition to appropriate colour/material selection for future buildings on Site 3 will reduce visual impact when viewed from the Highway, Lake Liddell, and the Liddell Coal Mine lease area.</p>
Biodiversity	<p>Any future DA will be required to address the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, the BC Act, LEP and relevant controls in the DCP relating to biodiversity.</p>
Heritage	<p>There are no State or Local Heritage items on the site.</p> <p>Aboriginal Heritage information Management System (AHIMS) searches undertaken on 20 February 2024 reveal 18 Aboriginal sites recorded in or near the site. No Aboriginal places have been declared in or near the site. The AHIMS records are included as</p>

	<p><b>Attachment 3.</b> Assessments of the impacts of any specific development proposed would be undertaken as part of any future development applications for the site.</p> <p>Aboriginal heritage impact permits would be obtained under the National Parks and Wildlife Act 1974 (NSW) if required for any future development. As an additional safeguard, Council normally conditions compliance with the unexpected finds procedures if any aboriginal artefacts are uncovered.</p>
Access and Transport	<p>The AGL landholdings are connected to the surrounding public road network via a purpose-built access road and grade-separated interchange to and from the New England Highway. Each of the 3 site areas are currently serviced by internal gravel roads within the AGL landholding.</p> <p>A Traffic Assessment (TA) has been submitted to support the preparation of the proposal and assess the extent to which the public road network can accommodate the additional vehicle activity which is expected to be generated from industrial land uses within the site. The TA has identified the capacity and road network performance of existing traffic conditions and assessed the available capacity of the New England Highway to accommodate the additional traffic envisaged by the amendment of LEP to permit industrial development on the site at least in the short term.</p> <p>The TA confirmed that high level assessment based on large format industrial development and associated office space indicates that in the order of 22 hectares of land could be developed in the short term at the AGL landholding without any significant impact or need for upgrade on the New England Highway and existing road network.</p> <p>Whilst this proposal seeks to amend the LEP to make industrial uses permissible on approximately 105 hectares of land, this land is not all developable (e.g. roads, and other uses that do not constitute Gross Floor Area). It is noted that once more defined proposals are determined, further traffic analysis and assessment may result in less trips generated than those presented in the TA.</p> <p>Upgrades to the road network, potentially including additional travel lanes on the New England Highway, south of the site, would also support a further increase in the developable yield of the Energy Hub. The TA is provided as <b>Attachment 4</b>.</p>
Services	<p>The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to Council's reticulated water or sewage system.</p> <p>Water is extracted from the Hunter River for the power stations. The water is treated in accordance with the <i>Australian Drinking</i></p>

	<p><i>Water Guideline, 2011 (ADWG) and NSW Health Private Water Supply Guidelines.</i></p> <p>At various times approx. 1000 people have worked at the Liddell and Bayswater PS sites. It is intended that this self-sufficient approach will continue as the uses on the site transition. Upgrades to existing services will be considered as part of the broader master planning of the site and assessed at the DCP/DA stage.</p>
Noise	<p>Background local noise environment is impacted by surrounding land uses including power generation, coal mining, livestock grazing, and transport related impacts associated with the Main North Railway Line and the New England Highway. Any future development application would be assessed on its merits in relation to acoustic impacts.</p>
Contamination	<p>The Preliminary Site Investigation (PSI) prepared by GHD and dated 29 November 2024 concludes that the overall likelihood for significant chemical contamination being present within Sites 1, 2 and 3 is moderate based on the current use and past activities and the surrounding areas.</p> <p>It notes that the planning proposal does not propose to change the use of the land from a contamination perspective in that the sites are currently used for power station purposes, being a type of industrial use and it is expected that each site can be made suitable for the proposed land uses.</p> <p>The assessment of future development applications under the <i>Environmental Planning and Assessment Act 1979</i> will need to address the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and be accompanied by a Detailed Site Investigation Report to confirm the status of contamination and any remediation works required.</p> <p>Any required remediation works can be regulated and validated via development consent conditions to ensure that the suitability of the site for the proposed industrial development prior to the Construction Certificate being issued. The PSI is provided as Attachment 6.</p>

**Table 7 Assessment of other Environmental Effects**

**5.3 How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal facilitates the ongoing transition of existing Power Station Sites to a broader range of employment generating activities which replace employment that will cease at the Power Stations and nearby coal mines in the future, consistent with strategic directions in the Hunter Regional Plan 2041, Muswellbrook Local Strategic Planning Statement and Community Strategic Plan.

It should have a positive social and economic impact by providing employment opportunities in manufacturing, waste, freight and other industries for the existing skilled workforce impacted

by the future planned closure of Bayswater PS between 2030 and 2035 and surrounding mines.

## Section D – Local, State and Commonwealth Interests

### 6.1 Is there adequate public infrastructure for the planning proposal

Yes. The proposal is not likely to require any changes to the delivery of public infrastructure to the land. The site is in an established power station site and benefits from access to a range of existing facilities and services, including utilities.

### 6.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The following State agencies were consulted in accordance with the Gateway determination and at the discretion of Council. The table below, summarises the comments received and planning response.

At the time of preparing the site-specific Development Control Plan, Council will decide whether to include additional provisions to address the following issues raised by Government agencies:

- Dam Safety NSW and future blasting and engineering requirements,
- Department of Primary Industries and the rural industries assessment requirements, and
- Environmental Protection Authority and the need to prepare an air quality impact assessment prepared in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2022).

Agency	Comments	Planning Response
Transport for NSW (TfNSW)  Received 19 Dec 24	TfNSW understands that there is a Master Plan process currently underway for the entire SP2 zoned land and this process will inform a future area wide rezoning upon the Bayswater Power Station closure.  TfNSW have reviewed the Traffic Assessment (TA), prepared by GHD dated 4 April 2024, and supports the progression of the planning proposal.	No changes to planning proposal recommended.
NSW Resources  Received 18 Dec 24	NSW Resources has considered section 9.1(2) of the Environmental Planning and Assessment Act 1979, Direction 8.1 Mining, Petroleum Production and Extractive Industries and based on this review NSW Resources has no resource sterilisation issues to raise regarding the matter at this stage.  The NSW Resources Regulator advises that the three land parcels	No changes to planning proposal recommended.

	covered by the planning proposal do not relate to land impacted by mining that requires rehabilitation under the Mining Act 1992	
NSW RFS  Received 23 Dec 24	<p>Recognises the intent of the Planning Proposal is to permit compatible additional uses to support the ongoing clean energy transition and support an integrated industrial energy hub.</p> <p>The land the Planning Proposal applies to is mapped bushfire prone land by council.</p> <p>Future development on the sites will need to comply with Planning for Bushfire Protection guidelines.</p>	<p>No changes to planning proposal recommended.</p> <p>The Secretary approved the minor inconsistency with this Direction on 14 February 2025 on the basis that the NSW Rural Fire Service raised no objection.</p>
Dam Safety (DSNSW)  Received 16 Jan 25  Updated advice received on 11 Feb 25 to reassess consequence categories.  Updated advice received on 12 Feb 25 to clarify that the Liddell Water Supply Dam has a consequence category of 'Significant' not High C.	<p>Sites 1 and 2 are close to Liddell Water Supply Dam and Site 3 is close to the Liddell Cooling Water Dam.</p> <p>Liddell Cooling Water Dam is a declared dam with a Consequence Category of High A, Liddell Water Supply Dam is a declared Dam with a Consequence Category of "Significance".</p> <p>As a result of the proposed downstream development of both the Liddell Water Supply Dam and the Liddell Cooling Water Dam, the number of people at risk from dam failure will increase. Consequently, the Dam Owner (currently AGL Macquarie Ltd) should ensure that the Consequence Categories for these dams are reassessed and the Dam Safety Management Systems (DSMS), Operations and Maintenance Plans (OMPs), and Emergency Plans (EPs) are updated accordingly.</p> <p>A DSNSW notification area is defined around the declared dams. The notification area pertains specifically to notifications about</p>	<p>No changes to planning proposal recommended.</p> <p>Envisaged industrial uses unlikely to involve major blasting within the notification area.</p> <p>It is suggested that the site specific DCP could require consultation with DSNSW for any future development requiring major blasting within the notification area. The preparation of a dams engineering report will be required to assess whether the intended blasting will impact the dam. It should also outline the proposed dam monitoring regime.</p> <p>Updated advice forwarded to AGL so they are aware of their future obligations to reassess consequence categories.</p>

	intended mining rather than other activities. Usual industrial uses would not be anticipated to impact the dam structures, however, DSNSW needs to be notified if any major blasting is proposed within the notification area.	
<p>Department of Primary Industries and Regional Development</p> <p>Received 23 Jan 25</p>	<p>Primary Industries supports the inclusion of the term rural industry within the proposed clause. The subject sites have land and soil Class 5-6 land mapped by the Land and Soil Capability Assessment Scheme (LSC) (Second Approximation), potentially suiting rural industries that are not necessarily reliant on the biophysical capabilities of the land.</p> <p>The development assessment stage should consider the proposed rural industry, the potential requirement for technical site investigations and any industry guidelines to ensure the appropriate location is considered, and to identify potential land use conflict issues.</p>	<p>No changes to planning proposal recommended.</p> <p>Suggested rural industry assessment requirements could be included in the site specific DCP.</p>
<p>NSW Department of Climate Change, Energy, the Environment and Water - Water Group</p> <p>Received 17 February 2025</p>	<p>DCCEEW raised no objections to the proposed amendments to Muswellbrook LEP 2009 to include additional site-specific uses for the three listed sites.</p> <p>Any projects which are to occur within the site should consider the Guidelines for Controlled Activities on Waterfront Land as there are mapped watercourses within or adjacent to these sites.</p> <p>Mentioned that discussions are occurring relating to the use of a specific purpose access licence (SPAL) for developments nearby. This is not referenced in this planning proposal, so no specific comments made.</p>	<p>No changes to planning proposal recommended.</p> <p>Water licensing issues for the extraction of water from the Hunter River to facilitate future land uses will be resolved through the master planning process and WICA approvals.</p>
Environmental Protection Authority	EPA has reviewed the proposal in relation to existing scheduled activities, contaminated land and air quality.	Council notes the EPA advice that the three sites are located within the existing BPS (EPL 779)



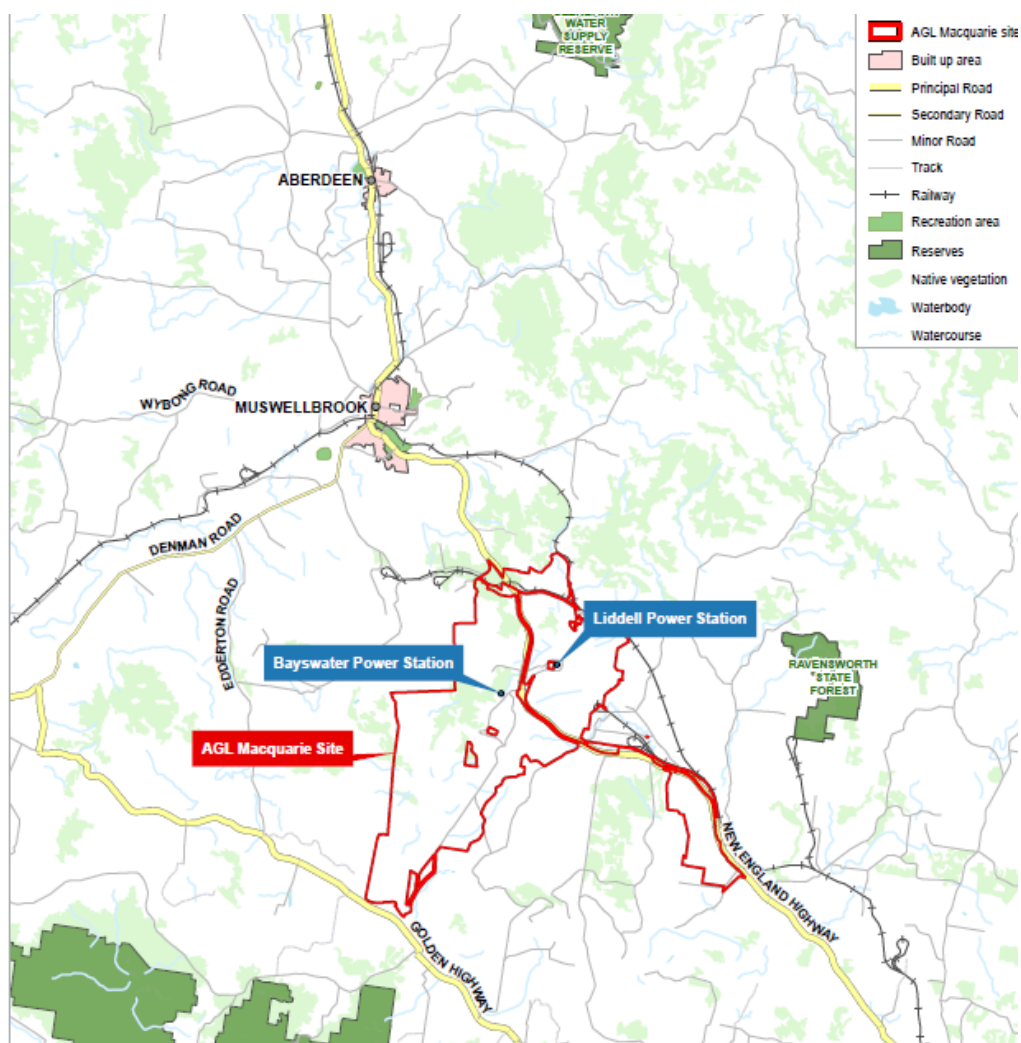
<p>Received 12 February 2025</p>	<p><b>Environmental Protection Licences</b> - The EPA notes that Site 1 and 2, and the southern portion of Site 3, are located within Bayswater Power Station (BPS) which is licensed by the EPA under Environment Protection Licence (EPL) 779 for the scheduled activities of electricity generation, coal works, crushing grinding or separating, chemical storage.</p> <p>The EPL includes licence conditions, pollution reduction programs and pollution studies. The EPA notes that BPS is scheduled to cease electricity generating operations between 2030 and 2033. The EPL will remain in force to manage any activities at the premises, until after the activities cease, and it can be demonstrated that all areas have been suitably remediated and there is no risk to human health and the environment.</p> <p>The EPL 2122 for the former Liddell Power Station will remain in force to manage any on-going activities at the premises. EPA recently recommended conditions of consent to address environmental matters associated with the demolition of the power station SSD 24937520.</p> <p>EPA advises that the envisaged land uses may require an EPL, depending on the type and scale of activity. The existing EPL may need to be varied after obtaining development consent for future land uses.</p> <p><b>Contaminated Land</b> The EPA notes that in 2014 the BPS site was notified to the EPA under section 60 of the Contaminated Land Management Act 1997 (CLM Act), with the EPA determining that regulation under the CLM Act was</p>	<p>boundary and the EPL may need to be varied to allow a proposed activity. Any variations to the EPL must be undertaken in consultation with the EPA and would only be initiated following receipt of development consent for the proposed activity</p> <p>Contamination - Council is satisfied that future remediation works will be undertaken as part of the development consent and prior to the issue of any Construction Certificate. Existing provisions in Muswellbrook DCP 2009 apply to the land regarding contamination. A further LEP or DCP requirement is not considered warranted in this instance.</p> <p>Air Quality – Council will decide whether an air quality impact assessment is required for future development applications based on the nature of the proposed development. Consideration will be given to including this requirement as part of a future site specific DCP depending on development application lodgement and BPS closure timeframes.</p>
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	<p>not required (our ref: DOC18/150340-04). Future redevelopment opportunities of the site will be appropriately managed by the State environmental planning policies.</p> <p>The PSI confirms that a number of contamination investigations have been completed, however these investigations did not focus on Sites 1 to 3 as they are outside the main operational area. While some investigation of Sites 1 to 3 was undertaken as part of these studies, the PSI identified that these investigations were not comprehensive. The EPA understands the PSI has indicated that the land can be made suitable for the proposed uses, on the recommendation that further investigation is required to assess the nature and extent of contamination across the three sites.</p> <p>The EPA recommends that the Planning Authority should seek to put in place mechanisms, through an Environmental Planning Instrument (LEP or DCP), that ensure, in the event the proposal is approved, the additional contamination investigations outlined in the “Conclusions and Recommendations” section of the PSI are carried out prior to any development taking place to those areas of the site where additional investigations are recommended.</p> <p><b>Air Quality</b> The EPA recommends that when considering the suitability of a proposed development, particularly where the development is being proposed near to the BPS operational footprint and associated infrastructure, an air quality impact assessment should be prepared in accordance with the Approved</p>	
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	Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2022)	
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## Part 4 – MAPPING

### Map 1 – Locality



Map 2 – Aerial





Map 3 – Site Identification

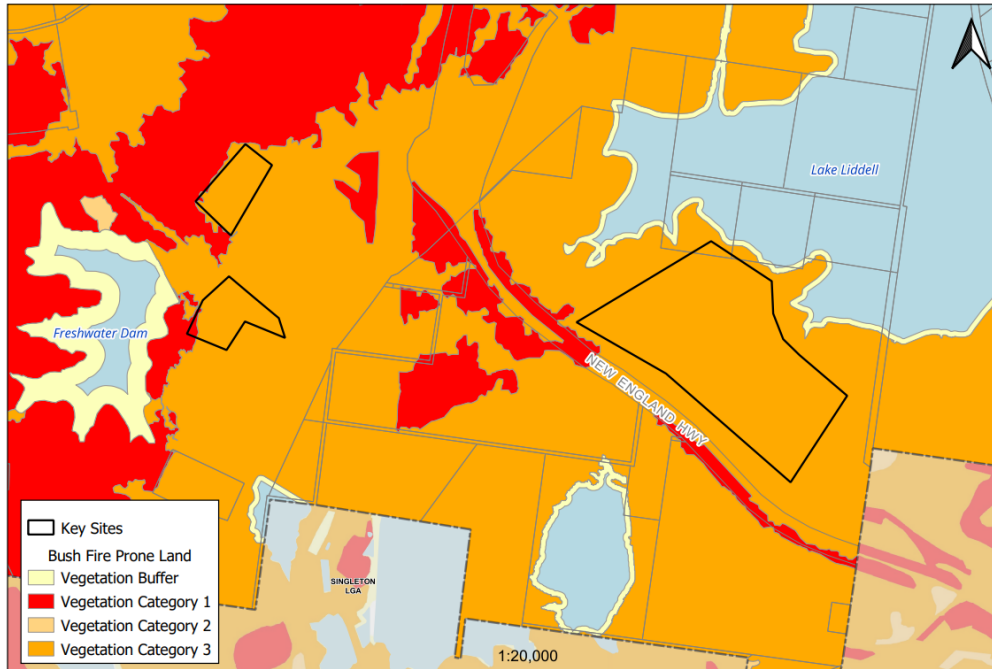








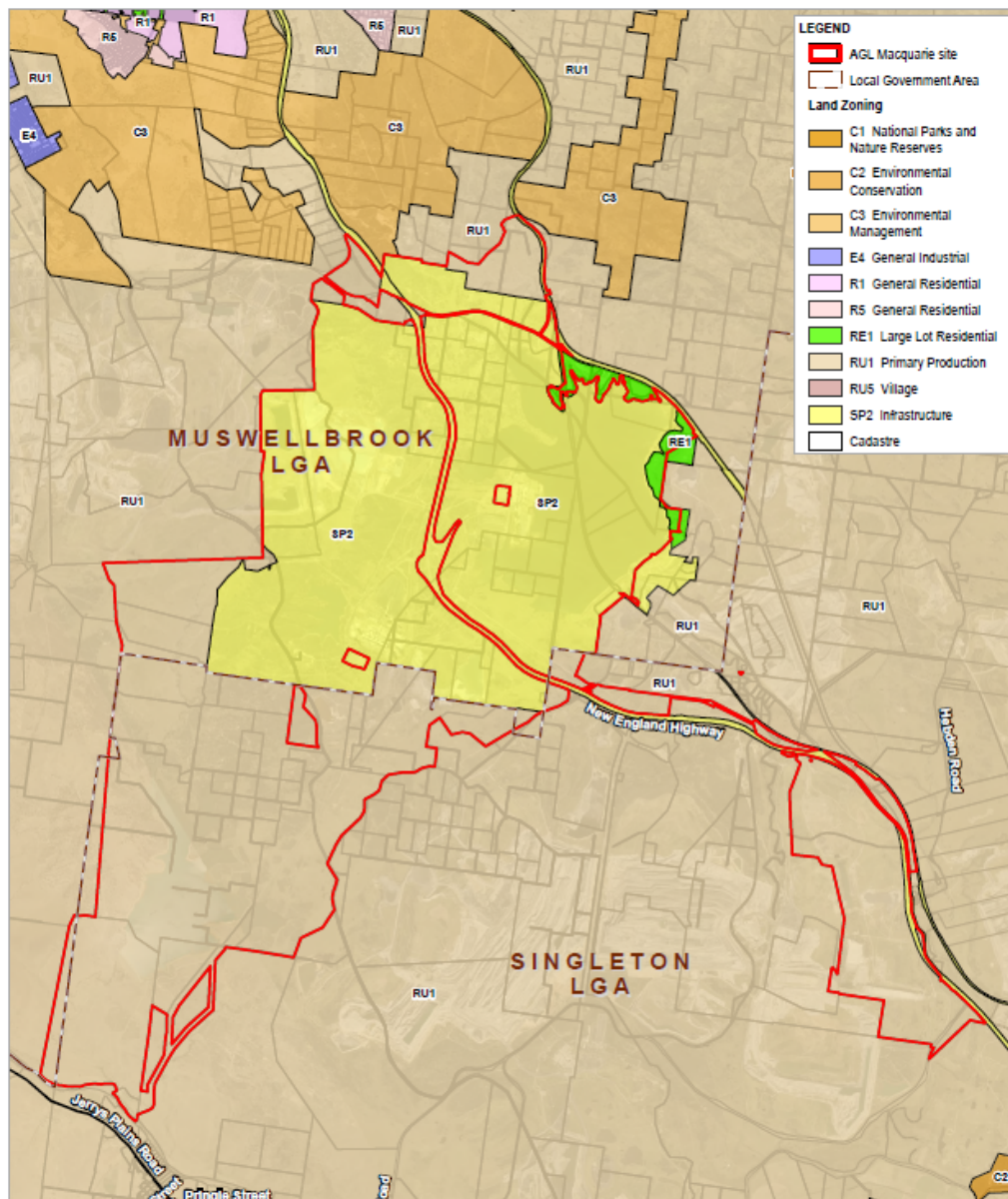
**Map 4 – Bush Fire**



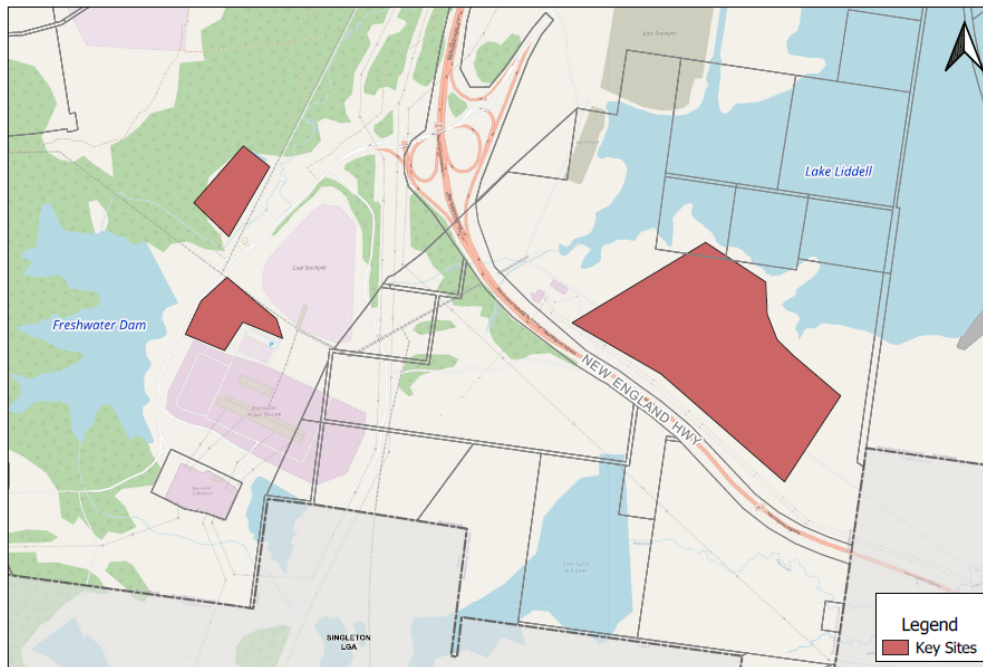


## Map 5 – Zoning and Key Site Maps

### (a) Current Land Zoning – SP2 Infrastructure



b) Proposed Key Sites map



## Part 5 – COMMUNITY CONSULTATION

The Gateway determination provided as **Attachment 5** requires the planning proposal to be public exhibited for a minimum of 20 working days.

The planning proposal is categorised as a “standard” LEP amendment. The exhibition is required to comply with the notice requirements and the specifications for material that must be made publicly available along with planning proposals as identified in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

## Part 6 – PROJECT TIMELINE

Action	Timeframe
Gateway Determination issued	13/06/2024
Technical Studies (Preliminary Site Investigation) received	19/12/2024
Public exhibition (commencement and completion dates)	TBC – 20 days
Timeframe for government agency consultation	09/12/2024 – 17/01/2025
Date of Public hearing (if required)	
Consideration of agency and community submissions	March 2025
Approval of any Ministers S9.1 Direction inconsistencies	March 2025
Report to Council to finalise planning proposal	April 2025
Date RPA will make Plan (if delegated)	May 2025
Date RPA will forward to the Department for notification (if not delegated)	

Council intends to exercise its functions of the local plan-making authority under section 3.36(2) of the EP&A Act provided it satisfies the following requirements:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.



## Attachment 1

### Evaluation Criteria for the Issuing of an Authorisation

New England Highway, Muswellbrook

Evaluation criteria for the issuing of an Authorisation				
(Note – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain detail related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S9.1 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		√		
<b>Heritage LEPs</b>				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
<b>Reclassifications</b>				
Is there an associated spot rezoning with the reclassification?		√		
If yes to the above, is the rezoning consistent with an endorsed Plan of management (POM) or strategy?		√		
Is the planning proposal proposed to rectify an anomaly in a classification?		√		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		√		

Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		√		
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		√		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		√		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		√		
<b>Spot Rezoning</b>				
Will the planning proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		√		
Does the planning proposal create an exception to a mapped development standard?	N			
<b>Section 3.22 matters</b>				
Does the proposed instrument <ul style="list-style-type: none"> <li>a) Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provision, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?</li> <li>b) Address matter in the principal instrument that are of a consequential, transitional, machinery or other minor nature? or</li> <li>c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</li> </ul> (Note – the Minister/GSC (or Delegate) will need to form an Opinion under section 3.22 of the Act in order for a matter in this category to proceed).		√		

**Attachment 2**

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**10.1.3. Muswellbrook Shire Local Landcare Grants 2025**

<b>Responsible Officer:</b>	Director - Planning & Environment
<b>Author:</b>	Sustainability Officer
<b>Community Strategic Plan:</b>	3 - <i>Environmental Sustainability</i>  An environmentally sensitive and sustainable community
<b>Delivery Program Goal:</b>	3.2.1 - Support Landcare initiatives and advocate for programs to enhance native vegetation connectivity across the Shire and Upper Hunter Region.
<b>Operational Plan Action:</b>	3.2.1.1 - Provide funds for local Landcare activities. 3.2.1.2 - Provide funds to education providers or groups for the purpose of education or training local people about Landcare activities.
<b>Attachments:</b>	Nil

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**PURPOSE**

To review and approve Grant funding applications for the 2025 Muswellbrook Shire Local Landcare Fund.

**OFFICER'S RECOMMENDATION**

Council:

1. APPROVES grants as shown in Table 1. of the report, except in relation to St Joseph's Primary School Denman; and
2. Approves funding for St Joseph's Primary School Denman to the value of \$2,686.64, using other funds for sustainability programs.

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

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

**EXECUTIVE SUMMARY**

Council provides grant funding to community and educational groups throughout Muswellbrook Shire to carry out projects that enhance and educate our community about the environment.

**PREVIOUS RESOLUTIONS**

At the Ordinary Council meeting on 23 July 2024, Council resolved to provide \$24, 000 for Landcare Grants through the Major Landcare Project budget.

**BACKGROUND**

Council awarded funding for the first round of the Landcare Grant in July 2024. Only one grant of \$8,000 was awarded. In January 2025, a second round of the Local Landcare Grants was opened. The grant was promoted through social media and community and educational group contacts.

**CONSULTATION**

Executive Manager - Planning and Environmental Services.

**REPORT**

Landcare Grant applications opened on 20 January 2025 and closed 3 March 2025. The program was promoted through social media and by email contacts.

The guidelines state:

- Grants are for projects with environmental education as the major objective.
- Grants are also for any project with environmental protection (e.g., weed removal, erosion control, planting native plants to stabilise the banks of watercourses, fencing off areas to restrict damage by hard hoofed animals, etc) as the major objective.

On 4 March 2025, Council staff assessed the applications by rating them from 1 to 10 (1 being the lowest and 10 being the highest).

Organisation	Details	Funding requested (\$ Ex GST)	Rating
Muswellbrook Public School	Upgrading taps to save water	\$4,000	7
Muswellbrook Preschool & Kindergarten	Bus trips to various locations relating to Landcare	\$4,000	5.5
Little Kindy	Upgrading garden.	\$2,716.94	7
Hunter Region Landcare	Birds, Bees, and Butterflies walks. And Seed Propagation Workshop.	\$4,000	4.3
St Joseph's Primary School Denman	For various items to enhance sustainability	\$2,686.64	6.6

The total value of the applications exceeds the funding that is available for Landcare grants. The items requested by St Joseph's Primary School, Denman, are linked to water use reduction and waste reduction and could be funded from budgets available for other sustainability programs. In this way all, applications could be supported by Council.

**FINANCIAL CONSIDERATIONS****Ongoing Operational and Maintenance Costs Implications Associated with Capital Project****1. Financial Implications – Capital**

Nil.

**2. Financial Implications – Operational**

Landcare Grants will be funded from Council's Major Landcare Projects budget. The funding for St Joseph's Primary School Denman will be funded from Council operational budgets for sustainability programs.



### **POLICY IMPLICATIONS**

Environmental Sustainability Policy S32/1

Key Sustainability Principles

This Environmental Sustainability Policy will be pursued by Muswellbrook Shire Council through the following principles:

1. Operations that demonstrate sustainable environmental management.
2. Provide leadership and actions for achieving environmental sustainability.
3. Pursue ecologically sustainable land use and development.
4. Collaborate with the community and other stakeholder groups to protect and preserve the natural environment.
5. Support and regulate activities of others within its control to protect the environment.

### **STATUTORY / LEGISLATIVE IMPLICATIONS**

Muswellbrook Shire Council is committed to environmental sustainability and adherence to sections 7 and 8 of the Local Government Act that states:

s.8(1) to properly manage, develop, protect, restore, enhance, and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

### **RISK MANAGEMENT IMPLICATIONS**

Not applicable.

### **COMMUNITY CONSULTATION / COMMUNICATIONS**

Staff will work with the communications team to help promote all Landcare Grant funded projects.





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

**Responsible Officer:** {use-custom-field-responsible-officer-do-not-delete}

**Author:** Administration 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 (1/2/2025-9/3/2025)*

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2008.319.5	S4.55(1A) Modification - 12 Lot Residential Subdivision & Construction of New Road	65 Ironbark Road Muswellbrook	\$1,000,000.00
2025.3.1	Alterations to Showground Pavilion Building	95-107 Maitland Street Muswellbrook	\$33,700.00
2025.9.1	Two (2) Lot Subdivision	New England Highway Muswellbrook	\$18,084.00
2025.8.1	Shed	4 Palace Street Denman	\$56,758.00
2024.89.1	Office Building	113 Bridge Street Muswellbrook	\$328,740.00
2024.85.1	Inground Swimming Pool	85a Brook Street Muswellbrook	\$42,000.00
2024.19.1	Subdivision of Two (2) Lots into Three (3) Lots	20 Ogilvie Street Denman	\$15,000.00



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2024.35.2	S4.55 (1A) Modification -Storage Premises with Ancillary Meeting Rooms & Amenities	292 Kayuga Road Muswellbrook	\$165,000.00
2023.61.1	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031.00

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

DA No.	DESCRIPTION	PROPERTY	VALUE
2025.18.1	Swimming Pool & Consolidation of Three (3) Lots Into One (1)	42 Brentwood Street Muswellbrook	\$32,000.00
2025.14.1	Two (2) Lot Strata Subdivision	9 Fleming Street Muswellbrook	\$10,000.00
2025.17.1	Inground Fibreglass Swimming Pool & Associated Safety Barriers	12 Manning Street Muswellbrook	\$39,278.00
2025.16.1	Inground Fibreglass Swimming Pool & Associated Safety Barriers	16a Martindale Street Denman	\$43,605.00
2023.137.2	S4.55(1A) Modification - Detached Steel Framed Shed and Pool	54 Humphries Street Muswellbrook	\$46,504.00
2025.12.1	Shed	15 Bowman Street Muswellbrook	\$23,305.00
2025.13.1	Shed	208 Queen Street Muswellbrook	\$93,255.00
2025.7.1	Demolition - Residence, House and Outouses	1821 Castlerock Road Muswellbrook	\$32,000.00
2025.6.1	Demolition - Residence, House and Outouses	1041 Castlerock Road Muswellbrook	\$32,000.00
2025.2.1	Retaining Wall	56 Stockyard Parade Muswellbrook	\$42,500.00
2024.63.1	Additional dwelling to create a detached Dual Occupancy	19 Northview Circuit Muswellbrook	\$425,000.00
2025.5.1	Carport	13 Mataro Avenue Muswellbrook	\$17,896.00
2025.1.1	Dwelling - single storey	30 Stockyard Parade Muswellbrook	\$779,426.00
2024.92.1	Change of use - Place of Public Worship and Minor Works	75 Bridge Street Muswellbrook	\$100,000.00



DA No.	DESCRIPTION	PROPERTY	VALUE
2024.90.1	Single Storey Dwelling	222-224 Queen Street Muswellbrook	\$408,985.00
2024.86.1	Fifty Nine (59) Lot Subdivision	Northview Circuit Muswellbrook	\$5,494,500.00
2024.83.1	Shed and Shipping Container	67 Stockyard Parade Muswellbrook	\$56,100.00
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
2024.60.1	Construction of K-12 School	72-74 Maitland Street Muswellbrook	\$7,892,500.00
2024.36.1	Subdivision of (2) Lots into thirty three (33) Lots and Construction of multi dwelling housing	Ironbark Road Muswellbrook	\$20,679,314.00
2024.24.1	Demolition & Construction of 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
2024.9.1	Demolition Of Existing Structures & Construction of Childcare Centre	38 Maitland Street Muswellbrook	\$1,924,000.00
2023.135.1	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
2023.14.1	Storage Complex - 103 self storage units and 12 open storage bays	Turner Street Denman	\$3,555,527.00
2019.53.1	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	\$4,875,600.00
2025.22.1	Proposed change of use to Multi Dwelling Unit including Construction of Modular Dwelling	32 Cook Street Muswellbrook	\$260,000.00
2025.21.1	Farm Building extension to existing	750 Yarrowa Road Denman	\$72,994.00
2025.20.1	New dwelling with attached garage	1 Redzel Close Muswellbrook	\$442,882.00



DA No.	DESCRIPTION	PROPERTY	VALUE
2025.19.1	Project includes BESS concrete slab with a fenced compound	31-35 Rutherford Road Muswellbrook	\$500,000.00
2025.15.1	Subdivision of Three Lots Into Three Lots	16-18 Ogilvie Street Denman	\$15,000.00
2025.11.1	Proposed residential site utilising local 'short term accommodation' allowances	32 Cook Street Muswellbrook	\$260,000.00
2025.10.1	Build a new fence and erect two carports.	81 King Street Muswellbrook	\$25,000.00
2025.4.1	Subdivision of the land and Construction of two residential buildings.	29 Kamilaroi Street Muswellbrook	\$800,000.00
2024.91.1	Da to allow relocatable home to be placed on rear of property	12 Hyde Street Denman	\$120,000.00
2024.87.1	Garage / Shed	3 Armitage Avenue Muswellbrook	\$0.00
2024.84.1	30ft prefabricated container house .	64a Osborn Avenue Muswellbrook	\$80,000.00
2024.74.1	Dwelling House	120 Reedy Creek Road Hollydeen	\$330,000.00
2024.65.3	Construction of a single storey dwelling, swimming pool, cabana and shed	4 Shearer's Close Muswellbrook	\$813,205.00
2021.13.3	The approval of the continuation of the use of the site as an educational establishment with demountable classrooms, was granted for three (3) years and is set to lapse as per 25 May 2024. PBCS is seeking to modify Condition 2 of DA2021/13 to extend the use of the site for educational establishment, through to the end of the school term in December 2026	104 Hill Street Muswellbrook	\$0.00

**Total = 43**



**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 (2024/2025)**

	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25
Applications Received (new installation)	0	0	0	0	1	0			0	0	0	2	2
Applications Approved (new installation)	1	0	0	0	0	0			0	0	0	0	2
Inspections (new system)	0	1	0	1	0	0			0	1	0	2	1
Inspections (existing system)	33	10	13	2	1	0			0	2	1	1	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.**

	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25
Applications Received (new businesses)	2	5	1	1	0	0			0	0 NB: 34 Temp food received	2	0	0
Inspections (new businesses)	2	2	0	1	2	3			0	2 NB: 28 Temp food inspected	2	0	0
Inspections (existing businesses)	1	28	14	0	24	1			0	0	14	1	0
Re-inspections	0	0	0	0	0	0			0	0	0	0	0



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

**Building Site Compliance Inspection Statistics – 13 Month Analysis (2024/2025)**

	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25
Total Sites Inspected	10	16	9	11	3	12			15	11	11	3	12
Total non-compliant and educated	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
Total Penalty Notices Issued	0	0	0	0	0	0			0	0	0	0	0

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

**Illegal Dumping Statistics – 13 Month Analysis (2024/2025)**

	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sept 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25
Total Investigations	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	7	10	14	20
Total Clean up by Council - insufficient evidence	1	2	0	0	0	0			0	0	0	0	0
Total Clean Up by individual	1	0	0	0	0	0			0	1	1	0	1
Total Penalty Notices Issued	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
Still under investigation	6	2	4	5	10	18			0	6	9	0	19





### 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 (2024-2025)

	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24	Sep t 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Total
Applications for Compliance Certs.	3	3	2	3	0	6			0	1	0	11	3	32

Total compliance inspections (not inc. finals for OCs)	8	5	10	4	6	6			7	6	3	11	7	73
Initial Inspections	2	4	4	1	4	4			5	3	0	6	6	39
Re-inspections	6	1	6	3	2	2			2	3	3	5	1	34

Compliance Certs / Occ. Certs issued	5	1	5	4	3	4			4	3	4	7	4	44
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Fees invoiced	\$1050	\$514	\$1200	\$572.73	\$650	\$1100			\$1300	\$350	\$600	\$1363.64	\$650	\$9,350.37
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**Total Pools in Council's SPR = 1002**

(Note: 1143 records in SPR but 138 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

**Current Compliance = 21.35%**

## **SUSTAINABILITY**

### **Sustainable Futures Network Stage 1 Completed**

Reporting has now been completed for this NSW Government Environmental Trust project. This project provides funds to enhance sustainability in educational groups. Stage 2 will soon begin. 11 educational groups completed 30 activities with over 1500 people.

### **Clean Up Australia Day**

Clean Up Australia Day was held with 20 people from Council, Warrior Disability Servies and Muswellbrook Homeschool. Starting at Simpson Park the group clean up along Muscle Creek.

Council spends a lot of resources and staff effort to make natural areas nice place for residents to enjoy. Some of the rubbish was most likely dropped there by the community. We found drug items, needle packets, boxes, wipes, bags.



Some of the litter was small items of plastic, aluminum and glass resulting from Council or Council contracted lawn mowers running over it rubbish.



### Schools Clean Up Australia Day

During this period Council staff visited 200 students and kids to talk about waste and litter. JR Richard and Council staff visited Richard Gill School, Little Kindy and Muswellbrook Child Care Centre. This allowed students and staff to meet a garbage collector and see a garbage truck while learning about waste. Council staff also visited Muswellbrook Preschool Kindergarten kids to talk about litter.







### Support for Disability Groups

Aurora Supports purchased some Muswellbrook Garden Improver from the waste facility. This product will help improve the gardens they help look after each week at the Sustainability Hub.



The Hunter Disability Services team have started the new year reaping the benefits of the time they spend in the garden at the Sustainability Hub each week. Pumpkin, zucchini and watermelon were picked to be eaten. Artwork is almost completed ready to be hung.



Warrior Disability Services continue to collect food and coffee waste from a local cafe for composting at the Hub. They have also start to make seed paper that will be used at community

event as sustainable giveaways.

### **New Book & Seed Library**

The Muswellbrook Men's Shed recently completed 2 new seed/book libraries for the Penguin Community Garden group. These will allow the group to continue to share seeds and books to the community without them getting wet.



### **Digital Product Passport (DPP)**

Council staff have been involved in trailing the use of the DPP system. However its success will depend if staff use it. The system can be used to log existing council assets (e.g. buildings, fitouts and infrastructure), or products being procured as part of a project (e.g. a project to build a playground, or rollout bus shelters across the LGA). The core foundation of the Digital Product Passports (DPPs) is a digital file that captures a product's material composition, technical specifications, environmental impact, potential end-of-life uses, environmental product declarations, certifications, and evidence-based product claims.

### **Sustainable Futures – Muswellbrook Facebook**

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1900 page likes and 2,153 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. Corporate Services

### 10.2.1. Rivers and Drainage Channels Policy for Adoption

<b>Responsible Officer:</b>	Director - Planning & Environment
<b>Author:</b>	Director - Planning & Environment
<b>Community Strategic Plan:</b>	6 - <i>Community Leadership</i>  Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
<b>Delivery Program Goal:</b>	6.2.5 - Implement a comprehensive and targeted business improvement program.
<b>Operational Plan Action:</b>	6.2.5.3 - Develop and review policies in accordance with statutory and operational requirements.
<b>Attachments:</b>	1. Attachment A - Rivers and Drainage Channels Policy - MSC067E [10.2.1.1 - 12 pages]

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#### PURPOSE

To submit for Council's consideration the attached *Rivers and Drainage Channels Policy* for adoption, which has completed 28 days of public exhibition.

#### OFFICER'S RECOMMENDATION

Council adopts the *Rivers and Drainage Channels Policy* provided in Attachment A.

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

#### EXECUTIVE SUMMARY

A review of the *Rivers and Drainage Channels Policy* was conducted, with additional information added to section 5.7 Maintenance Requirements. The Draft Policy has completed 28 days of public exhibition, and no submissions were received.

#### PREVIOUS RESOLUTIONS

The Draft Policy was reported to the 28 January 2025 Ordinary Council Meeting, where Council resolved as follows:

1. Council provides notice of intention to adopt the *DRAFT Rivers and Drainage Channels Policy*, by placing it 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.

#### BACKGROUND

The *Rivers and Drainage Channels Policy* MSC067E (the Policy) applies to development in the areas of the Shire which impact upon, adjoins, or crosses rivers and urban drainage systems. It defines Council's obligations and expectations in relation to maintenance, improvements, and rehabilitation of rivers, including urban drainage systems.

The Policy was previously adopted by Council on 26 May 2020.



A review of the *Rivers and Drainage Channels Policy* was conducted with additional information added to section 5.7 Maintenance Requirements.

### CONSULTATION

Director Environment and Planning

Group Manager Infrastructure and Operations

Technical Officer - Traffic & Roads

Business Improvement Officers

MANEX – 16 December 2024

Community via public exhibition on Council's website 30 January 2025 to 27 February 2025

### REPORT

At the 28 January 2025 Ordinary Council Meeting, Council endorsed the *Draft Rivers and Drainage Channels 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 30 January 2025 to 27 February 2025.

No submissions were received by Council during the submission period.

### FINANCIAL CONSIDERATIONS

#### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

##### **1. Financial Implications – Capital**

Nil.

##### **2. Financial Implications – Operational**

Nil.

### POLICY IMPLICATIONS

The Policy has been reviewed in line with Council's Policy Management Framework.

### STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993

Environmental Planning and Assessment Act 1979

Biodiversity Conservation Act 2016

Fisheries Management Act 1994

Water Management Act 2000

Conveyancing Act 1919

### RISK MANAGEMENT IMPLICATIONS

Nil.

### COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of the Policy on Council's website from 30 January 2025 to 27 February 2025 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.





# Rivers and Drainage Channels Policy

MSC067E

## Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Environmental and Planning Services		
Document Owner:	Director Environmental and Planning Services		
Community Strategic Plan Goal	3: An environmentally sensitive and sustainable community.		
Community Strategic Plan Strategy	3.3: Enhance our local rivers and creeks to improve environmental outcomes and access for recreation.		
Delivery Program activity	3.3.1 Implement funded actions of the adopted Urban Riparian Masterplan. 3.3.2 Develop a Catchment Management Plan for Muscle Creek and Possum Gully.		

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## 1 Policy Objective

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of rivers and urban drainage systems throughout the Shire and so enhance and improve them with respect to:

- a) natural environmental values;
- b) aquatic fauna habitat;
- c) water quality or availability;
- d) drainage and flood risk management;
- e) maintainability;
- f) accessibility; and
- g) visual amenity.

## 2 Risks being addressed

To manage riparian corridors adjacent to rivers (including adjacent levees) and urban drainage systems in order to achieve better environmental outcomes, in a financially sustainable manner, and the safety of the community.

## 3 Scope

The policy applies to development in the areas of the Shire which impact upon, adjoins or crosses rivers and urban drainage systems. It defines Council's obligations and expectations about maintenance, improvements and rehabilitation of rivers including urban drainage systems.

