



murray river
council

ATTACHMENTS

UNDER SEPARATE COVER

Ordinary Council Meeting

Tuesday, 25 July 2023

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MURRAY RIVER COUNCIL – Monthly Operational Report June 2023

Councils are far more complex organisations than even those people who work in local government would believe. One of the most difficult things to achieve, when there are so many tasks and so many people working on them (spread over a wide area in MRC's case) is to ensure that there are no 'grey areas, oversights or overlaps'. Having the '*left hand know what the right hand is doing*' is essential. It improves efficiency, reduces conflict, and ensures that we achieve more without wasting energy. It also reduces frustration for those doing the job and our customers alike.

Most of the public do not know what local government does, despite the fact they would all think they do. I cannot blame them, as it has taken me 39 years to get to the stage I think I know, and I work in local government as a Chief Executive Officer, so I am not surprised to regularly hear the following statement;

"There so many people in the office, I can remember when there was only the Shire Clerk and a couple of others, what do they do?" In Murray River Council's case, I also hear, "There were so many less staff prior to the amalgamation."

The simple answer is that local government's accountabilities have grown from *roads, rates, and rubbish* to this (long) list below. They are still growing. Most of the list covers legislated responsibilities, meaning, we have no choice. Others are things that if we did not manage, the cost escalation from risks incurred would far outweigh the perceived savings. It would come as a big surprise to most that there are very few 'nice to haves' in the list (things we do because we chose to, not because we have to).

The list of accountabilities local government is required to do is continually growing by stealth. State Governments take every opportunity to delegate as many responsibilities to local governments as possible; it's been named as 'cost shifting'. As an industry we have lobbied every year for decades for cost shifting to cease, to little avail. It has just happened again; local government has been handed the responsibility for Underground Petroleum Storage Systems (UPSS) which was the responsibility of the EPA. The ramifications of this are not known yet, however there is one fact that is known for sure, the State Government would not be shifting the responsibility of UPSS to local government if it were profitable!

As local government has no powers under the Constitution, we are likely to be the recipient of many other shifts of responsibility as well. Capped income, through rates pegging, severely limits local government to pass any extra costs on. Even if all costs were passed on there is a limit to which communities can afford to pay (in rates) or would be happy to pay anyway. Cost shifting and rates capping mean we must improve our effectiveness and efficiency at a rate at least equal to the task to remain viable and improve our prosperity.

It is a requirement of the Local Government Act (referred to in the industry as the *Integrated Planning & Reporting Framework, or IP&R*), that we report on how well we progress in delivering the 4 Year Delivery and 1 Year Operational Plan objectives twice per year. But as IP&R is linked to the Community Strategic Plan, which is very 'big picture', much of what we are actually required to do to keep Murray River Council running, is not captured. It is timely that we, as an organisation, document, and measure everything that we do. If you were to ask 'Mr. or Mrs. John and Joan Smith' they'd probably only be able to name ten percent of our accountabilities. Documenting what we are required to do is therefore essential.

I've said many times, "if you measure it, you can manage it, if you manage it, you can improve it. When you improve it, you can celebrate it!" Essentially the major drivers of this success will be how we manage people, money, and technological aspects of these 78 sub-programs, as follows:

- | | | |
|---|--|---|
| 1. Strategic direction and planning | 17. Arts and Culture | 33. Feral pests |
| 2. Corporate relations & inter-governmental affairs | 18. Library's | 34. Tree management |
| 3. Corporate planning and reporting | 19. Community Grants | 35. Street and public domain lighting |
| 4. Workforce planning | 20. Sponsorship | 36. Place (public domain) |
| 5. Workforce culture | 21. Economic Development | 37. Information and knowledge management |
| 6. Workforce performance | 22. Road safety & Traffic Committee | 38. Underground Petroleum Storage Systems |
| 7. Business Intelligence | 23. Community & Corporate Buildings | 39. Information technology and communications |
| 8. Corporate communications | 24. Community buildings hire | 40. Land and mapping information |
| 9. Legal services | 25. Community events | 41. Business systems / solutions technology |
| 10. Procurement & Tendering | 26. Community engagement | 42. Financial planning and management |
| 11. Internal audit | 27. Media, branding, marketing, and communications | 43. Human resources Management |
| 12. Business continuity and risk | 28. Social media & website | 44. Workers Compensation |
| 13. Disaster / emergency management | 29. Customer services | 45. Project Management Office |
| 14. Workplace Health & Safety | 30. Sport and recreation (passive & active) | 46. Depot, store, fleet, plant & equipment |
| 15. Community services | 31. Aquatic | 47. Assets Management |
| 16. Tourism | 32. Open Space Amenities | 48. Business support |