## 4 Definitions

For the purpose of this policy a river has the same meaning as in the Water Management Act 2000, being

***“river includes:***

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and*
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and*
- (c) anything declared by the regulations to be a river,*

*whether or not it also forms part of a lake or estuary but does not include anything declared by the regulations not to be a river.”*

*“urban drainage systems” shall mean any channel, drain or open swale channelling water, (including intermittent channels) including but not limited to Muscle Creek, Possum Gully, the Lorne Street Catchment and Sandy Creek.”*

## 5 Policy Statement

### 5.1 The Role of Riparian Corridors

A riparian corridor forms a transition zone between the land, also known as the terrestrial environment, and the river. Riparian corridors perform a range of important environmental functions such as:

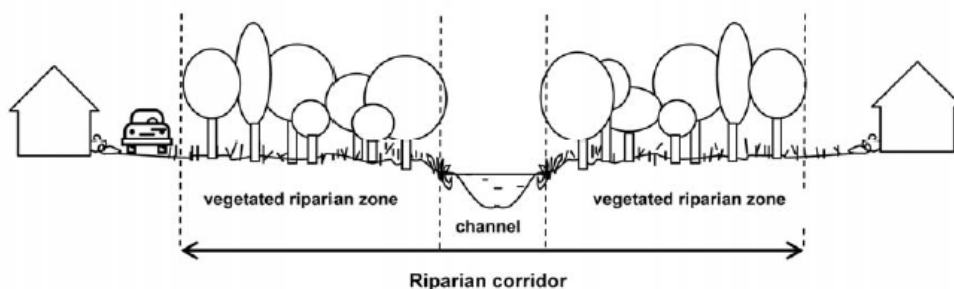
- providing bed and bank stability and reducing bank and channel erosion
- protecting water quality by trapping sediment, nutrients and other contaminants
- providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)
- providing connectivity between wildlife habitats
- conveying flood flows and controlling the direction of flood flows
- providing an interface or buffer between developments and waterways
- providing passive recreational uses.

The protection, restoration or rehabilitation of vegetated riparian corridors is important for maintaining or improving the shape, stability (or geomorphic form) and ecological functions of a river.

The riparian corridor consists of:

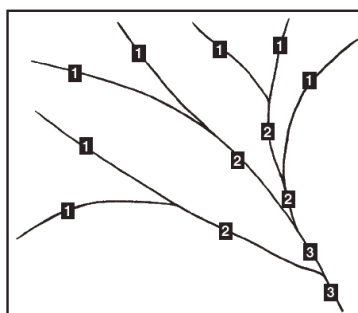
- the channel which comprises the bed and banks of the river (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

**Figure 1 - Vegetated Riparian Zones (VRZ)**



The NSW Officer of Water recommends a VRZ width based on an order as classified under the Strahler System of ordering rivers and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the river.

**Figure 2 The Strahler System**



**Table 1 Vegetated Riparian Zones**

<b>Types of Rivers</b>	<b>VRZ Width (Each side of river) for R1, R5, RU5, B2 and B5.</b>	<b>VRZ Width (each side of river) for RU1, RU3 and E3</b>
Any fourth order <sup>1</sup> river or greater including Hunter River Goulburn River	20 metres	40m + channel width
Any other river	12 metres	40m + channel width
an urban drainage system	3 metres	N/A

<sup>1</sup> As classified under the Strahler System of ordering rivers.

## 5.2 Requirements for Development on Land Adjacent to Rivers and within the Riparian Vegetated Zone

- 5.2.1 Rivers must be maintained in as natural a state as is feasible, including the maintenance of riparian vegetation and habitat.
- 5.2.2 Where a development is associated with, or will affect a river, rehabilitation must occur to return that river, as much as possible, to a natural state.
- 5.2.3 Stormwater must be managed to minimise nutrient and sediment run-off entering constructed drainage lines or rivers.
- 5.2.4 Development within a Vegetated Riparian Zone (VRZ), as shown in Table 1 – VRZ Zones, should be avoided where possible to retain its ecological processes. Where development is unavoidable within the VRZ, it must be demonstrated that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible and can be managed effectively.
- 5.2.5 A Plan of Management must be submitted in accordance with State Government guidelines for development proposed within a VRZ.
- 5.2.6 Bushfire Asset Protection Zones must not be located within the Vegetated Riparian Zones.
- 5.2.7 Suitable public and/or Council access is to be provided for maintenance of the riparian corridor.

- 5.2.8 Where the riparian corridor or drainage reserve is to be in public ownership, the development is to be planned such that there are suitably sized interfaces between the corridor and a public road or public reserve. These interfaces, and any other points of access, shall be provided with suitable vehicle barriers and heavy duty locked gates to control unauthorised vehicular access.
- 5.2.9 The riparian corridor or drainage reserve shall be connected to other reserve and natural areas in an approved manner that facilitates vegetated corridors of suitable habitat.
- 5.2.10 Development within the VRZ of the Hunter or Goulburn Rivers, or a fourth order river, must be accompanied by:
- Detailed contour survey;
  - Confirmation of the tenure of the land and river;
  - Flood risk impact assessment by a suitably qualified engineer;
  - Review of existing vegetation of the river that extends sufficiently across the land and immediate upstream and downstream reaches and a statement addressing improvements or enhancements to be gained by the application; and
  - Review of existing interventions in the river and a statement about how the river is to be improved or enhanced by the application.

### 5.3 Guidelines For Development Assessment

- 5.3.1 The following may require development consent from Council, including any necessary Controlled Activity Approval from the NSW Office of Water or a Dredging Permit from Fisheries NSW as required:

- the removal of trees or vegetation;
- any works in locations that contain threatened species, or threatened ecological communities, or their habitats as listed under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*, or in Key Fish Habitat as mapped by Fisheries NSW; and
- works, including excavation, scour protection and engineered bed or bank stabilisation works.

In most instances, waterfront land and river activities will require a Controlled Activity Approval (CAA) pursuant to the *Water Management Act (WMA) 2000*.

- 5.3.2 Where the requirement for referral to the NSW Office of Water is not triggered, similar principles will be followed along a given river, or where relevant, adapted from those applied in similar situations; or apply standard consistent conditions to similar applications. For example, requirements for waterway and vegetation restoration and improvement works to an approved design, and requirements for a waterway maintenance plan with a suitable bond held for an establishment period of at least two years.
- 5.3.3 In some instances waterfront land and river activities may require a permit under s.90 of the National Parks and Wildlife Act 1974 where the works may affect Aboriginal heritage.5.3.4 Development assessment will also include:
- assessment of the flood information either by a suitably qualified council engineer, or a council appointed independent expert engineer.
  - Assessment of flood risk;



- assessment of all the applicable waterway requirements in terms of: capacity, depth and velocity and potential impacts upstream and downstream, bed and bank stabilisation requirements, water quality requirements, treatment of crossings and service crossings, maintainability, access, fencing, need for easements etc.
- Reference to the New South Wales Publication Planning for Bushfire Protection 2019 to avoid creating fire risks within Asset Protection Zones.

## 5.4 Guidelines for Rezoning Proposals

The following section applies to future rezoning requests/planning proposals. Council considers that identification of rivers, drainage channels and riparian vegetation is a critical component of the early stage in the land use planning process, and requires proponents to ensure that protecting and maintaining of rivers and drainage channels will be one of the factors to be considered in the preparation of an overall stormwater management strategy for greenfield sites. The Planning proposal should:

- i. Identify existing rivers and urban drainage systems.
- ii. Determine appropriate riparian corridor width, in accordance with Table 1 of this Policy.
- iii. Take into consideration riparian vegetation connectivity and potential opportunities for future connectivity of riparian vegetation
- iv. Incorporate identified rivers, urban drainage systems and associated riparian zones into a concept plan
- v. Recognise potential social, economic and environmental benefits and potential land use activities within identified areas (i.e. easements, passive recreational areas)

## 5.5 Ownership of Rivers and Urban Drainage Systems

Wherever possible, rivers (including adjacent levees) and urban drainage systems are to be publicly accessible. Wherever possible, easements for access and drainage must be created to the benefit of Council.

Council will consider the transfer of ownership to Council of the applicable VRZ of the river (including adjacent levees) or urban drainage system in circumstances where the outcomes of this policy will only be achieved through that dedication. Transfer will only be agreed to following rehabilitation of the river (including adjacent levees) and/or urban drainage system to a standard agreed to by Council. Transfer will only be agreed to at a nil cost to Council.

## 5.6 Easements and Restrictions as to User

Easements and restrictions as to user will be required within the urban areas of the Shire, depending on the extent to which access is required and to ensure minimisation of the risk to urban drainage and flooding.

Easements are generally for the purpose of:

- (a) protecting Council's assets and other property from damage and to prevent injury;
- (b) ensure access to Council's works for operations, maintenance and rehabilitation;
- (c) alert owners of property that pipe work and/or other infrastructure is on their property and that special conditions apply; and
- (d) to facilitate construction and limit the future use of the land in a way so as to satisfy the above.

Where rivers are predominantly functioning as an integral part of an urban drainage system, (such as Possum Gully), easements to drain water in favour of council will be required for all new development. The size and alignment is to be guided by a stormwater/flood study should one exist, or by an assessment by Council's engineer based on the assessment of the application. Generally, it will involve at least the 'floodway area' as defined in the Floodplain Development Manual; however, in some instances additional lands may be required for riparian management reasons, and or maintenance/access considerations. Depending on location, easement for access may also be required.

Restrictions as to user may also be required to:

- a) control floor levels;
- b) impose flood plain risk management options;
- c) Impose conditions associated with land and waterway management to enhance flood plain risk management options.

In the case of rivers in rural and natural catchments beyond the urban areas, easements to drain water in favour of Council will not be required over the river but may be required over any lateral drainage systems. The size and alignment is to be guided by a stormwater study should one exist or an assessment by council's engineer based on the assessment of the application.

Depending on location, easements for access for river care, waterway and land management activities may also be required.

Where development, other than subdivision, is proposed in the R1, R5, RU5, B2 and B5 zones, and where the development cost is less than \$1,000,000 Council shall pay the reasonable costs of the Applicant for:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees;

For the creation and registration of the easement.

## 5.7 Maintenance Requirements

This policy recognises that rivers (including adjacent levees) and urban drainage systems and their associated vegetation should be left in as natural a state as possible, unless extraordinary circumstances apply. Notwithstanding this, Council recognises that there are instances in which the condition of rivers may deteriorate as a result of inappropriate development, erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

### 5.7.1 Drainage Easements

Council is responsible for the maintenance of all of its structures within private property where Council has acquired a drainage easement on such property.

A drainage easement on a property is a legal encumbrance on the title to provide Council with the authority to carry out whatever works are required on drainage infrastructure within the easement to facilitate the efficient operation of the drainage system. The infrastructure can include open drainage channels, below ground pipe systems and grated inlets that are designed to accept local

overland flow and roof water together with larger upstream catchment stormwater flows. Generally, no structures or improvements (such as dwellings, buildings and landscaping treatments including earthworks, retaining walls and fill) are permitted within the easement boundaries.

#### 5.7.2 Maintenance

The property owner is responsible for the maintenance of an easement on private property. Council is not responsible for vegetation maintenance, including the clearing of weeds and trees or any other maintenance of overgrown vegetation, to watercourses or easements located within private property. However, Council may carry out maintenance work to stormwater drainage infrastructure located within drainage easements on private property, as deemed necessary, to ensure the efficient operation of the system. When constructing new drains and related infrastructure Council will leave the site in a condition that is reasonable to maintain.

#### 5.7.3 Rivers

It is important that river and riparian areas are maintained by the landowner to the extent reasonably practical. Rivers form a valuable component of the environment and should be sensitively and effectively managed. A well-managed river also has high aesthetic values and provides valuable habitat.

In general, only minor maintenance activities are permitted. Such activities should occur with care and consideration of the physical and ecological integrity of the river and in accordance with relevant environmental legislation and guidelines.

Major maintenance work i.e. excavation, filling, diversion, scour protection, improvements etc., will require development consent including the necessary approvals from state government agencies under the Water Management Act 2000, the Fisheries Management Act 1994 and possibly the National Parks and Wildlife Act 1974.

Council will address significant incidences of bank and bed erosion/scour/siltation, if this damage is a direct result of Council's actions.

Easements, where required, are intended to give Council rights to drain water, install or maintain infrastructure, or intervene in land management matters that potentially impact on the health of the river. The easement is not intended to imply that Council will maintain the vegetation or fencing, etc.

### 5.8 Fencing Requirements

Fencing of private land along a river forms an interface between the built and natural environment and should be sensitively managed.

To this end the fencing shall achieve the following objectives:

- a) Lateral fencing shall allow for unimpeded passage of stormwater flows and floodwaters, and for overland flow to the river. Consideration of the risk associated with the fencing in respect to things like debris loadings, and potential to cause downstream issues if washed away;
- b) Longitudinal fencing along the easement or riparian zones shall be see-through and permeable and incorporate suitable gates to allow maintenance access.

## 5.9 Applications or Requests for Improvements or Rehabilitation

### 5.9.1 Within Drainage Easements

All requests for works in Council drainage easements, within private property, are to be received and assessed as to whether the work is of net benefit to the community and the environment and prioritised according to budget constraints. If Council is to contribute to the works, the property owner must contribute at least one-half of the cost of the work.

If the work is required to facilitate the development of the land, then the works, if approved, will be at the owner's full cost.

### 5.9.2 Within Rivers and Riparian Corridors

Owners wishing to undertake works in rivers and or riparian corridors are responsible for arranging and carrying out the work at their own cost.

The owner will need to obtain approvals from state government authorities under the Water Management Act 2000 and the Fisheries Management Act 1994.

Council may determine that an easement in favour of Council should be created over the riparian corridor and/or river in order to ensure drainage of a public road, in which case granting of the easement should be at no cost to Council.

### 5.9.3 Inter-allotment Drainage Easements (Benefiting private property owners)

In most cases all maintenance, improvements and rehabilitation works to drains in inter-allotment drainage easements within private property are the responsibility of property owners and users of the easement. These drains are usually 'private' drains and do not belong to Council. There are a few exceptions to this where the inter-allotment drainage easements benefit Council by enabling the drainage of public land.

If there is a problem, i.e. damaged or defective pipes or flooding to a lower property, Council (under Section 124 of the Local Government Act 1993) may direct the owners and users of the drain to undertake repairs or maintenance.

### 5.9.4 Within Public Reserves, Drainage Reserves, Public Road Reserves or Council owned land

- (a) Maintenance – Council is responsible for maintenance of rivers and drainage channels in council-managed public land.
- (b) Improvements and Rehabilitation – All requests for improvements and rehabilitation will be assessed to determine desirability, prioritised according to budget constraints, and considered for allocations of funds in Council's Works Programs.

## 5.10 Unapproved Drainage Works

Property owners are required to accept natural flows from adjoining properties and control and dispose of flows properly.

### 5.10.1 Unapproved Drainage Works on Council Land

If unapproved drainage works are carried out on Council land, Council may remove the works and recover costs from the owner that carried out the work.

#### 5.10.2 Unapproved Drainage Works on Private Land

- (a) If new unapproved drainage works are carried out on private land, Council may require the owner to remove the works at the owner's expense.
- (b) Maintenance – Council will not maintain unapproved drainage infrastructure located on private owned land.

## 6 Dispute Resolution

Processes as set out in the Environmental Planning and Assessment Act 1979, the Local Government Act 1993.

## 7 Related Documents

### 7.1 Legislation and Guidelines

- Local Government Act, 1993
- Environmental Planning and Assessment Act, 1979
- Biodiversity Conservation Act 2016
- Fisheries Management Act 1994
- Water Management Act 2000
- Conveyancing Act 1919

### 7.2 Policies and Procedures

- Nil

### 7.3 Other Supporting Documentation

- Muswellbrook Urban Riparian Landcare Master Plan 2018
- Muswellbrook Floodplain Risk Management Management Study and Plan 2019
- Floodplain Development Manual (NSW Government)

## 8 Version History

Version No.	Date changed	Modified by	Amendments/Previous adoption details
01	19.5.15	E Love	Document created
02	26.5.20	S Pope	<ul style="list-style-type: none"> <li>Update references to current legislation;</li> <li>Include references to the Muswellbrook Urban Riparian Landcare Master Plan and the Muswellbrook Floodplain Risk Management Study and Plan 2019;</li> <li>Provide for easements in favour of Muswellbrook Council on developments sites neighbouring the urban stormwater system;</li> <li>Adopt a policy of Council reimbursing landholders for costs associated with creation of easements.</li> <li>Correct formatting errors;</li> <li>Provide clarification on certain matters regarding easements, piping of open drainage channels and requirements for pollution reduction devices; and</li> <li>Reference legislation plans and policies that are relevant to planning for storm water management.</li> </ul> <p>Adopted by Council on 26/05/2020, minute number 347.</p>
03	12/12/2024	Director Environmental and Planning	<p>Policy code amended from R25/1, to MSC067E.</p> <p>5.7.1 Drainage Easements updated.</p> <p>Public exhibition of draft policy 30/01/25-27/02/25.</p>



**10.2.2. Borrowing Policy for Adoption**

**Responsible Officer:** 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.

6.2.5 - Implement a comprehensive and targeted business improvement program.

**Operational Plan Action:**

6.2.1.5 - Seek continuous improvement opportunities to achieve better value for money in Council's day-to-day procurement operations.

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

**Attachments:** 1. Borrowing Policy - MSC13E [10.2.2.1 - 11 pages]

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**PURPOSE**

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

**OFFICER'S RECOMMENDATION**

Council adopts the *Borrowing Policy*.

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

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

**EXECUTIVE SUMMARY**

A review of the *Borrowing Policy* has been undertaken with minimal amendments. The Draft Policy has completed 28 days of public exhibition during which no submissions were received.

**PREVIOUS RESOLUTIONS**

The Draft Policy was reported to the 28 January 2025 Ordinary Council Meeting, where Council resolved as follows:

1. Council provides notice of intention to adopt the *DRAFT Borrowing Policy*, by placing it 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.



## BACKGROUND

The *DRAFT Borrowing Policy MSC13E* (the Policy) sets out Council's loan borrowing requirements, both internal and external, and the use of any overdraft facility, with consideration given to the following primary objectives:

- Ensure that all borrowings (both internal and external) are in accordance with relevant legislative provisions.
- Ensure the total amount of the loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations.
- To detail Council's planned financial management strategy for existing and future debt.
- Minimise the cost of borrowing.
- Meeting industry best practice in respect to Council's Debt Service Ratio.
- Have regard to the long term and cumulative effects of Council's decisions.
- Exercise reasonable care and diligence that a prudent person would exercise when borrowing funds.

## CONSULTATION

Chief Financial Officer

Financial Controller

Senior Financial Accountant

Business Improvement Officers

MANEX – 16 December 2024

Community via public exhibition on Council's website 30 January 2025 to 27 February 2025

## REPORT

At the 28 January 2025 Ordinary Council Meeting, Council endorsed the *Draft Borrowing 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 30 January 2025 to 27 February 2025.

No submissions were received by Council during the submission period.

## FINANCIAL CONSIDERATIONS

### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

#### **1. Financial Implications – Capital**

Nil.

#### **2. Financial Implications – Operational**

Nil.

## POLICY IMPLICATIONS

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

## STATUTORY / LEGISLATIVE IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulation 2021



## Minister's Borrowing Order

### Australian Accounting Standards

NSW Office of Local Government – Local Government Code of Accounting Practice & Financial Reporting

### RISK MANAGEMENT IMPLICATIONS

The *Borrowing Policy* addresses the following risks:

- Ensures borrowing aligns with the council's capacity to repay within a sustainable financial framework.
- Prevents excessive debt levels that could jeopardise long-term financial sustainability.
- Ensures that Council maintains sufficient liquidity to meet its financial obligations, including loan repayments and operational expenses.
- Ensures compliance with the *Local Government Act 1993* (NSW) and relevant guidelines, such as the Office of Local Government's (OLG) Capital Expenditure Guidelines.
- Provides strategies for managing fixed vs. variable interest rate loans to minimise financial exposure from fluctuating interest rates.
- Promotes proper decision-making, transparency, and accountability in borrowing decisions.
- Minimises the risk of mismanagement or unauthorised borrowing.

### COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of the Policy on Council's website from 30 January 2025 to 27 February 2025 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



**muswellbrook  
shire council**

## Borrowing Policy

MSC13E

### Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	Within the first 12 months of the term of each new Council	<b>Review due date:</b>	
<b>Department:</b>	Finance		
<b>Document Owner:</b>	Chief Financial Officer		
<b>Community Strategic Plan Goal</b>	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders.		
<b>Delivery Program activity</b>	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.		

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## 1 Policy Objective

This policy sets out Muswellbrook Shire Council's (Council's) loan borrowing requirements, both internal and external, and the use of any overdraft facility, with consideration given to the following primary objectives:

- Ensure that all borrowings (both internal and external) are in accordance with relevant legislative provisions.
- Ensure the total amount of the loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations.
- To detail Council's planned financial management strategy for existing and future debt.
- Minimise the cost of borrowing.
- Meeting industry best practice in respect to Council's Debt Service Ratio.
- Have regard to the long term and cumulative effects of Council's decisions.
- Exercise reasonable care and diligence that a prudent person would exercise when borrowing funds.

## 2 Risks being addressed

### 2.1 Risks Addressed by the Borrowing Policy:

- Ensures borrowing aligns with the council's capacity to repay within a sustainable financial framework.
- Prevents excessive debt levels that could jeopardise long-term financial sustainability.
- Ensures the council maintains sufficient liquidity to meet its financial obligations, including loan repayments and operational expenses.
- Ensures compliance with the *Local Government Act 1993* (NSW) and relevant guidelines, such as the Office of Local Government's (OLG) Capital Expenditure Guidelines.
- Provides strategies for managing fixed vs. variable interest rate loans to minimise financial exposure from fluctuating interest rates.
- Promotes proper decision-making, transparency, and accountability in borrowing decisions.
- Minimises the risk of mismanagement or unauthorised borrowing.

### 2.2 Risks of Not Complying with the Policy:

- Non-compliance could lead to excessive debt accumulation, impacting the council's ability to fund essential services and projects.
- Potential cash flow issues may result in the council being unable to meet its financial obligations.
- Breaching the *Local Government Act* or failing to adhere to regulatory requirements may result in penalties, audits, or legal disputes.
- Non-compliance and mismanagement of borrowed funds could erode public trust in the Council's governance and financial stewardship.
- Poor borrowing decisions or failure to secure competitive rates may lead to higher costs, reducing funds available for community projects.



- Non-compliance with financial policies could harm the Council's reputation and limit its ability to access favourable credit terms in the future.

### 2.3 Why Do We Have This Policy?

- To comply with the Ministerial Revised Borrowing Order and the *Local Government Act 1993* (NSW), which mandates councils to manage their financial resources responsibly and transparently.
- To ensure borrowing decisions are made within a framework of sustainability, supporting long-term financial health while delivering infrastructure and community services.
- To establish clear processes and responsibilities for borrowing, ensuring transparency and accountability in decision-making.
- To demonstrate sound financial management, reinforcing public confidence in the council's ability to manage resources effectively.
- To ensure borrowing supports the delivery of strategic objectives, such as funding critical infrastructure and community development projects.

## 3 Policy Statement and Scope

### 3.1 Principles

Borrowings are not a form of revenue and do not replace the need for Council to generate sufficient operating revenue to service its operating requirements.

Council aims to finance capital works and new assets to the greatest extent possible from revenue, grants, subsidies or any specific reserves primarily established to fund capital works.

It is Council's aspiration to fund depreciation, and restrict those funds into an internal reserve, for the purpose of funding capital works.

Existing assets, that are due for renewal are to be replaced from the funding of depreciation costs, except for "lumpy" assets, where borrowing may be used, and the funded depreciation used to repay the loan, both principal and interest.

Council will not enter any financing arrangements which involve the repayment of interest only.

Council will restrict all borrowings to expenditure on identified capital projects that are considered by Council to be of the highest priority, and which are unable to be funded from revenue. Under no circumstances will Council borrow funds for recurrent expenditure.

New assets, that are income producing, may be funded from debt.

Where a capital project for a service that is funded by user charges (e.g. waste, water or sewer) is determined to be funded by way of loans, the user charge should reflect the cost of providing the service (including any loan repayments).

Other specific capital projects, not funded by user charges, will only be considered for loan funding where the project is considered by Council to be beneficial to most ratepayers.

Financing of major infrastructure assets requires a strategic approach to evaluate the risk exposure to Council.

In considering the impact of borrowing on council's budget, council will be guided by:

- The Long-Term Financial Plan resourcing the Community Strategic Plan.

- The relevant Asset Management Plan or Integrated Water Cycle Management Plan informing the Community Strategic Plan.
- Achieving the benchmark Operating Result Ratio.
- Achieving the benchmark Asset Renewal Ratio.
- Debt service ratios.

### 3.2 Scope

The following provides some context for the above principle points.

#### When to use debt?

The use of debt is linked to the concept of intergenerational equity. Operating and asset renewal expenses should be paid by current residents and therefore current revenue. Expenditures that provide benefits over many years should be paid for by users that benefit from the works over its economic life. This cannot be achieved by accumulating current revenues for future expenditure but is achieved by using current revenues to fund loan repayments over the life of the asset.

Debt is also appropriate where the expenditure results in a reduction of operating costs or an increase in operating revenues that cover the cost of borrowing. There may also be emergency situations where works are required urgently to avoid significant risks or escalations in remediation costs.

#### How will a project be approved for funding?

Assessment of a project will follow Council's Investment Logic Mapping process, and incorporate the following mandatory analysis:

- Council Priorities - Does the project outcome support an objective of Council's Strategic Priorities?
- Community Expectations - The project outcome must align to an action adopted under the Community Strategic Plan and Council's Delivery Program.
- Asset Management - Is the expenditure programmed in the appropriate Asset Management Plan adopted by Council under the integrated planning and reporting provisions of the *Local Government Act*? Will the project contribute to Council maintaining its Asset Renewal Ratio at or above the industry Asset Renewal Ratio benchmark?
- Financial Management - Have the operating and capital cost of a project been accurately assessed and included in Council's Long Term Financial Plan to determine the financial impact of a project and the capacity for Council to maintain a positive Operating Performance Ratio?
- Risk Management - All projects shall be evaluated under the Project Risk Assessment Matrix and identified risks will be mitigated or managed as documented in the risk assessment.
- Debt affordability - Debt is affordable where the works are self-funding either from reduced operating costs or an increase in revenues or the net result of both. Alternatively, debt is only affordable if the relevant fund has an operating surplus sufficient to cover the loan repayments. Operating revenues should be able to cover cash operating expenses as well as non-cash accruals for leave entitlements, depreciation and remediation,

before committing to loan repayments, for the fund to be financially sustainable. The fund is required to maintain a positive Operating Result Ratio to achieve industry benchmarks.

- Appropriate sources and terms of debt - The Office of Local Government will set controls for borrowings which may change at any time and Council needs to keep aware of these through the related legislation and references below. Council will not indulge in speculative debt arrangements and will adhere to standard table loans with set monthly, quarterly or bi-annual instalments and rates fixed for at least five years. Repayment periods will not exceed the economic life of the works to ensure intergenerational equity.

### 3.3 External Loans

In considering the need for new loans, the following criteria will be analysed:

- Any proposed borrowing amounts must be contained in Council's Long Term Financial Plan, Delivery Program and Operational Plan.
- Current and estimated future revenues - Where possible loans should only be raised for income producing products, however this will not apply to non-income generating assets such as roads and stormwater drainage, these works will only be considered if the project can demonstrate long term savings by bringing works forward.
- Strategic planning for the future of the Council covering short, medium and long term.
- Inter-generational equity considerations in terms of ratepayers who benefit from the expenditure and, therefore, on a user pay basis, who should pay for the costs associated with such expenditure.
- Current and future funding needs for both operating and capital expenditures.
- Potential movements in interest rates and associated debt servicing costs.
- Ensure, where possible, that the structure of the borrowing is appropriate for the nature of the asset being funded.
- Any other strategic imperative that is linked to revenue and expenditure capacities.

### 3.4 Terms of Loans

The term of the loan should not exceed the expected economic life of the asset being funded, subject to the maximum periods below.

Borrowing Amount	Term
\$500,000 to \$1,000,000	Maximum 5 years
\$1,000,000 to \$2,000,000	10 years
\$2,000,000 to \$5,000,000	20 years
Greater than \$5,000,000	30 years

### 3.5 Determination of Appropriate Lending Institution

Once borrowing has been approved by Council, within its Delivery Plan, Operational Plan and annual budget, a quotation process will be conducted whereby appropriate lending institutions (ADIs) will be invited to submit written quotations on Council's borrowing requirements.

Quotations/Tenders will be sought from ADIs with a long-term credit rating of A- or above in order to determine the appropriate lending institution for any new or renewal loan borrowings.

Written quotations/tenders must include:

- Interest rate - may be fixed or variable for the term of the loan;
- Term of the loan;
- Repayment intervals (monthly, quarterly or bi-annually);
- Repayment instalment amount (principal and interest only);
- Any applicable fees;
- Appropriate and acceptable documentation must be provided to Council by any prospective lender during the quotation/tender process; and
- The calculation for any loan break costs must be clearly set out in the loan documentation.

As Muswellbrook Shire Council has been deemed “Fit” under the NSW Government Local Government Reforms, Council is able to access the Statement Government borrowing facility. This borrowing facility is managed by NSW Treasury Corporation (TCorp). The minimum TCorp loan is \$1,000,000 and Council would also need to meet TCorp’s rules in relation to its investment portfolio credit rating breakdown across the financial institutions it invests with.

### 3.6 Borrowing Authorisation

The authority to authorise loans and/or Council funding requirements is vested with Council by virtue of the *Local Government Act, 1993*. No officer of Council is authorised to undertake the establishment of a new loan facility without the authorisation of Council.

Council must have resolved to borrow funds as part of its Delivery Plan, Operational Plan, emergency circumstances and annual budget, before funds are borrowed.

The General Manager has the authority to accept loan offers, subject to the borrowing amount being previously approved by Council and the requirements of this policy being adhered to.

Council will be advised of the terms of the loan once finalised.

The Borrowings Return form must be submitted to The Office of Local Government (OLG) by July each year, outlining Council approved loan borrowings for the following financial year.

The Finance team will periodically review the debt portfolio to ascertain if there is an opportunity for refinancing which will deliver positive outcomes to Council.

### 3.7 Legislative Authority for Investments

The following legislation or guidelines are relevant to Councils when considering loan borrowing

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Minister’s Borrowing Order
- NSW TCorp Loan Facilities Guides for Local Councils September 2019

### 3.8 Limitations

Current borrowing restrictions are prescribed in the Local Government Borrowing Order which states:

*A council shall not borrow from any source outside the Commonwealth of Australia nor in any other currency other than Australian currency.*

Council has also determined that in addition to this the following limitations will apply:

- That the total amount of borrowings outstanding assets, excluding the Future Fund, is not to exceed 2.5 times the total amount of Ordinary Rates, including Special Rates and Annual Charges, in any one year, and
- That the total amount of borrowings is not to exceed a Debt Service Ratio of 20% (as disclosed in the Fit for the Future documentation).

### 3.9 Internal Borrowing

#### From Externally Restricted Funds

Internal loans from externally restricted funds do not need to be included in the Office of Local Government (OLG) “requested borrowing” return. Internal loans from externally restricted funds must have Ministerial approval before the internal loan can be drawn.

Section 410(3) of the *Local Government Act, 1993* NSW states:

*“Money that is not yet required for the purpose for which it was received may be lent (by way of internal loan) for use by the council for any other purpose if, and only if, its use for that other purpose is approved by the Minister.”*

#### From Internally Restricted Funds

The use of internally restricted funds is not considered to be an internal loan by the OLG. The use of internally restricted cash for a purpose that is different from its original purpose requires a resolution of Council.

Council has determined funds can be borrowed from Internally Restricted Reserves as a replacement for an external loan borrowing, on the basis:

- That the interest rate to be charged is pegged at 0.25% below the external rate
- Funds can be borrowed internally, within the Section 7.11 Reserve, only for the purpose of other Section 7.11 works and cannot be used to fund works that are not part of the Section 7.11 works schedule

### 3.10 Borrowing Redemption

When surplus funds exist, the decision to repay borrowings shall be made on the facts available at the time with consideration of impact on Council’s Long Term Financial Plan and giving due regard to minimising the overall cost to the organisation.

Loans will only be paid out early if there is a significant net financial benefit to Council.

### 3.11 Overdraft

Council has an overdraft facility of \$750,000 established with Westpac Banking Corporation.

The overdraft facility is only used for short term unavoidable and essential cash flow purposes.

Council’s finance staff will generally avoid the use of the overdraft facility via careful cash management practices that ensures sufficient funds are available to fund daily expenditure requirements.

### 3.12 Compliance and Monitoring

A reconciliation of all borrowings, including the weighted average interest rate of borrowings and accrual of interest, will be completed by the Responsible Accounting Officer and reported quarterly to the Finance Committee.

## 4 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.

## 5 Related Documents

### 5.1 Legislation and Guidelines

- Australian Accounting Standards
- NSW Office of Local Government – Local Government Code of Accounting Practice & Financial Reporting
- NSW Office of Local Government Borrowing Circulars
- NSW Office of Local Government Capital Expenditure Guidelines
- Local Government (General) Regulation 2021
- Local Government Act 1993
- Minister's Borrowing Order (gazetted)

### 5.2 Policies and Procedures

- Code of Conduct
- Financial Management Policy
- Procurement Policy
- Disciplinary Policy & Procedures
- Internal Reporting Public Interest Disclosures Policy
- Fraud and Corruption Prevention Strategy

### 5.3 Other Supporting Documents

- N/A



## 6 Definitions

Term	Meaning
Annual charges	Has the same meaning as determined by the Local Government Act.
Asset renewal ratio	$\frac{\text{Asset Renewals}}{\text{Depreciation, Amortisation \& Impairment Expense}}$ <p>This ratio measures Council's ability to renew assets at a rate equivalent to or greater than the consumption expense of Council's assets each year. Industry benchmarks require a ratio of 1 or above.</p>
Borrowing	Cash received from another party in exchange for future payment of the principal, interest and other finance charges.
Borrowing costs	Interest and other costs that an entity incurs in connection with the borrowing of funds.
Borrowing facility	A loan that is not drawn down (borrowed against) completely when approved but allows for a series of timed borrowings, over a period of time, up to the maximum of the facility. These are generally used for property development.
Debt service ratio	<p>The debt service cover ratio is calculated as:</p> $\frac{\text{Operating result before capital excluding interest and depreciation/impairment/amortisation}}{\text{Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)}}$ <p>This ratio measures the availability of operating cash to service debt including interest, principal and lease payments (The OLG consolidated key performance indicator is greater than 2)</p>
Emergency circumstances	An unforeseen, serious, unexpected or dangerous situation requiring immediate action.
External borrowings	Includes raising and obtaining, in any way, money, credit and other financial accommodations from sources external to Council.
Loan break costs	Costs associated with paying out a loan prior to the loan expiry date.
Loan facility	A line of credit providing access to borrow money up to a particular amount.
Long term credit rating	A forward-looking opinion about credit risk, by a recognised and reputable rating agency, as allowed under the Ministerial Investment Order.
Long Term Financial Plan	Council's Ten (10) year budget maintained in its resourcing strategy in accordance with Section 403 Local Government Act, 1993
Lumpy assets	Assets that when due for renewal will require funding that is greater than two years of renewal funding for those assets, as defined in the Asset Management Plan (AMP) and Sub-Plans. An example would be replacing the roof on a building.

Term	Meaning
Operating result ratio	$\frac{\text{Operating Revenue excluding Capital grants \& Contributions less Operating Expenses}}{\text{Operating Revenue excluding Capital grants \& Contributions}}$ <p>This ratio measures Council's achievement of containing operating expenditure within operating revenue. The industry benchmark is greater than or equal to break even average over three years.</p>
Ordinary rates	Has the same meaning as determined by the <i>Local Government Act</i> .
Overdraft facility	A flexible line of credit providing access to funds to manage the day-to-day cash flow needs of an organisation
Security	In accordance with the <i>Local Government Act</i> , security for any loan will only be given over the future Ordinary Rates of Council.
Renewal funding	The annual amount of funding that is required to be raised and held, that is equivalent to straight line depreciation of the total value of the asset over the useful life of the asset, being the renewal intervention life. For roads it is 45 years, whilst 50 years is considered the failure point.
Variable interest	Interest that fluctuates over the life of the loan and is usually pegged to a benchmark rate, such as the bond rate.

## 7 Version History

Version No.	Date changed	Modified by	Amendments made
1.	05/04/2022	Council Minute no 279	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.
2	02/12/2024	CFO, and Financial Controller	Reviewed for new Council Term 2024-2028. Public exhibition of draft policy 30/01/25-27/02/25.

**10.2.3. Code of Conduct and Procedures for Adoption**

<b>Responsible Officer:</b>	General Manager
<b>Author:</b>	Manager Governance and Risk
<b>Community Strategic Plan:</b>	6 - <i>Community Leadership</i>  Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
<b>Delivery Program Goal:</b>	6.2.5 - Implement a comprehensive and targeted business improvement program.
<b>Operational Plan Action:</b>	6.2.5.3 - Develop and review policies in accordance with statutory and operational requirements.
<b>Attachments:</b>	1. Code of Conduct [10.2.3.1 - 46 pages] 2. Procedures for the Administration of the Code of Conduct [10.2.3.2 - 33 pages]

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**PURPOSE**

To submit for Council's consideration the attached *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct* for adoption, which have completed 28 days of public exhibition.

**OFFICER'S RECOMMENDATION**

Council adopts the *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct*.

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

**EXECUTIVE SUMMARY**

A review of Council's *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct* has been undertaken. All amendments were minor and included removing model template notes, references to Joint Organisations, and updating legislation references. The *Draft Code of Conduct* and the *Draft Procedures for the Administration of the Code of Conduct* have completed 28 days of public exhibition during which no submissions were received.

**PREVIOUS RESOLUTIONS**

The Draft Code and Draft Procedures were reported to the 28 January 2025 Ordinary Council Meeting, where Council resolved as follows:

1. Council provides notice of intention to adopt the *Draft Code of Conduct* and the *Draft Procedures for the Administration of the Code of Conduct*, by placing them 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.



## BACKGROUND

The *Model Code of Conduct for Local Councils in NSW* (the Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The Code sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and
- act in a way that enhances public confidence in local government.

All councils must adopt a code of conduct that incorporates the provisions of the Code. A council's adopted code of conduct may also include provisions that supplement the Code and that extend its application to persons that are not "council officials" for the purposes of the Code (for example, volunteers, contractors, and members of wholly advisory committees).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the Code. However, a council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Code.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person to whom council's adopted code of conduct applies, must comply with the applicable provisions of their council's code of conduct.

Breaches of a council's code of conduct are to be dealt with in accordance with the Procedures. All councils must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.

Muswellbrook Shire Council's *Model Code of Conduct* and *Procedures for the Administration of the Model Code of Conduct* were previously adopted by Council on 20 December 2022.

Under section 440(7) of the *Local Government Act 1993*, Council must review their code of conduct within 12 months of a Local Government Election and make such adjustments as they consider appropriate. Councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.

The *Model Code of Conduct* and the *Procedures for the Administration of the Model Code of Conduct* have been reviewed and amended. All amendments were minor and included removing model template notes, references to Joint Organisations, and updating legislation references.

On 4 November 2024, Manex endorsed the Draft Code and Draft Procedures to be submitted to Council for Public Exhibition.

## CONSULTATION

MANEX

Manager Governance and Risk

Governance Officer

Business Improvement Officers



Director Community and Economy

Legal Counsel

Community via public exhibition on Council's website 30 January 2025 to 27 February 2025

### REPORT

At the Ordinary Council Meeting, held on 28 January 2025, Council endorsed the *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct* to be placed on Public Exhibition, via Council's website, for a period of 28 days.

The Draft Code and Draft Procedures were exhibited on Council's website from 30 January 2025 to 27 February 2025.

No submissions were received by Council during the submission period.

### FINANCIAL CONSIDERATIONS

Nil known.

### POLICY IMPLICATIONS

The *Code of Conduct* and the *Procedures for the Administration of the Code of Conduct* require review and adoption by Council to ensure compliance with legislation.

### STATUTORY / LEGISLATIVE IMPLICATIONS

Under section 440(7) of the *Local Government Act 1993*, councils must review their adopted code of conduct within 12 months of the local government election and make such adjustments as they consider appropriate and are consistent with the Act.

### RISK MANAGEMENT IMPLICATIONS

Nil known.

### COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of the Policy on Council's website from 30 January 2025 to 27 February 2025 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



**muswellbrook  
shire council**

## Code of Conduct

MSC34E

### Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	Within the first 12 months of the term of each new Council	<b>Review due date:</b>	
<b>Department:</b>	Governance and Risk		
<b>Document Owner:</b>	Manager Governance and Risk		
<b>Community Strategic Plan Goal</b>	6 Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders.		
<b>Delivery Program activity</b>	6.2.5 Implement a comprehensive and targeted business improvement program.		

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## PART 1 Introduction

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This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2021* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439); and
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

## PART 2 Definitions

In this code the following terms have the following meanings:

Term	Definition
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>

local planning panel	<i>a local planning panel constituted under the Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	<i>the Local Government (General) Regulation 2021</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council Committee that the Council has not delegated any functions to

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## PART 3 General Conduct Obligations

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### General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

### Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

### Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff



- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

#### Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council

or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

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## PART 4 Pecuniary Interests

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### [What is a pecuniary interest?](#)

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

- iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
- (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

#### What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be

made, by the council in respect of similar matters with other residents of the area:

- i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii) security for damage to footpaths or roads
  - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

[What disclosures must be made by council staff other than designated persons?](#)

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

[What disclosures must be made by council advisers?](#)

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

#### What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

#### What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

#### Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government*



*Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.*

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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## PART 5 Non-Pecuniary Conflicts of Interest

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### What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate

in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment,



work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### [Personal dealings with council](#)

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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## PART 6 Personal Benefit

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- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

#### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

#### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

#### Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### “Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

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## PART 7 Relationships Between Council Officials

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### Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information

reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

#### Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

#### Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general

conduct provisions in Part 3 of this code in public forums including social media

- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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## PART 8 Access To Information and Council Resources

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### Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available



to members of the public, or the council has determined to make the information available under the GIPA Act.

#### Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

#### Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

#### Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person

- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

#### Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

#### Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

#### Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

#### Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

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## PART 9 Maintaining the Integrity of this Code

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### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

#### [Disclosure of information about the consideration of a matter under the Procedures](#)

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 2022*.

#### [Complaints alleging a breach of this Part](#)

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

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## SCHEDULE 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

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### [Part 1: Preliminary](#)

#### [Definitions](#)

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

#### Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.



3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:

- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
- b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- c) the donor was a relative of the donee, or
- d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

#### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

#### Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

#### Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and

- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

#### Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

#### Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
  - (i) a description of the occupation, and
  - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or

- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

#### Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
  - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
  - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

- (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

#### Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

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## SCHEDULE 2: Form of Written Return of Interests Submitted Under Clause 4.21

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### [‘Disclosures by councillors and designated persons’ return](#)

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

### [Important information](#)

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to



the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]  
[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

#### B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

#### D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

#### E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

#### G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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#### H. Debts

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Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

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#### I. Dispositions of property

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1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

---

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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#### J. Discretionary disclosures

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## SCHEDULE 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the      day of      20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

## Version History

Version No.	Date changed	Modified by	Amendments made
1	11/10/2022	Business Improvement Officer	Reformatted to comply with Council's policy template. Adopted by Council on 20/12/2022, minute number 201.
2	28/10/2024	Business Improvement Officer	Revised version for new Council term 2024-2028. Removed the model template notes and references to Joint Organisations from the introduction section. Public Exhibition of Draft Code 30/01/2025 to 27/02/2025.





# Procedures for the Administration of the Code of Conduct

MSC34P

## 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:	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	6.2.5 Implement a comprehensive and targeted business improvement program.		

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## PART 1 Introduction

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2021* (“the Regulation”). Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

**Note:** Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

## PART 2 Definitions

In these procedures the following terms have the following meanings:

Term	Definition
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has

	delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

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## PART 3 Administrative Framework

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### The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking

the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

#### The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

#### The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of

the council, the complaints coordinator should be a senior and suitably qualified member of staff.

- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

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## PART 4 How may Code of Conduct Complaints be made?

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### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.



When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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## PART 5 How are Code of Conduct Complaints to be Managed?

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### Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

### Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

### How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a

breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general

manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

#### How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

#### Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

#### Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.



- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 2022*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's Public Interest Disclosure Policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 55 of the *Public Interest Disclosures Act 2022*.

#### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.

- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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## PART 6 Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

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### Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.

- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

#### Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct

- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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## PART 7 Investigations of Code of Conduct Complaints About Councillors or the General Manager

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### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and



- b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

#### Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of

making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination

j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

#### Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.



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## PART 8 Oversight and Rights of Review

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### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

#### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government

election, in which case it must be tabled at the first ordinary council meeting following the election, and

- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Office's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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## PART 9 Procedural Irregularities

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- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
  - a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

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## PART 10 Practice Directions

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- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

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## PART 11 Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

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- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

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## PART 12 Confidentiality

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- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant

- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 2022* in relation to a complaint they have made.

## Version History

Version No.	Date changed	Modified by	Amendments made
1	11/10/22	Business Improvement Officer	Reformatted to comply with Council's procedure template. Adopted by Council on 20/12/2022, minute number 201.
2	28/10/2024	Business Improvement Officer	Revised version for new Council term 2024-2028. Removed the model template notes and references to Joint Organisations from the introduction section.
3	16/01/2024	Business Improvement Officer	Updated legislation references in sections 5.45 and 5.47. Public exhibition of Draft Procedures 30/01/2025 to 27/02/2025.

**10.2.4. Draft Code of Meeting Practice for Public Exhibition**

<b>Attachments:</b>	1. Draft Code of Meeting Practice - MSC061E [ <b>10.2.4.1</b> - 45 pages]
<b>Responsible Officer:</b>	General Manager
<b>Author:</b>	Manager Governance and Risk
<b>Community Plan Issue:</b>	6 - <i>Community Leadership</i>
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
<b>Community Plan Strategy:</b>	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.
	Not applicable

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**PURPOSE**

To request Council's endorsement to place the attached *Draft Code of Meeting Practice* on public exhibition for a period of 28 days.

**OFFICER'S RECOMMENDATION**

1. Council endorses the attached *Draft Code of Meeting Practice* to be placed on public exhibition via Council's website for a period of 28 days and to provide members of the community with at least 42 days in which to make submissions; and
2. A further report be submitted to Council for consideration of submissions received during the exhibition period.

**Moved:** \_\_\_\_\_**Seconded:** \_\_\_\_\_**EXECUTIVE SUMMARY**

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice no later than 12 months after each ordinary council election. A review of Council's Model Code of Meeting Practice has been conducted and the amendments are shown as tracked changes.

**PREVIOUS RESOLUTIONS**

The *Model Code of Meeting Practice* was previously adopted by Council on 24 May 2022.

**BACKGROUND**

The Model Code of Meeting Practice for Local Councils in NSW is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This Code applies to all meetings of Councils and Committees of Council of which all the members are Councillors (Committees of Council). Council committees whose members



include persons other than councillors may adopt their own rules for meetings unless the Council determines otherwise.

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice within 12 months of the Local Government Elections. A Council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

A Council's adopted meeting Code may also incorporate the non-mandatory provisions of the Model Code of Meeting Practice and any other supplementary provisions adopted by the council.

The Model Code of Meeting Practice contains provisions that allow Councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. Councils can choose not to adopt them or to adapt them to meet their own needs.

Councils and Committees of Council (of which all the members are Councillors) must conduct their meetings in accordance with the Code of Meeting Practice adopted by the Council.

### CONSULTATION

Manager Governance and Risk

Governance Officer

Business Improvement Officers

Director - Community and Economy

Legal Counsel

Management Leadership Group

In accordance with the Local Government Act 1993, Section 361, before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

### REPORT

The Model Code of Meeting Practice comprises mandatory and non-mandatory provisions. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice no later than 12 months after each ordinary council election. Councils are required to consult with their communities prior to adopting a code of meeting practice.

A review of Council's *Model Code of Meeting Practice* has been conducted with minimal amendments that included the removal of the word 'Model' from the title and formatting. The amendments are shown as tracked changes in attachment 1 - *Draft Code of Meeting Practice*.

Council's Management Leadership Group endorsed the *Draft Code of Meeting Practice* at their meeting held on 5 March 2025.

### FINANCIAL IMPLICATIONS

Nil.





### **POLICY IMPLICATIONS**

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice within 12 months of the local government elections.

### **STATUTORY / LEGISLATIVE IMPLICATIONS**

The recommended public exhibition of the *Draft Code of Meeting Practice* aligns with the requirements of the Local Government (General) Regulation 2021.

### **RISK MANAGEMENT IMPLICATIONS**

Nil known.

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

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



**muswellbrook  
shire council**

## **DRAFT** ~~Model~~ Code of Meeting Practice

**MSC061E**

**Adopted by Council:**

Date: ~~24/05/22~~

Minute No. ~~332~~

### Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	Within the first 12 months of the term of each new Council	<b>Review due date:</b>	
<b>Department:</b>	Governance and Risk		
<b>Document Owner:</b>	Manager - Governance and Risk		
<b>Community Strategic Plan Goal</b>	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		
<b>Delivery Program activity</b>	6.2.5 Implement a comprehensive and targeted business improvement program		

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## 1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

## 2 Meeting Principles

2.1 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.

## 3 Before the Meeting

### Timing of ordinary council meetings

3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note:** Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A of the Act.

### Extraordinary meetings

3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note:** Clause 3.2 reflects section 366 of the Act.

#### Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.6 reflects section 367(1) of the Act.**

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.7 reflects section 367(3) of the Act.**

#### Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

#### Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 9am, 7 business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the



meeting at which the notice of motion is to be considered by the council.

- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.20 reflects section 9(2A)(a) of the Act.**

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### Statement of ethical obligations

- 3.22 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

#### Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must

be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

#### Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

#### Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of

a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## 4 Public Forums

- 4.1 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.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 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 9.00 am two (2) days 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.
- 4.5 A person may apply to speak on no more than **3** items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 The chairperson can decide the maximum number of speakers to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of

speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

- 4.11 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.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to 2 minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 2 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker

fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting.**

**Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

## 5 Coming Together

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.6 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

#### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 5.8 reflects section 368(1) of the Act.**
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- Note: Clause 5.9 reflects section 368(2) of the Act.**
- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.



- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

#### Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

#### Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
  - (a) the meetings the resolution applies to, and
  - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.30 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.30 reflects section 10(1) of the Act.**

- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.32 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

### Webcasting of meetings

- 5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.35 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting.
- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

### Attendance of the general manager and other staff at meetings

- 5.39 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.39 reflects section 376(1) of the Act.**
- 5.40 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.40 reflects section 376(2) of the Act.**
- 5.41 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.41 reflects section 376(3) of the Act.**
- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.43 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff

at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

## 6 The Chairperson

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

## 7 Modes of Address

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

## 8 Order of Business for Ordinary Council Meetings

- 8.1 The general order of business for an ordinary meeting of the council shall be:
1. Application to Attend Via Audio Visual Link by Councillors
  2. Acknowledgement of Country
  3. Civic Prayer
  4. Apologies and applications for a leave of absence by councillors
  5. Confirmation of Minutes
  6. Disclosure of any Pecuniary or Non-Pecuniary Interests
  7. Mayoral Minute
  8. Public Participation
  9. Business Arising (from previous meetings)
  10. Business (Specific Reports)
    - 10.1 Planning & Environment
    - 10.2 [Corporate Services Infrastructure & Property](#)
    - 10.3 [Corporate Services Infrastructure & Property](#)
    - 10.4 Community & Economy
  11. Correspondence
  12. Minutes of Committee Meetings
  13. Notices of Motion
  14. Councillors Reports
  15. Written Questions
  16. Questions for Next Meeting

#### 17. Closed Council

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## 9 Consideration of Business at Council Meetings

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).



### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## 10 Rules of Debate

#### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

#### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to

be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

#### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

#### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11 Voting

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.
- Note: Clause 11.1 reflects section 370(1) of the Act.**
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- Note: Clause 11.2 reflects section 370(2) of the Act.**
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

#### Voting on planning decisions

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

**Note: Clauses 11.10–11.13 reflect section 375A of the Act.**

**Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.**

## 12 Committee of The Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## 13 Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

## 14 Closure of Council Meetings to the Public

### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
  - (a) personnel matters concerning particular individuals (other than councillors),



- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) 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,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and

- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12 noon of the day of the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 8 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 8 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 2 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public, must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

## 15 Keeping Order at Meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation in force or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), (e) or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

#### How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

#### Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.16 reflects section 233(2) of the Regulation.**

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

#### How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

- 15.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## 16 Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at



meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 Decisions of the Council

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be

brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 12.00 noon, 2 days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
  - (b) a motion to have the motion considered at the meeting is passed, and
  - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

#### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## 18 Time Limits on Council Meetings

- 18.1 Meetings of the council and committees of the council are to conclude no later than 9.00pm.
- 18.2 If the business of the meeting is unfinished at 9.00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 9.00pm, and the council does not resolve to extend the meeting, the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 After the Meeting

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

### Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

#### Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

## 20 Council Committees

### Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

### Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

#### Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

#### Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,



- (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 Definitions

<b>the Act</b>	<b>means the <i>Local Government Act 1993</i></b>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW

<b>the Act</b>	<b>means the <i>Local Government Act 1993</i></b>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
question with notice	means a question asked by a Councillor that is in the public interest, and therefore the response is addressed in a report at a Council meeting as part of the agenda.
question for clarification	means a question asked by a Councillor for the Councillor's clarification only, which is addressed outside of a Council meeting by the General Manager.
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting

the Act	means the <b>Local Government Act 1993</b>
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

## 23 Version History

<u>Version No.</u>	<u>Date changed</u>	<u>Modified by</u>	<u>Amendments/Previous adoption details</u>
<u>1</u>	<u>24/05/22</u>	<u>Council</u>	<u>Adopted by Council on 24/05/22, minute number 332</u>
<u>2</u>	<u>26/02/2025</u>	<u>Business Improvement Officer</u>	<u>Revised version for new Council term 2024-2028.</u>

**10.2.5. Draft WHS Policy for Public Exhibition**

**Responsible Officer:** General Manager

**Author:** WHS 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:** 6.2.5 - 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 Work Health and Safety Policy MSC059E  
[10.2.5.1 - 6 pages]

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**PURPOSE**

To request Council's endorsement to place the attached *Draft Work Health and Safety Policy* on public exhibition as notice of intention to adopt.

**OFFICER'S RECOMMENDATION**

1. Council endorses the *Draft Work Health and Safety Policy* for placement on public exhibition via Council's website for a period of 28 days.
2. If no submissions are received in relation to the *Draft Work Health and Safety Policy* during the public exhibition period, then Council resolves to adopt the *Work Health and Safety Policy*.
3. If submissions are received in relation to the *Draft Work Health and Safety Policy* during the public exhibition period, then a further report will be submitted to Council for consideration of submissions received during the exhibition period.

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

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

**EXECUTIVE SUMMARY**

A review of the *Work Health and Safety Policy* has been conducted, and the Policy has been amended to align with Council's business expectations. The draft Policy has been reviewed by the WHS Committee and the Staff Consultative Committee and endorsed by Manex for public exhibition.

**PREVIOUS RESOLUTIONS**

Not applicable.

**BACKGROUND**

The *Draft Work Health and Safety Policy MSC059E* (the Policy) demonstrates Council's commitment to the prevention of work-related injury and ill health, through the provision of safe and healthy work conditions at all Council workplaces, including providing safe work environments, facilities, equipment, and systems of work for Council's workers, including



volunteers and contractors, as well as Councillors, visitors, and members of the public.

### CONSULTATION

WHS Advisors

Business Improvement Officers

Legal Counsel

Manager Governance and Risk

Manex – 28 October 2024

WHS Committee – 14 November 2024

Staff Consultative Committee – 12 February 2025 and 12 March 2025

### REPORT

The *Work Health and Safety Policy* was previously an internal policy and was adopted by Manex on 1 May 2018. The Policy scope now includes Councillors and visitors, therefore, in line with Council's *Policy on Policy Making*, the Policy has been reclassified as an external policy to be adopted by Council.

A review of the Policy has been conducted, and the Policy has been amended to align with Council's business expectations. The draft Policy is attached (attachment 1).

Manex endorsed the draft Policy on 28 October 2024, for consultation with the WHS Committee and public exhibition via Council's website.

The draft Policy was endorsed by the WHS Committee on 14 November 2024 and was reviewed by the Staff Consultative Committee on 12 February 2025 and endorsed by the Staff Consultative Committee on 12 March 2025.

The draft Policy is recommended to be endorsed by Council for public exhibition as notice of intention to adopt.

### FINANCIAL CONSIDERATIONS

Nil known.

### POLICY IMPLICATIONS

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

### STATUTORY / LEGISLATIVE IMPLICATIONS

Work Health and Safety Act 2011;

Work Health and Safety Regulation 2017;

Local Government (State) Award 2020; and

Local Government Act 1993.

### RISK MANAGEMENT IMPLICATIONS

This policy addresses risks related to workplace health and safety and aims to mitigate accidents and injuries.

### COMMUNITY CONSULTATION / COMMUNICATIONS

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



**muswellbrook  
shire council**

## DRAFT Work Health and Safety Policy

MSC059E

### Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Work Health and Safety		
Document Owner:	Work Health and Safety Advisor		
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 safe, happy, suitably resourced and productive workplace.		
Delivery Program activity	6.3.1 Continue to prioritise safety and risk management initiatives and upgrades to Council Facilities.		

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## 1. Policy Objective

Muswellbrook Shire Council is committed to ensuring the health, safety and wellbeing of all workers and other persons through effective consultation between management, workers, and other persons, and to develop and implement systems, programs, activities, and procedures which are monitored, reviewed, and audited to ensure continual improvement and best practice.

## 2. Risks being addressed

This policy addresses risks related to workplace health and safety and aims to mitigate accidents and injuries.

## 3. Scope

This policy applies to all workers as defined by the Work Health and Safety Act 2011, including all Council employees, Councillors, contractors, workers of contractors, and volunteers in the workplace. It also applies to visitors in Council workplaces.

## 4. Policy Statement

Muswellbrook Shire Council is committed to the prevention of work-related injury and ill health, through the provision of safe and healthy work conditions at all Council workplaces, including providing safe work environments, facilities, equipment, and systems of work for our workers, including volunteers and contractors, as well as Councillors, visitors, and members of the public.

Council, led by the General Manager and Directors, will demonstrate this commitment by:

- establishing measurable health and safety objectives as part of Council's Operational Plan, and regularly reviewing our performance against them;
- fulfilling all legal requirements and meeting the AS/NZS ISO 45001 Standard for safety management systems;
- identifying and eliminating, so far as is reasonably practicable, physical and psychological health and safety hazards, and minimising risks, with the aim of preventing work-related injury and illness;
- ensuring all departments across Council have and use appropriate resources and processes to eliminate or minimise risks to safety, especially for higher-risk activities;
- consulting and communicating with workers, their representatives, and the public, where relevant, to ensure they are empowered to actively participate in Work Health and Safety (WHS) risk management in the workplace and the community;
- continuously improving Council's WHS management system;
- ensuring effective processes are followed in the event of a safety-related incident, to record, investigate, and implement corrective actions to prevent or minimise recurrence or a similar incident; and
- ensuring workers understand their general responsibilities for WHS and the specific responsibilities for their position descriptions.

## 5. Definitions

In this policy:

Term	Definition
<b>Person Conducting a Business or Undertaking (PCBU)</b>	Person Conducting a Business or Undertaking (PCBU), in accordance with the WHS Act 2011 [N.S.W], is the legal entity operating a business or undertaking.
<b>Officer</b>	in accordance with the Work Health and Safety Act 2011 and the Corporations Act 2001, is a person who makes, or participates in making decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority.
<b>Worker</b>	in accordance with the Work Health and Safety Act 2011, means a person carrying out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> <li>a) an employee, or</li> <li>b) a contractor or subcontractor, or</li> <li>c) an employee of a contractor or subcontractor, or</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>e) an outworker, or</li> <li>f) an apprentice or trainee, or</li> <li>g) a student gaining work experience, or</li> <li>h) a volunteer, or</li> <li>i) a person of a prescribed class.</li> </ul>
<b>Other Persons</b>	means a Councillor, visitor, customer or member of the public who enters a Muswellbrook Shire Council workplace.
<b>Workplace</b>	is a place where work is carried out for a business or undertaking, and includes any place where a worker goes, or is likely to be, while at work. This includes a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

## 6. Roles and Responsibilities

Role	Responsibility
<b>Person Conducting a Business or Undertaking (PCBU)</b>	<ul style="list-style-type: none"> <li>As the Persons Conducting Business or Undertaking (PCBU), Council has the responsibility, so far as is reasonably practicable, to eliminate risks to the health and safety of its workers, and when elimination is not possible, to minimise those risks. Further, Council will ensure, so far as is reasonably practicable, that others are not put at risk from works being undertaken on Council's behalf.</li> </ul>
<b>General Manger/Directors/Managers/ Coordinators/Supervisors/Technical Officers</b>	<ul style="list-style-type: none"> <li>Exercise due diligence to ensure Council complies with the Work Health and Safety Act and Regulations including, but not limited, to being responsible and accountable for the safety of Workers, Other Persons</li> </ul>

	<p>and Council property under their control so far as is reasonably practicable.</p> <ul style="list-style-type: none"> <li>• Ensure all policies, procedures, safe work practices and safe work procedures are followed at all times, and Workers in their area are supervised, trained and competent.</li> <li>• Ensure adequate resources, which includes both financial and personnel resources, are integrated into work systems and procedures to ensure the safety of Workers.</li> </ul>
<b>Workers</b>	<ul style="list-style-type: none"> <li>• Comply with Work Health and Safety legislation and Muswellbrook Shire Council's policies and procedures by taking reasonable care that their acts or omissions do not adversely affect their health or safety and that of other Workers and Other Persons.</li> <li>• Report all hazards and incidents to their supervisors as soon as is practically possible to ensure their own health and safety and the health and safety of others in Council Workplaces.</li> </ul>
<b>Other Persons</b>	<ul style="list-style-type: none"> <li>• Take reasonable care for their own health and safety.</li> <li>• Take reasonable care that their acts or omissions do not adversely affect the health and safety of Other Persons.</li> <li>• Comply, so far as they are reasonably able, with any reasonable instruction given in relation to health and safety.</li> </ul>
<b>Work Health and Safety Committee</b>	<ul style="list-style-type: none"> <li>• Consult in the development and review of Work Health and Safety policy and procedures.</li> <li>• Provide input on Work Health and Safety matters.</li> <li>• Contribute ideas and concerns related to Work Health and Safety.</li> <li>• Assist in the continual improvement of the Work Health and Safety Management System.</li> </ul>

## 7. Breaches and Sanctions

A breach of this policy may lead to disciplinary action, including termination of employment or engagement.

Individuals found to have committed an offence under any relevant legislation may also be subject to penalties as prescribed by the legislation.

## 8. Dispute Resolution

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this Policy. Disputes will be resolved in accordance with Council's Grievance and Dispute Resolution Procedure MSC061-1.

## 9. Related Documents

### 9.1 Legislation and Guidelines

- Work Health and Safety Act 2011,
- Work Health and Safety Regulation 2017
- Local Government (State) Award 2023
- Local Government Act 1993

### 9.2 Policies and Procedures

- Grievance or Dispute Resolution Procedure MSC06I-1

### 9.3 Other Supporting Documents

- N/A

## 10. 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
2	23/7/14	WHS Coordinator	Updated controlled documents procedure applied Definition of PCBU changed to be the entity Muswellbrook Shire Council. Paragraph, Elected Representatives has been changed. Paragraph added for WHS Committee.
3	23/05/17	WHS Advisor	Updated Legislation Included Breaches and Sanctions and Title Changes.
4	01/05/18	WHS Advisor	Minor amendments. Adopted by Manex on 01/05/18.
5	07/03/22	WHS Admin	Updated legislation.
6	5/09/2024	BIO & WHS Advisors	Policy rewrite. Updated template and added sections: Risks being addressed and Scope.

**10.2.6. DRAFT Community Strategic Plan for Public Exhibition**

<b>Responsible Officer:</b>	General Manager
<b>Author:</b>	Manager Governance and Risk
<b>Community Strategic Plan:</b>	6 - <i>Community Leadership</i>  Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
<b>Delivery Program Goal:</b>	6.1.2 - Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.
<b>Operational Plan Action:</b>	6.1.3.2 - Report on Council's Integrated Planning & Reporting (IP&R) requirements.
<b>Attachments:</b>	1. Draft- Muswellbrook Community Strategic Plan 2025 [10.2.6.1 - 40 pages]

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**PURPOSE**

To request Council's endorsement to place the DRAFT Community Strategic Plan 2025-2035 on public exhibition.

**OFFICER'S RECOMMENDATION**

Council endorses the DRAFT Community Strategic Plan 2025-2035 to be placed on public exhibition for a period of 40 days.

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

**EXECUTIVE SUMMARY**

To endorse the DRAFT Community Strategic Plan 2025-2035 being placed on public exhibition for a period of 40 days and to conduct continued community consultation during this period. A further report will be provided to Council containing the community's feedback and to endorse the plan by 30 June 2025.

**PREVIOUS RESOLUTIONS**

Not applicable.

**BACKGROUND**

Pursuant to section 402 of the NSW Local Government Act, 1993, Muswellbrook Shire is required to have a Community Strategic Plan that has been developed and endorsed by Council on behalf of the community. The Community Strategic Plan must cover a period of at least 10 years, is to identify the community's priorities and aspirations for the future of the Shire and describe strategies to achieve the community's goals.

Council is required to review and adopt the Community Strategic Plan before 30 June in the year following an ordinary election of council. Council may endorse the existing plan, or develop and endorse a new Community Strategic Plan, as appropriate, to ensure that the Shire has a Community Strategic Plan covering at least the next 10 years.



## CONSULTATION

The community

Councillors

Directorate Leadership Group

## REPORT

The DRAFT Community Strategic Plan 2025-2035 has been developed in consultation with the Shire's communities, Councillors, and Council's staff and senior executive team.

Council's Integrated Planning and Reporting documents, including the DRAFT Community Strategic Plan require public exhibition of at least 28 days. Should Council endorse the DRAFT Community Strategic Plan for public exhibition at this meeting, the public exhibition period will be extended to 40 days to allow for ongoing community engagement. It is proposed that the engagement strategy includes the following:

- Presence at the Easter Family Fun Day – 19 April, 2025;
- Presence at the Gather in the glow event - 3 May, 2025;
- Community Breakfast;
- Business Workshop;
- Digital engagement and newsletter;
- Presence at the Stem 2 Go activities; and
- Pop Up engagements at Shopping centres, Sandy Hollow, and Denman

A further report to be considered by Council with the community's feedback and for endorsement of the DRAFT Community Strategic Plan to the May Ordinary Council Meeting.

## FINANCIAL CONSIDERATIONS

To be identified in the long term financial and annual budgets.

## POLICY IMPLICATIONS

Nil.

## STATUTORY / LEGISLATIVE IMPLICATIONS

Consistent with requirements under section 402 of the NSW Local Government Act, 1993.

## RISK MANAGEMENT IMPLICATIONS

As outlined in the Draft Community Strategic Plan 2025-2035.

## COMMUNITY CONSULTATION / COMMUNICATIONS

Consultation aligns with the adopted Community Engagement and Participation Plan.



# Community Strategic Plan 2025-2035



[muswellbrook.nsw.gov.au](https://muswellbrook.nsw.gov.au)

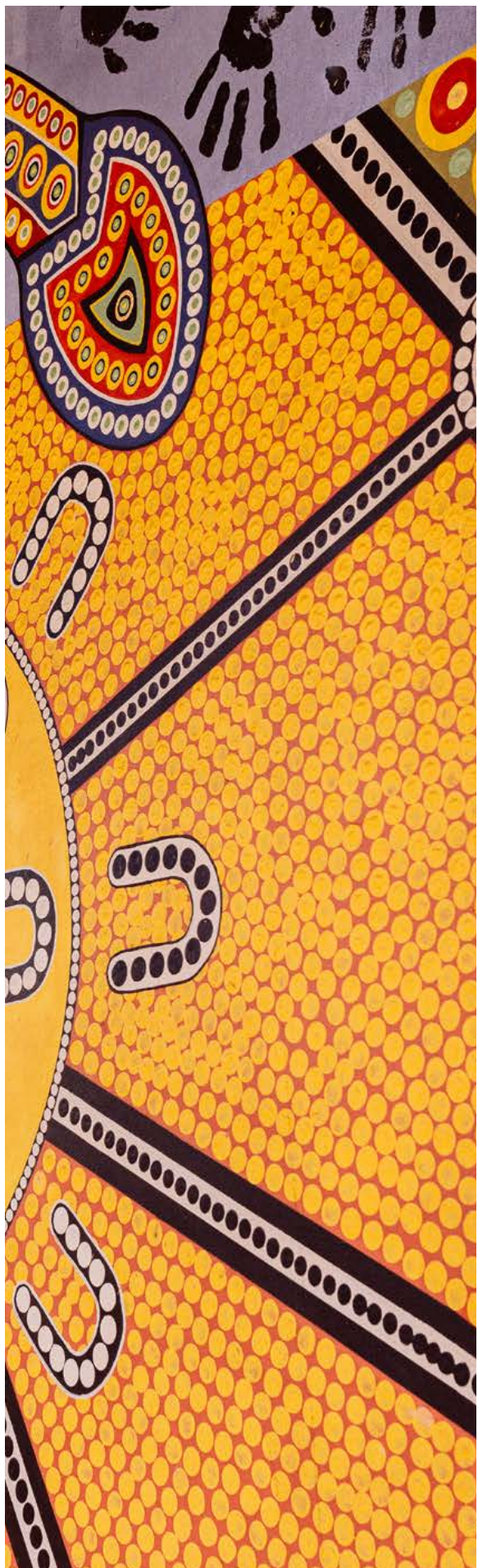




## Acknowledgement of Country

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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## Acknowledgements

Muswellbrook Shire Council would like to acknowledge and thank all community members, businesses, partner agencies, and other stakeholders who participated in the consultation process. Your valuable contributions have helped shape our shared vision and priorities for the future, fostering a collaborative path forward for our community.

# Message from the Mayor



I am proud to have worked so closely with the community to develop the Muswellbrook Community Strategic Plan 2025–2035. This plan reflects our shared vision for the future, shaped by the hopes, ideas, and values of our community.

Muswellbrook has a strong proud history as a leader in energy generation and coal mining, but as our economy changes, one of our biggest challenges, and opportunity, is to prepare our community and business for new possibilities to prosper. This plan marks the start of an exciting new chapter in the history of Muswellbrook Shire.

Our region is in a unique position to lead Australia's renewable energy future, attracting innovation, investment and opportunity to our region for years to come.

We've listened closely to residents, businesses, and community groups to learn what matters most to you. Your input has helped shape this plan, which focuses on creating a thriving, inclusive and sustainable future for everyone.

This plan is more than a guide – it's a promise to work together to keep Muswellbrook a place we're all proud to call home.

I encourage you to stay involved, share your ideas, and help us bring this vision to life.

Together, we can build a brighter, more connected community and thriving future for Muswellbrook.

**Councillor Jeff Drayton**

Mayor

Muswellbrook Shire Council

# Message from the General Manager



Council is committed to engaging and empowering the community to be involved in setting and delivering the future direction of the Shire. Through our recent community engagement, you told us that attracting new businesses, supporting business growth, and planning for the future are top priorities. You also expressed a deep love for our Shire and a strong desire to protect and improve your quality of life by investing in better infrastructure and connectivity.

Council has an important role in working with the community to create the Community Strategic Plan. This plan is required by the NSW Government under the Integrated Planning and Reporting framework. It guides all of Council's strategic plans, like the Resourcing Strategy, Delivery Program, Operational Plan, and key strategies such as the Environmental Strategy, Disability Inclusion Plan and Local Strategic Planning Statement.

Council is committed to delivering projects that reflect the community's values and goals. We will maintain a strong financial plan to support important projects while being responsible with our budget. Our goal is to make our Shire more liveable, vibrant, and easy to access.

Our work focuses on delivering services that support economic growth and improve quality of life.

We will focus on five key areas to ensure together we:

**are a strong community**

**support a vibrant regional centre**

**have a thriving economy**

**create a great place to live**

**are working together.**

Our community has shared their vision for the next 10 years, and we're committed to making it happen. We will align your goals with Council's priorities and work with State and Federal Government agencies and other partners to bring this vision to life.

**Derek Finnigan**

General Manager

Muswellbrook Shire Council

# 1. Integrated Planning and Reporting Framework

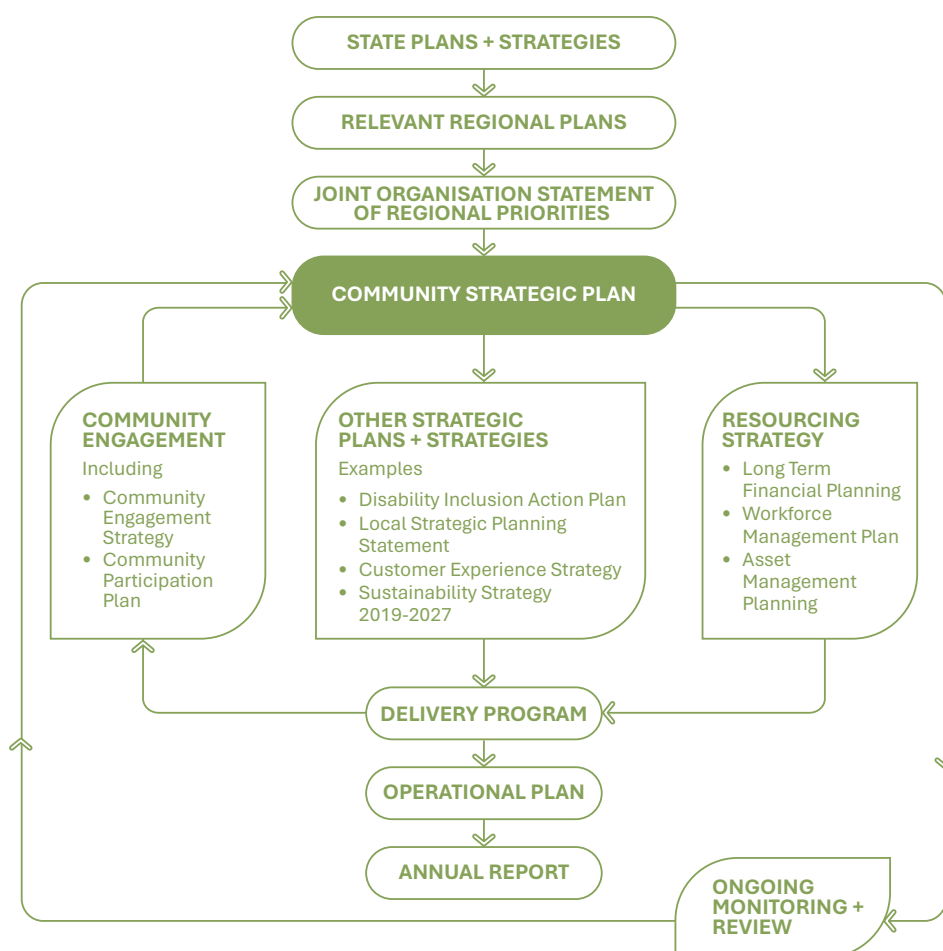
Muswellbrook Shire Council's goals and daily operations are guided by the NSW Local Government Integrated Planning and Reporting Framework. The Integrated Planning and Reporting Framework links all council plans together, so planning is completed in a more coordinated way.

## Community Strategic Plan

The Community Strategic Plan provides a strong base for long-term planning for both Council and the community. The Plan includes a shared vision for the future, connecting the community's goals with Council's decisions over the next 10 years. It will guide Council's plans, strategies, and policies, such as the Resourcing Strategy, Delivery Program, Operational Plan, Environmental Strategy, Disability Inclusion Plan and Local Strategic Planning Statement. This community vision will also be shared with other agencies, government departments, and stakeholders to help guide their long-term planning.

The diagram below outlines the Integrated Planning and Reporting Framework and how the Community Strategic Plan is connected to other Council strategies and plans

**Diagram 1 – Integrated Planning and Reporting Framework**





## 2. Community Vision

**Our Shire is powered  
by opportunity, with  
space to grow and shape  
a thriving future.**



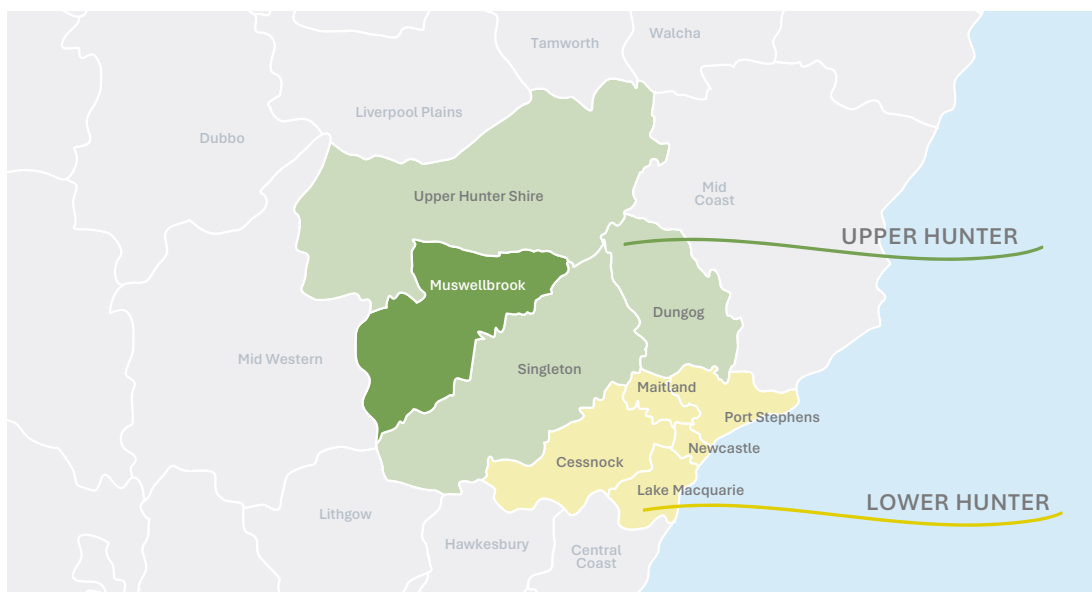
Community Strategic Plan 2024 - 2035 7



### 3. Community Snapshot

#### Location

Muswellbrook Shire is located in the Hunter Region of New South Wales, Australia. It is a lively and diverse area known for its rich history, beautiful landscapes and strong industries. Muswellbrook, approximately 130km north-west of Newcastle. The Shire consists of two large towns, Muswellbrook and Denman, and outlying rural communities including Sandy Hollow, Wybong, Baerami, Martindale, Widden, McCullys Gap and Muscle Creek.



**3,402km<sup>2</sup>**  
land area



**43%**  
of land coverage  
is National Park



**8**  
State Heritage  
registered items



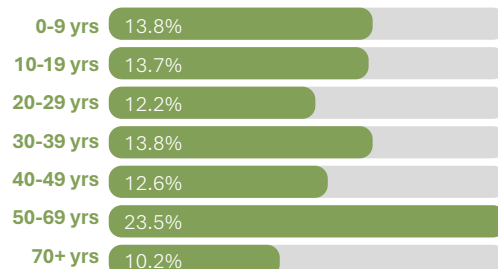
**4,473**  
recorded  
Aboriginal sites



**16,778**  
population



**20,320**  
projected population  
by 2036



## Main industry

Muswellbrook Shire is the main centre for New South Wales' power generation capacity.



**69.6%**  
Mining



**11.9%**  
Electricity, Gas,  
Water and Waste  
Services



**3.5%**  
Construction



**3%**  
Manufacturing



**2.3%**  
Rental, Hiring  
and Real Estate  
Services

## Economy



**\$12 billion**  
Economic output



**11,341**  
total jobs



**3,751**  
mining jobs



**869**  
electricity, gas, water  
and waste services jobs



**764**  
construction jobs



**655**  
retail jobs

## Council Services



**628km**  
road network  
(approx)



**47km**  
footpaths and  
cycleways (approx)



**86km**  
storm water  
drainage (approx)



**1**  
community  
recycling centre



**7**  
sporting fields



**4**  
parks



**2**  
libraries



**2**  
swimming pools



**11**  
Rural Fire Stations



**3**  
cemeteries

## 4. Strategic Risks, Challenges and Opportunities

**Like many local governments, Muswellbrook Shire Council faces a range of challenges due to its unique location, economy and demographic makeup. These challenges can impact Council's ability to deliver services, manage growth and plan for a sustainable future. Some of the key challenges for Muswellbrook Council include:**

### Mining and the economy

Muswellbrook has long been economically reliant on coal mining, with major industries such as coal extraction and power generation driving much of the local economy. With the global shift toward renewable energy and the closure of coal-fired power stations like Liddell, our region faces the challenge of diversifying its economy.

Coal mining plays a crucial role in our region's history and economy, providing employment and driving infrastructure development. Mining is a significant employer in Muswellbrook and the Hunter region, providing jobs directly in the mines as well as supporting industries such as transport, engineering and services.

Council will keep planning for the shift to renewable energy, as well as agriculture and tourism, to ensure long-term economic sustainability. We will also put strategies in place to retrain workers and attract new industries that create job opportunities.

### Planning for population growth

Muswellbrook has experienced limited population growth in recent years. However, demand for short term accommodation y driven by the mining industry and construction projects will continue to put pressure on our housing availability, our infrastructure (such as roads, public transport, and utilities) and community services.

The Shire is planning for a significant increase in our population as a desirable and comparatively affordable place to live, work and learn. As population growth continues, the demand for affordable housing is rising. Council faces the challenge of ensuring that there is enough housing available for all income levels, particularly in a market that can be influenced by the wealth generated in the mining industry.

### Health and social services

With a growing and ageing population (27% of our population is over 55 years old), Muswellbrook faces challenges in providing sufficient health services and infrastructure. Council will continue to work with NSW Health to address the challenges our local hospital and health facilities face like regional maternity care, aged care, and mental health services.

### Access to transport

While Muswellbrook is well-connected to regional hubs and major cities like Sydney and Newcastle through key road and rail networks, we recognise that our community and businesses still face challenges in accessing transport that meets their needs.

We know that public transport options in Muswellbrook can be limited, which can be a barrier for residents who rely on it for commuting or accessing essential services. Council will continue to explore solutions, such as improved bus services, active transport and better connections to regional transport networks.

### Education

While education opportunities in Muswellbrook are well-supported across primary and secondary schools, we know that supporting students at vocational and higher education level remains a challenge. Our schools provide strong academic programs alongside vocational training, preparing students for a variety of post-school pathways. However Council is committed to ensuring students can continue learning locally by providing higher education opportunities.

Council will continue to advocate for ongoing access to vocational education training (VET) through high school, specialised training providers, and apprenticeship programs linked to relevant local industries.

We believe in making life-long learning accessible to everyone, with resources for adult education being key for those seeking career advancement or development.

## Tourism

Muswellbrook Shire is the cornerstone of the Upper Hunter's equine and wine industries and is home to boutique producers of olives, cheese, camel milk and other artisan goods, enhancing its appeal as a destination for visitors seeking unique experiences.

Additionally, major transport routes like the New England Highway, Golden Highway and Bylong Valley Way connect the Shire to key regions, including the New England, Central West and Lower Hunter, making it an accessible and attractive stop for travellers.

Tourism contributes significantly to Muswellbrook's economy, with the total output from accommodation and food services valued at approximately \$82.6 million, representing 0.6% of the region's total output. This sector supports an estimated 505 jobs, accounting for 5% of the local workforce.

Most visitors to Muswellbrook Shire come from New South Wales, with Sydney being the largest source of travellers in recent years. People from regional NSW and Queensland also visit, making our Shire a popular destination for both local and regional tourists.

Council is committed to supporting the growth of tourism in the region.

## Government services

As a regional centre, Muswellbrook hosts several regional offices for State and Federal Government agencies, including:

**Hunter New England Local Health District**

**Corrective Services**

**Juvenile Justice**

**Department of Family and Community Services**

**NSW Police Local Area Command**

**Department of Human Services**

Muswellbrook's central location between the New England and Lower Hunter regions gives it a strategic advantage, making it easier for government agencies to serve the nearby areas. This position has helped make Muswellbrook an important hub for administration and services in the Upper Hunter.



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## 5. Council's Role and Services

**Council plays an important role in providing services, building infrastructure and managing regulations for our community. The decisions we make at the local level directly affect life in our Shire.**

We deliver everyday services like bin collection, fixing local roads and running public swimming pools in Denman and Muswellbrook. We also manage key utilities, such as water and sewer systems, across the Shire (only 89 out of 128 councils in NSW provide water services).

In addition to essential services, Council supports culture and community activities. We run facilities like the Regional Art Centre, Denman Memorial Hall and local libraries, we also organise events for residents and visitors, like the Rock'n the Brook and partnering with Community events such as Denman Food, Wine and Film Festival.

Council also, drives policy change, influences decisions and plans for our community's future through land use planning and preparing for new industries.

Council works with local businesses, key stakeholders, governments, and community groups to meet the needs of our community. We will deliver the goals in this strategic plan by:



12 Muswellbrook Shire Council



## 6. United Nations Sustainable Development Goals

The United Nations Sustainable Development Goals are 17 goals created in 2015 to help solve global problems and build a better future for everyone by 2030. These goals focus on challenges like poverty, education, clean energy, and protecting the planet.

In this plan, we show how our community goals match the Sustainable Development Goals and how Council will work towards these goals. This helps both Council and the community understand their role in making a difference, not just in our Shire but as part of a bigger, global effort.



## 7. Engaging Our Community

### Community Consultation

Council is committed to engaging with the community in the planning and delivery of Council's plans. Over a five (5) month period between July to November 2024, Council worked closely with the community to understand their hopes and priorities for Muswellbrook Shire over the next 10 years.

Our engagement program followed the Local Government Act 1993 and the Integrated Planning and Reporting framework and spanned a wide range of ages and demographics in our community, including hard to reach community groups. This wide range of insights helped us understand what our community values and what they want for the future of the Shire.



### How we engaged



Community Conversations Pop-Ups – Muswellbrook Fair



Bengalla Open Day Pop Up –  
Muswellbrook Show Ground



Business Breakfast Workshop



## What you told us

The key findings showed that you want Council to focus more on planning, development and economic growth.

We heard an emphasis on the importance of attracting new businesses, supporting existing ones, and preparing for future industry needs. On the other hand, there was less focus on community facilities like libraries and swimming pools, with residents preferring these services to stay as they are.

## Most loved aspects of our Shire

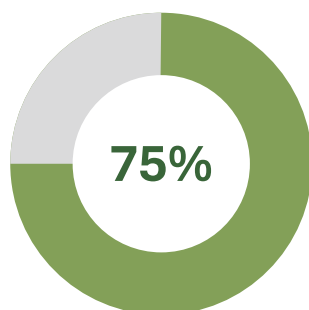
You also told us that location, family and friend connections, employment and a sense of community is what you most love about living, working and visiting the Muswellbrook Shire.

## Best things to have happened to the Shire in the last four years

You told us that the best things to have happened to the Shire over the last term of Council (4 years) has been improvements to sports and recreational opportunities, improvements to local services, facilities and infrastructure, more community events and the improvements to the Hunter Beach (Tarinpa) as part of the Hunter Beach Project.

- 27% valued the improvements to sports and recreation facilities including the BMX track, swimming pool upgrade and parks for kids.
- 17% highlighted the improvement to services, facilities and infrastructure.
- 12% said that there were more community events and activities.
- 11% valued the Hunter Beach/Hunter River improvements with a further 10% recognising the beautification and upgrades to main areas and improvements in general maintenance.

## Snapshot Summary




### Quality of life

Of residents rate their quality of life as **good, very good** or **excellent** living in Muswellbrook Shire

### Highest rated agreement statements

- 
- I feel safe during the day (**81%**)
  - I can call on a neighbour or local relative if I need help (**76%**)
  - It is a safe place to live/I feel safe in my neighbourhood (**72%**)
  - I talk positively to visitors about community (**67%**)
  - People in the area have fair opportunity to participate in community life (**64%**)

### Lowest rated agreement statements

- 
- There is a vibrant night life in this Shire (**9%**)
  - Housing in the local area is affordable (**15%**)
  - I am able to access adequate transport during the night (**16%**)
  - Council listens to community concerns and views in making decisions (**17%**)
  - Council offers good value for money (**17%**)

## 8. Aspirations and Measuring Success

### Vision

**Our Shire is powered by opportunity, with space to grow and shape a thriving future.**



## Themes



*We are a...*  
**strong community**



*We are a...*  
**regional centre**



*We are a...*  
**thriving economy**



*We are a...*  
**great place to live**



*We are...*  
**working together**



# *We are a...* **strong community**

## **Community Outcome**

Our community contributes to community life,  
is safe and has access to services and facilities.



**SUSTAINABLE  
DEVELOPMENT**

**GOALS**







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# *We are a...* **strong community**

## **What you told us**

- 76% of residents can call on a neighbour or local relative if they need help.
- 64% of residents believe they have a fair opportunity to participate in community life.
- Only 27% of residents believe that hospital, medical and mental health services in the area are accessible and adequate. Those who identify as living with disability had significantly lower levels of satisfaction with access to adequate health services.
- 45% of our residents volunteer and get involved in our community.

***“I love the community we live in.  
That’s what it’s all about here.”***

**Amy, Nurse - Muswellbrook**

---

## How will we get there?

Deliver services and infrastructure aimed at improving community health at all stages of life	
Advocate and collaborate with government and private partners to improve services relating to health with a strong focus on aged care, mental health and maternity services	
Facilitate and support services and activities which promote inclusion and healthy lifestyles	
Provide opportunities for all residents to participate in community life and feel a part of the community	
Deliver programs, campaigns, facilities and infrastructure which improve community safety	
Provide and support events and activities to encourage community pride and connection	 
Celebrating who we are and where we have come from with projects and events that showcase and preserve our history	 
Provide accessible and well maintained sport, leisure and recreation infrastructure for community use	
Develop programs to enhance the capacity of volunteers and volunteer organisations in Muswellbrook	 

## How will we know we are there?

- Satisfaction with family and community services such as aged, disability and home care. (Community Satisfaction Survey)
- Satisfaction with Council's facilities, services and programs. (Community Satisfaction Survey)
- Sense of personal safety during the day and at night for all ages and genders. (Community Satisfaction Survey)
- Satisfaction with belonging in the community. (Community Satisfaction Survey)
- Levels of crime in the Shire (NSW Bureau of Crime. Statistics and Research)
- Satisfaction with protecting our heritage assets and buildings. (Community Satisfaction Survey)

## Who will we work with to get there?

- NSW Department of Health
- Commonwealth Department of Health and Aged Care
- Department of Social Services
- NSW Department of Communities and Justice
- Community
- Businesses
- NSW Police
- Local Schools
- Historical societies
- State Library of NSW
- Local Aboriginal Land Councils
- NSW Department of Creative Industries, Tourism, Hospitality and Sport
- Upper Hunter Homelessness Support
- Upper Hunter Youth Services
- Upper Hunter Support Services

## Our role



Delivering



Partnering and collaborating



Advocating





# *We are a...* **regional centre**

## **Community Outcome**

Our community can easily move around to access regional services, infrastructure and facilities including education, transport, sports, recreation and entertainment facilities.



**SUSTAINABLE  
DEVELOPMENT GOALS**







## *We are a...* **regional centre**

- 38% of residents believed that the road network across the Shire is effective and efficient.
- 21% of residents felt that public transport in the Shire was adequate and accessible for their needs, with only 16% of residents feeling that there is adequate public transport at night. Those identifying as living with disability are significantly less likely to agree they are able to access public transport during the day and night.
- 52% of residents believe that there are adequate education and training opportunities available.