49. Civic	59. Public health	69. Natural waterways
50. Governance Land use planning	60. Noxious plants	70. Property investments/divestments
51. Urban design	61. Roads & footpath enforcement	71. Private works
52. Land use data management & mapping	62. Illegal dumping	72. Cemeteries
53. Land use reporting	63. Domestic animal management	73. Quarries
54. Heritage	64. Transport (roads, bridges and airstrip)	74. Cycleways, paths, and footpaths
55. Regulating premises	65. Water supply, filtering and distribution	75. Crown lands (including Native Title)
56. Assessment	66. Sewer	76. Caravan Parks
57. Built form compliance.	67. Waste management and recycling	77. Commercial Leases
58. Environmental regulation	68. Storm water	

This process is not as simple as allocating the 78 sub-programs to staff and then saying to them 'go forth and deliver'. Almost all the 78 sub-programs require long-term forward planning (strategy), they also require someone to 'own' the accountability (manager). They often require someone (usually a project manager) to augment, build or embellish whatever they need (deliver) in the first instance, and lastly, almost all will require ongoing day-to-day servicing (service). These are usually quite different personal attributes and skill sets; sometimes requiring a specialist. Even if they do not, they are often delivered in different times and quantities. For this reason, the accountabilities have been devolved into four generic types.

You will see abbreviations under the heading 'Officer', just to the right of the column titled '1 Year Operational Plan'. The prefix of the letters, S, B, P, or O refer to the following:

'S' accountability stands for *strategy*; where we need to be, what we need to achieve – the policy, direction, outcome and timing the organisation requires. The strategic accountability always rests with an executive staff member. (E.g., Chief Executive Officer or a Director.)

'B' accountability represents a *business owner*; the person who oversees the running of the activity, usually a manager or specialist. The 'owner' of the accountability will usually have staff reporting to them. People that share parts of an accountability have 'tasks' as you shouldn't have two people accountable for the one thing! There can be the same 'task' completed by many staff, but they all cannot have the 'accountability'. Only one person has the accountability on each level. (E.g., Works Manager looks after the 'business' of civil asset maintenance and is 'accountable' but has staff with specific 'tasks' to assist, such as grader operators who maintain unsealed roads. Each of whom has the 'task' of grading. Multiple grader operators have the same 'tasks', the works manager holds the 'accountability'.)

'P' accountability represents the person who develops, designs, delivers a project; this person works out how to augment changes, or delivers something – either tangible or non-tangible. (E.g., Governance Coordinator reviewing the customer service protocols (non-tangible), Project Manager building a bridge (tangible).)

'O' accountability represents the 'service'; the person with a service accountability that completes the activity on an ongoing daily, weekly, or regular basis. (E.g., processing invoices in accounts payable, working in the Water Filtration Plant, gardening in town streets, grading roads.)

The 78 sub-programs broken up into 'strategy, business management, projects and operating services' equates to over **1200 individual accountabilities**.

This further emphasises how important it is to align, measure, manage and subsequently improve the outcomes such that we can celebrate our effectiveness. Having access to a monthly reporting framework (this Monthly operational Report) will also greatly assist us to determine what resources we need to allocate, to whom, based on risk and council resolutions. This new monthly process will bring a higher level of transparency to our organisation. It will also mean we will become very familiar with what the community's expectations are, as represented in the 4 Year Delivery Plan and 1 Year Operational Plan, which will give us a much better chance to remain focused on our outcomes.

CONCLUSION

The only constant in life, is change. Every year our 'Operational Plan' will change. Every year more accountabilities will be thrust upon us by higher levels of government. Unless we adopt a 'continual management of change' system such as this, to run our organisation, that reviews how these accountabilities and capabilities are addressed and allocated, we will be constantly at risk. This 'system' will allow seamless and continual change.

Lastly, in adopting such a transparent and simple model we will be able to adjust our efforts using a *helicopter viewpoint* of the whole organisation, not just the various component parts. But most importantly, it will allow us to work better together. That will be an achievement in itself, and definitely worth celebrating!