***“What I like most about living in Denman is that it’s a nice, small, friendly community that makes you feel safe.”***

**Ben, Electrician - Denman**

---

## How will we get there?

Provide and maintain local transport infrastructure, including roads and footpaths to allow safe and easy movement around



Advocate for effective public transport networks and alternative options. Manage increasing transport demands on our roads to ensure the community has safe and prioritised access



Advocate and provide services and facilities expected of a regional centre



Maintain accessible sport, leisure and recreational infrastructure and facilities for all of our community



Manage land use and transport planning to ensure our infrastructure provides residents with convenient options to move around the shire



Advocate and collaborate with government and educational providers to expand access to education opportunities which allow students to study locally



## How will we know we are there?

- Satisfaction with public transport options within the Shire. (Community satisfaction survey)
- Satisfaction with ease of driving and parking in the Shire. (Community satisfaction survey)
- Amount of road and footpaths sealed and rehabilitated and Pavement Condition Index. (Council)
- Completion of Muswellbrook New England Bypass.
- Community satisfaction with spaces for sporting and recreational activities. (including sports grounds and swim centres)
- Number of people enrolled in educational institutions. (Australian Bureau of Statistics)
- Attendance at our regional facilities.

## Who will we work with to get there?

- Transport for NSW
- Private transport providers
- Local sporting groups
- Department of Regional NSW
- NSW Department of Education

## Our role



Delivering



Partnering and collaborating



Advocating



# *We are a...* **thriving economy**

## **Community Outcome**

Our community has opportunities for employment, business and training and we drive investment into our economy to benefit our community.



## **SUSTAINABLE DEVELOPMENT GOALS**









## *We are a...* **thriving economy**

- 42% of residents agree there are long-term job opportunities in the Shire and that the local economy provides a range of work opportunities.
- There is very low agreement for a vibrant night life in the Shire, and only 21% of residents believing that there are diverse retail options available to meet their needs.
- 9% of residents agreed that the Shire has a vibrant night life, and only 21% of residents believe that there are diverse retail options available to meet their needs.

***“We have had our shop for 22 years.  
We love the people we get to meet  
in this great town.”***

**Jody and Louise, Shop owners**

---



## How will we get there?

Support the diversification of the local economy, including attracting new industry and businesses



Support businesses to grow and prepare for the opportunities of the future



Support the growth of tourism, a diverse retail and hospitality offering and a vibrant nightlife



Collaborate with key stakeholders and government to secure investment and long-term employment



Provide access to support innovation and reskilling for future workforce needs



Plan for reuse of former mining and energy generation land for employment, recreation and environmental purposes



## How will we know we are there?

- Number of businesses operating in the Local Government Area. (Australian Bureau of Statistics available for 2021 and 2026)
- Number of jobs and employment numbers in the Shire. (Australian Bureau of Statistics available for 2021 and 2026)
- Employment diversity. (Australian Bureau of Statistics available for 2020-21 and 2025-26)
- Unemployment data. (DATA)
- Number of visitors. (day trips and overnight stays) (Tourism Data)
- Estimated economic impact of events and festivals. (Remplan data)
- Satisfaction with Council run community events and festivals. (Community Satisfaction Survey)
- Attendance at Council run community events. (other data analytical where available)

## Who will we work with to get there?

- Muswellbrook and Denman chambers of commerce and industry
- Businesses
- Community groups
- Tertiary education providers
- Destination NSW
- Tourism operators
- Tourism marketing organisations
- Department of Regional NSW
- Department of Premier and Cabinet
- NetZero Authority
- Future Jobs and Investment Authority
- Hunter Joint Organisation

## Our role



Delivering



Partnering and collaborating



Advocating



# *We are a...* **great place to live**

## **Community Outcome**

Our community offers a great lifestyle  
in a healthy natural environment.



**SUSTAINABLE  
DEVELOPMENT GOALS**





Community Strategic Plan 2025-2035 31



## *We are a...* **great place to live**

- 75% of residents rate their quality of life as good, very good or excellent living in Muswellbrook Shire.
- 15% of residents believed that housing in the local area was affordable and 21% of residents believed that development is being well planned and managed. Households with children at home and those who identify as Aboriginal or Torres Strait Islander are significantly less likely to agree that they can afford a reasonable standard of housing in the area.
- Air quality and biodiversity/habitat protection were deemed as very important, with water conservation and waste reduction and recycling key focus areas for residents.

***“I love the connection to the people and the community I live in. I love living near family.”***

**Debbie, Administration Manager - Muswellbrook**

---

## How will we get there?

Advocate and facilitate investment in a variety of housing, including affordable housing, to meet the needs of current and future residents



Manage development to protect our natural environment and heritage and be resilient to natural hazards



Protect and enhance Council-managed water infrastructure and mitigate environmental and man-made impacts



Advocate for clean air and improved natural environment



Manage the use of water and waste wisely, efficiently and sustainably to facilitate growth and economic opportunity



Reducing emissions of Council owned assets to reach Net Zero targets



Maintain and enhance our open and public spaces and natural areas



## How will we know we are there?

- Satisfaction with the range of housing types and sizes. (Community Satisfaction Survey)
- Satisfaction with protection of the natural environment. (Community Satisfaction Survey)
- Air quality ratings. (NSW Air Quality Data)
- Uptake of FOGO and recycling, reuse and landfill diversion rates (Council data)
- Household and Council's water consumption. (Council data)

## Who will we work with to get there?

- NSW Department of Planning, Housing and Infrastructure
- Property developers and builders
- Community housing providers
- Land and Housing Corporation of NSW
- NSW Department of Climate Change, Energy, the Environment and Water

## Our role



Delivering



Partnering and collaborating



Advocating



# *We are...* **working together**

## **Community Outcome**

Our community is involved in our decision making and we manage our resources to align with our communities' values and priorities.



**SUSTAINABLE  
DEVELOPMENT GOALS**











## *We are...* **working together**

- 70% of Muswellbrook residents are at least somewhat satisfied with the performance of Council over the last 12 months.
- 33% of residents believe that Council communicates well about its activities and services but only 17% believes that Council listens to community concerns and views in making decisions.
- 38% of residents believe that Council communicates well about its services and activities.
- 23% believe that Council plans well for the community's long-term future.

***“We love the community spirit and we couldn’t imagine living anywhere else.”***

**Rob and Joy, Retired small business owners - Denman**



## How will we get there?

Increase community awareness and understanding of Council business



Ensure a wide range of community engagement programs to enable effective Council decision making



Deliver sustainable projects, services and programs through sound financial management



Ensure Council has long-term financial sustainability



Improve efficiency of Council systems



Ensure Council attracts and retains adequately skilled staff



Support the elected Council to enable effective leadership



## How will we know we are there?

- Increase overall satisfaction with the performance of Council across all areas and functions. (Community Satisfaction Survey)
- Increase number of people reached in Council engagement programs. (Council data)
- Satisfaction with opportunities to participate in Council decision-making. (Community Satisfaction Survey)
- Financial (Council Annual Report)
- Staff turnover and satisfaction. (Council data)

## Who will we work with to get there?

- Our Community
- NSW Government
- Office of Local Government NSW

## Our role



Delivering



Partnering and collaborating



Advocating

## 9. State and Regional Priorities

Our Community Strategic Plan aligns and integrates with the following State and Regional plans, strategies and priorities.

State / Regional Plan	 Strong community	 Regional centre	 Thriving economy	 Great place to live	 Working together
NSW Government Hunter Regional Plan 2036	✓	✓	✓	✓	✓
Hunter Joint Organisation Strategic Plan 2032	✓		✓	✓	✓
Transport for NSW Future Transport Strategy	✓			✓	✓
Transport for NSW Draft Hunter Regional Transport Plan 2041	✓	✓	✓	✓	
NSW Government Plan Net Zero Plan Stage 1: 2020-2030	✓		✓	✓	✓
Infrastructure NSW State Infrastructure Strategy 2022-2042	✓	✓	✓	✓	✓
Hunter Region Transport Plan	✓	✓	✓	✓	



Community Strategic Plan 2025-2035 39



**muswellbrook  
shire council**

**[muswellbrook.nsw.gov.au](http://muswellbrook.nsw.gov.au)**





### 10.2.7. Regional Motions for the 2025 National General Assembly of Local Government

**Responsible Officer:** General Manager

**Author:** General Manager

**Community Strategic Plan:** 6 - *Community Leadership*

*A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.*

**Delivery Program Goal:** 1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.

**Operational Plan Action:** 1.1.1.4 - Collaboratively progress investment, infrastructure and industry opportunities for the Region.

**Attachments:** 1. Hunter JO function and membership [10.2.7.1 - 1 page]

---

#### PURPOSE

To submit, for Council's consideration, four regional motions to be submitted to the 2025 National General Assembly of Local Government.

#### OFFICER'S RECOMMENDATION

Council ENDORSES:

1. The regional motions identified in the report; and
2. Lodging the endorsed regional motions to the National General Assembly by the closing date of 31 March 2025.

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

#### EXECUTIVE SUMMARY

The report requests Council's endorsement of four priority regional motions developed by the Board of the Hunter Joint Organisation (Hunter JO) for lodging to the National General Assembly of Local Government (NGA) to be held in Canberra from 24-27 June 2025.

The motions link directly to the NGA conference priority areas of:

- Jobs and Skills
- Housing and Homelessness
- Financial Sustainability
- Roads and Infrastructure

#### PREVIOUS RESOLUTIONS

Nil.



## BACKGROUND

In preparation for the 2025 NGA, the Hunter JO Board of Mayors has confirmed a list of shared regional motions to be put forward to the NGA on behalf of the ten Hunter Councils. This approach seeks to:

- amplify the shared advocacy priorities of the ten Hunter councils on the national scale; and
- emphasis to the Federal Government the strength of alignment across the councils regarding the region's challenges, opportunities, and agreed strategic actions.

The regional motions:

- are consistent with the objectives and strategic directions included in the Hunter JO Strategic Plan 2032, which are themselves drawn from the Community Strategic Plans of the ten Hunter JO Councils; and
- have been adapted from the shared regional advocacy priorities of the Hunter Mayors, to reflect the broader national and industry wide local government focus required for NGA motions.

### Lodging of regional motions

Because the Hunter JO entity itself is not a financial member of the NSW Local Government Association, the actual process of lodging the motions to the NGA needs to be undertaken by each of the individual member Councils. These will then be collated by the conference organisers and presented as a shared regional motion, including the names of each of the Councils who have lodged the motion.

## CONSULTATION

Mayor Jeff Drayton

Hunter JO Board

## REPORT

### 2025 NGA Conference theme

The theme of the 2025 conference is "National Priorities Need Local Solutions", focusing on opportunities for councils to work with the next Federal Government to deliver local solutions that will help them to deliver on their vision for the nation, focusing on place-based solutions to a range of national priorities, including affordable housing, energy transition, road safety, increasing productivity, and improved health and wellbeing.

### The 2025 National General Assembly of Local Government focus areas for motions

Twelve focus areas have been identified for the submission of motions to the 2025 National General Assembly of Local Government. These include:

1. Intergovernmental relations;
2. Financial sustainability;
3. Roads and Infrastructure;
4. Emergency management;
5. Housing and homelessness;
6. Jobs and skills;
7. Community services;





8. Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
9. Data, digital technology, and cyber security;
10. Climate change and renewable energy;
11. Environment; and
12. Circular Economy.

#### Criteria for Motions

To be eligible for inclusion in the NGA Business Papers and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location, or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of the Australian Local Government Association.
5. Be submitted by a council that is a financial member of their state or territory local government association.
6. Propose a clear action and outcome, that is, call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence and demonstrate the relevance and significance of the matter to local government nationally.

#### Hunter JO regional motions to the 2025 National General Assembly of Local Government

Conference Priority Area	Regional Motion
Jobs and skills	<p><i>This National General Assembly calls on the Australian Government to:</i></p> <p>Directly support the acceleration of local government actions that address imminent and substantial job losses arising from large scale industry closures in regional economies rapidly transforming to net zero by:</p> <ol style="list-style-type: none"><li>1. Clearly identifying and establishing a single Federal Government Minister and Agency with responsibility for delivering funding and coordinating the provision of broader agency resources directly to Council led initiatives.</li><li>2. Directly investing in Council led, place-based initiatives that:</li></ol>



Conference Priority Area	Regional Motion
	<ul style="list-style-type: none"> <li>▪ Pilot the reactivation and repurposing of current and former mining lands and infrastructure to create urgently needed new employment lands.</li> <li>▪ De-risk industry investment and strategically inform and accelerate industry attraction, skills development, and job creation.</li> </ul>
Housing and Homelessness	<p><i>This National General Assembly calls on the Australian Government to:</i></p> <p>Substantially increase direct Australian Government investment to councils for the construction of local enabling transport and community infrastructure and utilities critical to supporting national housing targets by unlocking and accelerating the delivery of housing on existing development-ready land.</p>
Financial Sustainability	<p><i>This National General Assembly calls on the Australian Government to:</i></p> <p>Lead systems reform across all three levels of government to:</p> <ul style="list-style-type: none"> <li>▪ Build consistency in the governance frameworks, systems and documentation required across various funding programs and governing agencies to reduce the administrative burden on local government.</li> <li>▪ Improve the delivery of grant funding to councils across Australia to ensure equity, certainty and sustainability for effective strategic planning.</li> <li>▪ Ensure equitable delivery of grant funding for rural and regional councils by upholding the principles of the Local Government (Financial Assistance) Act 1995, ensuring horizontal fiscal equalisation of funding.</li> </ul>
Roads and Infrastructure	<p><i>This National General Assembly calls on the Australian Government to:</i></p> <p>Lead systems reform across all levels of government to improve the planning, administration and delivery of road funding, to ensure equity in Financial Assistance Grant distribution to rural and regional councils by ensuring nationwide adherence to the principle of Horizontal Fiscal Equalisation established under the Federal <i>Local Government (Financial Assistance) Act 1995</i>.</p>

**FINANCIAL CONSIDERATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STATUTORY / LEGISLATIVE IMPLICATIONS**

Nil.



**RISK MANAGEMENT IMPLICATIONS**

Nil.

**COMMUNITY CONSULTATION / COMMUNICATIONS**

Nil.

## **ATTACHMENT: FUNCTIONS AND MEMBERSHIP OF THE HUNTER JOINT ORGANISATION**

The Hunter Joint Organisation is the statutory local government entity established by the NSW Government, through the *NSW Local Government Act 1993*, to support the Councils of the Hunter Region to work together for better rural and regional outcomes. The core statutory functions of the Hunter JO include:

1. **Strategic planning and priority setting** – to establish strategic regional priorities for the Joint Organisation area and to establish strategies and plans for delivering those priorities.
2. **Intergovernmental collaboration** - to identify and take up opportunities for intergovernmental cooperation on matters relating to the Joint Organisation area.
3. **Shared leadership and advocacy** - to provide regional leadership for the Joint Organisation area and to be an advocate for strategic regional priorities.

The Board of the Hunter JO comprises the Mayors of the ten member councils:

- Cessnock City Council
- City of Newcastle
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- MidCoast Council
- Muswellbrook Shire Council
- Port Stephens Council
- Singleton Council
- Upper Hunter Shire Council

More information on the focus and activities of the Hunter JO is available at <https://hunterjo.nsw.gov.au/>

**10.2.8. Community & Economy Committee - Terms of Reference**

<b>Responsible Officer:</b>	General Manager
<b>Author:</b>	Governance Officer
<b>Community Strategic Plan:</b>	6 - <i>Community Leadership</i>  Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
<b>Delivery Program Goal:</b>	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
<b>Operational Plan Action:</b>	Not applicable
<b>Attachments:</b>	1. Community and Economy Committee Draft Terms of Reference 1 [10.2.8.1 - 6 pages]

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**PURPOSE**

To consider the Terms of Reference for the Community and Economy Committee.

**OFFICER'S RECOMMENDATION**

Council ADOPTS the Draft Terms of Reference for the Community and Economy Committee.

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

**REPORT**

A review of the Committee Structure was undertaken in conjunction with the Councillor induction program in 2024. These changes included the creation of the Community and Economy Committee, which requires the Terms of Reference to be reviewed. A draft Terms of Reference is attached for consideration by Council.

# Community and Economy Committee

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## Terms of Reference

27 February 2025

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## 1. Objective

*The objectives of the Community and Economy Committee (the Committee) are to:*

- *Provide an enhanced level of oversight and engagement on community and economy projects, services, and activities*
- *Enable Councillors and senior staff to consider issues, trends, and opportunities relating to community and economy services and activities*
- *Ensure Council's community and economy services and activities are aligned with the Community Strategic Plan goals and Council's priorities, as articulated in the Delivery Program.*

*In fulfilling its objectives, the ability of the Committee to maintain strategic and objective judgement is vital.*

*The Committee will report to Council and provide advice and recommendations on matters relevant to Community and Economy.*

## 2. Scope

The Committee will report to Council and provide advice and recommendations on matters relevant to Community and Economy. Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities, to:

- Monitor and review the projects and activities conducted as part of Council's Economic Development, Tourism and Events, and Community Services functions and strategies;
- Provide input into the development and delivery of events and activities;
- Consider seeking and awarding sponsorship applications;
- Provide community feedback and input into customer experience, communications, and engagement activities to improve community satisfaction;
- Provide input into Council's grant, advocacy, and investment attraction activities to diversify the economy and attract jobs;
- Provide input into Council's community development, social, and indigenous activities;
- Provide input on the allocation and prioritisation of project funding; and
- Provide a forum to discuss social and economic trends industrial changes, challenges and opportunities that impact the Shire.

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### 3. Authority

Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities, to:

- Request information required to inform decision making (subject to their legal obligations to protect information and with prior consultation with the General Manager);
- Request information from officers (with approval of the General Manager) in accordance with the Councillor Request Management Procedure;
- The Committee may request these persons to present information at Committee meetings to assist in understanding any matter under consideration; and
- Obtain external legal or other professional advice, as considered necessary, to meet its responsibilities (in accordance with Council Budget and procurement arrangements and subject to prior consultation with the General Manager).

### 4. Composition and Tenure

Members of the Committee are elected by Council.

#### **Members (voting)**

The members of the Committee shall be Councillors and are listed below.

- Cr De-anne Douglas (Chair)
- Cr Louise Dunn (Deputy Chair)
- Cr Amanda Barry
- Cr Jeff Drayton
- Cr Darryl Marshall
- Cr Max Morris

All members of the Committee are entitled to one vote and, in the event of an equal vote, the Chair has a casting vote.

#### **Attendees (non-voting)**

The following Council officers will act as liaison officers to the Committee:

- General Manager
- Director Community and Economy
- Manager Community Services
- Manager Economy and Tourism
- Grants and Community Engagement Advisor

#### **Invitees (non-voting)**

Other officers may attend by invitation as requested by the Committee or the General Manager.

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## 5. Responsibilities of Members

Members of the Committee are expected to:

- Make decisions in line with the relevant legislative and regulatory requirements.
- Contribute the time needed to review and understand the papers provided.
- Apply sound objectivity and judgement.
- Express opinions frankly and respectfully and ask questions to obtain a greater understanding of the issues.
- Act, and be seen to act, properly and in accordance with the requirements of the law and Council's Code of Conduct and Code of Meeting Practice.
- Act in good faith and fidelity in the interests of Council and the community.

## 6. Reporting

Following each meeting, the minutes will be reported to the next Council Meeting and the Chair will be required to provide a brief summary.

## 7. Meetings

- The Committee will meet on the second Tuesday of every odd month commencing at 5.30pm.
- Meetings of the Committee must be advertised, recorded, and published to Council's website.
- The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members or Council Staff may make requests to the Chair for additional meetings.
- The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.
- Meetings of the Committee are open to the public to attend.

## 8. Attendance at Meetings and Quorums

A quorum will consist of four (4) Committee members. Meetings will be held in Person. Councillors may attend and participate in meetings of the committee by audio-visual link with the approval of the Chair of the committee.

## 9. Voting

The Committee is expected to make decisions by consensus, however, if voting becomes necessary, then the details of the vote are to be recorded in the minutes. Each member of the Committee shall be entitled to one vote only with the Chair having a casting vote in the event of a tied vote.

## 10. Secretariat

The General Manager will ensure that appropriate secretariat support is provided to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least 5 days before the meeting and will ensure minutes of the meeting are prepared and maintained.

Minutes shall be approved by the Chair and circulated to all Committee members within one week of the meeting and filed in accordance with Council's Records Management Policy.

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## 11. Conflicts Of Interest

Members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

## 12. Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## 13. Review of Committee Terms of Reference

At least once every two years the Committee will review this Committee's Terms of Reference and make recommendations on any changes to Council for its determination.

Any changes to the Committee Terms of Reference must be approved by Council.

**10.2.9. Report on Investments held as at 28 February 2025**

**Responsible Officer:** General Manager

**Author:** Financial Controller

**Community Strategic Plan:** 6 - *Community Leadership*

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

**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. Portfolio Valuation Report - 28 February 2025 [**10.2.9.1** - 3 pages]
2. Trading Limit Report - 28 February 2025 [**10.2.9.2** - 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 28 February 2025.

**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 28 February 2025, are shown in the attachments.

**COMMENT:**

As at 28 February 2025, Council held \$101.6M in cash and investments, with a weighted running yield of 5.11%.

On 18 February 2025, the Reserve Bank of Australia (RBA) announced that the cash rate would decrease by 25 base points to 4.1% after 13 consecutive rises to 4.35%. Before this announcement was made, investment interest rates have been declining in anticipation of the announcement, and we are likely to see a further decline in the higher interest rates offered by financial institutions.



During the month of February 2025, the following investment movements occurred:

1. A replacement investment with Rabo Bank Five-year term deposit \$1.5M with an interest rate of 4.97% pa from a maturing 12-month term deposit with an interest rate of 4.75% pa.
2. A new investment Rabo Bank 12-month term deposit \$1.0M with an interest rate of 4.91% pa.
3. A new investment with Newcastle Greater Mutual Group five-year floating rate note, \$1.0M paying 1.10% above the bank bill swap rate (BBS) quarterly or an equivalent running interest rate of 5.54% pa as at 28 February.
4. A Newcastle Greater Mutual Group floating rate note \$4.5M matured with an equivalent interest rate of 5.54%.

Council has maintained its trading limits in accordance with the Investments Policy.

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
<b>At Call Deposit</b>										
Westpac Bus Prem At Call		6,390,053.44	1.00000000	6,390,053.44	100.000	0.000	<b>6,390,053.44</b>	6.17%	4.44%	
Westpac Muswellbrook Trading Acct At Call		1,799,772.36	1.00000000	1,799,772.36	100.000	0.000	<b>1,799,772.36</b>	1.74%	0.00%	
		<b>8,189,825.80</b>		<b>8,189,825.80</b>			<b>8,189,825.80</b>	<b>7.91%</b>		<b>3.46%</b>
<b>Fixed Rate Bond</b>										
BOQ 4.7 27 Jan 2027 Fixed	AU3CB0296168	4,000,000.00	1.00000000	4,000,000.00	100.186	0.415	<b>4,024,040.00</b>	3.89%	4.77%	
BOQ 5.3 30 Apr 2029 Fixed	AU3CB0308955	2,000,000.00	1.00000000	2,000,000.00	102.060	1.762	<b>2,076,440.00</b>	2.01%	5.31%	
JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	100.297	2.740	<b>515,185.00</b>	0.50%	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	0.226	<b>2,004,520.00</b>	1.94%	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	0.226	<b>1,503,390.00</b>	1.45%	1.10%	
		<b>10,000,000.00</b>		<b>10,000,000.00</b>			<b>10,123,575.00</b>	<b>9.78%</b>		<b>3.67%</b>
<b>Floating Rate Note</b>										
AMP 1.27 13 Sep 2027 FRN	AU3FN0091674	1,000,000.00	1.00000000	1,000,000.00	100.414	1.209	<b>1,016,230.00</b>	0.98%	5.71%	
Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.290	0.329	<b>1,006,190.00</b>	0.97%	5.71%	
Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.395	1.193	<b>2,031,760.00</b>	1.96%	5.97%	
Auswide 1.6 22 Mar 2027 FRN	AU3FN0086104	1,500,000.00	1.00000000	1,500,000.00	100.713	1.111	<b>1,527,360.00</b>	1.48%	6.05%	
Auswide 1.33 13 Sep 2027 FRN	AU3FN0091575	1,000,000.00	1.00000000	1,000,000.00	100.164	1.222	<b>1,013,860.00</b>	0.98%	5.78%	
BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	5,500,000.00	1.00000000	5,500,000.00	101.102	0.062	<b>5,564,020.00</b>	5.38%	5.64%	
BAL 1.7 21 Feb 2028 FRN	AU3FN0085031	2,000,000.00	1.00000000	2,000,000.00	101.644	0.112	<b>2,035,120.00</b>	1.97%	5.80%	
CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	6,000,000.00	1.00000000	6,000,000.00	101.511	0.289	<b>6,108,000.00</b>	5.90%	5.80%	
CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	100.017	1.129	<b>1,770,055.00</b>	1.71%	6.15%	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	100.046	1.092	<b>3,034,140.00</b>	2.93%	4.93%	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.972	1.036	<b>3,030,240.00</b>	2.93%	5.11%	
NPBS 1.85 14 Feb 2029 FRN	AU3FN0085023	2,000,000.00	1.00000000	2,000,000.00	102.575	0.231	<b>2,056,120.00</b>	1.99%	5.95%	
NPBS 1.25 21 Jan 2030 FRN	AU3FN0094827	1,000,000.00	1.00000000	1,000,000.00	100.854	0.581	<b>1,014,350.00</b>	0.98%	5.54%	
PCU 1.15 08 Nov 2027 FRN	AU3FN0093423	1,000,000.00	1.00000000	1,000,000.00	100.115	0.264	<b>1,003,790.00</b>	0.97%	5.35%	
Qld Police 1.35 19 May 2025 FRN	AU3FN0069175	750,000.00	1.00000000	750,000.00	100.149	0.166	<b>752,362.50</b>	0.73%	5.53%	
Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.738	1.421	<b>2,043,180.00</b>	1.97%	6.18%	
Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	101.220	1.207	<b>3,072,810.00</b>	2.97%	6.12%	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	100.214	0.407	<b>1,660,246.50</b>	1.60%	5.05%	
UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	102.417	0.252	<b>4,106,760.00</b>	3.97%	5.66%	
		<b>43,150,000.00</b>		<b>43,150,000.00</b>			<b>43,846,594.00</b>	<b>42.37%</b>		<b>5.69%</b>
<b>Term Deposit</b>										
AMP 5.2 30 Apr 2025 292DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.291	<b>1,032,909.59</b>	1.00%	5.20%	
AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	3.752	<b>4,150,093.16</b>	4.01%	5.35%	
AMP 5.2 17 Jun 2025 308DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	2.835	<b>1,542,526.02</b>	1.49%	5.20%	



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 5.25 01 Dec 2025 732DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.266	<b>1,012,657.53</b>	0.98%	5.25%	
AMP 4.95 21 Jan 2026 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	0.515	<b>1,256,441.78</b>	1.21%	4.95%	
BOQ 4.9 01 Oct 2025 761DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	2.403	<b>3,072,090.42</b>	2.97%	4.90%	
BVIC 5.1 13 Nov 2025 335DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.076	<b>3,032,276.70</b>	2.93%	5.10%	
DFB 5.45 04 Dec 2025 730DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	6.734	<b>2,134,682.20</b>	2.06%	5.45%	
JUDO 5 04 Mar 2025 203DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.726	<b>1,027,260.27</b>	0.99%	5.00%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.607	<b>1,036,073.97</b>	1.00%	5.70%	
PCUSA 5.11 27 Nov 2025 365DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	1.302	<b>1,519,530.00</b>	1.47%	5.11%	
RABO 5 30 Apr 2025 184DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.685	<b>1,016,849.32</b>	0.98%	5.00%	
RABO 5.05 15 May 2025 275DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	2.753	<b>1,541,299.32</b>	1.49%	5.05%	
RABO 5.04 29 Jul 2025 274DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.698	<b>1,016,984.11</b>	0.98%	5.04%	
RABO 5.33 30 Jul 2025 365DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.110	<b>2,062,207.68</b>	1.99%	5.33%	
RABO 5.31 30 Sep 2025 425DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	3.070	<b>3,092,088.48</b>	2.99%	5.31%	
RABO 5 28 Oct 2025 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.685	<b>1,016,849.32</b>	0.98%	5.00%	
RABO 4.71 25 Feb 2026 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.039	<b>1,000,387.12</b>	0.97%	4.71%	
RABO 5.25 05 Jul 2027 1096DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.438	<b>2,068,753.42</b>	2.00%	5.25%	
RABO 5.2 31 Jul 2028 1462DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.035	<b>1,030,345.21</b>	1.00%	5.20%	
RABO 5.07 27 Oct 2028 1460DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.709	<b>1,017,085.21</b>	0.98%	5.07%	
RABO 5.4 04 Jul 2029 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.536	<b>2,070,717.80</b>	2.00%	5.40%	
RABO 5.25 30 Jul 2029 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.064	<b>1,030,636.99</b>	1.00%	5.25%	
RABO 4.97 05 Feb 2030 1826DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.313	<b>1,504,697.67</b>	1.45%	4.97%	
SCC 5.37 13 Jun 2025 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.825	<b>1,038,252.05</b>	1.00%	5.37%	
		40,250,000.00		40,250,000.00			<b>41,323,695.34</b>	39.93%		5.18%
<b>Fixed Interest Total</b>		101,589,825.80		101,589,825.80			<b>103,483,690.14</b>	100.00%		5.11%

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Report Code: TBSBP100EXT-01.21  
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	Limit For Book or Entity Notional	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 101,594,550.80	10,159,455.08	96.00	4.00	409,455	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 101,594,550.80	30,478,365.24	0.00	100.00	30,478,365	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Auswide Bank Limited	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	54.00	46.00	4,659,455	0.00	0
Bank Australia Limited	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	74.00	26.00	2,659,455	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	8,194,550.80	Book	30.00	% of 101,594,550.80	30,478,365.24	27.00	73.00	22,283,814	0.00	0
Bank of Queensland Ltd	A+ to A-		9,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	89.00	11.00	1,159,455	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	8,194,550.80	Book	30.00	% of 101,594,550.80	30,478,365.24	27.00	73.00	22,283,814	0.00	0
BankVic	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	30.00	70.00	7,159,455	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 101,594,550.80	30,478,365.24	0.00	100.00	30,478,365	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 101,594,550.80	30,478,365.24	0.00	100.00	30,478,365	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 101,594,550.80	20,318,910.16	0.00	100.00	20,318,910	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	59.00	41.00	4,159,455	0.00	0
Defence Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	20.00	80.00	8,159,455	0.00	0
Greater Bank - a division of Newcastle Greater Mutual Group Limited	BBB+ to BBB-	Newcastle Greater Mutual Group Ltd	3,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	30.00	70.00	7,159,455	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	17.00	83.00	8,409,455	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Judo Bank	BBB+ to BBB-		2,500,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	25.00	75.00	7,659,455	0.00	0
Macquarie Bank Ltd	A+ to A-		3,000,000.00	Book	20.00	% of 101,594,550.80	20,318,910.16	15.00	85.00	17,318,910	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 101,594,550.80	10,159,455.08	89.00	11.00	1,159,455	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	30.00	70.00	7,159,455	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 101,594,550.80	30,478,365.24	0.00	100.00	30,478,365	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	30.00	70.00	7,159,455	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 101,594,550.80	30,478,365.24	12.00	88.00	26,978,365	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 101,594,550.80	101,594,550.80	0.00	100.00	101,594,551	0.00	0

## 1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value	Limit For Book or Entity Notional	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 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Police Bank Ltd	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	10.00	90.00	9,159,455	0.00	0
Police Credit Union	N/R		1,500,000.00	Book	5.00	% of 101,594,550.80	5,079,727.54	30.00	70.00	3,579,728	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		5,750,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	57.00	43.00	4,409,455	0.00	0
Rabobank Australia Ltd	A+ to A-		19,000,000.00	Book	20.00	% of 101,594,550.80	20,318,910.16	94.00	6.00	1,318,910	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 101,594,550.80	20,318,910.16	0.00	100.00	20,318,910	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 101,594,550.80	5,079,727.54	0.00	100.00	5,079,728	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
Southern Cross CU	N/R		1,000,000.00	Book	5.00	% of 101,594,550.80	5,079,727.54	20.00	80.00	4,079,728	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	8,194,550.80	Book	30.00	% of 101,594,550.80	30,478,365.24	27.00	73.00	22,283,814	0.00	0
Suncorp Bank (Norfina Ltd) - Subsidiary of ANZ	AA+ to AA-	ANZ Banking Group Ltd	0.00	Book	20.00	% of 101,594,550.80	20,318,910.16	0.00	100.00	20,318,910	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 101,594,550.80	20,318,910.16	28.00	72.00	14,668,910	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		8,194,550.80	Book	30.00	% of 101,594,550.80	30,478,365.24	27.00	73.00	22,283,814	0.00	0
			138,178,203.20				756,879,403.46			618,701,196		0
			(Excluding Parent Group Duplicates)	101,594,550.80								

## 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 101,594,550.80	101,594,550.80	0.00	100.00	101,594,551	0.00	0
AA+ to AA-	0.00	Book	100.00	% of 101,594,550.80	101,594,550.80	0.00	100.00	101,594,551	0.00	0
A+ to A-	18,500,000.00	Book	70.00	% of 101,594,550.80	71,116,185.56	26.00	74.00	52,616,186	0.00	0
A1+	8,194,550.80	Book	100.00	% of 101,594,550.80	101,594,550.80	8.00	92.00	93,400,000	0.00	0
A1	15,150,000.00	Book	100.00	% of 101,594,550.80	101,594,550.80	15.00	85.00	86,444,551	0.00	0
A2	29,500,000.00	Book	70.00	% of 101,594,550.80	71,116,185.56	41.00	59.00	41,616,186	0.00	0
A3	0.00	Book	60.00	% of 101,594,550.80	60,956,730.48	0.00	100.00	60,956,730	0.00	0
BBB+ to BBB-	27,750,000.00	Book	60.00	% of 101,594,550.80	60,956,730.48	46.00	54.00	33,206,730	0.00	0
N/R	2,500,000.00	Book	10.00	% of 101,594,550.80	10,159,455.08	25.00	75.00	7,659,455	0.00	0
	101,594,550.80				680,683,490.36			579,088,940		0

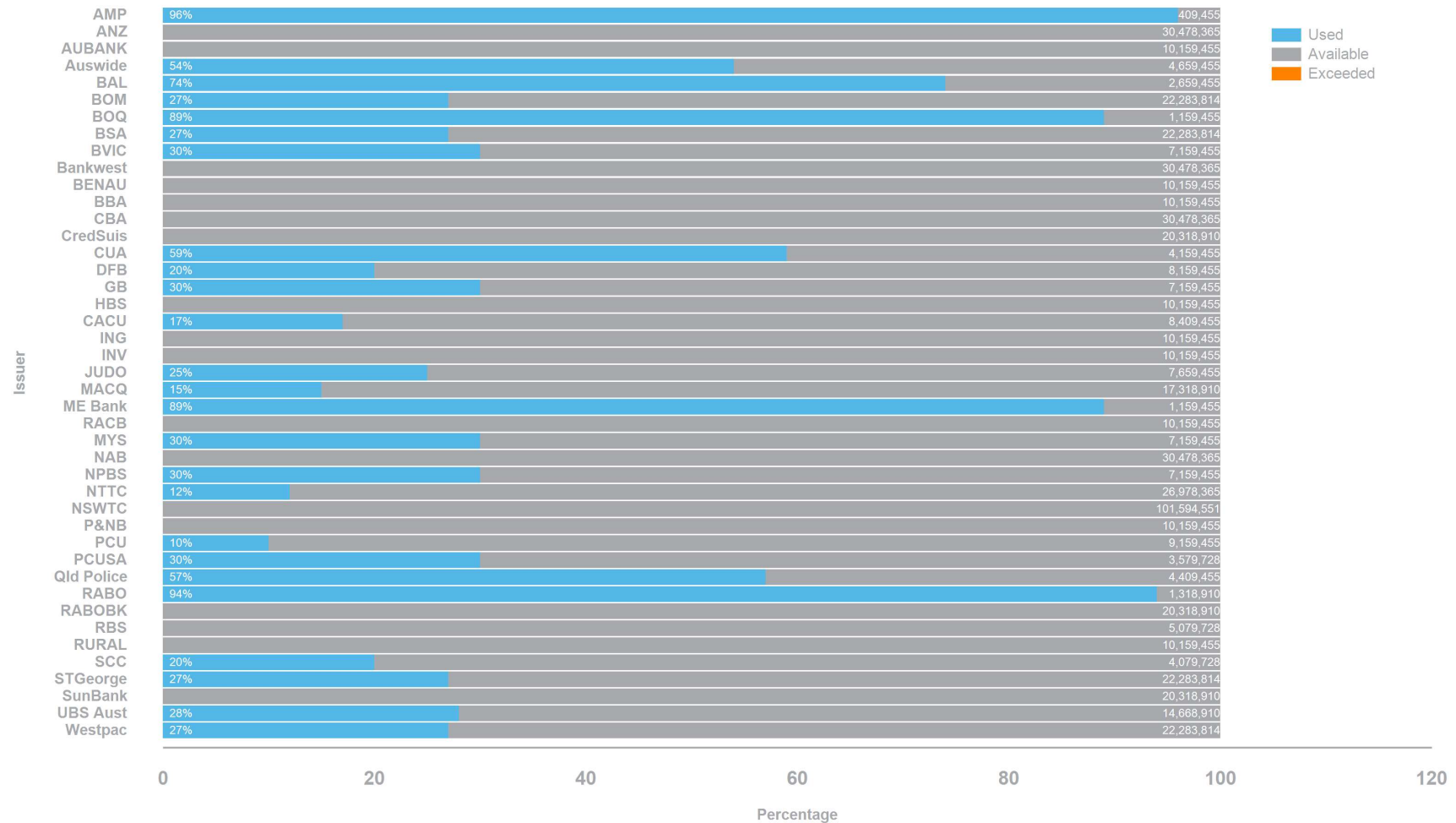
### Notes

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

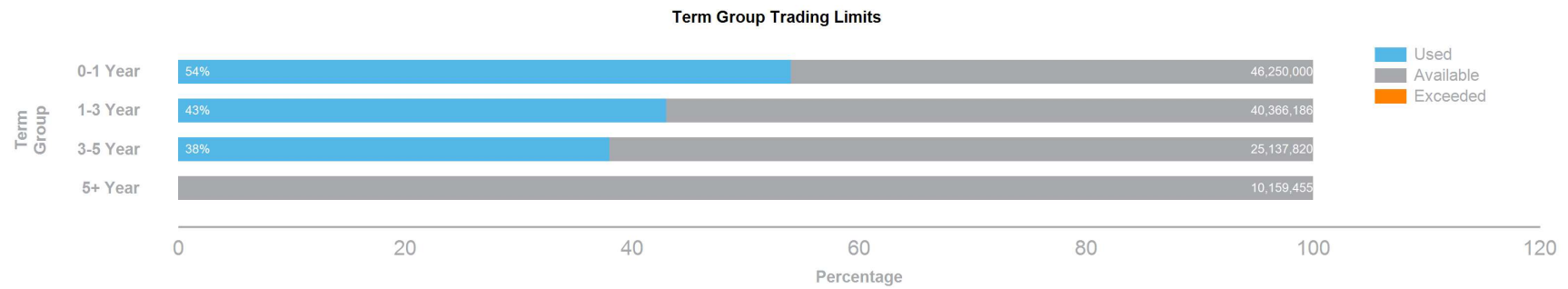
Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	55,344,550.80	Book	100.00	% of 101,594,550.80	101,594,550.80	54.00	46.00	46,250,000	0.00	0
1-3 Year	30,750,000.00	Book	70.00	% of 101,594,550.80	71,116,185.56	43.00	57.00	40,366,186	0.00	0
3-5 Year	15,500,000.00	Book	40.00	% of 101,594,550.80	40,637,820.32	38.00	62.00	25,137,820	0.00	0
5+ Year	0.00	Book	10.00	% of 101,594,550.80	10,159,455.08	0.00	100.00	10,159,455	0.00	0
	101,594,550.80				223,508,011.76			121,913,461		0

Issuer Trading Limits









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Report Code: TBSBP125EXT-00\_16  
Report Description: Trading Limit Performance As At Date  
Parameters:  
As At/Scenario Date: 28 February 2025  
Balance Date: 1 March 2025 (but 28 Feb 2025 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

**10.2.10. Monthly Financial Report - February 2025**

**Responsible Officer:** 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 Report - February 2025 [**10.2.10.1** - 10 pages]

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**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 28 February 2025.

**OFFICER'S RECOMMENDATION**

Council notes the Financial Reports for the month ending 28 February 2025.

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

**REPORT**

Please refer to the attachment for February 2025 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. The December quarterly budget review has been approved by Council. 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 \$43.41M against the February budget of \$47.66M, resulting in a negative variance of \$4.24M.
- User Charges and Fees show an unfavourable variance due to timing with the Transport for NSW ordered works program, which is expected to be received later in the financial year. Council has received \$430k towards works in the month of February 2025.
- Under operating grants, 85% of Financial Assistance Grant was received in advance and was transferred to the reserve.
- VPA funding is expected to be received later in the year.

**Expenses:**

- Overall costs are 53% against annual budgets, having a favourable variance of \$8.04M, with the major contribution from materials (principally, Roads & Drainage, Property & Building, and Waste Management).
- The variance under the above includes \$0.86M from Transport for NSW ordered works. Works are expected to be expended later during the year, according to the work order schedule.

**Water Fund**

- Overall water revenue shows an unfavourable variance against budget of \$0.11M.
- Water User Charges and Fees revenue show an unfavourable variance of \$0.45M after the second billing cycle. The full-year result won't be known until after the May 2025 billing cycle (third and final water billing cycle for the financial year).
- Expenses show a favourable variance of \$0.13M due to the timing in the receipt of utility invoices and savings in labour cost.

**Sewer Fund**

- Overall, Sewer Costs show a favourable variance against budget of \$1.51M.
- Revenue is at par with budget, with a negative variance in user fees and charges. This is expected to be covered by non-residential sewer charges throughout the remainder of the year.

**Future Fund****Revenue:**

- Overall revenue is in line with budget, having favourable variance of \$0.38M.

**Expenses:**

- Overall expenses show a favourable variance, except borrowing costs.

**Capital Projects**

- YTD Capital Spend is \$14.48M, which equates to 25% of the total updated Capital Budget, including carryovers.

# Muswellbrook Shire Council

Financial Report - February 2025



Council Consolidated								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$36,335,376	\$36,423,336	(\$87,960)	0%	\$35,993,634	\$36,423,336	100%	* Rates and charges budgets are allocated and levied in July. Revenue is showing an unfavourable variance against budget. This is due to outstanding ordered works for Transport for NSW for the period and 85% of Financial Assistance Grant (FAG) has been received in the 2024 in advance. These monies were transferred to the FAG Reserve.
User Charges and Fees	\$13,552,698	\$14,145,827	(\$593,129)	-4%	\$21,294,328	\$21,227,231	64%	
Interest and Investments Revenues	\$2,819,545	\$2,338,977	\$480,568	21%	\$3,509,869	\$3,509,869	80.33%	
Other Revenues	\$1,491,091	\$1,735,795	(\$244,704)	-14%	\$2,545,098	\$2,604,735	57%	
Operating Grants and Contributions	\$4,298,812	\$6,861,993	(\$2,563,181)	-37%	\$9,465,797	\$10,297,109	42%	
Internal Revenue	\$3,182,220	\$4,146,388	(\$964,168)	-23%	\$5,780,160	\$6,222,071	51%	See individual funds for commentary specific to that fund
<b>Total Revenue</b>	<b>\$61,679,742</b>	<b>\$65,652,316</b>	<b>(\$3,972,574)</b>	<b>-6%</b>	<b>\$78,588,886</b>	<b>\$80,284,351</b>	<b>77%</b>	
<b>Expenses</b>								
Wages and Salaries	\$10,919,899	\$12,304,709	\$1,384,810	11%	\$18,002,105	\$18,464,449	59%	Overall costs have a favourable variance against the annual budget after the December Quarterly Budget Review. There is a favourable variance in Wages and Salaries due to staff vacancies. Materials and Contracts is showing favourable variance due to delays for Transport for NSW ordered works and some other projects. In addition, the DECC levy is yet to be received.
Materials and Contracts	\$13,156,023	\$18,500,429	\$5,344,406	29%	\$26,438,356	\$27,761,748	47%	
Other Costs	\$3,865,706	\$5,303,932	\$1,438,226	27%	\$7,478,047	\$7,359,632	53%	
Borrowing Costs	\$1,605,569	\$1,733,608	\$128,039	7%	\$2,674,278	\$2,601,453	62%	
Overheads	\$3,182,221	\$3,944,120	\$761,899	19%	\$5,918,547	\$5,918,547	54%	
Depreciation	\$10,232,135	\$10,830,425	\$598,290	6%	\$16,252,138	\$16,252,138	63%	See individual funds for commentary specific to that fund
<b>Total Expenses</b>	<b>\$42,961,553</b>	<b>\$52,617,223</b>	<b>\$9,655,670</b>	<b>18%</b>	<b>\$76,763,471</b>	<b>\$78,357,967</b>	<b>55%</b>	
<b>Result</b>	<b>\$18,718,189</b>	<b>\$13,035,094</b>	<b>\$5,683,095</b>		<b>\$1,825,415</b>	<b>\$1,926,384</b>		

# Muswellbrook Shire Council

Financial Report - February 2025



General Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$27,203,783	\$27,115,706	\$88,077	0%	\$26,686,004	\$27,115,706	100%	*Rates and charges budgets are allocated and levied in July.
User Charges and Fees	\$5,226,125	\$5,740,456	(\$514,331)	-9%	\$8,598,475	\$8,614,129	60.67%	*Overall revenue is short of YTD budgets by 9%. <b>User Charges and Fees:</b> shortfall due to budget for Transport NSW works program; expected to be received later; \$430k received in Feb 2025. <b>Operating Grants &amp; Contributions:</b> 85% of FAG monies were received in advance and has been transferred to the Reserve; VPA funds are expected to be received later in the year. <b>Internal Revenue:</b> YTD unfavourable variance is related to transfers from reserves, which will occur later in the year.
Interest and Investments Revenues	\$2,099,589	\$1,707,783	\$391,806	23%	\$2,562,699	\$2,562,699	82%	
Other Revenues	\$1,490,487	\$1,734,728	(\$244,241)	-14%	\$2,541,456	\$2,603,133	57%	
Operating Grants and Contributions	\$4,217,645	\$6,810,829	(\$2,593,184)	-38%	\$9,597,109	\$10,220,332	41%	
Internal Revenue	\$3,182,220	\$4,559,999	(\$1,377,779)	-30%	\$6,192,736	\$6,842,736	47%	
<b>Total Revenue</b>	<b>\$43,419,849</b>	<b>\$47,669,501</b>	<b>(\$4,249,652)</b>	<b>-9%</b>	<b>\$56,178,479</b>	<b>\$57,958,735</b>	<b>75%</b>	
<b>Expenses</b>								
Wages and Salaries	\$9,493,939	\$10,517,255	\$1,023,316	10%	\$15,319,851	\$15,782,195	60.16%	Overall costs have a favourable variance of 21% against annual budgets. <b>Materials &amp; contracts</b> : Grants funds not yet spent - Denman Children's Centre(\$895k), Road programs - TfNSW (\$866k)& Regional Emergency Repair(\$580k). <b>Other costs</b> : Legal costs (\$ 467k), Utility bills yet to be received (280k).
Materials and Contracts	\$9,884,777	\$14,992,245	\$5,107,468	34%	\$21,143,497	\$22,497,366	44%	
Other Costs	\$2,651,169	\$3,680,110	\$1,028,941	28%	\$5,167,345	\$5,106,198	51.92%	
Borrowing Costs	\$180,706	\$511,607	\$330,901	65%	\$762,266	\$767,718	24%	
Overheads	\$1,487,409	\$1,533,384	\$45,975	3%	\$2,300,997	\$2,300,997	65%	
Depreciation	\$7,144,362	\$7,653,286	\$508,924	7%	\$11,484,523	\$11,484,523	62%	
<b>Total Expenses</b>	<b>\$30,842,362</b>	<b>\$38,887,887</b>	<b>\$8,045,525</b>	<b>21%</b>	<b>\$56,178,479</b>	<b>\$57,938,997</b>	<b>53%</b>	
<b>Result</b>	<b>\$12,577,487</b>	<b>\$8,781,614</b>	<b>\$3,795,873</b>		<b>\$0</b>	<b>\$19,738</b>		



# Muswellbrook Shire Council

Financial Report - February 2025



Water Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$2,378,467	\$2,379,111	(\$644)	0%	\$2,379,111	\$2,379,111	100%	
User Charges and Fees	\$3,176,912	\$3,625,280	(\$448,368)	-12%	\$5,440,096	\$5,440,096	58%	*Rates and Charges budgets are allocated and levied in July.
Interest and Investments Revenues	\$467,109	\$424,797	\$42,312	10%	\$637,451	\$637,451	73%	*Water User Charges and Fees revenue show an unfavourable variance, due to water billing cycles. The second water account has been raised in Jan 25. The shortfall is expected to be recovered in May 25 billing cycle.
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$42,093	\$25,508	\$16,585	65%	\$38,277	\$38,277	110%	
Internal Revenue	\$0	(\$274,941)	\$274,941	-100%	(\$412,576)	(\$412,576)	0%	
<b>Total Revenue</b>	<b>\$6,064,581</b>	<b>\$6,179,755</b>	<b>(\$115,174)</b>	<b>-2%</b>	<b>\$8,082,359</b>	<b>\$8,082,359</b>	<b>75%</b>	
<b>Expenses</b>								
Wages and Salaries	\$866,367	\$973,036	\$106,669	11%	\$1,460,138	\$1,460,138	59%	
Materials and Contracts	\$1,828,320	\$1,638,348	(\$189,972)	-12%	\$2,458,506	\$2,458,506	74%	* Overall, costs show a favourable variance of 3% against annual budgets. <b>Materials &amp; Contracts</b> : negative variance due to chemical costs. <b>Other costs</b> : Utilities ( \$129k) due to timing difference in billing.
Other Costs	\$206,567	\$380,698	\$174,131	46%	\$541,556	\$541,556	38%	
Borrowing Costs	\$0	\$0	\$0	0%	\$0	\$0	0%	
Overheads	\$805,098	\$804,777	(\$321)	0%	\$1,207,649	\$1,207,649	67%	
Depreciation	\$1,408,191	\$1,454,731	\$46,540	3%	\$2,182,969	\$2,182,969	65%	
<b>Total Expenses</b>	<b>\$5,114,543</b>	<b>\$5,251,590</b>	<b>\$137,047</b>	<b>3%</b>	<b>\$7,850,818</b>	<b>\$7,850,818</b>	<b>65%</b>	
<b>Result</b>	<b>\$950,038</b>	<b>\$928,166</b>	<b>\$21,872</b>		<b>\$231,541</b>	<b>\$231,541</b>		

# Muswellbrook Shire Council

Financial Report - February 2025



Sewer Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$6,753,126	\$6,928,519	(\$175,393)	-3%	\$6,928,519	\$6,928,519	97%	*Rates and charges budgets are levied in July. Non-residential water and sewer charges are received throughout the year.
User Charges and Fees	\$290,623	\$310,208	(\$19,585)	-6%	\$465,498	\$465,498	62%	
Interest and Investments Revenues	\$252,847	\$206,397	\$46,450	23%	\$309,719	\$309,719	82%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$39,074	\$25,656	\$13,418	52%	(\$169,589)	\$38,500	101%	
Internal Revenue	\$0	(\$138,671)	\$138,671	-100%	\$0	(\$208,089)	0%	
<b>Total Revenue</b>	<b>\$7,335,670</b>	<b>\$7,332,109</b>	<b>\$3,561</b>	<b>0%</b>	<b>\$7,534,147</b>	<b>\$7,534,147</b>	<b>97%</b>	
<b>Expenses</b>								
Wages and Salaries	\$460,608	\$636,761	\$176,153	28%	\$955,523	\$955,523	48%	* Overall, costs show a favourable variance of 30% against annual budgets. <b>Other costs</b> : Utilities ( \$183k) due to timing difference in billing. <b>Materials &amp; contracts</b> : sewer treatment costs (\$149k)
Materials and Contracts	\$668,454	\$1,062,234	\$393,780	37%	\$1,596,924	\$1,593,989	42%	
Other Costs	\$384,833	\$577,068	\$192,235	33%	\$817,889	\$817,889	47%	
Borrowing Costs	\$397,234	\$393,195	(\$4,039)	-1%	\$587,093	\$590,028	67%	
Overheads	\$64,311	\$780,884	\$716,573	92%	\$1,171,795	\$1,171,795	5%	
Depreciation	\$1,552,916	\$1,595,792	\$42,876	3%	\$2,394,646	\$2,394,646	65%	
<b>Total Expenses</b>	<b>\$3,528,356</b>	<b>\$5,045,934</b>	<b>\$1,517,578</b>	<b>30%</b>	<b>\$7,523,870</b>	<b>\$7,523,870</b>	<b>47%</b>	
<b>Result</b>	<b>\$3,807,314</b>	<b>\$2,286,176</b>	<b>\$1,521,138</b>		<b>\$10,277</b>	<b>\$10,277</b>		

# Muswellbrook Shire Council

Financial Report - February 2025



Future Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
<b>Revenue</b>	YTD				Full Year			
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$4,859,038	\$4,469,883	\$389,155	9%	\$6,790,259	\$6,707,508	72%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$604	\$1,068	(\$464)	-43%	\$3,642	\$1,602	38%	* Overall revenue is in line with the budgets.
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
<b>Total Revenue</b>	<b>\$4,859,642</b>	<b>\$4,470,951</b>	<b>\$388,691</b>	<b>9%</b>	<b>\$6,793,901</b>	<b>\$6,709,110</b>	<b>72%</b>	
<b>Expenses</b>								
Wages and Salaries	\$98,985	\$177,658	\$78,673	44%	\$266,593	\$266,593	37%	
Materials and Contracts	\$774,472	\$807,601	\$33,129	4%	\$1,239,429	\$1,211,887	64%	
Other Costs	\$623,137	\$666,057	\$42,920	6%	\$951,257	\$893,989	70%	* Overall, costs show a slight unfavourable variance of 1 % against the budgets. Borrowing costs have increased due to loan refinancing this financial year.
Borrowing Costs	\$1,027,629	\$828,806	(\$198,823)	-24%	\$1,324,919	\$1,243,707	83%	
Overheads	\$825,403	\$825,074	(\$329)	0%	\$1,238,106	\$1,238,106	67%	
Depreciation	\$126,666	\$126,616	(\$50)	0%	\$190,000	\$190,000	67%	
<b>Total Expenses</b>	<b>\$3,476,292</b>	<b>\$3,431,812</b>	<b>(\$44,480)</b>	<b>-1%</b>	<b>\$5,210,304</b>	<b>\$5,044,282</b>	<b>69%</b>	
<b>Result</b>	<b>\$1,383,350</b>	<b>\$1,039,139</b>	<b>\$344,211</b>		<b>\$1,583,597</b>	<b>\$1,664,828</b>		

# Muswellbrook Shire Council

Financial Report - February 2025



Capital Costs (Incl. Loan Repayments & excl. Revenue)

	YTD Actuals	Carry Overs	Total Budget	September Review Budget	Dec Review Change	December Review Budget	Mar Review Budget	June Review Budget	YTD % Spend	Over Budget	Comments
<b>General Fund Projects</b>											
<b>Planning, Community and Corporate Services Projects</b>											
Adventure Playground - Wollombi Road	26,383	21,200	21,200	24,000	-	24,000	24,000	24,000	124%	(2,383)	To be reviewed and adjusted in the March QBR
Aquatic Centres Programme	149,408	89,953	409,953	409,953	-	409,953	409,953	409,953	36%		
Art Acquisitions	8,039	-	70,000	70,000	-	70,000	70,000	70,000	11%		
Art Centre Offsite Storage	-	-	821,893	821,893	-	821,893	821,893	821,893	0%		
Buildings New and Replacement	130,472	1,523,248	2,023,248	1,773,248	-	1,773,248	1,773,248	1,773,248	6%		
Bushfire Assets	-	-	-	-	-	-	-	-	0%		
Capital Works Contingency	54,833	-	130,000	130,000	-	130,000	130,000	130,000	42%		
CBD Stage 7 (Town Centre)	-	-	-	-	-	-	-	-	0%		
Civic Precinct (Town Square)	(446,278)	1,705,062	2,885,362	2,885,362	-	2,885,362	2,885,362	2,885,362	-15%		
Corporate Services General Programme	-	-	-	-	-	-	-	-	0%		
COVID 19	70,701	-	142,749	142,749	-	142,749	142,749	142,749	50%		
Denman Childrens Centre - Expansion (Contribution)	-	-	-	-	-	-	-	-	0%		
Denman Heritage Shed	-	-	-	-	-	-	-	-	0%		
Denman Netball Courts	-	-	280,173	-	-	-	-	-	0%		
Denman Tourist Park	47,998	-	546,766	546,766	-	546,766	546,766	546,766	9%		
Demolish Existing Amenity Building - Bowman Park	168,806	-	-	-	-	-	-	-	0%		
Future Fund Contribution	-	-	775,000	775,000	-	775,000	775,000	775,000	0%		
General Design Program	-	45,513	95,513	95,513	-	95,513	95,513	95,513	0%		
Hunter Beach	-	10,161	10,161	10,161	-	10,161	10,161	10,161	0%		
Information Technology Strategy	13,336	-	200,000	200,000	-	200,000	200,000	200,000	7%		
Karoola Park Citizens Walk Pathway	-	9,004	9,004	9,004	-	9,004	9,004	9,004	0%		
Karoola Park-Community Assets Program (CAP)	420,286	-	-	1,569,375	-	1,569,375	1,569,375	1,569,375	0%		
Library Books General Capital Purchases (General)	35,022	18,403	108,403	108,403	-	108,403	108,403	108,403	32%		
Library Subsidy Projects	34,628	106,668	106,668	106,668	36,215	142,883	142,883	142,883	32%		
Local Priority Grant	14,791	61,943	72,943	72,943	19,690	92,633	92,633	92,633	20%		
Loan - Staff Housing	26,674	-	40,013	40,013	-	40,013	40,013	40,013	67%		
Loan - 140 Bridge Street	2,669	-	5,414	5,414	-	5,414	5,414	5,414	49%		
Loan - 88 Bridge Street	26,727	-	54,210	54,210	-	54,210	54,210	54,210	49%		
Loan - Campbells Corner	111,022	-	225,180	225,180	-	225,180	225,180	225,180	49%		
Loan - Donald Horne	112,763	-	229,044	229,044	-	229,044	229,044	229,044	49%		
Major Landcare Projects	47,718	-	75,000	75,000	-	75,000	75,000	75,000	64%		
Muscle Creek Catchment Strategy	340	82,081	82,081	82,081	-	82,081	82,081	82,081	0%		
Muscle Creek Emergency Stabilisation	-	-	250,000	250,000	-	250,000	250,000	250,000	0%		
Purchase Paxton Street Denman	-	-	-	-	-	-	-	-	0%		
Mbk and Dnm Indoor Sports Centre Upgrades	-	-	-	-	-	-	-	-	0%		
MSC Depot	-	-	-	-	-	-	-	-	0%		
Olympic Park Project	78,723	459,362	5,064,705	5,064,705	-	5,064,705	5,064,705	5,064,705	2%		
Performance and Convention Centre	19,726	502,747	3,102,747	3,102,747	-	3,102,747	3,102,747	3,102,747	1%		
Public Art Sculpture	-	-	-	-	-	-	-	-	0%		
Purchase of Land - Companion Animal Impounding Facili	34,206	-	150,000	150,000	-	150,000	150,000	150,000	23%		
Recreation Capital Works	919,344	891,888	1,264,088	1,264,088	-	1,264,088	1,264,088	1,264,088	73%		
Resources for Regions 9 - Denman Rec Area	1,386,539	1,832,546	1,832,546	2,446,063	-	2,446,063	2,446,063	2,446,063	76%		
Resources for Regions 9 - Depot	88,684	313,714	4,513,714	4,513,714	-	4,513,714	4,513,714	4,513,714	2%		
Resources for Regions 9 - Campbells Corner	37,230	167,521	867,521	867,521	-	867,521	867,521	867,521	4%		
STEM Equipment Replacement	-	140,324	250,324	250,324	-	250,324	250,324	250,324	0%		
Simpson Park	1,932	-	403,871	403,871	-	403,871	403,871	403,871	0%		
Waste Flip Screen	-	102,960	102,960	102,960	-	102,960	102,960	102,960	0%		
Sport and Rereation Small Capital Grants Program	-	-	-	-	-	-	-	-	0%		
<b>Total Planning, Community and Corporate Services</b>	<b>3,622,722</b>	<b>8,084,298</b>	<b>27,225,254</b>	<b>28,877,973</b>	<b>55,905</b>	<b>28,933,878</b>	<b>28,933,878</b>	<b>28,933,878</b>	<b>13%</b>	<b>(2,383)</b>	<b>Variance due to Adventure Playground - Wollombi Rd to be reviewed and adjusted in the March QBR</b>

# Muswellbrook Shire Council

Financial Report - February 2025

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	Dec Review Change	December Review Budget	Mar Review Budget	June Review Budget	YTD % Spend	Over Budget	Comments
<b>Roads and Drainage Projects</b>											
Bridge St Footpath	34,747	-	69,926	69,926	-	69,926	69,926	69,926	50%		
Bridges Renewal Programme	-	92,496	342,496	342,496	-	342,496	342,496	342,496	0%		
Carpark Renewal Programme	-	-	100,000	100,000	-	100,000	100,000	100,000	0%		
CPTIGS - Bus Shelter	-	198,916	198,916	198,916	-	198,916	198,916	198,916	0%		
Drainage	-	-	-	-	-	-	-	-	0%		
Drainage Devices Programme	29,997	-	500,000	500,000	-	500,000	500,000	500,000	6%		
Dry Creek Road-Replacement of Road Causeway	341,021	-	-	705,157	-	705,157	705,157	705,157	0%		
Flood Warning Systems	45,199	147,856	147,856	147,856	-	147,856	147,856	147,856	31%		
FOGO - Design and EIS	-	-	-	-	-	-	-	-	0%		
Footpath and Cycleway Renewal Programme	181,135	-	200,000	200,000	-	200,000	200,000	200,000	91%		
Heavy Patching Programme	337,254	-	750,000	716,944	-	716,944	716,944	716,944	45%		
Hunter Beach to CBD Pathway	-	-	600,000	600,000	-	600,000	600,000	600,000	0%		
Kamilaroi, Cassidy, Thompson Shared Path	-	-	-	100,625	-	100,625	100,625	100,625	0%		
Palace Street Rehabilitation	688,491	-	-	1,510,954	-	1,510,954	1,510,954	1,510,954	0%		
Resilience Works Karoola Park	12,640	443,014	443,014	443,014	-	443,014	443,014	443,014	3%		
Kerb and Gutter Replacement Programme	181,196	-	535,000	535,000	-	535,000	535,000	535,000	34%		
Kirk and Peberdy Bridges	-	-	-	-	-	-	-	-	0%		
Large Plant Items	336,421	1,223,878	1,923,878	1,923,878	-	1,923,878	1,923,878	1,923,878	17%		
Leachate Dam	-	25,795	475,795	475,795	-	475,795	475,795	475,795	0%		
LISF - Roads Infrastructure Backlog	-	-	-	-	-	-	-	-	0%		
ARGN 960 Natural Disaster Event - Baerami Creek Cau	-	672,039	672,039	672,039	-	672,039	672,039	672,039	0%		
New Footpath and Cycleway Programme	310	-	145,000	145,000	-	145,000	145,000	145,000	0%		
Purchase of Vehicles	330,661	207,993	607,993	607,993	-	607,993	607,993	607,993	54%		
Rainbow Creek Bridge	7,128	274,687	374,687	666,113	-	666,113	666,113	666,113	2%		
Regional Road Renewal Programme	-	-	69,000	69,000	-	69,000	69,000	69,000	0%		
Resources for Regions - Round 5	-	-	-	-	-	-	-	-	0%		
Resources for Regions- Round 7	729,264	828,733	828,733	828,733	-	828,733	828,733	828,733	88%		
Resources for Regions 9	1,277,116	1,687,822	1,687,822	1,687,822	-	1,687,822	1,687,822	1,687,822	76%		
Road Resealing Programme	946,646	-	1,000,000	1,000,000	-	1,000,000	1,000,000	1,000,000	95%		
Roads Capital Contingency	-	-	150,000	150,000	-	150,000	150,000	150,000	0%		
Roads to Recovery Program	-	577,898	1,155,796	751,270	-	751,270	751,270	751,270	0%		
Rosebrook Bridge	-	-	-	-	-	-	-	-	0%		
Rural Road Regravelling Programme	66,858	-	250,000	250,000	-	250,000	250,000	250,000	27%		
Rural Road Renewal Programme	350,319	264,886	764,886	764,886	-	764,886	764,886	764,886	46%		
Safety Device Renewal Programme	-	-	-	-	-	-	-	-	0%		
Stormwater Drainage (new)	-	-	150,000	150,000	-	150,000	150,000	150,000	0%		
Transport Vehicles	158,321	160,000	360,000	360,000	-	360,000	360,000	360,000	44%		
Urban Road Renewal Programme	295,480	355,132	755,132	755,132	-	755,132	755,132	755,132	39%		
Victoria Street Rehab	-	-	-	-	-	-	-	-	0%		
Widden Creek Stabilisation Works	-	144,880	144,880	144,880	-	144,880	144,880	144,880	0%		
Widden Bridge/Traffic Singals/Kenilworth St	-	-	90,250	90,250	-	90,250	90,250	90,250	0%		
Wilkinson Bridge	74,896	-	112,617	112,617	-	112,617	112,617	112,617	67%		
Yarraman Road Upgrade	2,280	71,882	71,882	71,882	-	71,882	71,882	71,882	3%		
Footpath - Turtle St Denman	-	-	-	-	-	-	-	-	0%		
<b>Total Roads and Drainage</b>	<b>6,427,380</b>	<b>7,377,907</b>	<b>15,677,598</b>	<b>17,848,178</b>	<b>-</b>	<b>17,848,178</b>	<b>17,848,178</b>	<b>17,848,178</b>	<b>41%</b>	<b>-</b>	
<b>Total General Fund</b>	<b>10,050,102</b>	<b>15,462,205</b>	<b>42,902,852</b>	<b>46,726,151</b>	<b>55,905</b>	<b>46,782,056</b>	<b>46,782,056</b>	<b>46,782,056</b>	<b>23%</b>	<b>(2,383)</b>	

# Muswellbrook Shire Council

Financial Report - February 2025



Capital Costs (Incl. Loan Repayments & excl. Revenue)

	YTD Actuals	Carry Overs	Total Budget	September Review Budget	Dec Review Change	December Review Budget	Mar Review Budget	June Review Budget	YTD % Spend	Over Budget	Comments
<b>Future Fund Projects</b>											
Donald Horne Building	-	-	-	-	-	-	-	-	0%		
Brook Street Plaza	50,125	-	74,993	74,993	-	74,993	74,993	74,993	67%		
Town Education Campus	33,330	-	49,995	49,995	-	49,995	49,995	49,995	67%		
Seven Hills	220,278	-	446,776	446,776	-	446,776	446,776	446,776	49%		
Marketplace	1,581,868	-	1,056,040	1,056,040	-	1,056,040	1,056,040	1,056,040	150%	(525,828)	Loan to be reviewed and adjusted in the March QBR
Renewal of Existing Assets/New Acquisitions	316,036	264,618	665,412	665,412	-	665,412	665,412	665,412	47%		
Throsby ACT	346,666	-	520,000	520,000	-	520,000	520,000	520,000	67%		
Upgrade of Loxton House	118,124	-	-	-	-	-	-	-	0%	(118,124)	Capital project will be addressed in the March QBR as projects were split for the Civic Precinct
<b>Total Future Fund</b>	<b>2,666,427</b>	<b>264,618</b>	<b>2,813,216</b>	<b>2,813,216</b>	<b>-</b>	<b>2,813,216</b>	<b>2,813,216</b>	<b>2,813,216</b>	<b>95%</b>	<b>(643,952)</b>	
<b>Sewer Fund</b>											
Access & Security Improvements RWTW	13,500	-	150,000	150,000	50,000	200,000	200,000	200,000	9%		
Mains Renewal and Replacement	7,206	-	200,000	200,000	(50,000)	150,000	150,000	150,000	4%		
Operations Contingency Project	14,316	-	50,000	50,000	-	50,000	50,000	50,000	29%		
Sewer Plant and Equipment	-	80,000	180,000	180,000	-	180,000	180,000	180,000	0%		
Solar Array	535,949	699,622	699,622	699,622	-	699,622	699,622	699,622	77%		
System Plant Asset Renewals	30,286	108,017	528,017	528,017	-	528,017	528,017	528,017	6%		
Transportation System Improvement	143,291	95,964	595,964	595,964	-	595,964	595,964	595,964	24%		
Loan - Sewer RWTW	470,037	-	712,698	712,698	-	712,698	712,698	712,698	66%		
Upgrade Sewer Pump Station 1	-	87,094	1,987,094	1,987,094	-	1,987,094	1,987,094	1,987,094	0%		
CCTV Inspection on of Mains	-	-	-	-	-	-	-	-	0%		
Skellatar Main	51,518	-	104,299	104,299	-	104,299	104,299	104,299	49%		
<b>Total Sewer Fund</b>	<b>1,265,821</b>	<b>1,070,697</b>	<b>5,207,694</b>	<b>5,207,694</b>	<b>-</b>	<b>5,207,694</b>	<b>5,207,694</b>	<b>5,207,694</b>	<b>24%</b>	<b>-</b>	

# Muswellbrook Shire Council

Financial Report - February 2025

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	Dec Review Change	December Review Budget	Mar Review Budget	June Review Budget	YTD % Spend	Over Budget	Comments
<b>Water Fund</b>											
Asbestos, Earthworks, Security	12,262	-	150,000	150,000	-	150,000	150,000	150,000	8%		
Laboratory Equipment	15,496	-	20,000	20,000	-	20,000	20,000	20,000	77%		
BP0154 Betterment Denman	42,660	-	-	-	-	-	445,200	445,200	0%		
BP0156 Betterment Muswellbrook	14,220	-	-	-	-	-	262,122	262,122	0%		
Mains Renewal and Replacement (inc Carryover)	181,257	390,285	890,285	890,285	(150,000)	740,285	740,285	740,285	20%		
Office Upgrade	-	-	-	-	-	-	-	-	0%		
Operations Contingency Project	-	-	50,000	50,000	-	50,000	50,000	50,000	0%		
Replacement of Water Meters Programme	36,717	-	65,000	65,000	-	65,000	65,000	65,000	56%		
GLE Pipeline	9,883	1,362,625	18,362,625	1,362,625	-	1,362,625	1,362,625	1,362,625	0%		
South Muswellbrook Reservoir	-	-	-	-	-	-	-	-	0%		
System Plant Asset Renewals	149,498	331,398	881,398	881,398	-	881,398	881,398	881,398	17%		
Upgrade Fluoride Dosing System WTP	-	150,598	150,598	150,598	-	150,598	150,598	150,598	0%		
Vehicle-Equipment Replacement	32,354	65,000	165,000	165,000	150,000	315,000	315,000	315,000	20%		
Water Stop Valve Replacement	11,703	-	200,000	200,000	-	200,000	200,000	200,000	6%		
<b>Total Water Fund</b>	<b>506,050</b>	<b>2,299,906</b>	<b>20,934,906</b>	<b>3,934,906</b>	<b>-</b>	<b>3,934,906</b>	<b>4,642,228</b>	<b>4,642,228</b>	<b>2%</b>	<b>-</b>	
<b>Consolidated Total</b>	<b>14,488,400</b>	<b>19,097,426</b>	<b>71,858,668</b>	<b>58,681,967</b>	<b>55,905</b>	<b>58,737,872</b>	<b>59,445,194</b>	<b>59,445,194</b>	<b>25%</b>	<b>(646,335)</b>	Variance due to Marketplace loan, to be reviewed and adjusted in the QBR



## Debtor Balances as at 28 February 2025

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$27,169	\$2,623	\$29,497	\$48,714	\$406,947	\$514,950
Inspection Fees	\$18,996	(\$477)	\$0	\$0	(\$100)	\$18,420
Sam Adams College Rent	\$0	\$9,045	\$0	\$0	\$525	\$9,570
Council Properties - Future Fund *	\$73,175	\$36,103	\$49,756	\$16,612	\$202,156	\$377,802
Council Properties - Marketplace *	\$248,126	(\$126,244)	\$37,288	\$172,408	\$122,886	\$454,465
Council Properties - Education Fund	\$0	\$4,811	\$0	\$0	\$17,782	\$22,593
Recreation	\$395	(\$162)	\$1,677	\$59	\$458	\$2,428
Sundries**	\$140,246	\$75,129	\$389,809	\$27,149	\$2,473,677	\$3,106,010
Water Tanker Sales	\$2,364	\$0	\$0	\$0	\$17,101	\$19,465
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$8,473	\$0	\$0	\$0	\$59,493	\$67,966
GST Tax Debtor	(\$103,667)	(\$56,491)	\$0	\$10,467	(\$132,049)	(\$281,740)
<b>TOTAL</b>	<b>\$415,618</b>	<b>(\$55,661)</b>	<b>\$508,026</b>	<b>\$275,410</b>	<b>\$3,168,876</b>	<b>\$4,312,270</b>

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



## 10.3. Infrastructure and Property

### 10.3.1. Corrosive Chemicals Facilities Audit

<b>Responsible Officer:</b>	Director - Infrastructure & Property
<b>Author:</b>	Manager - Water & Wastewater
<b>Community Strategic Plan:</b>	5 - Community Infrastructure  Effective and efficient infrastructure that is appropriate to the needs of our community
<b>Delivery Program Goal:</b>	5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.
<b>Operational Plan Action:</b>	5.1.3.2 - Conduct regular asset condition assessment inspections.
<b>Attachments:</b>	1. Attachment A [10.3.1.1 - 2 pages]

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#### PURPOSE

To provide the results of a Corrosive chemicals storage areas Audit at Muswellbrook Shire Water and Wastewater treatment facilities against Australian Standard AS3780:2023 “The Storage and Handling of Corrosive Substances”, including recommendations on rectification of identified non-compliances and providing an estimate costs to enable compliance.

#### OFFICER’S RECOMMENDATION

Council:

1. Notes the information regarding corrosive chemical storage audit and remaining actions attached to the report;
2. Approves the transfer of \$300,000 from the water reserve to the 2024/25 Financial Year Capital Budget to complete the actions required to comply with Australian Standard AS3780:2023; and
3. Endorses to proceed with the required works by calling Tenders.

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

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

#### EXECUTIVE SUMMARY

Muswellbrook Shire Council (MSC) contracted Ixom to perform an audit against Australian Standard AS3780:2023 “The Storage and Handling of Corrosive Substances” across various corrosive chemical storage areas at the Muswellbrook Water Treatment Plant (MWTP), Muswellbrook Recycled Water Treatment Works (RWTW), and Denman Water Treatment Plant (DWTP). The audit was completed in November 2023.

Chemicals reviewed included sodium hypochlorite, ferric sulphate, hydrochloric acid and sodium hydroxide. The audit identified actions that Council needs to address to ensure compliance with the requirements of the Standard. Following the audit, a detailed actions list was developed for the final report.



Water and Wastewater staff have reviewed the actions list in the report and identified that the best value for money is to invite tenders to complete all outstanding items at once rather than breaking them up into individual projects. Some of the actions have been completed or are being completed by the Water and Wastewater team. The full list of the remaining actions required to be completed is outlined in Attachment A.

Preliminary calculations have been made based on quoting some of the items from the list or using available quotations for similar works. To complete all outstanding items, an estimate has been calculated of approximately \$300,000.

While Australian and Australian/New Zealand Standards are voluntary, Workplace Health and Safety legislation requires workplaces to manage known risks. AS3780:2023 constitutes information that should be known by organisations operating corrosive facilities. It is also referred to in various codes of practice or is listed itself as an approved Code of Practice in various states and territories. Therefore, compliance to, or implementing appropriate control measures that offer a similar or greater level of protection, should be achieved to satisfy these requirements.

### PREVIOUS RESOLUTIONS

Not applicable.

### BACKGROUND

Muswellbrook Shire Council provides water supply and wastewater services via operation of the Water and Wastewater treatment facilities. In the process of water/wastewater treatment a range of chemicals are used, and some of them are classified as “corrosive”. The specific areas – chemical storages are designated areas at water and wastewater treatment plants where such chemicals are stored and distributed to be dosed into water.

Chemical storages as well as chemical dosing systems should comply with Australian Standard AS3780:2023 “The Storage and Handling of Corrosive Substances” to reduce the risk of accidents and potential harm to property and staff. Most of the time, various chemicals are stored “under one roof” that increases the risk of different chemicals to contact with each other that could lead to creating hazardous situations, including formation of fumes, flammable vapours, or toxic substances. The well-known example is the contact of Sodium Hypochlorite (liquid chlorine) with an acid resulting in formation of highly toxic chlorine gas.

During assessment of the risks associated with chemical storage, transferring, and dosing systems, Muswellbrook Shire Council (MSC) contracted Ixom to perform an Audit against Australian Standard AS3780:2023 “The Storage and Handling of Corrosive Substances” across various corrosive chemical storage areas at the Muswellbrook Water Treatment Plant (MWTP), Muswellbrook Recycled Water Treatment Works (RWTW) and Denman Water Treatment Plant (DWTP) in November 2023.

During the audit, the following chemicals storage areas have been reviewed: Sodium Hypochlorite, Ferric Sulphate, Hydrochloric Acid, and Sodium Hydroxide. The audit identified several actions that Council needs to address to ensure compliance with the requirements of the Standard and appropriately manage associated risks. Following the audit, a detailed action list was developed for each treatment plant and included in the final report.

### CONSULTATION

Ixom

Water and Wastewater Operators



## REPORT

Australian Standard AS 3780:2023 details requirements for the storage and handling of corrosive substances in both packaged and bulk quantities. This standard has recently replaced the 2008 revision of AS/NZS 3780:2008. Australian and Australian/New Zealand Standards are voluntary. They do not include contractual, legal, or statutory requirements. Voluntary Standards do not replace laws with which users of Standards are understood to comply and which take precedence.

Workplace Health and Safety legislation requires workplaces to manage known risks. AS3780:2023 constitutes information that should be known by organisations operating corrosive chemicals storage, transferring, and dosing facilities. It is also referred to in various codes of practice or is listed itself as an approved Code of Practice in various states and territories. Therefore, compliance to, or implementing appropriate control measures that offer similar or greater level of protection, should be achieved to satisfy these requirements.

Muswellbrook Shire Council supplies water and provides wastewater services to the residents of Muswellbrook Shire through operating the Water and Wastewater treatment facilities. During the process of water/wastewater treatment, a range of chemicals is used, some of which are classified as “corrosive” and, therefore, create risks that need to be appropriately managed.

Muswellbrook Shire Council (MSC) contracted Ixom to perform an Audit against Australian Standard AS3780:2023 “The Storage and Handling of Corrosive Substances” across various corrosive chemical storage areas at Muswellbrook Water Treatment Plant (MWTP), Muswellbrook Recycled Water Treatment Works (RWTW), and Denman Water Treatment Plant (DWTP) in November 2023.

The purpose of this audit was:

1. Review the following storage and dosing chemical facilities against AS3780:2023:
  - Sodium Hypochlorite and Ferric Sulphate at Muswellbrook WTP.
  - Sodium Hypochlorite at Muswellbrook RWTW;
  - Sodium Hypochlorite at Denman WTP;
  - Sodium Hydroxide at Denman WTP;
  - Hydrochloric Acid at Denman WTP.
2. Provide a list of gaps between existing site installation or practice and the requirements of AS3780:2023;
3. Provide recommendations to address these gaps; and
4. Enable Council to develop a roadmap to compliance.

The roadmap to compliance is the plan or action list that Council needs to develop and follow to achieve the requirement to implement all controls to manage risks that an organisation should reasonably know. The developed roadmap included steps to:

1. Review actions from Ixom’s report;
2. Assign responsible persons for review;
3. Accept or reject these actions including any rationale;
4. Assign due dates; and
5. Assign funding.



Upon completion of the audit, Ixom developed an action list that represented all findings for the considered chemical handling facilities with “traffic lights” advice system where “red” is the non-compliant items that must be addressed, “yellow” is the non-compliant items but referred as a recommendation of the standard and “green” is items in compliance.

Actions in the Audit Report included but were not limited to:

- Manifest details;
- Regulatory signage/placards;
- SafeWork NSW Dangerous Goods Licence;
- Site emergency plans;
- Staff training for chemical corrosives;
- Fire protection;
- Bund condition and drainage systems;
- Asset management system, particularly preventative maintenance plans;
- Mixing of incompatible chemicals resulting in dangerous chemical reactions;
- Chemical storage building internal and external lighting; and
- Safety systems of work (permit to work, work procedures, SWMS, etc.).

The detailed action list was provided in the form of an excel spreadsheet. Supplied individual site reports provided a full compliance review of each chemical facility. The initial actions list contained 142 items for all audited chemical facilities and has been reviewed by Water and Wastewater staff. The outstanding items have been categorised on their risk implications and whether these actions could be completed “in-house” or through the engagement of an external contractor. Some of the routine and minor maintenance actions have been completed in-house and this work is ongoing.

Following a review of the actions internally, the list of outstanding action items has been prepared outlining the works that should be completed externally by an appropriately qualified contractor. Works required consist of chemical incompatible pipework replacement, installing splash screens, and repairing and resealing chemical bunds. The full list of the remaining 48 works required is outlined in Attachment A.

Preliminary calculations have been made based on quoting some of the items from the Actions list or using available quotations for similar works. As an example of the range, a recently received quote to re-coat chemical bunds at the Denman Water Treatment Plant returned a cost of \$110,250. Recent replacement of ferric sulphate storage tanks at the Muswellbrook Water Treatment Plant was a total of \$77,500. Based on these considerations, to complete all the outstanding items, an estimate has been calculated of approximately \$300,000.

The requested amount hasn’t been budgeted for the 2024/25 FY, however, the necessity of completion of the outstanding Audit items suggests using the Water Fund reserves to facilitate the required works as soon as possible. The works completion will greatly increase Work Health and Safety at Council’s Water/Wastewater treatment plants via reducing the risks of chemicals exposure to staff, treatments plant, and property. Improvements in hazardous areas of the Water Treatment plants will increase overall safety and reliability of the water treatment process, and will improve the reliability of water and wastewater services to the residents of Muswellbrook Shire.



### **FINANCIAL CONSIDERATIONS**

Estimate to complete the proposed works is \$300,000. This amount is not budgeted in 2024/25 FY and funding is sought to be transferred from the Water Fund Reserve.

### **POLICY IMPLICATIONS**

Enterprise Risk Management Policy

Financial Reserves Management Policy

Procurement Policy

Work Health and Safety Policy

### **STATUTORY / LEGISLATIVE IMPLICATIONS**

Local Government Act 1993

Work Health and Safety Act, 2011

Work Health and Safety Regulations, 2017

Australian Standard AS3780:2023

### **RISK MANAGEMENT IMPLICATIONS**

There are risks associated with operating corrosive chemicals facilities. Compliance with Australian Standard AS3780:2023 manages and controls the associated risks and improves overall Workplace Health and Safety at the workplace.

### **COMMUNITY CONSULTATION / COMMUNICATIONS**

Nil.

## **Attachment A**

### **List of required works to get compliance with AS3780:2023**

#### **Muswellbrook Water Treatment Plant**

1. Repair and reseal Sodium Hypochlorite Solution bund
2. Seal the top of the Sodium Hypochlorite Solution bund against the brickwork to ensure that it can be used as a splash barrier
3. Install a Sodium Hypochlorite bund alarm system to alert operators when the bund has filled with chemical due to spill/tank failure.
4. Install valves operational outside of the Sodium Hypochlorite bund.
5. Install a separate vent on the Sodium Hypochlorite storage tank.
6. Install a self-closing valve on the Sodium Hypochlorite storage tank transfer point.
7. Install Sodium Hypochlorite lilac P23 pipe with pipe labels.
8. Replace flexible lines on Sodium Hypochlorite dosing system with hard PVC pipe. Double contain lines where replacement of flexible lines is not possible.
9. Remove avoidable screwed fittings from Sodium Hypochlorite dosing system.
10. Replace Sodium Hypochlorite polyethylene tanks that do not comply with AS 4766 or are beyond recommended service life.
11. Install an overflow on Sodium Hypochlorite storage tanks.
12. Install splash protection in area where Sodium Hypochlorite pipework is not double contained outside of the bunded area.
13. Install self-closing valve on Ferric Sulphate transfer point.
14. Install Ferric Sulphate lilac P23 pipe with pipe labels.
15. Install a cutoff valve to Ferric Sulphate storage tanks to stop filling operation
16. Reseal Ferric Sulphate/Lime bund.

#### **Muswellbrook Recycled Water Treatment Works**

1. Install splash screens between the Sodium Hypochlorite and Aluminium Sulphate storage tanks.
2. Epoxy coat concrete plinths that the Sodium Hypochlorite and Aluminium Sulphate storage tanks sit on.
3. Epoxy coat spill containment pit.
4. Install a Sodium Hypochlorite bund alarm system to alert operators when the bund has filled with chemical due to spill/tank failure.
5. Install Sodium Hypochlorite lilac P23 pipe with pipe labels.
6. Install mesh screen on Sodium Hypochlorite storage tank vent pipe outlet to minimise vermin ingress
7. Install a self-closing valve on the Sodium Hypochlorite storage tank transfer point.

#### **Denman Water Treatment Plant**

1. Install a splash screen around the top of the Aluminium Chlorohydrate (ACH) bund.



2. Reseal Hydrochloric Acid storage tank bund.
3. Replace current oversized Hydrochloric Acid storage tank with smaller tank.
4. Reseal Sodium Hypochlorite storage tank bund.
5. Replace Sodium Hypochlorite storage tank outlet valve with valve operational from outside the bund.
6. Replace Sodium Hydroxide storage tank outlet valve with valve operational from outside the bund.
7. Install double containment Aluminium Chlorohydrate (ACH) dosing lines over the Sodium Hydroxide and Sodium Hypochlorite bunded area.
8. Replace fiberglass sump cover.
9. Install a vent line on the Sodium Hypochlorite storage tank
10. Install a vent line on the Sodium Hydroxide storage tank
11. Replace flexible hoses to the Sodium Hypochlorite smaller dosing pumps with hard pipework
12. Replace flexible hoses to the Sodium Hydroxide smaller dosing pumps with hard pipework
13. Replace schedule 40 pipework and fittings with schedule 80 pipework suitable for Sodium Hypochlorite
14. Replace schedule 40 pipework and fittings with schedule 80 pipework suitable for Sodium Hydroxide
15. Replace Hydrochloric Acid pipework with lilac P23 pipe with pipe labels
16. Replace Hypochlorite Solution pipework with lilac P23 pipe with pipe labels
17. Replace Sodium Hydroxide pipework with lilac P23 pipe with pipe labels
18. Upgrade screw fittings to flange or glue fittings at Sodium Hypochlorite tank outlet
19. Upgrade screw fittings to flange or glue fittings at Sodium Hydroxide tank outlet
20. Install a self-closing shut off valve to Sodium Hydroxide storage tank sight tube
21. Repair fault at Sodium Hypochlorite storage tank level indicator display.
22. Remove cap from Sodium Hypochlorite storage tank overflow/drain line
23. Repair and reseal cracked road bund
24. Install a splash screen in front of Sodium Hypochlorite dosing system
25. Install a splash screen in front of Sodium Hydroxide dosing system

**10.3.2. Sandy Hollow Projects Update**

<b>Responsible Officer:</b>	Director - Infrastructure & Property
<b>Author:</b>	Group Manager - Infrastructure & Operations
<b>Community Strategic Plan:</b>	<i>5 - Community Infrastructure</i>  Effective and efficient infrastructure that is appropriate to the needs of our community
<b>Delivery Program:</b>	1.2.4 - Implement the Muswellbrook and Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.
<b>Operational Plan:</b>	Not applicable
<b>Attachments:</b>	Nil

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**PURPOSE**

To provide Council with an update on current projects relevant to the village of Sandy Hollow.

**OFFICER'S RECOMMENDATION**

The information contained in the report be noted.

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

**EXECUTIVE SUMMARY**

The following project matters are relevant to the village of Sandy Hollow, with some of these having been raised by the community as areas of concern and opportunities for improvement to community infrastructure in the village. These include:

- Provision of a public toilet,
- Installation of infrastructure which facilitates public transport options,
- Status of the proposed truck stop,
- Impacts from heavy vehicle use on Peberdys Road,
- Damaged horse sculpture, and
- Status of the potable water Denman to Sandy Hollow Pipeline project.

**REPORT****Public Toilet**

The Community of Sandy Hollow has no public toilet facilities. The lack of facilities causes impacts to the amenity of the town and presents difficulties for residents and visitors. The Sandy Hollow Community has been advocating for a public toilet to be constructed within the village for many years.

Some good work was undertaken in this space by the Sandy Hollow Progress Association (SHPA) through securing funding of \$80K from the Ridgeland Community Fund for the purpose of construction of a toilet facility. These funds are yet to be spent. The major barrier to



constructing the toilet facility is the availability of suitable land within the village to site the facility.

Council does not own any suitable land within the village to allow construction of the amenities. The SHPA owns land in Honey Lane, however this land is currently undeveloped, and the public access road is unsealed with no turnaround facility for long vehicles.

Although the SHPA has prepared a concept plan for the site for future development, which includes amongst the development for the purposes of passive recreation and the provision of amenities, there is currently no funding to implement this plan. The Honey Lane site's location is off the main road and currently has poor access for highway traffic and users.

In consultation with the SHPA it was not preferred for these reasons. Ideally the location of the proposed toilet facility would have direct access for highway traffic, allow parking and manoeuvring for long vehicles, and be as close to the centre of the village as possible.

The Village Masterplan allows for public amenities to be located within the proposed site for the Transport for NSW (TfNSW) truck stop. The preferred site for the truck stop is adjacent to the existing service station on the eastern side of the Golden Highway. To date, the land to develop the facility in the village has not been obtained. Whilst the project to construct a truck stop by TfNSW is continuing to be investigated, it is currently unconfirmed. TfNSW advises, however, that as part of the investigation into the viability of the project it will be installing camera monitoring devices in the near future. The purpose of the monitoring is to gain a better understanding of the parking patterns within the village, particularly for heavy vehicles.

Following a recent request from the Community, Council is currently assessing the suitability of alternate sites to locate the public toilet on the Golden Highway on the western side of the village. It is likely that any site will require purchase of land to facilitate the installation of a public toilet. The viability of these sites will be the subject of a future report to Council.

### **Peberdys Road**

The use of Peberdys Road by the Australian Rail Track Corporation (ARTC) and their contractors, for the purpose of conducting essential maintenance of rail infrastructure in the Sandy Hollow area is having impacts for residents and road users. Council staff met with some of the impacted residents in February to hear their concerns. The main issues relate to the dust generated from the unsealed road, road deterioration, road safety, and heavy vehicle use of the narrow road.

Council has since been in contact with ARTC and will meet with representatives to discuss what actions can be taken to put in place mitigation measures, including any permanent improvements to the road. Further consultation with the impacted residents and the Sandy Hollow Progress Association will be undertaken following this meeting.

### **New Bus Shelter**

Council has been successful in obtaining funding for the supply and installation of a new bus shelter in Sandy Hollow, and this will be installed in the near future. The design of the shelter is consistent with the Council endorsed design, which aims to provide an improved level of comfort and protection for the user. The shelter has a wider roof line, perforated back for airflow and cooling and solar lighting. Consultation has been ongoing with the bus company and the Sandy Hollow Public School to determine the best location to place the shelter. The site will be on the western side of the Golden Highway adjacent to the school, however, some modifications to the existing kerb and gutter may need to be undertaken. A design for the site is currently being prepared for further reporting to Council and consultation with the community.

**Horse Sculpture Damage**

Council engaged Mr Mark Ray to sculpt the horse head to be placed in the new pocket park on the corner of Goulburn Drive at the time of the park upgrade. Unfortunately, the sculpture has been damaged and broken off at the base. Mr Ray has kindly offered to replace the sculpture. Council is in contact with Mr Ray to program replacement.