Terry Dodds, Chief Executive Officer



Monthly Operational Report – June 2023

CIVIC Office

PART A: Section Accountabilities and Team Roles

CEO – Terry Dodds	Manager People – Rod Schubert	Manager Community Engagement – Zoe Croft	Manager Organisational Development – Susan Briggs
<p>Acts as the primary link between Councillors and the organisation and is responsible for aiding Councillors in developing policy and strategy. Provides leadership to staff in achieving Council objectives. Oversees the financial management of the Council. Communicates and promotes Council's policies to the community it serves.</p> <p>Business Processes: Maintain the Business Integration and Reporting System and manage production stemming from the 4 Year Delivery Plan, and 1 Year Operational Plan requirements and other subsets.</p> <p>Organisation Culture: Lead a positive change in organisational culture.</p> <p>Financial Sustainability: Provide advice to council regards financial sustainability that aligns with the IP&R Framework.</p> <p>Economic Development: Strategise with Council on how to bring industries of the future, and subsequently improve the demographic spread, to our communities.</p> <p>Lifestyle Improvements: Maintain or improve the overall amenity of our towns, villages, and facilities (within budgetary constraints).</p> <p>Governance: Manage the overall governance of council as per the LG Act; business systems, policies, audits, and external parties.</p> <p>Project Management: Oversee project management disciplines and provide advice to council on risk.</p> <p>Accountability Framework: Continually develop and monitor the framework, its integration, and reporting.</p> <p>Financial Sustainability: develop both operational and strategic policies and provide advice to the council regards the avenues to improve our pre-set financial performance ratios (OLG).</p> <p>Network: Maintain currency of MRC's network with other organisations; NSW Country Mayors Association, Riverina & Murray Joint Organisation, Campaspe and Murray River Councils Cross Border Committee, Local Government NSW, Cross Border Commissioner, Office of Local Government.</p>	<p>The overall focus of Human Resources is not a thing we do in the business. It is the thing that runs our business.</p> <p>HR - High Level focus areas</p> <ul style="list-style-type: none"> • Recruitment and selection of all staff. • Retention of valuable employees. • Training, development, and education to promote individual success and increase the contribution to MRC of all employees. • Succession Planning • A safe and healthful working environment. • Inspiration and encouragement for a high level of employee engagement through recognition, effective communication, and constant feedback. • Resources for administering compensation, benefits, policies, and procedures. • All aspects of performance management • HR data and metrics 	<p>The team will become a one-stop-shop for all things related to the engagement and education of our community. They will also focus on communicating with the community.</p> <p>Provide an internal Community engagement service to all portfolios of Council (assist in the development and implementation of engagement plans)</p> <p>Development and delivery of community education programs across all portfolios, to schools and community groups</p> <p>Ongoing development and management of Council's Your Say platform (Community Engagement platform)</p>	<p>This is a dedicated role that supports the MRC team by working ON the Business rather than IN the business.</p> <p>The Manager Organisational Development impacts the Organisational Climate by influencing the culture and business disciplines.</p> <p>Specifically, the role will implement tools and initiatives to support the 8 business drivers of</p> <ul style="list-style-type: none"> • Purpose • Alignment • Clarity • Trust (Empowerment) • Measurement • Manage • Improve • Celebrate. <p>The role will build relationships across all areas of the MRC, working closely with Manager of Business Intelligence, Manager People, and all other leaders.</p> <p>Examples: Delivery of the Accountability Framework and on-going support Monthly Operational Report Voice Project, Surveys and Working Parties Navigator Implementation</p>