**Sandy Hollow Pipeline**

The Denman to Sandy Hollow Water Security Project Pipeline is a proposed 17.5-kilometre pipeline running from Denman to Sandy Hollow, via Hollydeen. The project aims to:

- ensure a secure supply of potable-quality water for Sandy Hollow village and surrounding areas of Denman;
- increase capacity to service a growing population; and
- facilitate future growth in regional industries, including agricultural processing.

The project is tender-ready with an estimated 18-month construction period.

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

Council has sought funding under the Commonwealth Housing Support Program – Community Enabling Infrastructure Stream (HSP-CEI) for \$8,601,800. The purpose of this grant is to enable infrastructure and community amenities that support new housing developments.

Council has also received a commitment of \$1.6 million from the Department of Climate Change, Energy, Environment and Water (DCCEEW) towards the pipeline construction (in lieu of upgrade works to the Sandy Hollow water treatment plant).

The Denman to Sandy Hollow water pipeline will deliver a reliable potable water supply addressing current water quality issues and constraints. Further, the infrastructure to be delivered at the Denman Water Treatment Plant and pipeline route, as part of this project, supports the continued growth of Denman.

The project was informed by the potential for intensive agriculture requirements and opportunities, feedlot and abattoir, along the pipeline with water infrastructure (treatment and pumping) available to be augmented to support industry. Agribusiness is a focus for strategic growth in the Upper Hunter economy.

Council is working with NSW Public Works Advisory to assist with project management and site engineering. The route is secured, the design is complete, and the final review of tender documentation is underway for the calling of construction tenders.

**10.3.3. Major Projects Status Report**

**Responsible Officer:** Director - Infrastructure & Property

**Author:** Admin Offer – Property & Building

**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:** 1. Major Projects Spreadsheet 20250318 [10.3.3.1 - 8 pages]

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**PURPOSE**

To provide for Council's information the Major Projects Status Report for March 2025.

**OFFICER'S RECOMMENDATION**

Council NOTES the information contained in the report.

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

**EXECUTIVE SUMMARY**

The Major Projects Status Report is reported to Council to provide an understanding of the status of respective capital projects. The recurrent report has been updated to include additional detail on associated funding and expenditure for projects.

**PREVIOUS RESOLUTIONS**

Not applicable.

**BACKGROUND**

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

**CONSULTATION**

Respective project managers.

**REPORT**

The Major Projects Status Report is attached for the information of Councillors as at 18 March 2025.

Each iteration of the report is reviewed to improve the communication of status updates against Council's Delivery Program and 2024–2025 Operational Plan, providing a clear representation of each project's expected and actual progress.



**FINANCIAL CONSIDERATIONS**

Nil known.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY / LEGISLATIVE IMPLICATIONS**

Nil known.

**RISK MANAGEMENT IMPLICATIONS**

Risk implications are considered and assessed for major projects.

**COMMUNITY CONSULTATION / COMMUNICATIONS**

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

PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	GL NUMBER	PROJECT BUDGET ESTIMATE	FY BUDGET ALLOCATION	QBR Dec 24	FY ACTUALS live (incl Commitments)	PREVIOUS YEARS EXPENDITURE	FUNDING SOURCES	FUNDING AMOUNT	FUNDING DEADLINES	TOTAL FUNDING	PLANNED START	PLANNED COMPLETION	ACTUAL START	ACTUAL COMPLETION	STATUS AT 18 MARCH 2025
<b>GENERAL FUND</b>																
<b>MULTIPLE YEAR PROJECTS:</b>																
<b>Denman Recreation Area and Tourist Park Precinct - Resources for Region 9</b>																
Bell Street Upgrade	C	3500.7862	\$800,000	\$728,538	\$541,336	\$541,336	\$71,462	Resources for Regions 9 - Local Roads and Community Infrastructure	\$728,538	29/08/2025	\$800,000	Oct-24	Feb-25	Oct-24	Jan-25	<b>Bell Street Upgrade</b> Contract awarded August 2024 to Contractors KCE Pty Ltd. Construction is now complete.
Carpark Denman Rec. and Internal Roads	C	3,501	325,000	392,541	\$371,336	\$225,730	\$7,459	Resources for Regions 9	392,541		\$92,541	45,566	45,689	45,566	45,689	<b>Carpark Denman Rec. &amp; Internal Road</b> The internal roads and carpark as Stage 2 of the overall Denman Recreation Reserve Project are completed
Denman Netball Courts (Earthworks, Drainage)	C	3710.7844	\$479,147	\$437,954	\$726,336	\$619,473	\$12,046	Resources for Regions 9	\$437,954	29/08/2025	\$437,954	Oct-24	Feb-25	Oct-24		<b>Netball Courts Denman Earthwork Drainage</b> The works to construct the courts including installation of lighting, the internal road and courts drainage are complete. The final colour surfacing and line marking of the court is to be undertaken pending contractor availability.
Denman Netball Courts	D&C	3710.7825	\$311,451	\$280,173	Budget consolidated with #3710.7844	\$3,466	\$31,279	Stronger Country Communities - Women's Participation	\$206,286	31/03/2025	\$311,451	Oct-21	Feb-25	Sep-22		<b>Denman Netball Courts</b> Project start dates delayed due to additional funding required. Denman Recreation Area user group consultation complete. Tenders closed 3 March 2023 and received tender was over budget. The scope of works has been included in the internal road works and to commence late 2024. REF required. Works are currently 95% complete.
								Bengalla VPA Funding	\$105,165	n/a						
Mountain Bike Trail Denman Rec	I	3710.7845	\$250,000	\$134,823	\$280,719	\$0	\$9,563	Resources for Regions 9	\$134,823	29/08/2025	\$134,823	Mar-25				<b>Mountain Bike Trail Denman Rec</b> Route options over Crown Land being investigated.
New Amenities Denman Rec	I & D	3910.5969	\$550,000	\$138,690	\$526,336	\$0	\$11,310	Resources for Regions 9	\$138,690	29/08/2025	\$138,690	Mar-25				<b>New Amenities Denman Rec</b> Location and scope to be developed as part of the Denman Tourist Park Masterplan returning to Council from public exhibition.
Denman Tourist Park	D	3710.7849	\$10,500,000	\$546,766	\$546,766	\$47,999	\$0	Mangoola VPA Funding	\$546,766	29/08/2025	\$546,766	Mar-25				<b>Denman Tourist Park</b> Changes to the concept design currently underway for consideration. December Council - Amended Master Plan placed on public exhibition for 42 days. A further report together with design options and submissions received during public exhibition will be reported to Council in March.
<b>Muswellbrook Town Centre Precinct</b>																
CBD STAGE 7 (A) (Median - Marketplace Laneway)	C	3500.4591	\$900,000	\$828,733	\$828,733	\$732,636	\$23,322	Resources for Regions Round 7	\$704,532	31/12/2025	\$900,000	Jan-22	Dec-24	Nov-24	Dec-24	<b>CBD Stage 7 (Town Centre) Bridge Street Footpath</b> Stage 7 CBD Footpath western side Bridge St is now complete. Minor work left - 3 month Maintenance period for Bridge Street footpath. Marketplace laneway to commence upon resolution of land related matters. PCIP funding reserve allocation of \$550,000 to be made towards the project for Laneway option.
								Priority Community Infrastructure Program (PCIP)	\$745,468	1/10/2026						
Hunter Innovation CID Pilot Program (Operational)	D & C	833.2978	\$316,666	\$316,666	\$316,666	\$83,843	\$0	Community Improvement District Pilot Program (CID) Department of Transport	\$316,666	1/05/2025	\$316,666	Jun-24	May-25			<b>Hunter Innovation CID Pilot Program</b> Milestones 2 report submitted. Quotes being sourced for physical install options. Next Community Reference Group (CRG) meeting will be held 7 April 2025. Activation Event planned for 3 May 2025.
Civic Precinct (Town Square) Includes: - Temporary Carpark West of Pocket Park - Brook Street Plaza Demolition & Ausgrid Kiosk Relocation - Town Centre Car Park - Public Domain External Services & Relocation - Stormwater Drainage for Precinct (Hill Street to Brooke Street)	D & C	3690.5498	\$6,025,000	\$3,085,362	\$3,085,362	-\$415,842	\$550,463	Priority Community Infrastructure Program (PCIP)	\$6,025,000	Various projects	\$6,025,000	Oct-21	Dec-25	Oct-21		<b>Civic Precinct (Town Square)</b> Developing a project plan including staging construction work.



Low Centre Square Unveiment (Remediation & Early Works 116 Bridge Street Demo & Site Rehab)								Mount Pleasant VPA	\$1,180,300							
Loxton House Refurbishment	D	3665.491	\$1,250,000	\$0	\$0	\$118,125	\$650,369	Resources for Regions Round 7	\$295,468	1/12/2025	\$1,250,000	Dec-22	Dec-24	Dec-22		<b>Loxton House</b> Development Approval modification application is being lodged to integrate s60 heritage applications for Ground and lower ground floor. Value engineering exercise currently being informed subject to Fire Engineered Solution approval by the Fire Brigade for the BCA code changes. If this happens it is recommended that Council tender out the works for areas approved as soon as practical. Performance fire engineering report completed. Report with Fire NSW for approval. PEER Review being arranged.  Procurement documentation to progress in readiness for approval and tender roll-out.
								Priority Community Infrastructure Program (PCIP)	\$954,532	1/09/2026						
Demolition for Civic Precinct	I	3690.5434	\$1,000,000	\$650,000		\$327,327		Resources for Regions 9	\$425,000	29/08/2025	\$650,000	Oct-24	Mar-25	Oct-21		<b>Pocket Park - Enabling Works</b> Development approval for demolition works was received 17 June 2024. Tender for Demolition to be reported to the December 2024 Ordinary Council meeting, all tenders were declined and delegated contract negotiations. Tender negotiations completed and is being reported to March 2025 Council meeting subject.
								Priority Community Infrastructure Program (PCIP)	\$225,000							
Pocket Park - Construction	D	3710.5496	\$2,300,000	\$250,000	\$250,000	\$168,807		Stronger Communities	\$250,000	2/02/2026	\$2,300,000	Oct-21	Dec-25	Oct-21		<b>Pocket Park - Construction Works</b> Detailed design completed with construction works to be timed to follow demolition works. Tender documents being prepared.
								Priority Community Infrastructure Program (PCIP)	\$2,050,000	1/09/2026						
Possum Gully Realignment - West Rain Corridor - East Rail Corridor	D & C	3710.5454	\$3,300,000			\$95,164		Office of Local Government	\$1,000,000			Mar-25				<b>Possum Gully Realignment</b> Design feasibility options were investigated. Based on this information Request for Quote is being drafted for the investigation and design of the realignment. RFQ is targeted to be released 31 March 2025
								Priority Community Infrastructure Program (PCIP)	\$500,000	1/09/2026						
Regional Entertainment and Conference Centre	D & C	3690.5433	\$16,500,000	\$3,102,747	\$3,102,747	\$19,859	\$2,418,824	Resources for Regions Round 8	\$6,394,854	31/12/2025	\$16,866,020	Oct-21	Dec-26	Oct-21		<b>Regional Entertainment and Conference Centre</b> At the January 2025 Council meeting, Council endorsed to progress with revised design scope for the Stage 1 Theatre and proceed with development application based on the revised design scope with the inclusion of a half fly tower and support a Stage 2 Studio and additional back of house for concept only. Following the council resolution, regular coordination meetings have commenced with the design, cost and theatre consultant to progress the design to include 'key changes' endorsed at the January 2025 council meeting and to inform revised costings to meet the approved budget. Area schedule has been prepared for QS interim reviews. Planning for regulatory pre-DA meeting in progress.
								Mt Pleasant, Mt Arthur, Ridglands VPA Funding	\$2,280,146							
								Special Rate Variation	\$7,000,000							
Olympic Park Precinct																
Olympic Park Amenities and Grandstand	D & C	3710.7824	\$14,000,000	\$4,110,326	\$4,110,326	\$566,888	\$720,415	Special Rate Variation	\$4,800,000		\$14,511,992	Jan-21	Apr-26	Jan-21		<b>Olympic Park Amenities and Grandstand</b> Tender for Detailed Design closed 19 June 2024. Contracts for detailed design have been awarded to Barnson and currently being finalised. Start up meeting held 19 September. Cost estimate received for DA approved design and value management option of refurbishing the old grandstand.  December Council endorsed design Option 4 (renew option) to allow detailed design documents to be completed to proceed for construction tender. DA modification is required to progress with Option 4. Initial advice has been sought with regulatory teams on whether the DA modification process requires a referral to the Joint Regional Planning Panel. The initial advice is that a panel referral may be needed. Further clarification is being sought on sub-delegation authority for Council to assess the modification.
								Priority Community Infrastructure Program (PCIP)	\$5,500,000	1/09/2026						
								NSW Gov - Office of Sport - Regional Sport Facility Funds 2020/21	\$1,000,000	31/12/2025 Variation submitted for Oct 2026						
								NSW Stronger Country Communities	\$486,992	31/10/2025 Will request variation early 2025						
								Stronger Country Communities R4 - Intelligent Lighting	\$125,000	Completed						
								2019-2020 Active Transport Program - Shared Pathway	\$150,000	Completed						

								Resources for Regions Round 5 - Wilder Street Bridge	\$1,250,000	Completed						
								VPA Funding - Bengalla 2017/2018 \$710k - AGL \$238k - Bengalla 21/22 \$226,193	\$1,200,000							
Olympic Park Field Improvements	D & C	3710.7829	\$1,500,000	\$911,087	\$911,087	\$0	\$88,915	Regional Sport Facility Fund 2021/22 - Office of Sport - Field Improvements \$1M	\$1M	Variation submitted for Oct 2026	\$1,000,000	Jul-22	Apr-26	Jul-22		Olympic Park Field Improvements Draft drainage and irrigation designs have been prepared for Olympic Park field improvements. Field works to be tendered and awarded to be completed concurrently with construction of buildings. The field works are envisaged to start following the majority of construction that encroaches near the fields are completed. Field design is being approved as a variation to Barnson contract to ensure consistency in both grandstand and field design.
Olympic Park Projects (multiple)	D	3710.1405	TBD	\$43,292		\$0	\$573,277	Special Rate Variation				Jul-22	Apr-26	Jan-21		Olympic Park Projects Funding for Olympic Park Precinct has been allocated for investigation and design of other precinct stages, including precinct landscape design, for example, fencing has been installed around the Olympic Park Bridge. The Olympic Park Precinct Plan of Management has been adopted.
Wollombi Precinct																
Adventure Playground - Wollombi Park Pump Track	I, D & C	3710.7831	\$480,000	\$24,000		\$26,665	\$431,210	Open Spaces Program: Places to Play Department of Planning, Industry & Environment				Jan-24	Jun-24	Feb-24	Aug-24	Adventure Playground - Wollombi Park Pump Track Works completed, Practical Completion issued and currently under the defects liability period. Completed.
Wollombi Precinct Master Plan (Operational)	I & D	475.2868	\$120,000	\$120,000	\$120,000	\$0	\$0	Mt Arthur VPA Funding	\$120,000			Mar-25				Wollombi Precinct Master Plan Total is \$150,000 to fund development of design for Wollombi Precinct Master Plan including business case for childcare centre options.
PROPERTY & BUILDING:																
Denman Children Centre	C	475.0216	\$1,229,714	\$1,735,351	\$1,735,351	\$261,832	\$254,985	Ridglands Community Fund	\$470,000		\$1,986,797	Jun-18	Sep-25	Mar-21		Denman Children's Centre Council has accepted the tender from Westbury Constructions Pty Ltd and the Contract has been awarded and executed. Site established. Demolition works completed. Construction Certificate application to include changes to the BCA received. Construction works underway. A variation has been received from Westbury for additional scope following the BCA code changes and CC receipt. The variation is lodged to the funding body to seek possibility of variation approval for additional funding following advice from the grant funding authority's project officer. Construction progressing as per plan.
								Council Co-contribution	\$150,153							
								Denman Children Centre	\$68,870							
								2021 Start Strong Capital Works Grant	\$540,690	28/09/2025						
								Resources for Regions Round 9	\$120,000	29/08/2025						
								Local Roads & Community Infrastructure Rd 4	\$337,084	30/06/2025						
								Mangoola VPA	\$300,000							
Arts Centre Programme																
Arts Centre Offsite Storage	D & C	3910.5972.504	\$821,893	\$821,893	\$821,893	\$0	\$0	Darbrook VPA Funding	\$821,893		\$821,893	Mar-25				Art Centre Offsite Storage Preliminary concept to be developed.
Buildings New and Replacement Programme	C	3910.5800 / 3910.5815 / 3910.5819 / 3910.5855 / 3910.5877 / 3910.5883 / 3910.5907 / 3910.5955 / 3910.5964 / 3910.5966	\$250,000	\$440,254	\$440,254	\$96,986	\$396,888	General Revenue				Oct-22	Jun-24	Jul-23	Jun-24	Buildings New and Replacement Programme November 2024 Council approved General Building Renewal Programme The following work ongoing: Muswellbrook Library Renewals \$20,550 Security Provisions & Improvements \$70,000 Muswellbrook Child Care Centre Door \$10,000 Muswellbrook Works Depot - Fire Safety & Security \$15,000 SES - Industrial Close Termite Damage \$15,000 Denman Memorial Hall floor repair \$3,000 Admin Building Roof \$10,000 Admin Building Renewal \$28,766 Regional Art Gallery \$24,934 Accessibility Upgrades \$68,534 Art Centre Renewal \$75,000 QEII Floor Covering Replacement \$11,229 Industrial Close Precinct \$20,650  Completed work: Library Seminar Room Upgrade Donald Home Building Restaurant Finishes Staff Housing minor capital improvements/renewal Vietnam Memorial Toilets - New vandal resistant toilet suite
								Stronger Country Communities Rd 5	\$100,000	2/02/2026						
Muswellbrook Animal Care & Sustainability Hub	D & C	3910.5887	\$150,000	\$150,000	\$150,000	\$39,007	General Revenue			30/06/2025		Sep-24	Jan-25			Muswellbrook Animal Care & Sustainability Hub The prioritized works are being executed, with some already completed including shade structures and security improvements. Installation of mesh sheeting to the Kennel Hebel walls completed.
								Stronger Country Communities	\$500,000							

Muswellbrook Indoor Sport Centre - Youth Centre	D & C	3910.5844	\$1,850,000	\$1,332,994	\$1,332,994	\$57,851	\$249,878	UHYS	\$215,000	1/01/2025	\$1,582,994	Oct-19	Jun-24	Oct-19	Upper Hunter Youth Centre Tenders reported to January 2025 Ordinary Council meeting. Council resolved to award construction contract to Cerak Constructions subject to funding allocation. Construction Certificate Application underway. s68 approvals, NABERS Emissions Form and Fire Engineering design reports received. PEER review being finalised. S68 approval review underway to finalise CC. Additional budget allocation to be finalised of \$1,021,291.82 including contingency and overheads. Contract award pending funding confirmation from the Department of Primary Industries and Regional development.
								Bengalla (\$250,860) & Mt Arthur (\$802,870) VPA Funding	\$853,730						
								Council Contribution	\$15,000						
MSC Depot Construction	D & C	3910.5939	\$14,000,000	\$4,513,714	\$4,513,714	\$136,271	\$532,209	Resources for Regions Round 9	\$4,800,000	29/08/2025		Jul-21	Dec-25	Jul-21	MSC Depot Construction The amended Concept and associated estimates of cost has been reported to the July 2024 Ordinary Meeting of Council. The Council approved the detailed Concept Plan in principle, accepted dividing the project into two stages and approved the preparation of the Development Application (DA). Also, Council delegated the authority to General Manager for the submission of the development application. An additional report was submitted by Planning and Environmental section to the July 2024 Ordinary Council Meeting seeking approval from Department of Planning, Housing and Infrastructure, if required. Preparation of DA documentation is in final stage and DA application will be ready to submitted in March 2025.
Reactivation of Campbells Corner Retail for Muswellbrook	D & C	3910.5966	\$974,686	\$867,521	\$867,521	\$49,500	\$107,166	Resources for Regions Round 9	\$974,686	29/08/2025		Jan-23	Jul-25	Jan-23	Reactivation of Campbells Corner The current detailed design development along with the cost estimates to be reported to the March council meeting. The construction tender to follow.
Recreation Capital Works															
Below programmes recurrent for 2024. Details to be determined. Cemetery Programme \$100k, Large Capital Grants \$90k, and Small Capital Grants \$25k.															
Aquatic Centre Programme 2024 - Solar	C	3700.5151/ 3700.5312		\$409,953	\$409,953	\$154,660	General Revenue			30/06/2025					Aquatic Centre Programme 2024 Dehumidifier installation and commissioning completed. Gym equipment, shelter, BBQ and furniture installed October. Solar Panel RFQ to be rolled out.
Cemetery General Programme	C	3722.5297	\$90,000	\$232,453	\$132,453	\$0	General Revenue			30/06/2025					Cemetery General Programme Stage 1 and 2 of concrete paths have been completed. Quotes received for next stage.
General Recreation Programme	C	3710.5293	\$100,000	\$100,000	\$197,200	\$78,056	Grant Funding			30/06/2025					General Recreation Programme Programme to be confirmed at November Council meeting.
Highbrook Park - Capital, Asset Acquisitions / Sales		3710.5221		\$17,081	\$17,081	\$0	General Revenue			30/06/2025					Highbrook Park Allocation for minor capital improvements.
Landscaping and Tree Management Programme	C	3710.5311	\$90,000	\$100,000	\$100,000	\$37,609	General Revenue			30/06/2025		Jul-24	Jun-25	Jul-24	Landscaping and Tree Management Programme Street tree applications have been received and planting as programmed..
Lighting for Weeraman Fields	C	3710.7836	\$350,000	\$354,991	\$354,991	\$426,424	\$137,769	Female Friendly Community Sport Facilities & Lighting upgrades - NSW Sport	\$492,760	31/10/2024	\$492,760	Jul-24	Oct-24	Aug-24	Lighting for Weeraman Fields Conduits and solar complete. Lighting and solar installed. commissioning complete.
Lighting for Highbrook Park	C	3710.7837	\$350,000	\$381,093	\$381,093	\$372,948	\$65,947	Female Friendly Community Sport Facilities & Lighting upgrades - NSW Sport	\$447,040	31/10/2024	\$447,040	Jul-24	Oct-24	Jul-24	Lighting for Highbrook Park Lights, poles, and solar installed, conduits and control board installed. Highbrook Lighting and Solar is complete.
Major Large Capital Grants Programme (Dollar for Dollar Grant Programme)	C	3710.5494	\$90,000	\$75,000	\$75,000	\$0	\$0	Malabar VPA Funding	\$75,000			Nov-24			Major Large Capital Grants Programme (Dollar for Dollar Grant Programme) Applications for 2024-2025 round to be advertised December 24 - Jan 25. March Council
Playground Upgrades	C	3710.5251		\$6,270	\$9,270	\$5,178	General Revenue			30/06/2025					Playground Upgrades Minor works to follow playground inspections. Some minor upgrades completed and further equipment ordered.
Karoola Park - Resilience Works	D & C	3624.2859	\$973,974	\$443,014	\$443,014	\$12,640	\$41,160	NSW Office of Sport Essential Community Sports Assets Program	\$973,974	Variation underway 30/06/2025		Sep-23	Jun-25		Karoola Park - Resilience Works A comprehensive master plan has been prepared and reported to the July council meeting. Currently, the master plan is on public exhibition. Reported to November 2024 Council Meeting. Footpath construction underway.
Karoola Park - Community Assets Program (CAP) Drainage & Path		3590.4445	\$1,151,047	\$1,151,047	\$1,151,047	\$589,004	\$0	Community Assets Program - Regional NSW	\$1,569,375	Variation underway 30/05/2025		Sep-23	Jun-25		Karoola Park - Community Assets Program Drainage & Path Detailed design for basin and drain in progress.
Karoola Park - Playgrounds	D & C	3710.7855	\$418,328	\$418,328	\$418,328	\$385,321	\$0					Sep-23	Jun-25		Karoola Park - Playground The tender has been awarded, detailed design completed with additions for a water bubbler and shade sails requested. Tender for construction awarded to Moduplay. Commencement likely end April.
Simpson Park - Softfall Replacement	I	3710.7847	\$150,000	\$150,000	\$150,000	\$300	\$0	Bengalla VPA		30/06/2025					Simpson Park - Softfall replacement Currently working with a Landscape Architect to prepare the concept design for softfall, considering two options: (1) Renewal of "dropped ice-cream" design and (2) an alternate concept featuring creative and innovative design elements.2 Quotes received and currently under review.

Simpson Park - Amenities Design	D	3710.7848	\$253,871	\$253,871	\$253,871	\$6,932		Bengalla VPA		30/06/2025							Simpson Park - Amenities Design Detailed Survey completed. Concept design works awarded to Webber architects and is currently underway. Site meeting to take place 7/3.
ROADS & DRAINAGE:																	
Purchase of vehicles (light fleet)	I	3900.5660	\$342,558	\$607,993	\$607,993	\$371,123	General Revenue			30/06/2025		Jul-24	Jun-25	Jul-24			Purchase of vehicles NSW Gov Scheme to purchase vehicles, expanding who we can buy from. Several purchases completed. Further purchases programmed.
Transportation Vehicles (Works light fleet)	I	3980.5850		\$360,000	\$360,000	\$158,322	General Revenue			30/06/2025		Jul-24	Jun-25	Jul-24			Transportation Vehicles Several purchases completed. Further purchases programmed.
Baerami Creek Causeway	D & C	3500.4498	\$650,000	\$672,039	\$672,039	\$0	\$17,635	Natural Disaster Funding	\$689,654	Variation requested							Baerami Creek Causeway Tenders were called. Received two submissions, well above budget. Council has been in consultation with the funding body to develop a new scope of work to align with the funding available. Revision scope submitted and awaiting approval. DRPA have approved the new scope of work and procurement documents have been prepared to seek suitable contractors to undertake the works RRFQ close 2 April.
Bridges Renewal Program	I	3530.4131	\$290,000	\$342,496	\$342,496	\$1,500	General Revenue \$250,000 - 24/25 \$92,496 -CO Reserve			30/06/2025		Jul-24	Jun-25				Bridges Renewal Program Design of abutment protection renewal - Widden Bridge, Bylong Valley way, Muscle Creek Bridge, Bell Street, and Peberdy Bridge. Quotations for design have been accepted and the consultant is preparing designs.
Bylong Valley Way Road Safety Project	I & D	3500.4317	\$3,930,000	TBA	TBA	\$0	\$0	NSW Road Safety Program Transport for NSW	\$3,930,000 (\$4,602,549 available)	30/04/2026		Jul-25	Mar-26				Bylong Valley Way Road Safety Program Tenders were received for the road design and will be reported to the February Meeting of Council. 32.4 to 34.4 chainage near Kerrabe House. Council awarded the contract for Investigation and Design and 13 March a project inception meeting was held. The design phase of the project will kick off with a site meeting on 18 March.
Carpark Renewal Program	C	3580.4234	\$85,000	\$100,000	\$100,000	\$0	General Revenue			30/06/2025		Nov-24	Jun-25				Carpark Renewal Program Karoola Park - Pavement renewal and drainage improvements.
CPTIGS - Bus Shelter Program	D & C	3500.2781	\$321,964	\$198,916	\$198,916	\$147,158	\$128,751	Stronger Country Communities R5	\$267,767	2/02/2026							CPTIGS - Bus Shelter Programme An In-kind source of funding for the upgrade of the Bus Stop in Tindale St has been provided through development in the street. Tenders were received by Council and reported to 27 April 2023 Council meeting where Council determined to not accept any Tender. A Councilor workshop was held in September 2023 to provide information regarding the bus shelter concept. This matter was reported to the October 2023 meeting of Council where Council endorsed to seek quotations for the design and supply of shelters. Quotations have been received and a contractor has been engaged to manufacture the shelters. Note: CPTIGS is the Country Passenger Transport Infrastructure Grants Scheme. At manufacturing stage, met with manufacturer w/c 30 September 2024, Quotes for boardings pads required.
								CPTIGS 19/21	\$41,930	Variation Submitted for 30/04/2025		Oct-24	Mar-25				
								CPTIGS 21/23	\$12,267	Variation Submitted for 30/04/2025							
Drainage Devices Programme	C	3540.4065		\$500,000	\$500,00	\$33,982	General Revenue			30/06/2025		Sep-24	Jun-25				Drainage Device Programme Program to be developed pending receipt of the drainage investigation and condition assessment currently being undertaken. Permit to enter request sent to residents to start investigations. Programme to be reviewed following receipt of new condition data.
Dry Creek Road- Replacement of Road Causeway		3540.4613		705157	705157	612892.66		Natural Disaster Funding					45778		45723		Dry Creek Causeway Replacement of road causeway Dry Creek Road has been completed.
Flood Warning Systems		3590.4444		\$147,856	\$147,856	\$45,199	\$2,144	NSW Department of Planning Industry and Environment	\$150,000				Sep-24		Aug-24		Flood Warning Systems Installation and commissioning of the flood warning system completed. A community information session to be held regarding the operation of the siren system. Completed
Footpath & Cycleway Renewals	C	3500.4072	\$185,625	\$200,000	\$200,000	\$181,136	\$174,555					Jul-24	Sep-24	Aug-24	Aug-24		Footpath & Cycleway Renewals A prioritised program was endorsed by Council at the August 2024 Meeting. In accordance with the program, sections of footpath have been renewed in Hill Street and Mill Street. Currently renewal work happening along Maitland Street. Completed.
Heavy Patching Programme	C	3500.4035	\$637,500	\$750,000	\$716,944	\$337,254	General Revenue			30/06/2025		Sep-24	Jun-25				Heavy Patching Programme A prioritised program was reported endorsed by Council at the July 2024 Ordinary Council Meeting. Tenders were received to enable completion of the program. These tenders will be reported to the February meeting of Council.
Kerb & Gutter Replacement	C	3560.4065	\$454,750	\$535,000	\$535,000	\$181,197	General Revenue			30/06/2025		Sep-24	Jun-25	Sep-24			Kerb & Gutter Replacement A prioritised program was reported and endorsed by Council at the July 2024 Ordinary Council Meeting. This program of work is continuing.
Large Plant Items	D	3985.587	\$2,207,245	\$1,923,878	\$1,923,878	\$692,663	General Revenue	General Revenue	General Revenue	30/06/2025		Jul-23	Jun-24	Jul-23	Multiple year.		Large Plant Items The following items have been purchased this financial year. 1. Tractor and attachments \$337,050, 2. 2 x Zero Turn Mowers \$82,254, 3. Line Marking machine \$39,612, 4. Truck and Chassis to replace Parks - Water Cart.  December 2024 Council supported the 2024/2025 Large Plant Replacement Program and approves the transfer of funds from the Plant reserve to proceed with the purchase of the Compact Footpath Sweeper. This program is being implemented accordingly to the limit of available funding.
Hunter Beach to CBD Pathway		3500.7864		\$600,000	\$600,000	\$0	\$0	Darbrook (\$400k) & AGL (\$200k) VPA Funding	\$600,000			Sep-24	Jun-25				Hunter Beach to CBD Pathway Design and construction (Wilkins Street to Hunter Beach). The design is scheduled to be undertaken in the fourth quarter of the financial year.

Merton Street Drainage, Denman	C	3540.4596	\$1,326,952	\$1,326,952	\$1,326,952	\$916,247	\$85,632	Resources for Regions 9	\$1,412,582	29/08/2025	\$1,412,582	Apr-24	Oct-24	May-24	Dec-24	<b>Merton Street drainage, Denman</b> Stormwater drainage, road works, and water main relocation works reached partial completion in December 2024. Now complete.
Palace / Merton Street Upgrade Denman	C	3540.4599	\$360,870	\$360,870	\$360,870	\$360,870	\$818,762	Disaster Ready Fund Rd 1	\$1,179,631	29/08/2025	\$1,179,631	Apr-24	Oct-24	Nov-24		<b>Palace Street Upgrade, Denman</b> Works have commenced on site and the construction is progressing. The construction of the stormwater drainage is 70% complete. Once the drainage is complete the construction will move onto the second phase to remove and reconstruct new kerb and gutter.
Muscle Creek Emergency Stabilisation	I	3920.5973		\$250,000	\$250,000	\$0	\$0	Dartbrook VPA Funding	\$250,000							<b>Muscle Creek Emergency Stabilisation</b> Awaiting recommendations of Catchment Management Plan.
New Footpath and Cycleway Programme	C	3500.4073	\$123,250	\$145,000	\$145,000	\$310	General Revenue	General Revenue		30/06/2025		Jan-25	Jun-25			<b>New Footpath and Cycleway Programme</b> A prioritised program was reported endorsed by Council at the July 2024 Ordinary Council Meeting. Programme delivery to follow Karoola Park footpath works.
Rainbow Creek Bridge	C	3530.461	\$616,113	\$374,687	\$666,113	\$7,129	\$0	Transport NSW Fixing Country Bridges	\$666,113	31/05/2025		Jan-25	Jun-25			<b>Rainbow Creek Bridge</b> Fully executed variation deed has been received for the amount of \$616,113. Preparing tender documents for box culvert on Sandy Creek Road. Reported to December Council 2024 Meeting accepted tender submitted by KCE Pty Ltd for lump sum of \$363,800.00 ex gst. The contractor has been inducted to the site ordered precast box culverts and the construction works commenced March 2025.
Regional Road Renewal Programme	C	3502.4135	\$69,000	\$69,000		\$0	67,094	Transport NSW	69,000			Oct-24	Jun-25			<b>Regional Road Renewal Programme</b> This budget will be used for Heavy Patching Works as per the submitted programme. The contractor has advised that work will commence 24 March 2025.
Road Resealing Program	C	3500.403	\$1,000,000	\$1,000,000	\$1,000,000	\$947,954	General Revenue			30/06/2025		Oct-24	Mar-25	Oct-24	Feb-25	<b>Road Resealing Program</b> A prioritised programme was endorsed at the July 2024 meeting of Council as part of the Capital Works Programme. Resealing works commenced October 2024. This program is now complete with line marking to be undertaken at the same time of TNSW.
Roads to Recovery Programme	I	3500.2068	\$577,898	\$1,155,796	\$751,270	\$0	\$0	Roads to Recovery	\$751,270	31/12/2025		Sep-24	Dec-24	Oct-24		<b>Roads to Recovery Programme</b> A project is yet to be formally nominated for this funding. The priority in accordance with the Council endorsed priority list is for a section of Thomas Mitchell Drive ch 50 to ch 1.6km. Potentially allocating reserves for sufficient budget in next financial year.
Rural Roads Regravelling Programme	C	3500.4055	\$283,815	\$250,000	\$250,000	\$77,196	General Revenue			30/06/2025		Jul-24	Jun-25			<b>Rural Roads Regravelling</b> Rolling programme is continuing. Currently working on Dorset Road, Wilton's Lane and moving to Beggery Creek road.
Rural Roads Renewal Programme	C	3502.4125	\$650,153	\$764,886	\$764,886	\$354,623	General Revenue			30/06/2025		Aug-24	Dec-24	Aug-24		<b>Urban Road Renewal</b> Carl Street upgrade works reported to November 2024 Ordinary Council meeting. This project is now complete. This program is now complete.
Urban Road Renewal Programme	C	3500.405	\$700,000	\$755,132	\$755,132	\$553,515	General Revenue			30/06/2025		Nov-24	Jun-25	Nov-24	Dec-24	<b>Urban Road Renewal</b> Carl Street upgrade works reported to November 2024 Ordinary Council meeting. This project is now complete. This program is now complete with line marking to be undertaken at the same time of TNSW.
Wybong Road - Betterment	I			\$1,633,500		\$0						Pending EPAR approval				<b>Wybong Road Betterment</b> Council was successful in receiving funding for the 'betterment' component to widen and improve Wybong Road in three nominated sections at the western end. Damaged in the recent natural disaster events. Council is liaising with TNSW on road management and funding arrangements. Council has reviewed the funding agreement and returned to TNSW with some suggested amendments. MISC is awaiting TNSW acceptance prior to signing. In addition a contract has been prepared to accept TNSW to undertake the construction work. Council has exchanged the draft contract with TNSW to seek their agreement and signing of the document.
Stormwater Drainage		3540.4612		\$150,000	\$150,000	\$0	General Revenue			30/06/2025						<b>Stormwater Drainage</b> This project is for the relining of the existing RCP in Crinoline St Denman. A contractor has been engaged to undertake the works in June - July 2025. Other works programmed to occur at this time are the renewal of stormwater pits Rutherford Road Muswellbrook and repairs to stormwater drainage in Skellatlar St.
<b>FUTURE FUND:</b>																
Blue Flame Restaurant Works		3690.5711	\$250,000	\$208,059	\$208,059	\$208,036	\$41,942	Future Fund Reserve								<b>Blue Flame Restaurant Works</b> Blue Flame Restaurant fit-out works. <b>Completed.</b>
Marketplace Asset Renewal (incl. Lift)	D & C	3690.554	\$331,194	\$221,539	\$221,539	\$99,950	Future Fund Reserve					Jun-24				<b>Muswellbrook Marketplace Asset Renewal</b> Heavy goods lift specification drafted ready for tender issue. Council is undertaking an independent review of transportation services at the Marketplace now complete. Tenders to be called for lift.
Renewal of Existing Assets	D & C	3690.5421	\$331,938	\$235,814	\$235,814	\$33,343	Future Fund Reserve					Jul-24	Jul-24			<b>Renewal of Existing Assets</b> Combination of commercial building renewal projects and capital works for new tenancies. Replacement of split air-conditioning systems at Sam Adams. Fire detection renewal at Tertiary Education Centre.
<b>WASTE OPERATIONS:</b>																

Waste & Recycling Centre Leachate Dam	D & C	3653.453	\$475,795	\$475,795	\$475,795	\$0	\$30,417	Waste Reserve	\$450,000			Jul-23	Dec-26	Jul-23		Waste & Recycling Centre Leachate Dam Design and construction cost estimates complete (~\$500,000). Biodiversity Assessment completed. Geotechnical report for project area received, which has triggered a dam design revision due to lack of winnable clay on site. Currently preparing development application (DA) lodgement.
WATER & WASTEWATER																
Sewer Fund																
Access and Security Improvements	D&C	6340.4475	\$150,000	\$150,000	\$200,000	\$14,600		Sewer Fund				30/06/2025	Nov-24	Jun-25		Access and Security Improvements Fencing and automation of gates for Recycled Water Treatment Works (RWTW) at Muswellbrook. RFQ finished. Project Officer reviewing Submissions for Evaluation panel to Evaluate. Prep-meeting 26th March. Panel deadline: 28th March 2025. Security Improvements for Recycled Water Treatment Works (RWTW) at Muswellbrook key system upgrade. Intercom, Cameras RFQ closes 20th March 2025. Expected completion June 2025
Mains Renewal and Replacement	I, D & C	6310.434	\$260,000	\$200,000	\$150,000	\$7,209		Sewer Fund				30/06/2025	Mar-25	Jun-25		Mains Renewal and Replacement December Council approved \$150,000 funding to be reallocated from Sewer Fund GL 6310.4340.504 to Water Fund GL 5330.4378.504 for procurement of a non-destructive digger.
Solar Array	D & C	6310.4493	\$644,773	\$699,622	\$699,622	\$566,558	\$100,379	Section 64 Funding	\$750,000		NIA		Mar-24	Feb-25	Apr-24	Solar Array Solar Array is operational and online. W & W staff connected to online monitoring system. Some defect panels identified with replacement arranged. 11x Solar Panels were replaced, which were damaged due to mowing. In February 2025 another 6x panels were damaged, which are planned to be replaced by 25th March. Additional 6 panels ordered as spare. Defect liability period commenced 24/02/25.
Sewer Operational Contingency	I,D&C	6340.4494	\$40,000	\$50,000	\$50,000	\$14,316		Sewer Fund				30/06/2025	Jul-24	Jun-25	Jul-24	Sewer Operational Contingency Replaced failed, obsolete connector at Muswellbrook Sewer Pumping Station (MSPS) 4. Purchasing 88kVa power generator is planned up before FY end.
System Plant Asset Renewals	I, D & C	6340.4488	\$650,000	\$528,017	\$528,017	\$39,286		Sewer Fund				30/06/2025	Jul-24	Jun-25	Jul-24	System Plant Asset Renewals Muswellbrook Sewer Pumping Station (MSPS) No. 5 - Audit Report being followed up with Contractor. Design of Electrical Board in process. Draft expected 27th March. Design expected completion date April 2025. Construction expected to be completed by June 2025 MSPS- 7 Electrical Board upgrade, design in progress. Draft expected 27th March. Design expected completion date April 2025. Construction expected to be completed by June 2025.
Transportation System Improvements	I, D & C	6340.4485	\$300,000	\$595,964	\$595,964	\$155,147		Sewer Fund				30/06/2025	Feb-24	Oct-25		Transportation System Improvements Telemetry Hardware upgrade for pumping stations: MSPS 2-7 MSPS 9-13 In process of concept design and scope. In process of preparing Tender documents for ITOT network and telemetry hardware upgrade. Expected to go to Tender/RFQ in April 2025. Completion estimate is October 2025. Telemetry Software is planned to be replaced for 8 sites in total. Investigation and design for procurement of correct equipment is to be integrated to the system. Expected replacement start by May 2025. Expected completion by June 2025. Odour Control Unit: MSPS4- PO issued to complete Condition Assessment and H2S/VOC Gas logging. Expected to be completed by end of March 2025 Pumpstation Protection - Quotes received, WHS to approve Contractors on Besafe system for work to be started. Works expected start in March 2025. Completion estimate is April 2025
Upgrade Sewer Pumping Station-1	I, D & C	6310.4364	\$3,284,597	\$1,987,094	\$1,987,094	\$0	\$12,907	\$3,920,364	Revenue/Section 64 Funding				Jun-24	Nov-25	Jun-24	Upgrade Muswellbrook Sewer Pumping Station 1 December Council Meeting 2024 - Approved the transfer of \$1,933,273 from the Sewerage Account (section 64 sewer reserves) to enable fulfillment of the contract project budget. Tender submitted by KCE Pty Ltd accepted for total cost of \$3,286,971.00. Contract executed on 7th March 2025. Project kick-off and site visit done on 10th March 2025. Milestone-1-50% Design to be achieved by Mid April 2025. Milestone-2-80% Design and Workshop with Operations team expected by end of May 2025
Sewer Plant and Equipment	I	6340.438		\$180,000	\$180,000	\$0		Sewer Fund				30/06/2025	Jun-24	Jul-25		Sewer and Plant Equipment Investigations underway for purchase of Vacuum Truck Plant Equipment. Procurement and Works Team in process of procuring. Procurement Date TBA. Networks to update on procurement process.
Water Fund																
Asbestos Removal, Earthwork and Security	C	5310.4586	\$150,000	\$150,000	\$150,000	\$12,262		Water Fund				30/06/2025	Feb-25	Jun-25		Asbestos Removal, Earthworks and Security Scott Street- Security Access progressing. Water main earth works and asbestos pipe removals planned for the following water mains: Scott Street- RFQ evaluation done. Awaiting manager approvals. Ford Street- RFQ evaluation done. Awaiting manager approvals. Flanders Ave- RFQ evaluation done. Awaiting manager approvals.
GLE Pipeline	D&C	5310.0492	\$26,500,000	\$18,362,625	\$1,362,625	\$20,405	\$535,576	Restart NSW - Growing Local Economies	\$18.9M	Feb-25 Negotiations with INSW	\$15,900,000	Jun-19	Jun-26	Feb-20		GLE Pipeline Council approved progression of the project at Council meeting on 26th November. Project schedule has been updated. Negotiations held with Infrastructure NSW regarding funding conditions. Discussions on the approach to Procurement stage and Delivery. External PM assistance sought and initial meeting with external contractor was held on 12th February. Land acquisition of all the land parcels for this project is complete. National Water Grid grant application has been submitted.
								Safe & Secure (committed but not allocated)	\$1.6M							

Mains Renewal And Replacement	I, D & C	5320.434	\$650,000	\$890,285	\$740,285	\$181,257	Water Fund			30/06/2025		Feb-25	Jun-25			<b>Mains Renewal and Replacement</b> Planned water main replacements: Scott Street - RFQ evaluation done. Awaiting manager approvals. Ford Street - RFQ evaluation done. Awaiting manager approvals. Flanders Ave - RFQ evaluation done. Awaiting manager approvals. Evaluated RFQs documents. Execution is likely to commence by end of Mar 2025. Completion expected by June 2025.
Replacement of Water Meters	C	5320.4376	\$65,000	\$65,000	\$65,000	\$39,565	Water Fund			30/06/2025		Jul-24	Jun-25			<b>Replacement of Water Meters</b> Ongoing ageing water meter replacement programme. Networks to update on works and budget.
System Plant Asset Renewals	I, D & C	5340.44	\$730,474	\$881,398	\$881,398	\$247,424	Water Fund			30/06/2025		Feb-25	Jun-25			<b>Systems Plant Asset Renewals</b> MWTP- Back Wash Pump and Motor - Estimation quotes received - Procurement Process Starting - Expected Supplied equipment Lead Time 26 weeks- likely completion by Aug 25. MWTP Chemical Bund and Shed- Contract awarded - Demo of site completed. Construction of concrete bund is underway. Shed ordered with likely completion end of April 2025. Telemetry Hardware replacement is underway with investigation of compatibility and design of right equipment to be integrated to the W&W systems: MWTP, Pumping Stations and reservoirs, Denman WTP
Upgrade Fluoride Dosing System	I, D & C	5310.4577	\$294,732	\$150,598	\$150,598	\$42,574	\$226,205	NSW Health		n/a		Apr-24	Apr-25	Apr-24		<b>Upgrade Fluoride Dosing System</b> The fluoride upgrade project installation completed June 2024. The old fluoride dosing plant was dismantled and removed, the floor and walls were repainted and a new air conditioner was installed. Electrical cabling works have been completed. Installed galvanized platform over confined space sump in the fluoride room. Installed 2000 L fluoride liquid trade waste tank. Pre-commissioning stage currently with commissioning expected in late March 2025 with expected completion in April 2025
Vehicle - Equipment Replacement	C	5330.4378	\$65,000	\$165,000	\$315,000	\$32,354	Water Fund			30/06/2025		Oct-24	Jun-25			<b>Vehicle - Equipment Replacement</b> Programme is prepared. December Council approved for \$150,000 to be moved from Sewer fund GL 6310.4340.504 to GL 5330.4378.504 for the procurement of a Non-Destructive digger. Network team to update on procurement
Water Operations Contingency Project	I	5340.4406	\$56,000	\$50,000	\$50,000	\$0	Water Fund			30/06/2025		Mar-25	Jun-25			<b>Water Operations Contingency Project</b> Proposed purchase of 65kVa power generator with heavy duty trailer. Expected completion in June 2025.
Water Stop Valve Replacement Programme	I, D & C	5320.4379	\$200,000	\$200,000	\$200,000	\$11,703	Water Fund			30/06/2025		Mar-25	Jun-25			<b>Water Stop Valve Replacement Programme</b> Humphries Street Valve replacement. Brook Street redundant Water Main end capping and valve closure. RFQ evaluation done. Awaiting manager approvals. Project expected to commence execution by the end of March 2025. Completion expected by June 25.





## 10.4. Community and Economy

### 10.4.1. Arts Upper Hunter - Funding Deed

<b>Responsible Officer:</b>	Director - Community & Economy
<b>Author:</b>	Manager Community Services
<b>Community Strategic Plan:</b>	4 - <i>Cultural Vitality</i>  A culturally rich and diverse Community with strong identities, history and sense of belonging
<b>Delivery Program Goal:</b>	4.3.3 - Support Arts Upper Hunter as the peak organisation of Artist endeavour.
<b>Operational Plan Action:</b>	4.3.3.1 - Work with Arts Upper Hunter to increase support provided to local artists through activities and networking opportunities.
<b>Attachments:</b>	1. Funding Deed ArtsUHPublicExhibition [10.4.1.1 - 15 pages]

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#### PURPOSE

Provide Council with feedback regarding the public exhibition period for the Arts Upper Hunter Funding Deed.

#### OFFICER'S RECOMMENDATION

Council endorses the attached Arts Upper Hunter Funding Deed.

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

#### EXECUTIVE SUMMARY

At the 26 November 2024 Ordinary Council Meeting, Council endorsed the *Arts Upper Hunter Funding Deed* to be placed on public exhibition for 28 days via Council's website. The Funding Deed was exhibited from 4 February 2025 - 4 March 2025 and no submissions were received during the exhibition period.

#### PREVIOUS RESOLUTIONS

The Arts Upper Hunter - Funding Deed was previously reported to Council's 26 November 2024 Ordinary Council Meeting, where Council made the following resolution:

*Council resolves to:*

- a. *APPROVE the attached Arts Upper Hunter Funding Deed to be placed on public exhibition for a period of 28 days; and*
- b. *A further report be submitted to Council for consideration of submissions received during the exhibition period.*



## BACKGROUND

Arts Upper Hunter is a small not for profit organisation that was established in 2003. The organisation provides support and promotes arts and cultural activities in the communities of Muswellbrook, Singleton, Upper Hunter, and Dungog. Historically, each Council area contributes funds annually to Arts Upper Hunter to enhance the delivery of cultural activities and provide support in their respective communities.

In the 2022/2023 Operational Plan, Muswellbrook Shire Council resolved to develop a Funding Agreement with Arts Upper Hunter, and Council Officers have been working with Arts Upper Hunter to develop and formalise a Funding Agreement.

## CONSULTATION

Public Exhibition 4 February – 4 March 2025

## REPORT

The establishment of a formal agreement was identified in the Muswellbrook Shire Council 2022/23 Operational Plan. The engagement process has been lengthy and has required various iterations of the agreement. The Funding Agreement has now been finalised, and Arts Upper Hunter have signed the Agreement.

Arts Upper Hunter meets Council's Strategic Plan goal of cultural vitality and the facilitation of options to improve participation in cultural activities. As per Council's Awarding of Sponsorship, Grants & Contributions Policy, Council is required to 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 Local Government Act.

Entering into a Funding Agreement with Arts Upper Hunter meets Council's Awarding of Sponsorship, Grants & Contributions Policy requirements and formalises Council's contributions of funds to Arts Upper Hunter.

## FINANCIAL CONSIDERATIONS

### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

#### **1. Financial Implications – Operational**

Funds (\$12,166.65) are allocated in the 2024/2025 Operational Budget.

## POLICY IMPLICATIONS

Awarding of Sponsorships, Grants & Contributions Policy.

## STATUTORY / LEGISLATIVE IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

Nil

## COMMUNITY CONSULTATION / COMMUNICATIONS

The draft Funding Agreement was placed on public exhibition from 4 February 2025 to 4 March 2025.

# Funding Deed

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**Muswellbrook Shire Council ABN 86 864 180 944**

**AND**

**Arts-Upper Hunter ABN 70 987 561 644**

## Funding Deed

<b>Date</b>	
<b>Parties Details</b>	<p><b>MUSWELLBROOK SHIRE COUNCIL ABN 86 864 180 944</b> of Campbell's Corner, 60-82 Bridge Street, Muswellbrook, NSW 2333</p> <p>Telephone: (02) 6549 3700 Email: records@muswellbrook.nsw.gov.au Attention: The General Manager</p> <p style="text-align: right;">("MSC")</p> <p><b>AND</b></p> <p><b>ARTS-UPPER HUNTER ABN 70 987 561 644</b> of 142 Bridge Street Muswellbrook NSW 2333</p> <p>Telephone: 0409 382 509 Email: rado@artsupperhunter.com.au Attention: Executive Director</p> <p style="text-align: right;">("AUH")</p> <p>("Parties")</p>
<b>Recitals</b>	<p>A. AUH is a community organisation which supports and promotes opportunities for people and organisations involved in the creative industries across the local government areas of Dungog, Muswellbrook, Singleton and Upper Hunter.</p> <p>B. MSC has agreed to provide funding to AUH to support AUH in achieving its Objectives in accordance with the AUH Constitution.</p> <p>C. AUH has agreed to, among other things:</p> <ul style="list-style-type: none"><li>(a) accept the funding from MSC;</li><li>(b) allow a representative of MSC to be a member of The Board; and</li><li>(c) use best endeavours to achieve the Objectives in accordance with the AUH Constitution.</li></ul> <p>D. This Deed sets out the terms on which the funding will be provided.</p>

### IT IS AGREED:

## 1 Definitions and interpretations

### 1.1 Definitions

In this document:

**AUH Constitution** means the Arts-Upper Hunter Constitution adopted 30 September 2021, a copy of which is annexed to this Deed as Annexure "A".

**Authorised Representative** means:

- (a) in respect of a Party which is a corporation:
  - (i) a company secretary or director or any officer of the corporation whose title or office includes the words “manager” or “director”; or
  - (ii) a person acting with the title or in the office of manager or director; and
- (b) in respect of each Party, a solicitor of that Party or a person nominated by Notice to the other Party as an authorised representative;
- (c) in respect of a Party which is a local council in NSW, that Party’s General Manager.

**Business Day** means a day other than Saturday, Sunday, a public holiday or bank holiday in New South Wales.

**Claim** means in relation to a person, any loss, cost or damage and includes, without limitation, a claim, demand, remedy, suit, injury, damage, loss, cost, liability, action, proceeding, right of action, chose in action, claim for compensation or reimbursement or liability incurred by or to be made or recovered by or against the person, howsoever arising and whether present or future, fixed or unascertained, actual or contingent, whether at Law, in equity, under statute or otherwise.

**Commencement Date** means the date of this Deed.

**Confidential Information** in relation to this Deed means Information relating to or in connection with the contents of this Deed and which, either orally or in writing:

- (a) is designated or indicated as being the proprietary or confidential information of the discloser, or a third party to whom the discloser owes an obligation of confidentiality; or
- (b) by its nature or the circumstances surrounding its disclosure, could reasonably be expected to be confidential to the discloser or a third party to whom the discloser owes an obligation of confidentiality, but does not include Information which is or becomes public knowledge other than by breach of this Deed or by unlawful means.

**Consideration** has the same meaning as in the GST Act.

**Funding Amount** means the amount of \$11 743.87 plus GST paid annually to AUH (2023 figure invoiced July 2023).

**CPI** means the Consumer Price Index (All Groups) for Sydney, published by the Australian Bureau of Statistics or any similar published index which replaces it.

**Current CPI** means the CPI for the quarter last published at 31 March each year.

**GST** has the same meaning as in the GST Act.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Information:**

- (a) means information, correspondence, data, reports, interpretations, forecasts, processes, formulae, procedures, techniques, computer programs, records, analysis, compilation, business plans, studies, models, drawings, designs, inventions, discoveries and know-how, algorithms and structures, product information, research and development information, financial data and information, marketing materials and

strategies, customer information, and any other documents or material of whatever nature and embodied, contained, exhibited, displayed or conveyed in any form or manner (including in writing, or in machine readable form (whether visible or not) recorded or stored by or in any computer or information retrieval system, or recorded or stored by any electronic magnetic, electromagnetic or other means); and

- (b) includes information that is derived or produced partly or wholly from other Information, including any calculation, conclusion, summary or computer modelling;

**Insolvency Event** means the occurrence of any of the following events in relation to a Party:

- (a) it is (or states that it is) an insolvent under administration or insolvent (each as defined in the *Corporations Act 2001* (Cth));
- (b) it has a receiver, receiver and manager or similar person appointed to all or any part of its assets; or
- (c) it is in liquidation, in provisional liquidation, under administration or wound up or any action is commenced seeking the liquidation or provisional liquidation of the person and those proceedings are not dismissed or withdrawn within 14 days after the proceedings are commenced.

**Law** means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in clauses (a) and (b) of this definition.

**Notice** means a written notice, consent, approval, direction, order or other communication.

**Notice Address** means the address specified in the above "Parties Details" which describes that Party.

**Objectives** means the objectives of AUH identified in clause 6 of the AUH Constitution.

**Party** means a party to this Deed and **Parties** has a corresponding meaning.

**Personal Information** has the same meaning as in the *Privacy and Personal Information Protection Act 1998* (NSW).

**Related Body Corporate** has the same meaning as in the *Corporations Act 2001* (Cth).

**Taxable Supply** has the same meaning as in the GST Act.

**Tax Invoice** has the same meaning as in the GST Act.

**Terminating Date** means the date that is three (3) years after the Commencement Date.

**The Board** has the same meaning as in the AUH Constitution.

## 1.2 Interpretation

In this document:

- (a) words importing the singular include the plural and vice versa;

- (b) any gender includes every gender;
- (c) a reference to a person includes corporations, trusts, associations, firms, partnerships, joint ventures, Authorities, and other legal entities, and where necessary, includes successor bodies;
- (d) a reference to legislation or to a legislative provision includes all regulations, orders, proclamations, notices or other requirements under that legislation or legislative provision. It also includes any amendments, modification or re-enactments of that legislation or legislative provision and any legislation or legislative provision substituted for, and any statutory instrument issued under, that legislation or legislative provision;
- (e) a reference to a Party to a document includes the Party's executors, administrators, successors and permitted assigns and substitutes;
- (f) another grammatical form of a defined word or expression has a corresponding meaning;
- (g) unless the context requires otherwise, a reference to a thing (including a chose in action or other right) includes a part of that thing;
- (h) a reference to a clause or annexure is a reference to a clause or annexure in or to this Deed all of which are deemed part of this Deed;
- (i) the clause headings in this Deed are for reference purposes only and do not in any way influence or affect the meaning of this Deed;
- (j) where under or pursuant to this Deed or anything done under this Deed the day on or by which any act, matter or thing is to be done is not a Business Day such act, matter or thing must be done on the immediately preceding Business Day;
- (k) a reference to an agreement or document is to that agreement or document as amended, novated, supplemented or replaced from time to time, regardless of any change in the identity of the Parties; and
- (l) a reference to \$ or dollars is a reference to the lawful currency of the Commonwealth of Australia;
- (m) the words 'such as', 'including', 'particularly' and similar expressions are not used as nor are intended to be interpreted as words of limitation; and
- (n) a reference to "month" means calendar month.

## **2 Term**

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This Deed will commence on the Commencement Date and remain in force until the earlier of:

- (a) the Termination Date;
- (b) it is terminated by operation of Law;
- (c) it is terminated in accordance with clause 7; or
- (d) such other time as agreed between the Parties in writing.

## **3 Funding**

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### **3.1. Funding Amount**



- (a) On 1 August of each calendar year, MSC will pay the Funding Amount to AUH as one annual lump sum payment for the following financial year of the Term.
- (b) On 1 August of each year, the Funding Amount paid will be the Funding Amount of the previous year increased by the Current CPI as at the date of payment.
- (c) In addition to the CPI increase every year, the Funding Amount will be reviewed on 1 August of each year during which the Australian Bureau of Statistics conducts an Australian Census, being not less than every 5 years. The Funding Amount will be reviewed in accordance with the following formulas:

$$\text{Muswellbrook Population \%} = \left( \frac{B-A}{A} \right) \times 100$$

Where:

A = The total number of people in the Muswellbrook local government area according to the previous Australian Census. For the avoidance of doubt, the 2021 Australian Census data will be used for the first review under this clause, being 16,357.

B = The total number of people in the Muswellbrook local government area according to the most recent Australian Census. For the avoidance of doubt, the 2026 Australian Census data will be used for the first review under this clause.

New Funding Amount = Funding Amount + (Funding Amount x Muswellbrook Population %)

Where:

Funding Amount = the Funding Amount immediately prior to the relevant review.

Muswellbrook Population % = the percentage calculated in accordance with the formula above.

- (d) The Parties agree that if the New Funding Amount under clause 3.1(c) will not be determined until after 1 August of the relevant year, then:
  - (i) MSC will pay the Funding Amount immediately prior to the relevant review date; and
  - (ii) within 30 days of the New Funding Amount being determined under clause 3.1(c), MSC will pay the difference (if any) between the previous Funding Amount and the New Funding Amount.
- (e) The Parties agree that MSC and AUH may enter into negotiations to increase or decrease the Funding Amount.

### **3.2. Provision of Funding**

- (a) MSC will provide the Funding Amount to AUH in accordance with and subject to the terms of this Deed; and
- (b) the Funding Amount will be paid by way of an annual lump sum instalment on 1 August each calendar year for the following financial year during the life of this Deed.

### **3.3. Use of Funding Amount**

AUH must only use the Funding Amount for the purposes of achieving the Objectives outlined in the AUH Constitution and in accordance with:

- (a) the requirements of this Deed;
- (b) the AUH Constitution;
- (c) all applicable Laws; and
- (d) all applicable professional ethics, principles and standards.

**3.4. No right to assets**

MSC has no rights with respect to the assets purchased by AUH with the Funding Amount.

**3.5. No other funding or support**

MSC has no obligation to provide AUH with:

- (a) any funding in addition to the Funding Amount; or
- (b) any other support or services of any kind.

## **4 AUH's Obligations**

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**4.1. Obligations**

AUH must:

- (a) comply with all terms and conditions in this Deed;
- (b) only expend the Funding Amount for the purpose identified in clause 3.3;
- (c) comply with the reporting requirements set out in clause 4.3;
- (d) comply with all Laws, AUH policy, standards and procedures that are relevant to the use of the Funding Amount;
- (e) maintain sufficient capability and resources to meet all of its obligations under this Deed;
- (f) perform all of its obligations under this Deed in a cost effective manner consistent with any required levels of quality and performance; and
- (g) comply with all policies, guidelines and reasonable directions MSC provides.

**4.2. AUH Constitution**

- (a) AUH must provide MSC with written notification of any proposed changes to the AUH Constitution which may be relevant to this Deed prior to the changes being approved by an annual general meeting or other legal process.
- (b) Within 7 days of receipt of notification of any proposed changes to the AUH Constitution, MSC may object, on reasonable grounds, to the proposed changes.

**4.3. Reporting**

- (a) On or before 1 July of each year of the Term, AUH will provide MSC with a written report identifying the activities undertaken by AUH, in the Muswellbrook Shire local government area, during the preceding 12 months and the activities proposed to be

undertaken by AUH, in the Muswellbrook Shire local government area, for the subsequent 12 months, which accord with the AUH Constitution.

#### **4.4. Account and records**

AUH must keep and maintain

- (a) full and accurate accounting and financial transactions, including receipts and payments, relating to the Funding Amount;
- (b) financial statements prepared in accordance with Australian Accounting Standards; and
- (c) records that are able to substantiate AUH carrying out, or performance of, its obligations under this Deed.

#### **4.5. Access and audit rights**

Within 10 Business Days of receipt of such reports, AUH will provide MSC with a copy of any audited annual financial reports.

#### **4.6. Repayment of Funding Amount**

AUH must immediately (or within such time as may be otherwise agreed) repay to MSC any part of the Funding Amount spent on purposes not authorised by this Deed, unless otherwise agreed by the Parties in writing.

#### **4.7. AUH Board**

- (d) Every year during the term of this Deed:
  - (i) MSC will nominate a representative to be a member of The Board; and
  - (ii) AUH will allow the representative nominated by MSC to be a member of The Board.
- (e) Should MSC's representative on The Board vacate their seat, MSC will appoint another representative to be a member of The Board.

#### **4.8. Compliance with Law and policies**

- (a) AUH must comply with and ensure that all employees, volunteers and representatives comply with, all applicable Laws and all policies and procedures of AUH.

#### **4.9. Privacy**

- (a) AUH must not disclose to MSC any Personal Information without the written consent of the individual to whom the Personal Information relates or unless otherwise required or authorised by Law.
- (b) AUH must comply with, including when dealing with the Personal Information, all applicable Laws.

## **5 Representations and Warranties**

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#### **5.1. AUH representations and warranties**

- (a) AUH represents and warrants to MSC that:
  - (i) it is not breaching any Law by signing and performing its obligations this Deed;

- (ii) all information provided to MSC both before and after the date of this Deed is true, correct and complete in all material respects and is not misleading;
  - (iii) it is not the subject to any judicial decision against it in relation to employee entitlements (not including decisions under appeal) where it has not paid the claim;
  - (iv) no Insolvency Event has occurred and there are no reasonable grounds to suspect that an Insolvency Event will occur in respect to AUH; and
  - (v) AUH, its employees, representatives and agents have the necessary experience, skill, knowledge, expertise and competence to undertake the obligations under this Deed and are fit and proper people.
- (b) Unless expressly represented otherwise in writing prior to the date of payment of each annual Funding Amount, AUH warrants that the representations and warranties in this clause are deemed to be repeated on the date of payment of the Funding Amount.
  - (c) AUH acknowledges and agrees that MSC has entered into this Deed and performs this Deed in reliance on the representations and warranties in this clause.

## **6 Indemnity**

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The Parties indemnify, and keep indemnified, each other from and against any loss (including legal costs and expenses on a solicitor/own client basis) or liability arising directly or indirectly from any Claim by any person as a result of or in connection with:

- (a) the Funding Amount or the use of the Funding Amount;
- (b) a breach of this Deed; or
- (c) any negligent act or omission by such Party in connection with this Deed.

## **7 Termination**

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### **7.1. Termination for breach**

If AUH is in breach of any of its obligations under this Deed, or is otherwise not undertaking or is unable to carry out its Objectives under the AUH Constitution then MSC may immediately terminate this Deed if:

- (a) AUH fails to remedy any breach of this Deed within a reasonable period, being no less than 5 Business Days, after receiving notice from MSC directing it to do so;
- (b) AUH fails to prevent the recurrence of a breach of any obligation under this Deed which it has breached on 2 or more previous occasions, after receiving notice from MSC directing it to do so;
- (c) MSC is the victim of any fraud or dishonest conduct by AUH in connection with this Deed; or
- (d) an Insolvency Event occurs in respect of AUH.

### **7.2. Repayment of Funding Amount**

- (a) If this Deed is terminated in accordance with clauses 7.1(a), 7.1(b) or 7.1(d), AUH is not obliged to repay any Funding Amounts which were paid to AUH prior to termination.
- (b) If the Deed is terminated due to clause 7.1(c), then AUH must repay to MSC all Funding Amounts paid to AUH prior to termination.

### **7.3. Termination for Convenience**

This Deed may be terminated by either Party for any reason by providing no less than 6 months' notice in writing to the other Party.

## **8 Position of MSC**

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- (a) The Parties acknowledge that MSC is an authority with statutory rights and obligations pursuant to the terms of any relevant Law.
- (b) This Deed is not intended to operate to fetter, in any unlawful manner the:
  - (i) power of MSC to make any Law; or
  - (ii) exercise by MSC of any statutory power or discretion.
- (c) No provision of this Deed is intended to, or does, constitute any unlawful fetter on any discretion of MSC. If, contrary to the operation of this clause, any provision of this Deed is held by a court of competent jurisdiction to constitute an unlawful fetter on any discretion, the Parties agree:
  - (i) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied; and
  - (ii) in the event that clause 8(c)(i) cannot be achieved without giving rise to an unlawful fetter on a discretion, the relevant provision is to be severed and the remainder of this Deed has full force and effect.
- (d) Where the Law permits MSC to contract out of a provision of that Law or gives MSC power to exercise a discretion, and if MSC has in this Deed contracted out of a provision or exercised a discretion under this Deed, then to that extent this Deed is not to be taken to be inconsistent with the Law.

## **9 Assignment**

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- (a) AUH must not transfer, assign, novate or similarly deal with ("Dealing") its rights or obligations under this Deed.
- (b) Any change of ownership or control (as defined in section 50AA of the *Corporations Act 2001* (Cth)) of AUH shall be deemed to be an assignment of this Deed for the purposes of this clause.
- (c) Any purported Dealing in breach of this clause is of no effect.

## **10 Confidentiality**

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### **10.1. Confidentiality of this Deed**

The Parties agree that the terms of this Deed are not confidential and this Deed may be treated as a public document and exhibited without restriction by any Party.

## **10.2. Confidentiality**

The Parties agree, subject to clause 10.1, not to disclose any Confidential Information provided by the other party that is not publicly available except:

- (a) to any person in connection with an exercise of rights or a dealing with rights or obligations under this Deed;
- (b) to officers, employees, legal and other advisers and auditors of any party;
- (c) to any party to this Deed or any Related Body Corporate of any party to this Deed, provided the recipient agrees to act consistently with this clause;
- (d) in the case of MSC, to comply with its obligations as a statutory authority under all relevant Laws;
- (e) with the consent of the party who provided the Confidential Information; or
- (f) as allowed by any Law.

## **11 GST**

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### **11.1 Defined GST terms**

Defined terms used in this clause have the meaning ascribed to them in the GST Act.

### **11.2 GST to be added to amounts payable**

If GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST amount as additional Consideration. This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this Deed are exclusive of GST.

### **11.3 GST obligations to survive termination**

This clause will continue to apply after expiration or termination of this Deed.

## **12 Notices**

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### **12.1 Form of Notices**

Notices given under this Deed shall be:

- (a) in writing;
- (b) (except where transmitted by email) signed by the Party giving the Notice or its Authorised Representative; and
- (c) addressed to the Notice Address of the person to whom it is to be given.

### **12.2 Method and address for giving Notices**

Notices must be either:

- (a) delivered by hand;
- (b) posted by way of express post; or
- (c) transmitted by email,

to the Notice Address of the person receiving the Notice.

### **12.3 Time of receipt**

A Notice given to a person in accordance with this Deed is deemed to have been given and received if:

- (a) delivered, on the day of delivery if delivered before 5:00pm on a Business Day, otherwise on the next Business Day;
- (b) posted by pre-paid security mail or certified mail, on the second day after the day on which the Notice was accepted by the post office from the Party sending the Notice; or
- (c) transmitted by email, provided the sender receives no failure notice in respect of the email, on the day of transmission if the machine from which the email is sent records the time the email was sent as before 5.00pm on a Business Day, otherwise on the next Business Day.

## **13 General**

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### **13.1 Amendments**

Unless expressly stated otherwise, this Deed may not be modified, amended, added to or otherwise varied except by a document in writing signed by all Parties.

### **13.2 No Merger**

The rights and obligations of the Parties under this Deed do not merge on completion of any transaction contemplated by this Deed.

### **13.3 Entire Agreement**

This Deed constitutes the entire agreement of the Parties in relation to its subject matter and supersedes all prior agreements, understandings and negotiations between the Parties. No other covenants or provisions are implied or arise between the Parties by way of collateral or other agreement. No Party was induced to enter into this Deed by any promise, representation, warranty or undertaking given or made by the other Party (or any of its employees, contractors or agents). The existence of any such implication or collateral or other agreement is expressly negative.

### **13.4 Construction**

No rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of or seeks to rely on this Deed or any part of it.

### **13.5 Governing Law and Jurisdiction**

- (a) The laws applicable in New South Wales govern this Deed.
- (b) Each Party irrevocably submits to the non-exclusive jurisdiction of the New South Wales Courts and Courts competent to hear appeals from those Courts.

### **13.6 Counterparts**



This Deed may be executed in any number of counterparts and all such counterparts taken together will constitute the same instrument. A Party can execute this Deed by signing any counterpart. Counterparts can be exchanged electronically by way of email.

### **13.7 Costs**

Each Party shall bear its own legal costs and disbursements in relation to the negotiation, preparation and execution of this Deed.

### **13.8 Representation and warranties**

The Parties represent and warrant that they have the power and authority to enter into this Deed and comply with their obligations under the Deed and that entry into this Deed will not result in the breach of any Law.

### **13.9 Severability**

This Deed will, so far as possible, be interpreted or construed so as not to be invalid, illegal or unenforceable in any respect but if any provision on its true interpretation or construction is held to be illegal, invalid or unenforceable:

- (a) that provision will, so far as possible, be read down to the extent that it may be necessary to ensure that it is not illegal, invalid or unenforceable and as may be reasonable in all the circumstances so as to give it a valid operation of a partial character; or
- (b) if the provision or part of it cannot effectively be read down, that provision or part of it will be deemed to be void and severable and the remaining provisions of this Deed will not in any way be affected or impaired and will continue notwithstanding that illegality, invalidity or unenforceability.

### **13.10 Relationship of the Parties**

Nothing in this Deed constitutes a joint venture, agency, partnership or other fiduciary relationship between the Parties.

**EXECUTED** as a Deed:

**EXECUTED** by **Muswellbrook Shire Council** )  
**ABN 86 864 180 944** by its authorised delegate )  
pursuant to Section 377 of the *Local* )  
*Government Act 1993 (NSW)*, in the presence  
of:

.....  
Signature of Witness

.....  
Authorised Delegate

.....  
Name of Witness (Print)

.....  
Name of Authorised Delegate

**EXECUTED** by **Arts-Upper Hunter ABN 70** )  
**987 561 644** in accordance with Section 127 of )  
the *Corporations Act 2001 (Cth)*: )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Name of Director (Print)

.....  
Name of Director/Secretary (Print)

**ANNEXURE "A"**

**AUH Constitution**

**10.4.2. Sponsorship - Cattle Dog Muster**

<b>Responsible Officer:</b>	Director - Community & Economy
<b>Author:</b>	Director - Community & Economy
<b>Community Strategic Plan:</b>	4 - <i>Cultural Vitality</i>  Effective and efficient infrastructure that is appropriate to the needs of our community
<b>Delivery Program Goal:</b>	4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors
<b>Operational Plan Action:</b>	4.3.1.1 - Work in partnership to deliver events which support the community and attract visitors to the Shire.
<b>Attachments:</b>	1. 2025 Muster Sponsorship Prospectus Jan [10.4.2.1 - 17 pages]

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**PURPOSE**

To provide for Council's consideration an application for Sponsorship from the Muswellbrook Chamber of Commerce and Industry for the Cattle Dog Muster being held at the Muswellbrook Showground on Saturday 6 September 2025.

**OFFICER'S RECOMMENDATION**

Council approves the sponsorship of \$7,500 to the Muswellbrook Chamber of Commerce and Industry for the Cattle Dog Muster Bluey and Bingo Live Experience and Meet and Greet subject to both parties entering into and meeting the requirements of Council's Sponsorship Agreement.

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

**EXECUTIVE SUMMARY**

The Great Cattle Dog Muster is held every second year at the Muswellbrook Showground. This is the third year of the event, which attracts around 7,000 locals and visitors. With a country vibe and family friendly feel, the event includes a range of Cattle Dog competitions, displays, herding trials, plus pet cattle dog activities, live country music, a kid's zone, food and market stalls, plus Bluey and Bingo special guest appearances.

Council has previously provided financial and in-kind support for this event. The sponsorship prospectus is attached, and it is recommended that the total extent of Council's contribution to the event is \$7,500 for the Bluey and Bingo Live Experience and Meet and Greet.



## PREVIOUS RESOLUTIONS

That Council supports the Cattle Dog Muster in principle and considers monetary and in-kind support in the preparation of the 2023/24 Budget.

## BACKGROUND

The Cattle Dog Muster is an event organised by the Muswellbrook Chamber of Commerce and Industry, showcasing Cattle Dog competitions, displays, herding trials, plus pet Cattle Dog activities, live country music, a kid's zone, food and market stalls, plus Bluey and Bingo special guest appearances.

This is the third time the event is being run. Council has provided financial and in-kind support to the Chamber for this event and, in 2024, the TV and Movie Nostalgia Festival to the value of \$15,000.

## CONSULTATION

Consultation has occurred with the General Manager, Grants and Engagement Advisor, and Coordinator Tourism and Events.

## REPORT

As the birthplace of the cattle dog, this event is aligned with the Shire's desire to host unique and relevant events that improve our lifestyle offer for locals and attract people to the Shire. In its third year, the event has grown since its inception and organisers hope that attendance from locals, interstate, and overseas continues to grow.

The Chamber's goal is for the Community Family Fun Day to remain a free event. However, there is a cost associated with booking the meet and greets with Bluey and Bingo, which is managed through an online booking system.

In return for sponsorship, Council would receive:

- Business signage and banners on actual attraction;
- Listing on event Website and Facebook page;
- Sponsor's logos and acknowledgement in events printed Program Booklet; and
- Listing on sponsor 'Sponsor Thank You' placards around the Venue.

## FINANCIAL CONSIDERATIONS

Funding is available in the Sponsorship GL 1075.1880.568 to allocate to the event.

## POLICY IMPLICATIONS

Nil

## STATUTORY / LEGISLATIVE IMPLICATIONS

Sponsorship is dependent on agreement to the terms of Council's Sponsorship Agreement.

## RISK MANAGEMENT IMPLICATIONS

Nil

## COMMUNITY CONSULTATION / COMMUNICATIONS

Events are important to the community as demonstrated in Council's Community Satisfaction Survey.







## 2023 Great Cattle Dog Muster a resounding success

The 2023 Great Cattle Dog Muster was a resounding success with more than 7,000 visitors attending the Community Family Fun Day.

The event was staged by the Muswellbrook Chamber of Commerce and Industry with support from Dogs NSW.

In addition to many locals attending, visitors also travelled from across the State, around Australia, and from overseas.

The event is the only one of its type held in Australia, and the Chamber aims to make it a Signature Event for both Muswellbrook and the Upper Hunter. With the cattle dog having its origins in the Upper Hunter, this makes the event very attractive for cattle dog lovers to attend.

The Community Family Fun Day saw a wide range of Cattle Dog Competitions, Displays, Herding Trials, plus a host of Pet Cattle Dog activities.

With a country vibe and festival feel, the day also included live country music, a children's Kids Zone, lots of food and market stalls, plus Bluey and Bingo making a special guest appearance.

Also on display was a Cattle Dog History Exhibit, and an Upper Hunter Showcase, showcasing many of the Upper Hunter's food, wine, produce, and attractions.

With the event attracting so many visitors from outside the region, it injected significant tourism and economic benefits into the local community.



P1



## Images from the 2022 and 2023 Great Cattle Dog Muster



P2

# The Great Cattle Dog Muster

Community Family Fun Day



**Muswellbrook Showground**  
**Saturday 6th September 2025**

## Great Cattle Dog Muster set to return in 2025

Given the success of the 2022 and 2023 events, plans are now underway for a return of the Muster in 2025.

Following the 2025 Muster, it is then planned to stage the event every two years.

With less than 12 months to the 2025 event, we are now canvassing sponsors, with a priority to give our 2023 partners first option to secure their sponsorship.



**"With support of Sponsors we can continue  
to stage the Muster as a Free Community Event"**

An event of this scale is expensive to stage, but the Chamber's goal is to maintain the Community Family Fun Day as a FREE event for everyone to enjoy.

This can only be made possible through the support of sponsors and our event partners.

We invite you to review the Sponsorship Prospectus and take up the offer to support this significant signature event that benefits both the community and businesses in Muswellbrook and the Upper Hunter.





## 2025 Event Sponsorship

Top tier sponsorship of the 2025 Great Cattle Muster event. Available to multiple sponsors.



Gold Sponsor \$35,000\*



Silver Sponsor \$12,000\*

### Sponsor Acknowledgement:

- Sponsor's logos displayed on all event flyers and promotional material.
- Sponsor's logos and signage around event venue.
- Sponsor's logos on event Website and Facebook page.
- Acknowledgement via Public Address System.
- Sponsor's logos and acknowledgement in events printed Program Booklet.
- Sponsor's logos on sponsor 'Sponsor Thank You' placards around venue.

\*Plus GST





## ‘Main Stage’ Live Country Music Sponsor

**\$5,000** Plus GST



### Sponsor Acknowledgement:

- Business signage and banners on actual attraction.
- Listing on event Website and Facebook page.
- Logos and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## Bluey & Bingo Live Experience and Meet and Greet Sponsor

\$7,500 Plus GST



### Sponsor Acknowledgement:

- Business signage and banners on actual attraction.
- Listing on event Website and Facebook page.
- Sponsor's logos and acknowledgement in events printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## 'Kids Zone' Children's Entertainment Sponsor

\$4,500 Plus GST **Allocated**



### Jumping Castles - Slides - Facepainters - Magicians

#### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logos and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## Cattle Dog Championship Shows Sponsor

**\$5,000** Plus GST

Option: Two Sponsors at \$2,500 Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



P8

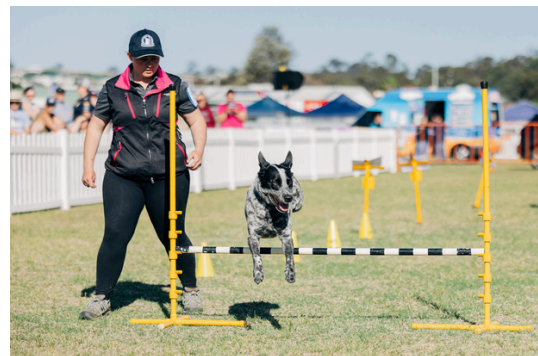




## Cattle Dog Sports Events Sponsor

**\$5,000** Plus GST

Option: Two Sponsors at \$2,500 Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



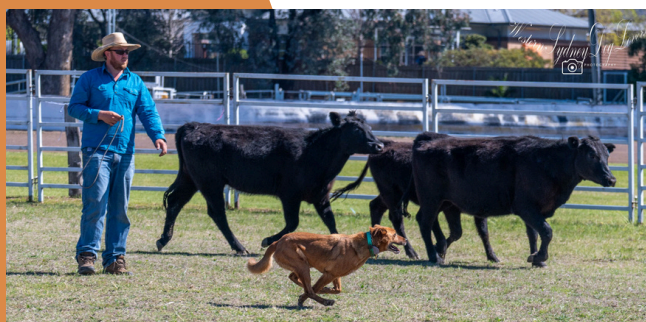
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## Working Cattle Dog Events Sponsor

**\$5,000** Plus GST **Allocated**

Option: Two Sponsors at \$2,500 Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## Pet Cattle Dog Events Sponsor

**\$5,000** Plus GST **Allocated**

Option: Two Sponsors at \$2,500 Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.

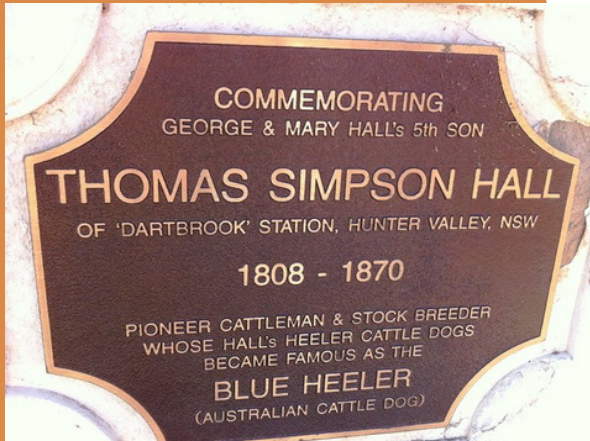


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## Cattle Dog History Exhibit Sponsor

**\$2,500** Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.

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## Upper Hunter Showcase Sponsor

**\$6,000** Plus GST



### Sponsor Acknowledgement:

- Business signage and banners in Activity Area.
- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## Volunteers Sponsor

**\$1,500** Plus GST



### Sponsor Acknowledgement:

- Listing on event Website and Facebook page.
- Logo and acknowledgement in printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.



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## Event Supporter

\$500 Plus GST

An important element of sponsorship that provides essential and valuable support for the event.



### Sponsor Acknowledgement:

- Listing on event Website.
- Acknowledgement in events printed Program Booklet.
- Listing on sponsor 'Sponsor Thank You' placards around Venue.





# The Great Cattle Dog Muster

Community Family Fun Day



**Muswellbrook Showground**  
**Saturday 6th September 2025**

## Sponsorship Inquiries

Please direct all inquiries to:

Wayne Toms - MCCI Member Services Manager &  
Muster Event Coordinator

Phone: 0438 517 311

Email: [info@muswellbrookchamber.com.au](mailto:info@muswellbrookchamber.com.au)

*- Sponsorship values shown are exclusive of GST -*

[www.greatcattledogmuster.com.au](http://www.greatcattledogmuster.com.au)



**This event is proudly brought to you by the.....**



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### 10.4.3. Awarding of Sponsorship - 2025 Diesel Rust and Dust Truck and Machinery Show - 26 April 2025

**Responsible Officer:** General Manager

**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:** 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.

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#### PURPOSE

To submit for the consideration of Council an application for Sponsorship from the Antique Truck and Machinery Club Inc for the staging of the 2025 Diesel Rust and Dust Truck and Machinery Show.

#### OFFICER'S RECOMMENDATION

Council resolves:

1. To provide a community grant to the Antique Truck and Machinery Club Inc for the staging of the 2025 Diesel Rust and Dust Truck and Machinery Show at Denman on 26 April 2025;
2. To Authorise the General Manager to finalise the grant contribution consisting of a fee-waiver, in-kind and cash contribution of no more than \$10,000; and
3. That a further report be presented to Council by the Antique Truck and Machinery Club Inc. following the event detailing the success of the event and plans for the 2026 event.

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

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

#### PREVIOUS RESOLUTIONS

Nil

#### BACKGROUND

Council has received a request for Sponsorship of \$10,000.00 for the staging of the 2025 Diesel Rust and Dust Truck and Machinery Show at Denman on 26 April 2025. Council has previously provided assistance to the Antique Truck and Machinery Club Inc. to support the staging of the event.



## CONSULTATION

Consultation on the request was carried out with Council's Tourism and Events Coordinator, Manager Community Services, the Director Community & Economy, and Chief Financial Officer.

## REPORT

Attached to this report is an application form requesting Sponsorship from Council for the staging of the 2025 Diesel Rust and Dust Truck and Machinery Show at Denman on 26 April 2025. The request is to cover the following fees and costs associated with staging the event:

- the hire of the old Denman Recreation Reserve on 26 April 2025 to hold the Diesel Rust and Dust Truck and Machinery Show;
- hire of Denman Indoor Sports Centre for access to toilet facilities and associated cleaning costs;
- road closure and associated planning costs for the Street Parade (S128) & Planning (S68) application;
- the development of a Traffic Management Plan; and
- Traffic Management staff.

Council officers have worked with event organisers in previous years to support the event and the 2025 event is in the late stages of planning. Critical requirements of the event are yet to be finalised including traffic management plans and planning approvals. Without these approvals in place, event attendees and organisers are placed at considerable risk.

Council endeavours to support the delivery of events in the Shire to attract visitation and also build the capacity of local event organisers to deliver and grow well managed events which contribute to Council's reputation as a unique event destination.

The Deisel Dust and Rust event is one such event which has the potential to grow and attract visitors to the Shire. However, the request for sponsorship at this late stage doesn't meet the requirements of Council's sponsorship. Council could consider allocating a community grant to support the event. The grant would include cash and in-kind contributions such as fee waivers and require a co-contribution amount from the club.

## FINANCIAL CONSIDERATIONS

There are sufficient funds available in the Community Grants budget to cover the request from the Antique Truck and Machinery Club Inc.

## POLICY IMPLICATIONS

Council approved the Awarding of Sponsorship, Grants, and Contributions Policy (MSC05E) at the 27 February 2024 Ordinary Council Meeting.

## STATUTORY / LEGAL IMPLICATIONS

The total amount of sponsorships, grants, and contributions made in accordance with the Council Policies will be listed in Council's Annual Report, and individual amounts over \$1,000 will be itemised separately.

Where applications are successful, community organisations will be required to enter into a grant agreement with Muswellbrook Shire Council.



### **RISK MANAGEMENT IMPLICATIONS**

Applicants must identify and declare any actual, potential, or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct. 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.

### **COMMUNITY CONSULTATION / COMMUNICATIONS**

Organisations which have received funding from Muswellbrook Shire Council are 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.

## Sponsorship, Grant and Contributions Application and Agreement Form

Use this form to apply for Council Sponsorship, Grants (including fee waving and in-kind support) and Contributions. Applications are only accepted during the specified application rounds for each specific program and must include this application form and the specific programs application form. Application dates are advertised on Council's website. Please ensure your application meets the requirements of the specific programs guidelines and the Awarding of Sponsorship, Grants and Contributions Policy.

### Applicant details

Name of organisation	The Antique Truck and Machinery Club Inc		
Contact name/position	Wayne Turnbull	Position	Secretary
Postal address	6 Bright St, Denman, NSW, 2328		
Email address	admin@tatmc.com.au		
Phone number	0428366071		
Organisation website and/or Facebook page	tatmc.com.au		

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

Incorporation Number INC9889824 Australian Business Number (ABN) \_\_\_\_\_

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

### Please select which program you are applying for and complete the applicable application form:

Note: Applications will only be accepted for specific programs during the application periods advertised on Council's website.

<input type="checkbox"/> Community Grant <input type="checkbox"/> Project / event funding <input type="checkbox"/> Fee Waiving <input type="checkbox"/> In-kind	<input checked="" type="checkbox"/> Sponsorship <input checked="" type="checkbox"/> Project / event funding <input type="checkbox"/> Fee Waiving <input type="checkbox"/> In-kind
<input type="checkbox"/> Landcare Grant	<input type="checkbox"/> Local Heritage Assistance Fund
<input type="checkbox"/> Sustainable Education Grant	<input type="checkbox"/> Sport and Recreation Small Capital Grant
<input type="checkbox"/> Other Sustainability Program	<input type="checkbox"/> Sport and Recreation Large Capital Grant

### Application details

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

Project location or locations:

Our club is applying for Sponsorship to fund the following fees & Costs

- the hire of the old Denman football grounds on 26-4-25 to hold the Diesel Rust and Dust Truck and Machinery show.
- hire of indoor sport center Denman for access to toilet facilities and associated cleaning costs.
- road closure and associated planning costs for parade (\$128) & Planning (\$68) application
- Traffic Management Staff
- Traffic Management Plan

Provide a summary of your project and proposed date/s of project:

Our club is applying for sponsorship to cover fees and costs associated with holding the Diesel Rust and Dust Truck and Machinery show and Ogilvie Street Parade. The Show has been held for the past 3 years with great success with locals and people as far as Toowoomba and Victoria bringing vehicles along to the show. With the aid of sponsorship from Council we feel that we are in a better position financially to cover costs to run the show and therefore present a great show for all that come along.

What is the total cost of your project	\$ 10000 approx as at 13/2/25	
Amount of funding requested	Cash \$ 10,000	and/or In-kind \$
Amount of applicant co-contribution	Cash \$	and/or In-kind \$
You must provide evidence of how you arrived at the total project costs. Have you attached cost estimates/quotes?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	
Have you attached a current copy of your Public Liability Insurance Certificate of Currency with cover of at least \$20m?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	
Does your project need Development Approval?	<input type="radio"/> Yes / <input checked="" type="radio"/> No	
If yes, does your project have Development Approval yet?	<input type="radio"/> Yes / <input type="radio"/> No / <input checked="" type="radio"/> N/A	
Does your organisation owe Muswellbrook Shire Council any outstanding money/acquittal reports? If yes, please provide details below:	<input type="radio"/> Yes / <input checked="" type="radio"/> No	

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

The show has proven over the last 3 years that not only have the general public been given a great show but also has boosted local retailer income by a great deal along with showcasing the local area to those which had not previously been to the area, many of which indicated they would return outside of show times.

How does your event, activity or project align with the goals and actions in the [Muswellbrook Shire Community Strategic Plan 2022-2032](#)?

We feel that our event creates the opportunity for increased tourism, not only during, but outside the show period once people have had a taste of the area during our show. It also increases the local retail with increased people in the area. Along with some of the vehicles and machinery that will be on display has been a part of local history either in transport, mining, farming or other historic local services. This is great for the

If this is a Rural Halls application, please include details around (a) what groups use your hall and (b) how often they use it.

no

If this application is for an event, have you read and complied with Council's Sustainable Event Management Procedure. Please contact Council's sustainability unit if you require further information.

yes, as per previous years

**Please note: Council is not a supplier of bins for events. You need to contact a private company to request event bins. Any request that Council provide funding for bins must be made as part of a request that is approved by Council. If this is the case, Council must know the cost of bins you are requesting.**

Have you been dealing with any other Council staff member regarding this project?  
If yes, who?

☐ Yes / ☒ No

Contact with Sarah Medcalf & Paul Chandler (Property & Place) & Stephen Wright (Tourism & Events Coordinator), Kellie Scholes, Imelda Williams, Russell Fitzgerald (Community Infrastructure)

Please provide any further details/comments to support your application

please see previous years details and council members involved previously to get a general idea on the show success in our community.