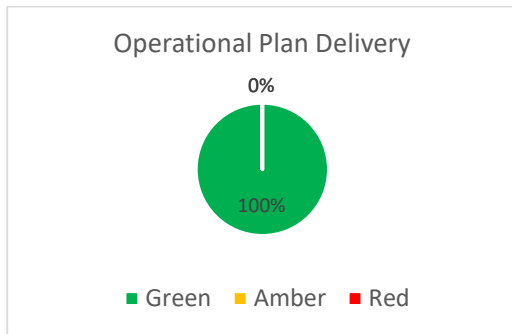


Monthly Operational Report – June 2023

CIVIC Office

Accountabilities		Accountabilities		Accountabilities		Accountabilities	
SBPO	Accountability	SBPO	Accountability	SBPO	Accountability	SBPO	Accountability
S	Community Engagement and Communication	B	Talent Management	B	External Communications Development & Management	B	Workforce Culture
S	Civic Events, including Elections	B	Employment Law	B	Internal Communication	B	Workforce Planning
S	Councillors	B	Training, Development and Mandatory Competencies	B	Council Branding & Corporate Image	B	Accountability Framework
S	WHS and Staff Wellbeing	B	Workcover & RTW	B	Community Engagement	B	Monthly Operating Report
S	Community Strategic Plan	B	Volunteer Program	B	Website and Intranet	B	Corporate Change Management
S	Workcover and RTW	B	Workforce Performance	B	Social Media	O	Corporate Change Management Advice and Support
S	Intergovernmental Relations	B	Onboarding and Induction	B	Community Education	O	Monthly Operating Report Deliver
S	3D Printing	B	WHS Programs	P	Strategic Planning	O	Accountability Framework
S	Emergency Management Planning and Response (LEMO)	B	Succession Planning	P	Social Media	O	Integrated Planning and Reporting
S	Human Resources	B	Staff Professional Registrations/Accreditations & Membership	P	Community Education	O	Workforce Culture
S	Workforce Initiatives	B	Employee Relations	P	Community Engagement		
B	Intergovernmental Relations	B	Recruitment and Selection	O	Your Say Website		
B	Councillors	B	Reward and Recognition	O	Community Strategic Plan		
B	Civic Events	B	Remuneration Management	O	MRC Community Stakeholder Engagement		
B	Election Coordination	B	Uniforms	O	Community Education		
B	Emergency Management Response and Planning as per Consequence Management Plans (LEMO)	B	Staff Education				
B	Mayoral Revenue Taskforce	B	Industrial Relations				
P	4 Year Strategic Plan	B	Dispute Resolution				
		B	Staff Health and Wellbeing				
		O	Staff Health & Wellbeing				
		O	Uniforms				

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4-year Delivery Plan and the Accountabilities Framework, the Civic Office manages the Administration’s overall; corporate performance and corporate affairs; public and intergovernmental relations; media, marketing, and external communications; the reporting frameworks; community advocacy; mayoral and councillor support; the management of human capital; and business systems.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 2 – Goal 2 – Continue to be a trusted and ethical leader that leads by example									
2.5 – Leadership that is trusted, capable and collaborative									
Develop and implement a Corporate Strategy. (S CEO)	Partner, Advocate	(DP 2.5.2) Partnering with community and businesses to achieve positive community outcomes	B: CEO O: CEO	✓	✓	✓	✓	Commenced discussions with neighbouring councils to partner in service delivery. The fourth X-Border Campaspe Shire / Murray River occurred on 25 August 2022. All Managers from both councils met together for the first time. Met CSC CEO 7/10 to discuss alignment of Eco Dev Strategy. Collaborating with State and Federal Government agencies to manage and recover from the Oct 22 Floods. Met with the new CEO at Campaspe Shire Council, Pauline Gordon, and CEO of ERH, Robyn Lindsay, to discuss renewing collaborative efforts, with the most pressing being attracting employees to the area (as per the x-border meeting number 2 & 3). A ‘Jobs Expo’ will occur sometime in September or early October. Also met with three other LGA Mayors/CEOs to discuss the Country University Centre (CUC). CUC development progressing.	●
	Deliver	(DP 2.5.4) Define internal and external services and responsibilities of what Councils is and is not responsible for.	B: CEO O:MCE	✓	✓			As part of the address to the requests stemming from the public consultation in development of the Community Strategic Plan council has commenced commenting on the ‘Parking Lot’ (what isn’t currently able to be funded). There were 1652 suggestions. It is expected this will be finished in October. Now incorporated into CSP.	●