#### Terms and conditions:

1. This constitutes a signed agreement as part of the application/project process.
2. Council reserves the right to request further information in considering any application, as well as the right to reject any application that does not meet the criteria.
3. 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.
4. The grant may only be used for the purpose specified in the application. Any change must be approved in writing by Council before the activity is undertaken.
5. Applicants will be required to acknowledge the funding provided by Council in a manner approved by Council's Communication Team in any communication about the project.
6. Council reserves the right to publicise approved events, activities, projects etc. in any media form it chooses.
7. The successful applicant will be responsible for project management and all costs in excess of the approved grant, with all activities undertaken being required to comply with Council policies as listed at [www.muswellbrook.nsw.gov.au/policies/](http://www.muswellbrook.nsw.gov.au/policies/). Works may be subject to inspection and verification.
8. Funded projects must be completed within 12 months of the funding being awarded.
9. 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 (for example before, during and after) that showcase the outcomes of the project.

#### Successful Applicants must abide by the following funding conditions:

1. An offer of funding/acceptance must be accepted within two (2) weeks or it will be withdrawn.
2. You must discuss your project with Council before commencing work.
3. Where necessary you must obtain the relevant planning/development approvals for your project before commencement.
4. Once your project is complete you must acquit the monies received with evidence of expenses, ie receipts, and photos of the project before and after. Documentation is to be submitted to Council's General Manager within 1 month of project completion.
5. You must advise Council of any changes to the approved project, including changes to financial circumstances which may affect project completion.
6. Council considers the full cost of the project to be the GST-inclusive amount.
7. You must submit an invoice for payment. You also agree that unless requested, and agreed to by Council, all cheques or electronic transfers will be made payable to your ABN registered organisation.



8. You agree that this financial assistance may be reviewed or revoked at any time under one or more of the following circumstances:
  - Unsatisfactory work
  - Failure to meet time schedules
  - Non-disclosure or misleading or false disclosure of information
  - Inadequate matching funding being provided by your organisation
9. You also agree that you are obliged to refund sponsorship/grant monies within 30 days of receiving a notice of funding revocation.
10. You agree to acknowledge the funding assistance during the project and upon completion in any form required and approved by Council.
11. You agree to participate in work to develop a case study about your project if required.
12. You agree to participate in workshops to promote your project if required (would be limited to the period within 12 months of completion of the project).
13. Council may publicise your project through its newsletter, website, social media, media releases and liaison with journalists.
14. You agree to insure and keep insured at all times the item/s for which this funding is granted, unless Council proves otherwise.
15. You agree to comply with all requirements of other regulatory agencies and you agree that this agreement and any related matters do not override your requirement to do so.

I certify that the information provided in and supporting this application is true and correct and that I am legally authorised to sign this application for and on behalf of the applicant Organisation.

**Applicant's Signature**

**Name and Position**

**Date**

Wayne Turnbull - Secretary 3/17/25

Signed on behalf of Muswellbrook Shire Council: (at the time the sponsorship, grant or contribution is awarded)

**Signature**

**Name and Position**

**Date**

### Privacy notification

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

The intended recipients of the personal information may be:

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

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

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

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

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Address enquires concerning privacy matters to the Public Officer.



**10.4.4. Awarding of a Community Grant - 2025 Sandy Hollow Charity Bush Horse Ride - 12 April 2025**

**Responsible Officer:** General Manager

**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:** 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.

---

**PURPOSE**

To submit for the consideration of Council an application for a Community Grant from the Westpac Rescue Helicopter Service for the staging of the 2025 Sandy Hollow Charity Bush Horse Ride.

**OFFICER'S RECOMMENDATION**

Council APPROVES a Community Grant of \$2,035.00 to the Westpac Rescue Helicopter Service for the staging of the 2025 Sandy Hollow Charity Bush Horse Ride at Sandy Hollow on 12 April 2025.

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

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

**PREVIOUS RESOLUTIONS**

Nil

**BACKGROUND**

Council has received a request for a Community Grant of \$2,035.00 to the Westpac Rescue Helicopter Service for the staging of the 2025 Sandy Hollow Charity Bush Horse Ride at Sandy Hollow on 12 April 2025.

**CONSULTATION**

Consultation on the awarding of the grant was carried out with Council's Tourism and Events Coordinator, Manager Community Services, the Director Community & Economy, and Chief Financial Officer.



## REPORT

Attached to this report is an application requesting a Community Grant of \$2,035.00 to the Westpac Rescue Helicopter Service for the staging of the 2025 Sandy Hollow Charity Bush Horse Ride on 12 April 2025.

The Community Grant will cover the cost of:

Toilet hire - \$1,650.00; and

Waste bin delivery and removal fee - \$385.00

## FINANCIAL CONSIDERATIONS

There are sufficient funds available in the Community Grants budget to cover the request from the Westpac Rescue Helicopter Service.

## POLICY IMPLICATIONS

Council approved the Awarding of Grants and Contributions Policy (MSC072E) at the 25 February 2025 Ordinary Council Meeting,

## STATUTORY / LEGISLATIVE IMPLICATIONS

The total amount of sponsorships, grants, and contributions made in accordance with the Council Policies will be listed in Council's Annual Report, and individual amounts over \$1,000 will be itemised separately.

Where applications are successful, community organisations will be required to enter into a grant agreement with Muswellbrook Shire Council.

## RISK MANAGEMENT IMPLICATIONS

Applicants must identify and declare any actual, potential, or perceived conflict of interest (if applicable) in accordance with Council's Code of Conduct. 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.

## COMMUNITY CONSULTATION / COMMUNICATIONS

Organisations which have received funding from Muswellbrook Shire Council are 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.

## Sponsorship, Grant and Contributions Application and Agreement Form

Use this form to apply for Council Sponsorship, Grants (including fee waving and in-kind support) and Contributions. Applications are only accepted during the specified application rounds for each specific program and must include this application form and the specific programs application form. Application dates are advertised on Council's website. Please ensure your application meets the requirements of the specific programs guidelines and the Awarding of Sponsorship, Grants and Contributions Policy.

### Applicant details

Name of organisation Westpac Rescue Helicopter Service

Contact name/position Julie Russell Position Grants Officer

Postal address PO Box 230 New Lambton NSW 2305

Email address julie.russell@rescuehelicopter.com.au

Phone number 024952 0000

Organisation website and/or Facebook page www.rescuehelicopter.com.au

Is your organisation not-for-profit community-based organisation?

☒ Yes / ☐ No

Incorporation Number 002862026

Australian Business Number (ABN) 40002862026

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

### Please select which program you are applying for and complete the applicable application form:

Note: Applications will only be accepted for specific programs during the application periods advertised on Council's website.

<input checked="" type="checkbox"/> Community Grant <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Project / event funding</li> <li><input type="checkbox"/> Fee Waiving</li> <li><input type="checkbox"/> In-kind</li> </ul>	<input type="checkbox"/> Sponsorship <ul style="list-style-type: none"> <li><input type="checkbox"/> Project / event funding</li> <li><input type="checkbox"/> Fee Waiving</li> <li><input type="checkbox"/> In-kind</li> </ul>
<input type="checkbox"/> Landcare Grant	<input type="checkbox"/> Local Heritage Assistance Fund
<input type="checkbox"/> Sustainable Education Grant	<input type="checkbox"/> Sport and Recreation Small Capital Grant
<input type="checkbox"/> Other Sustainability Program	<input type="checkbox"/> Sport and Recreation Large Capital Grant

### Application details

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

Project location or locations:

Sandy Hollow, Muswellbrook Shire, New South Wales

Provide a summary of your project and proposed date/s of project:

Sandy Hollow Charity Bush Horse Ride – April 12, 2025  
 Now in its 29th year, the Sandy Hollow Charity Bush Horse Ride is a cherished community event dedicated to supporting the Westpac Rescue Helicopter Service through vital fundraising efforts of the Sandy Hollow Volunteer Support Group. Each year, riders of all ages and skill levels take on the 25–30 km journey through diverse and challenging landscapes, making it a true test of endurance and camaraderie. To ensure the event's continued success and sustainability, the hire of essential facilities such as rubbish bins and portable toilets is crucial. These facilities play a vital role in maintaining a clean, safe, and environmentally responsible experience for all participants and spectators. Proper waste management and hygiene are particularly important in communal areas, including the starting and finishing point at the Tourist Hotel, Sandy Hollow, and key locations along the ride route. By supporting this initiative, you help enhance the overall event experience and contribute to its ongoing success—ensuring it remains a highlight of the community calendar while maximising fundraising for the Westpac Rescue Helicopter Service. We kindly seek your generous support to help fund these essential services for this year's event

What is the total cost of your project	<b>\$ 2035.00</b>	
Amount of funding requested	Cash \$ <b>2035.00</b>	and/or In-kind \$
Amount of applicant co-contribution	Cash \$	and/or In-kind \$

- You must provide evidence of how you arrived at the total project costs. Have you attached cost estimates/quotes? ☒ Yes / ☐ No
- Have you attached a current copy of your Public Liability Insurance Certificate of Currency with cover of at least \$20m? ☒ Yes / ☐ No
- Does your project need Development Approval? ☐ Yes / ☒ No
- If yes, does your project have Development Approval yet? ☐ Yes / ☐ No / ☒ N/A
- Does your organisation owe Muswellbrook Shire Council any outstanding money/acquittal reports? If yes, please provide details below: ☐ Yes / ☒ No

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

**Boosting Local Businesses and Tourism:** The Sandy Hollow Charity Bush Horse Ride brings visitors to the region, generating increased spending on accommodation, dining, fuel, and other local services. By attracting riders and spectators from across the state, the event contributes to the growth of the tourism industry, supporting local businesses and strengthening the economic prosperity of the Muswellbrook Shire.

**Enhancing Community Safety and Wellbeing:** As a major fundraiser for the Westpac Rescue Helicopter Service, the event directly supports aeromedical emergency response capabilities in the region. This service provides lifesaving assistance to people of all ages, ensuring that residents, workers, and visitors have access to rapid emergency medical care when needed. By strengthening this essential service, the event benefits the entire community, improving safety and peace of mind for all.

How does your event, activity or project align with the goals and actions in the [Muswellbrook Shire Community Strategic Plan 2022-2032](#)?

The Sandy Hollow Charity Bush Horse Ride aligns with the Muswellbrook Shire Community Strategic Plan 2022–2032 by supporting key priorities in community well-being, environmental sustainability, and economic development. **Environmental Sustainability:** The hire of rubbish bins and portable toilets ensures responsible waste management and hygiene, protecting the natural environment and maintaining the scenic beauty of the region. This supports Council's commitment to sustainable event management and aligns with the plan's focus on environmental stewardship. **Community Well-being & Accessibility:** By providing essential facilities, the event creates a safe, inclusive, and enjoyable experience for all participants, spectators, and volunteers. This reflects the Council's vision for a healthy, connected, and vibrant community. **Economic & Tourism Growth:** The event attracts riders and visitors to the region, stimulating spending in local businesses, accommodation, and hospitality sectors. This contributes to the economic prosperity of Muswellbrook Shire and aligns with the Council's goal to support tourism and local enterprises. By addressing these practical needs, the event upholds Council's principles, ensuring its long-term sustainability and continued benefit to the Muswellbrook Shire community.

If this is a Rural Halls application, please include details around (a) what groups use your hall and (b) how often they use it.

N/A

If this application is for an event, have you read and complied with Council's Sustainable Event Management Procedure. Please contact Council's sustainability unit if you require further information.

This event is held annually and operates in accordance with Council guidelines.

**Please note: Council is not a supplier of bins for events. You need to contact a private company to request event bins. Any request that Council provide funding for bins must be made as part of a request that is approved by Council. If this is the case, Council must know the cost of bins you are requesting.**

Have you been dealing with any other Council staff member regarding this project?  
If yes, who?

☒ Yes / ☐ No

Mr. Stephen Wright/Mr Ivan Skaines

**Please provide any further details/comments to support your application**

The Sandy Hollow Charity Bush Horse Ride is a vital community fundraising event that directly supports the Westpac Rescue Helicopter Service. Funds raised through this event help ensure we can continue delivering world-class aeromedical and rescue services to those in need across regional and remote areas. Since 1975, the Westpac Rescue Helicopter Service has been on call 24/7, responding to emergency Triple Zero (000) calls as tasked by NSW Ambulance. Our highly trained crews provide critical care and rapid transport when time is crucial or when ground-based emergency services cannot reach a patient.

Our missions fall into three key categories:

Pre-Hospital Emergency Response – attending serious accidents, medical emergencies, and trauma incidents.

Inter-Hospital Transfers – airlifting critically ill or injured patients to hospitals with specialist care.

Search and Rescue Operations – working alongside state and national agencies to locate and assist people in distress over land and water.

With three operational bases in Lake Macquarie, Lismore, and Tamworth, we cover an extensive 152,000 square kilometre region, from the Hawkesbury River to the Queensland border, and west to Dubbo and Bourke. We serve a population of 1.5 million people, conducting over 1,500 life-saving missions each year. As a registered Australian charity, we also rely on community fundraising, sponsorships, and donations to help sustain our operations.

The Sandy Hollow Charity Bush Horse Ride plays an important role in supporting our mission, ensuring we can remain ready to respond, whenever and wherever we are needed. The Westpac Rescue Helicopter Service is registered with the Australian Charities and Not-for-Profit Commission and operates as a Public Benevolent Institution with Deductible Gift Recipient (DGR) status. We sincerely appreciate the support of this event and the broader community, which helps us continue to save lives across the region.

**Terms and conditions:**

1. This constitutes a signed agreement as part of the application/project process.
2. Council reserves the right to request further information in considering any application, as well as the right to reject any application that does not meet the criteria.
3. 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.
4. The grant may only be used for the purpose specified in the application. Any change must be approved in writing by Council before the activity is undertaken.
5. Applicants will be required to acknowledge the funding provided by Council in a manner approved by Council's Communication Team in any communication about the project.
6. Council reserves the right to publicise approved events, activities, projects etc. in any media form it chooses.
7. The successful applicant will be responsible for project management and all costs in excess of the approved grant, with all activities undertaken being required to comply with Council policies as listed at [www.muswellbrook.nsw.gov.au/policies/](http://www.muswellbrook.nsw.gov.au/policies/). Works may be subject to inspection and verification.
8. Funded projects must be completed within 12 months of the funding being awarded.
9. 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 (for example before, during and after) that showcase the outcomes of the project.

**Successful Applicants must abide by the following funding conditions:**

1. An offer of funding/acceptance must be accepted within two (2) weeks or it will be withdrawn.
2. You must discuss your project with Council before commencing work.
3. Where necessary you must obtain the relevant planning/development approvals for your project before commencement.
4. Once your project is complete you must acquit the monies received with evidence of expenses, ie receipts, and photos of the project before and after. Documentation is to be submitted to Council's General Manager within 1 month of project completion.
5. You must advise Council of any changes to the approved project, including changes to financial circumstances which may affect project completion.
6. Council considers the full cost of the project to be the GST-inclusive amount.
7. You must submit an invoice for payment. You also agree that unless requested, and agreed to by Council, all cheques or electronic transfers will be made payable to your ABN registered organisation.

8. You agree that this financial assistance may be reviewed or revoked at any time under one or more of the following circumstances:
  - Unsatisfactory work
  - Failure to meet time schedules
  - Non-disclosure or misleading or false disclosure of information
  - Inadequate matching funding being provided by your organisation
9. You also agree that you are obliged to refund sponsorship/grant monies within 30 days of receiving a notice of funding revocation.
10. You agree to acknowledge the funding assistance during the project and upon completion in any form required and approved by Council.
11. You agree to participate in work to develop a case study about your project if required.
12. You agree to participate in workshops to promote your project if required (would be limited to the period within 12 months of completion of the project).
13. Council may publicise your project through its newsletter, website, social media, media releases and liaison with journalists.
14. You agree to insure and keep insured at all times the item/s for which this funding is granted, unless Council proves otherwise.
15. You agree to comply with all requirements of other regulatory agencies and you agree that this agreement and any related matters do not override your requirement to do so.

I certify that the information provided in and supporting this application is true and correct and that I am legally authorised to sign this application for and on behalf of the applicant Organisation.

**Applicant's Signature**

Julie  
Russell

Digitally signed by  
Julie Russell  
Date: 2025.03.11  
10:40:16 +11'00'

**Name and Position**

**Julie Russell Grants Officer**

**Date**

11/3/25

Signed on behalf of Muswellbrook Shire Council: (at the time the sponsorship, grant or contribution is awarded)

**Signature**
**Name and Position**
**Date**
**Privacy notification**

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

The intended recipients of the personal information may be:

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

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

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

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

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Address enquires concerning privacy matters to the Public Officer.





## 11. Minutes of Committee Meetings

### 11.1. Finance and Governance Committee Meeting - 13 February 2025 and 13 March 2025

**Responsible Officer:** 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:** 6.2.1 - 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. Minutes - Finance and Governance Committee - 13/02/2025 [**11.1.1** - 3 pages]
2. Minutes - Finance and Governance Committee - 13/03/2025 [**11.1.2** - 3 pages]

#### PURPOSE

To inform Council of a meeting of the Finance and Governance Committee held on 13 February 2025 and 13 March 2025.

#### OFFICER'S RECOMMENDATION

Council NOTES the minutes of the meeting of the Finance and Governance Committee held on 13 February 2025 and 13 March 2025 and ADOPTS the recommendations contained therein.

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

#### REPORT

The Governance Officer reports that the Finance and Governance Committee met on 13 February 2025 and 13 March 2025.

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

**MINUTES OF THE FINANCE AND GOVERNANCE ADVISORY COMMITTEE MEETING  
OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM,  
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET,  
MUSWELLBROOK ONTHURSDAY 13 FEBRUARY 2025 COMMENCING AT 3.11PM.**

**PRESENT:** Cr R. Scholes (Chair), Cr A. Barry, Cr J. Drayton, Cr L. Dunn and  
Cr M. Morris.

**IN ATTENDANCE:** Cr G. McNeill, Cr D. Marshall, Cr S. Ward, Mr D. Finnigan (General  
Manager), Ms S. Welchman (Director - Community & Economy),  
Mr M. Lysaught (Director - Infrastructure & Property), Mr J. Hogan  
(Chief Financial Officer), Ms K. Hamm (Manager - Governance &  
Risk), Ms J. Hayes (Financial Controller) and Mrs M. Sandell-Hay  
(Governance Officer).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr R. Scholes.

## **2 Apologies**

RESOLVED on the motion of Cr R. Scholes and Cr A. Barry that:

The apology for inability to attend the meeting submitted by Cr R. Mahajan  
be ACCEPTED.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

## **3 Confirmation of Minutes of Previous Meeting**

Nil

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil



## **6 Business**

### **6.1 Council Grant Funding Update**

RESOLVED on the motion of Cr L. Dunn and Cr A. Barry that:

The Finance & Governance Advisory Committee notes the information contained in the report and endorses Council staff to review and apply for funding opportunities contained within the report.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

### **6.2 December 2024 Quarterly Budget Review**

RESOLVED on the motion of Cr A. Barry and Cr L. Dunn that:

The Finance and Governance Committee endorses the proposed changes in the December 2024 Quarterly Budget Review.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

### **6.3 Monthly Financial Report - January**

RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:

The Finance & Governance Advisory Committee notes the Financial Reports for the month ending 31 January 2025.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

### **6.4 Report on Investments held as at 31 January 2025**

RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:

The Finance & Governance Advisory Committee notes Council's Investments as at 31 January 2025.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil



## 6.5 Terms of Reference

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

The Finance and Governance Committee endorses the Draft Terms of Reference for submission to Council.

In Favour: Cr R. Scholes, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

## 7 Closed Committee

Nil

## 8 Date of Next Meeting

13 March, 2025

## 9 Closure

The meeting was declared closed at 4.08pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr R. Scholes  
**Chairperson**

**MINUTES OF THE FINANCE AND GOVERNANCE ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS, MUSWELLBROOK LIBRARY, 126 BRIDGE STREET, MUSWELLBROOK ON THURSDAY 13 MARCH 2025 COMMENCING AT 4.00PM.**

**PRESENT:** Cr R. Scholes (Chair), Cr R. Mahajan (Deputy Chair), Cr A. Barry, Cr J. Drayton, Cr L. Dunn (VC) and Cr M. Morris.

**IN ATTENDANCE:** Cr D. Marshall, Cr S. Ward, Mr D. Finnigan (General Manager), Mr J. Hogan (Chief Financial Officer), Ms K. Hamm (Manager - Governance & Risk), Ms J. Hayes (Financial Controller) and Mrs M. Sandell-Hay (Governance Officer).

**1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr R. Scholes.

**2 Apologies**

Nil

**3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr L. Dunn and Cr M. Morris that:

The Minutes of the Finance and Governance Committee Meeting held on **13 February, 2025**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour: Cr R. Scholes, Cr R. Mahajan, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

**4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

**5 Business Arising**

Nil

**6 Business**

**6.1 Monthly Financial Report - February 2025**

RESOLVED on the motion of Cr M. Morris and Cr R. Mahajan that:

Council notes the Financial Reports for the month ending 28 February 2025.

In Favour: Cr R. Scholes, Cr R. Mahajan, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil



## **6.2 Report on Investments held as at 28 February 2025**

RESOLVED on the motion of Cr A. Barry and Cr R. Mahajan that:

The Finance & Governance Committee notes Council's Investments as at 28 February 2025.

In Favour: Cr R. Scholes, Cr R. Mahajan, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

## **6.3 DRAFT Community Strategic Plan**

RESOLVED on the motion of Cr M. Morris and Cr J. Drayton that:

The information contained in this report be noted.

In Favour: Cr R. Scholes, Cr R. Mahajan, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

## **6.4 Request for Domestic Waste Management Charge to be Waived**

RESOLVED on the motion of Cr A. Barry and Cr J. Drayton that:

The Committee recommends Council:

1. Approve to waive the Domestic Waste Management Charge on Assessment 127266;
2. Organise to retrieve the Council issued mobile garbage bins from the property; and
3. Include in the review of Council's Revenue Policy delegations for staff.

In Favour: Cr R. Scholes, Cr R. Mahajan, Cr A. Barry, Cr J. Drayton, Cr M. Morris and Cr L. Dunn

Against: Nil

## **7 Closed Committee**

Nil

## **8 Date of Next Meeting**

10 April 2025



## 9 Closure

The meeting was declared closed at 4.21pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr R. Scholes  
**Chairperson**



**11.2. State Significant Development Committee Meeting - 18 February 2025 and 11 March 2025**

**Responsible Officer:** Director - Planning & Environment

**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:** 6.2.1 - 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. Minutes - State Significant Development Committee - 18/02/2025 [11.2.1 - 4 pages]
2. Minutes - State Significant Development Committee - 11/03/2025 [11.2.2 - 2 pages]

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**PURPOSE**

To inform Council of a meeting of the State Significant Development Committee held on 18 February 2025 and 11 March 2025.

**OFFICER'S RECOMMENDATION**

Council NOTES the minutes of the meeting of the State Significant Development Committee held on 18 February 2025 and 11 March 2025 and ADOPTS the recommendations contained therein.

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

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

**REPORT**

The Governance Officer reports that the State Significant Development Committee met on 18 February 2025 and 11 March 2025.

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

**MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF  
THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS  
MUSWELLBROOK LIBRARY, 136 BRIDGE STREET, MUSWELLBROOK ON 19  
FEBRUARY 2025 COMMENCING AT 4:00PM.**

**PRESENT:** Cr J. Drayton (Chair), Cr C. Bailey, Cr D. Douglas, Cr L. Dunn,  
Cr D. Marshall, Cr R. Scholes and Cr S. Ward.

**IN ATTENDANCE:** Cr R. Mahajan, Cr M. Morris, Mr D. Finnigan (General Manager),  
Ms S. Pope (Director – Planning & Environment), Ms T. Folpp  
(Environmental Planning Officer), Ms A. Hathway (Legal Counsel),  
Mr. N Mowbray (Policy Officer), Mr. J Hogan (Chief Financial  
Officer), Mr. M Lysaught (Director - Property & Place),  
Ms. C. Evans (OX2 - Senior Development Manager),  
Ms. H Kennedy (OX2 - Community & Stakeholder Manager),  
Ms. C. Wayne (OX2 - Director of Development) and Mr. D Denton  
(OX2 - Senior PV Engineer).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr. D Douglas.

## **2 Apologies**

RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:

The apology for inability to attend the meeting submitted by Cr D. Hartley,  
and Cr G. McNeill be ACCEPTED.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn,  
Cr S. Ward and Cr R. Scholes

Against: Nil

## **3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The Minutes of the State Significant Development Committee Meeting held  
on **13 August, 2024**, a copy of which has been distributed to all members, be  
taken as read and confirmed as a true record.

In Favour Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn,  
Cr S. Ward and Cr R. Scholes

Against: Nil

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil



## **6 Business**

### **6.1 SSD Committee Terms of Reference**

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The State Significant Development Committee endorses the Draft terms of reference.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

### **6.2 Muswellbrook Solar Farm - Project Update**

The Proponent of the project provided the Committee with a brief update on the Muswellbrook Solar Farm (Project).

Concerns were raised regarding the significantly low percentage of recycled panels compared to figures provided and the impact of waste going into landfill.

Ms Evans advised the Committee that discussions to reduce plastic waster were already in place with suppliers.

The Committee also sought clarification of onsite storage and management processes of damaged/unusable panels.

Mr Denton advised the Committee in further details of management plan to be put in place and Councillors will be notified once finalised.

RESOLVED on the motion of Cr D. Douglas and Cr C. Bailey that:

The information contained in this report be noted. However, it was agreed by all Councillors that further discussion is to be had regarding the Storage and disposal of panels and further clarification to the definition of 'failure' of panels.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil



### 6.3 Denman Road Renewable Energy Hub Planning Agreement & General Terms for Solar and Battery Developments

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

- A. The SSD Committee resolves the following standard Planning Agreement general terms for State Significant solar farm and battery energy storage system (BESS) development:
1. Solar farm development - A monetary contribution of \$850/MWac as per the 'Benefit-Sharing Guideline' (November 2024) and the planning agreement with the proponent of the Muswellbrook Solar Farm (SSD-46543209). The monetary contribution will be based on installed capacity, provided every year of operation, and adjusted for Consumer Price Index (CPI).
  2. Battery Energy Storage System (BESS) development – A monetary contribution of \$200/MWh consistent with the planning agreement with the proponent of the Muswellbrook BESS (SSD-29704663). The monetary contribution will be based on installed capacity, provided every year of operation and indexed annually to CPI.
  3. Allocation of annual contribution payments to Council will be spent in the following ratios:
    - 10% Specialist staff contribution to respond on behalf of Council for the Project's assessment and implementation; and
    - 90% to community, environment and economic benefits managed as part of the Muswellbrook Shire Community Benefit Fund.
  4. Neighbourhood Benefits – The preferred mechanism to 'deliver neighbourhood benefits' is as rate rebates to property owners in the direct vicinity of any development, capital projects on Council or Crown land require a business case that considers ongoing financial impact on Council.
  5. Socio-Economic Commitments
    - a. The Proponent is to employ a minimum of four (4) residents of Muswellbrook Shire, as apprentices/trainees on the site during the construction phase.
    - b. The Construction Company and Proponent to a drop-in site with project information and ability to record complaints, in the Muswellbrook Central Business District (CBD), from commencement of the project and for the period of construction.
    - c. The Proponent to provide a procurement plan to demonstrate how the project will benefit local business through local spend for Council's approval. The minimum target should be for 5% local procurement by project value. Any Procurement Plan should include details of any temporary construction workforce accommodation.



- B. Neighbourhood Benefits for Denman Rd Renewable Energy Hub – Delegate to the General Manager to continue negotiations with the Proponent/s, in accordance with the Planning Agreement general terms in Point A, to ensure the Neighbourhood Benefit proportion is equitable and reasonable. Neighbourhood Benefits should extend to within approximately 4km of the Project Boundary (to capture residences on the western side of the Hunter River who will experience a visual impact).

Councillors agreed of the concern raised in regard to Items 5a, and the employment after construction phase and that further discussions/negotiations to be held with the Proponents regarding a guarantee and longevity of employment.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

## **8 Date of Next Meeting**

11 March 2025

## **9 Closure**

The meeting was declared closed at 4:40pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr J. Drayton  
**Chairperson**

**MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF  
THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS  
MUSWELLBROOK LIBRARY, 136 BRIDGE STREET, MUSWELLBROOK ON 11 MARCH  
2025 COMMENCING AT 4:10 PM.**

**PRESENT:** Cr J. Drayton (Chair), Cr D. Hartley, Cr C. Bailey, Cr D. Douglas,  
Cr L. Dunn, Cr G. McNeill (VC), Cr D. Marshall, Cr R. Scholes and  
Cr S. Ward.

**IN ATTENDANCE:** Cr A. Barry, Cr R. Mahajan, Mr D. Finnigan (General Manager),  
Ms S. Pope (Director – Planning & Environment), Ms S. Welchman  
(Director - Community & Economy), Mr M. Lysaught (Director  
Property & Place) Ms T. Folpp (Environmental Planning Officer),  
Ms K. Hamm, (Manager Governance & Risk) Mr N. Mowbray  
(Policy Officer) and Ms P. Heusler (Administration Officer).

### **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr D Douglas.

### **2 Apologies**

Nil

### **3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:

The Minutes of the State Significant Development Committee Meeting held  
on **18 February, 2025**, a copy of which has been distributed to all members,  
be taken as read and confirmed as a true record.

In Favour Cr J. Drayton, Cr D. Hartley, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall,  
Cr L. Dunn, Cr S. Ward, Cr G. McNeill and Cr R. Scholes

Against: Nil

### **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

### **5 Business Arising**

Nil



## 6 Business

### 6.1 Mayoral Representation on Hunter Central Coast Regional Reference Group

RESOLVED on the motion of Cr D. Douglas and Cr S. Ward that:

The Committee approves the appointment of the Mayor to the position of Hunter Regional Reference Group to September, 2028.

In Favour: Cr J. Drayton, Cr D. Hartley, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward, Cr G. McNeill and Cr R. Scholes

Against: Nil

### 6.2 Activities Summary for State Significant Development and Energy Generation Projects

RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:

The information contained in this report be noted.

In Favour: Cr J. Drayton, Cr D. Hartley, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward, Cr G. McNeill and Cr R. Scholes

Against: Nil

## 8 Date of Next Meeting

8 April, 2025

## 9 Closure

The meeting was declared closed at 4:21 PM

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr J. Drayton  
**Chairperson**





### 11.3. Infrastructure and Property Committee Meeting - 18 February 2025

**Responsible Officer:** Director - Infrastructure & Property

**Author:** Governance Officer

**Community Strategic Plan:** 5 - *Community Infrastructure*

Effective and efficient infrastructure that is appropriate to the needs of our 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. 20250218 - Infrastructure and Property Committee - Minutes [**11.3.1** - 2 pages]

#### PURPOSE

To inform Council of a meeting of the Infrastructure and Property Committee held on 18 February 2025.

#### OFFICER'S RECOMMENDATION

Council NOTES the Minutes of the meeting of the Infrastructure and Property Committee held on 18 February 2025 and ADOPTS the recommendations contained therein.

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

#### REPORT

The Governance Officer reports that the Infrastructure and Property Committee met on 18 February 2025.

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

**MINUTES OF THE INFRASTRUCTURE AND PROPERTY COMMITTEE MEETING OF  
THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS  
MUSWELLBROOK LIBRARY, 136 BRIDGE STREET, MUSWELLBROOK ON TUESDAY  
18 FEBRUARY 2025 COMMENCING AT 5.30PM.**

**PRESENT:** Cr C. Bailey (Chair), Cr R. Scholes, Cr J. Drayton, Cr L. Dunn,  
Cr M. Morris, Cr D. Marshall and Cr S. Ward.

**IN ATTENDANCE:** Cr D. Douglas, Cr. R. Mahajan, Mr D. Finnigan (General Manager),  
Mr M. Lysaught (Director - Infrastructure & Property),  
Mr S. Iagunkov (Manager - Water & Wastewater),  
Mr D. Fernandes (Project Manager - Property & Building Services),  
Mrs S. Welchman (Director - Community & Economy), Mr J. Hogan  
(Chief Financial Officer), Mr. N. Mowbray (Policy Officer) and  
Mrs A. Paynter (Administration Officer - Property & Building).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr. D. Douglas.

## **2 Apologies**

RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

The apology for inability to attend the meeting submitted by Cr D. Hartley  
be ACCEPTED.

In Favour: Cr C. Bailey, Cr R. Scholes, Cr J. Drayton, Cr L. Dunn, Cr D. Marshall,  
Cr M. Morris and Cr S. Ward

Against: Nil

## **3 Confirmation of Minutes of Previous Meeting**

Not Applicable

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil

## **6 Business**

### **6.1 Draft Terms of Reference**

RESOLVED on the motion of Cr J. Drayton and Cr M. Morris that:

The Infrastructure and Property Committee endorses the Draft Terms of  
Reference for submission to Council.

In Favour: Cr C. Bailey, Cr R. Scholes, Cr J. Drayton, Cr L. Dunn, Cr D. Marshall,  
Cr M. Morris and Cr S. Ward

Against: Nil



## 6.2 Major Projects Status Report

The Committee requested that a more detailed status report be provided on the following projects for the next meeting

- Reactivation of Campbell's Corner Retail for Muswellbrook
- Demolition for Civic Precinct
- Regional Entertainment Centre
- GLE Pipeline

Committee requested that former Councillor Brett Woodruff be invited to the opening of the Denman Recreation Area.

RESOLVED on the motion of Cr M. Morris and Cr R. Scholes that:

The Committee NOTES the information contained in the report.

In Favour: Cr C. Bailey, Cr R. Scholes, Cr J. Drayton, Cr L. Dunn, Cr D. Marshall, Cr M. Morris and Cr S. Ward

Against: Nil

## 7. Closed Committee

Nil

## 8 Date of Next Meeting

8 April, 2025

## 9 Closure

The meeting was declared closed at 5.35pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr C. Bailey  
**Chairperson**



#### **11.4. Local Traffic Committee Meeting - 11 March 2025**

**Responsible Officer:** Director - Infrastructure & Property

**Author:** Traffic & Roads Status 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:** Not applicable

**Attachments:** 1. Minutes - Local Traffic Committee - 11/03/2025  
[11.4.1 - 4 pages]

#### **PURPOSE**

To inform Council of a meeting of the Local Traffic Committee held on 11 March 2025.

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

Council NOTES the Minutes of the Local Traffic Committee Meeting held on 11 March 2025 and ADOPTS the recommendations contained therein.

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

#### **REPORT**

The Governance Officer reports that the Local Traffic Committee met on 11 March 2025. The Minutes of the meeting are attached for the information of the Councillors.

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON 11 MARCH 2025 COMMENCING AT 2PM.**

**PRESENT:** Cr D. Marshall (Chair), Cr D. Hartley (Alt Rep), Sgt. D. Kentish (NSW Police), A/g Sgt. M. Sheehan (NSW Police), Mrs K. Scholes, (MSC), Ms A McGrath (TfNSW) and Mr J West (TfNSW).

**IN ATTENDANCE:** Mrs I. Williams, Ms M. Crooks, Ms N. Butt, Mr A Le, Mr P. Chambers and Mr H McTaggart (MSC)

**1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr D. Marshall.

**2 Apologies**

RECOMMENDED on the motion of Mrs K. Scholes and Cr D. Marshall that:

The apologies for inability to attend the meeting submitted by Mr M. Kelly be ACCEPTED.

**3 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of Mrs. K. Scholes and Cr. D. Marshall that:

The Minutes of the Local Traffic Committee Meeting held on **10 December, 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**

Nil

**5 Business Arising**

**Linemarking – Bureen/Martindale Road Intersection**

Cr Marshall enquired if the line marking had been undertaken at the intersection of Bureen and Martindale Road.

Mrs Scholes advised that this line marking and installation of additional warning signage had been undertaken.

**Linemarking – Market Street Muswellbrook**

Cr Marshall enquired about the line marking in Market Street.

Mrs Scholes advised that the road safety audit had not been undertaken by TfNSW at this stage.



## 6 Business

### 6.1 Road Closures required for ANZAC Day ceremonies Muswellbrook and Denman

Discussion took place concerning the proposed road closure with TfNSW and one of the NSW Police representatives raising concerns regarding the disruption of highway traffic due to the closure and detour of the New England Highway and the risk to motorists and that ANZAC Day falls on a Friday this year, with the Easter long weekend being the previous week and coinciding with the end of school holidays. TfNSW suggested that an alternative route be considered for future years to have less impact on the New England Highway. Council advised of the difficulty of an alternate route due to the location of the cenotaph being immediately adjacent to the New England Highway where the ceremonies are held due to the significance of the site and that it would be necessary to detour the highway for the safety of the general public attending the ANZAC Day Ceremony and to reduce the noise of highway traffic during the ceremonies regardless of the route of the ANZAC March. TfNSW also advised that an updated TGS would be required to apply for the Road Occupancy Licence.

RECOMMENDED that:

Council uses its delegated authority to approve the following temporary road closures on Friday 25 April 2025:

#### MUSWELLBROOK

1. The New England Highway, between Sydney Street and Hill Street, from approximately 5:00 a.m. to 6:30 a.m., and then from approximately 9:30 a.m. to 12:30 p.m., subject to Transport for NSW approval;
2. Market Street, between Carl Street and Bridge Street, from 5:00 a.m. to 12:30 p.m.; and
3. William Street, between Market Street and Sowerby Street, from 5:00 a.m. to 12:30 p.m. (intermittent closure to accommodate the two (2) services).

#### DENMAN

1. Palace Street from Crinoline to Ogilvie Streets (11:00 a.m. to 1:00 p.m.)
2. Ogilvie Street from Palace to Paxton Streets (11:00 a.m. to 1:00 p.m.)
3. Paxton Street from Ogilvie to Crinoline Streets (11:00 a.m. to 1:00 p.m.)
4. Isobel Street from RSL car park Entrance to Paxton Street (11:00 a.m. to 1:00 p.m.)

The above recommendations are subject to the following:

- the New England Highway closure and diversion is subject to TfNSW approval;
- traffic control personnel having the appropriate Transport for NSW approved qualifications;
- the provision of the RSL public liability insurance cover for a minimum of \$20,000,000 for the event;
- the provision of anti-terrorist barriers as required by the NSW Police; and
- the National Heavy Vehicle Regulator to be advised of the road closures.



**VOTE: Majority support** - NSW Police Dissenting split vote

Note: Sgt. D Kentish (NSW Police- Traffic & Highway Patrol Command) supported the closure.

A/g Sgt M Sheehan (NSW Police Hunter Valley Police District) did not support the road closure.

**6.2 DA 2024-60 - Pacific Brooke Christian School - Traffic Plans**

RECOMMENDED that:

The Committee NOTES the Report and record the item as an **"informal item"**. Signage and linemarking will be approved through the Works Authorisation Deed approved by TfNSW. It was also recommended meeting with other stakeholders to discuss the following matters:

- Provision of pedestrian continuity of footpath around proposed school bus bay on Maitland Street;
- Intensification of the use of local roads and the potential need for traffic calming;
- Central Median Fence- Length and design and the impact on existing significant vegetation through the site specifically for OSOM loads- this will also require consultation as this zone is a memorial grove associated with St Albans Church Muswellbrook;
- Parking Restriction across the frontage of the school and additional consultation of residents affected;
- Impact on the Traffic Signals and merge/slip lane;
- Measures to address errant parking from parents specifically along the pedestrian footpath route on the western side of the development and accessing this area from Maitland Street.

**General Business:**

Nil

**7 Closed Committee**

Nil

**8 Date of Next Meeting**

8 April, 2025

**9 Closure**

The meeting was declared closed at 3:12pm.

.....  
Cr D. Marshall  
**CHAIR**







## 11.5. Community and Economy Committee Meeting - 11 March 2025

**Responsible Officer:** Director - Community & Economy

**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:**

6.2.1 - 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. Minutes - Community & Economy Committee - 11/03/2025 [11.5.1 - 5 pages]

### PURPOSE

To inform Council of a meeting of the Community & Economy Committee held on 11 March 2025.

### OFFICER'S RECOMMENDATION

Council NOTES the minutes of the meeting of the Community & Economy Committee held on 11 March 2025 and ADOPTS the recommendations contained therein.

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

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

### REPORT

The first Community & Economy Committee was held on 11 March 2025.

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

**MINUTES OF THE COMMUNITY AND ECONOMY COMMITTEE MEETING OF THE  
MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS, MUSWELLBROOK  
LIBRARY, 136 BRIDGE STREET, MUSWELLBROOK ON WEDNESDAY, TUESDAY 11 MARCH  
2025 COMMENCING AT 5.30PM**

---

**PRESENT:** Cr D. Douglas (Chair), Cr L. Dunn (Deputy Chair), Cr A. Barry, Cr J. Drayton, Cr D. Marshall and Cr M. Morris.

**IN ATTENDANCE:** Cr D. Marshall, Cr R. Mahajan, Cr S. Ward, Cr S. Scholes, Cr G. McNeill (VC), Mr D. Finnigan (General Manager), Ms S. Welchman (Director - Community & Economy), Ms K. Manwarring (Manager - Community Services), Mr K. Hill (Manager - Events & Tourism), Mr M. Lysaught (Director - Property & Building), Mr I. Skaines (Grants & Community Engagement Advisor), Ms K. Hamm (Manager - Governance & Risk) and Ms P. Heusler (Administration Officer).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr D. Douglas.

## **2 Apologies**

Nil

## **3 Confirmation of Minutes of Previous Meeting**

Not applicable

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

**Cr S. Ward** - Declared a non-pecuniary interest in Item 6.8 Post Event Report - Denman Wine Food & Film Affair 2024.

**Cr M. Morris** - Declared an insignificant pecuniary interest in Item 6.3 Sponsorship - Cattle Dog Muster. Cr Morris advised the Committee that he was on the original organising committee for the first event, but is no longer involved.

**Cr A. Barry** - Declared a pecuniary interest in Item 6.2 Art Gallery Cafe - Hospitality Training Centre. Cr Barry advised the Committee that she is an employee of AGL.

## **5 Business Arising**

Nil

## **6 Business**

### **6.1 Community & Economy Committee - Terms of Reference**

RESOLVED on the motion of Cr M. Morris and Cr J. Drayton that:

The Community and Economy Committee endorses the Draft Terms of Reference for submission to Council.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil



## **6.2 Art Gallery Cafe - Hospitality Training Centre**

### **Disclosure of Interest**

Cr A. Barry declared a pecuniary interest in this item. Cr Barry advised the Committee that she is an employee of AGL.

At 5:35pm Cr Barry left the meeting room and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr J. Drayton and Cr M. Morris that:

That Council approves the General Manager to discuss operating the Gallery Cafe as a hospitality training Centre with AGL, and negotiate the terms of the agreement for Council's consideration.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

At 5:39 pm Cr Barry returned to Council Chambers and resumed her chair at the meeting table.

## **6.3 Sponsorship - Cattle Dog Muster**

RESOLVED on the motion of Cr J. Drayton and Cr M. Morris that:

Council approves the sponsorship of \$7,500 to the Muswellbrook Chamber of Commerce and Industry for the Cattle Dog Muster Bluey and Bingo Live Experience and Meet and Greet subject to both parties entering into and meeting the requirements of Council's Sponsorship Agreement.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

## **6.4 Welcome Experience Update**

RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

The information contained in this report be noted.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil



**6.5 STEM Program Update**

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

The information contained in this report be noted.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

**6.6 MELT Quarterly Report**

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

The information contained in this report be noted.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

**6.7 Post Event Report - New Years Eve 2024**

RESOLVED on the motion of Cr M. Morris and Cr J. Drayton that:

The information contained in this report be noted.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

**6.8 Post Event Report - Denman Wine Food & Film Affair 2024**

RESOLVED on the motion of Cr D. Marshall and Cr J. Drayton that:

Council:

1. Notes the content of this report.
2. Supports the delivery of the Denman Wine, Food and Film Affair, in partnership with the Denman Chamber of Commerce, to be held on 1 November 2025.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil



## 6.9 Community Services

RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:  
Cr L. Dunn be Councils representative on the Library Zone Committee.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

RESOLVED on the motion of Cr J. Drayton and Cr M. Morris that:  
The information contained in the report be noted.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

## 7 Closed Committee

RESOLVED on the motion of Cr A. Barry and Cr D. Marshall that:  
Committee adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris.

Against: Nil.

### 7.1 Industry Presentations

#### MOTION

Moved by Cr D. Marshall and Cr M. Morris that:

Council supports Council Officers providing presentations on the Community Strategic Plan at the April Chamber breakfast and the 2025/26 Budget at the July Breakfast.

#### FORESHADOWED MOTION

Council does not present at the Chamber Breakfast in April. Council presents a standalone presentation.



**ORIGINAL MOTION**

Moved by Cr D. Marshall and Cr M. Morris that:

Council supports Council Officers providing presentations on the Community Strategic Plan at the April Chamber breakfast and the 2025/26 Budget at the July Breakfast.

Motion was put to the vote and LOST

RESOLVED on the motion of Cr J. Drayton and Cr M. Morris that:

Council does not present at the Chamber Breakfast in April. Council presents a standalone presentation.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris

Against: Nil

**RESUMPTION OF OPEN COMMITTEE**

RESOLVED on the motion of Cr M. Morris and Cr D. Marshall that:

The meeting return to Open Committee.

In Favour: Cr D. Douglas, Cr L. Dunn, Cr A. Barry, Cr D. Marshall, Cr J. Drayton and Cr M. Morris.

Against: Nil

The Chair read out the resolutions from Closed Committee.

**8 Date of Next Meeting**

13, May 2025

**9 Closure**

The meeting closed at 6:28 pm.

.....  
Mr D. Finnigan (General Manager)

.....  
Cr D. Douglas (Chair)





## 12. Notices of Motion

Nil

## 13. Councillors Reports

## 14. Written Questions

Nil

## 15. Questions for Next Meeting

## 16. Adjournment into Closed Council

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

## 17. Closed Council

### **RECOMMENDATION**

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

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



**17.1. Council Chamber and Campbells Corner Retail Spaces Redevelopment**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17.2. 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.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17.3. Contract 2019-2020-0406 - Muswellbrook Aquatic Centre Offer - Financial Close-out**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17.4. BHP Mount Arthur Modification 2 Draft Conditions**

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

*Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*



## **18. Resumption of Open Council**

The meeting return to Open Council.

## **19. Closure**

**Date of Next Meeting: 22 April, 2025**