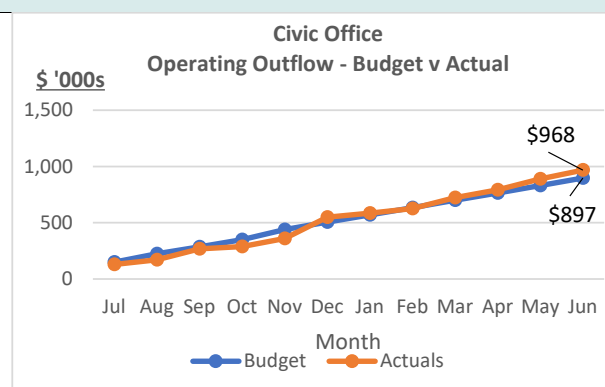


Monthly Operational Report – June 2023

CIVIC Office

Theme 4 – Goal 2 – Foster and develop strategy to recognise and celebrate our rich heritage and indigenous culture (in partnership with community)								
4.5 – Indigenous Recognition								
Collaborative agreements with local indigenous nations developed (S CEO)	Deliver, Partner	(DP 4.5.3) Develop and implement a Council Reconciliation Plan that increases indigenous recognition through Council practices	B: CEO P: MP O: HRC	✓	✓	✓	As an initial step council met with Shepperton’s CEO to discuss their recognition plans, the timing, resources allocated etc. At this early stage it is intended to initially focus on indigenous employment opportunities. Council meeting with A2B postponed, re-scheduled for September. We are exploring all options and we have arranged a meeting with CVGT (Central Victorian Group Training) on the 4 th of October 2022 to discuss their Group training Apprenticeships program and their Indigenous programs. Partnering with CVGT now completed.	●
Theme 7 – Goal 2 – Explore technologies to forecast possible future opportunities.								
7.4 – Improve Housing Affordability								
Advocate for changes to BCA and Australian Standards to Permit 3D printed dwellings. (S CEO)	Deliver, Partner	(DP 7.4.1) Advocacy program undertaken to change BCA and Australian Standards to allow for 3D printing of houses.	B: CEO O: CEO	✓		✓	Advocated council’s position at the National General Assembly (Motion to conference) and with the Office of Cross Border Commissioner NSW. Meeting Mr Jonathan Wheaton Executive Director, Regional Development at Department of Regional NSW, and Mr Giles Butler, Director at Department of Regional NSW, to discuss this and other issues 11 August. Wrote to Cross Border Commissioner seeking a meeting to suggest avenues to advocate. Advocated through the LGNSW Association Annual Conference. Advocated to Department. <u>No</u> further avenues left to address.	●
Theme 7 – Goal 2 – Explore technologies to forecast possible future opportunities								
7.5 – Enable Smart Agriculture								
Advocate for improved connectivity (bandwidth & speed) to facilitate smart agriculture. (S CEO)	Advocate	(DP 7.5.1) Advocacy plan is developed and delivered.	B: CEO O:DCD	✓	✓	✓	The initial success (tower funding) in the western region of council is yet to be measured as construction hasn’t commenced. Council has brought to the attention of telecommunication providers the difficulty certain areas in Moama and Mathoura users are having. Advocated needs to NSW Premier. Will continue with advocacy as opportunities arise. Met with representatives from NBN, Regional Connectivity Program, to advocate to improve Moulamein, Wakool, Moama, and Mathoura connectivity. CEO met with NBN and Telstra representatives again (12/7/23). New grant application progressing.	●
Theme 7 – Goal 4 – Monitor and assess emerging global technology trends								
7.12 – Be prepared to leverage emerging technologies for Economic & Community Development								
Air Taxis (S CEO)	Advocate	(DP 7.12.1) Monitor the likely development of air taxis as an emerging mode of transportation.	B: CEO O: DCED	✓	✓	✓	During the Cross-Border meeting between Campaspe Shire and Murray River Councils both councils received a presentation from SKYPORT’s, Mr Clem Newton-Brown. There is a future opportunity that won’t be an onerous commitment to council to plan for the coming additional transportation option. Council report Oct 22. <u>No further action.</u>	●
Autonomous Vehicles (S CEO)	Partner, Advocate	(DP 7.12.2) Ensure funding is available as and when required for new infrastructure to facilitate Autonomous Vehicles (AV).	B: CEO O:MF			✓		
	Deliver	(DP 7.12.3) Develop a Promotion and Advocacy Strategy for Autonomous Vehicles to deliver when required	B: CEO O:MPFS			✓		

PART C: Financial Outcomes



PART D: Project Status



Monthly Operational Report – June 2023

CIVIC Office

PART E: Business as Usual

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●●●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
21/4/23	355 Committees	The management of 355 Committees, particularly accommodation providers, is already challenging and getting more difficult with every change of legislation.	The Administration have commenced reviewing legal requirements and will report to Council when investigations are finished. <i>Update: Legal advice received 8/5/23. Report to May 23 OCM. Staff structure adjusted to supply dedicated 355 Committee support.</i>	●●●

Council resolutions completed

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	MAYORAL MINUTES - ACKNOWLEDGEMENT OF KING'S BIRTHDAY HONOUR	020623	<p>RESOLUTION 020623</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Kron Nicholas</p> <p>That Murray River Council resolve to acknowledge the King’s Birthday 2023 Honour bestowed on the Chief Executive Officer, Mr. Terry James Dodds, through the award of the Public Service Medal (PSM) and congratulate Mr. Dodds on being bestowed the said honour.</p> <p style="text-align: right;">CARRIED</p>	Leyonhjelm, Lindy	●
<p>12 Jul 2023 8:36am Leyonhjelm, Lindy</p> <p>Supported by Council and resolved</p> <p>12 Jul 2023 8:39am Leyonhjelm, Lindy - Completion</p> <p>Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:39:35 AM - resolved at council</p>					

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Sundry Delegates Report	220623	<p>RESOLUTION 220623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Neil Gorey</p> <p>That the Sundry Delegates Report of the Mayor and Councillors for the period 23 May 2023 through to 26 June 2023 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.</p> <p style="text-align: right;">CARRIED</p>	Leyonhjelm, Lindy	●



Monthly Operational Report – June 2023

CIVIC Office

12 Jul 2023 8:40am Leyonhjelm, Lindy - Completion

Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:39:53 AM - resolved at Council

12 Jul 2023 8:40am Leyonhjelm, Lindy - Notification

Dodds, Terry (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:40:02 AM, Sent to Terry Dodds for authorisation, Notified by Lindy Leyonhjelm

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Correspondence Report	210623	RESOLUTION 210623 Moved: Cr Neil Gorey Seconded: Cr Geoff Wise That the Correspondence Report be received and the information noted by the Council.	Leyonhjelm, Lindy	●
CARRIED					
12 Jul 2023 8:40am Leyonhjelm, Lindy - Completion Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:40:17 AM - resolved at Council 12 Jul 2023 8:40am Leyonhjelm, Lindy - Notification Dodds, Terry (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:40:23 AM, Sent to Terry Dodds for authorisation, Notified by Lindy Leyonhjelm					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Resolutions of the Council - Resolution Tracker & InfoCouncil Action Reports	050623	RESOLUTION 050623 Moved: Cr Nikki Cohen Seconded: Cr Geoff Wise That the Council resolve to receive and note the status of previous resolutions of Council (in open and closed Council) contained in the Monthly Operation Report including the Resolution Tracker Reports.	Leyonhjelm, Lindy	●
CARRIED					
12 Jul 2023 8:36am Leyonhjelm, Lindy - Completion Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:35:50 AM - resolved at Council 12 Jul 2023 8:36am Leyonhjelm, Lindy - Notification Croft, Rod (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:36:04 AM, Sent to Rod Croft for authorisation, Notified by Lindy Leyonhjelm					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Confirmation of Minutes - Ordinary Meeting held on 23 May 2023 of Murray River Council	010623	RESOLUTION 010623 Moved: Cr Nikki Cohen Seconded: Cr Neil Gorey	Leyonhjelm, Lindy	●



Monthly Operational Report – June 2023

CIVIC Office

1. That the minutes of the Extra Ordinary Meeting of Murray River Council held on 23 May 2023 be confirmed as a true and correct record.

CARRIED

12 Jul 2023 8:40am Leyonhjelm, Lindy - Completion
 Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:40:39 AM - resolved at council

12 Jul 2023 8:40am Leyonhjelm, Lindy - Notification
 Croft, Rod (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:40:47 AM, Sent to Rod Croft for authorisation, Notified by Lindy Leyonhjelm

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 23/05/2023	Correspondence Report	340523	RESOLUTION 340523 Moved: Cr Ann Crowe Seconded: Cr Kron Nicholas That the Correspondence Report be received and the information noted by the Council.	Leyonhjelm, Lindy	●
CARRIED					
<p>12 Jul 2023 8:42am Leyonhjelm, Lindy - Completion Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:42:37 AM - resolved at Council</p> <p>12 Jul 2023 8:42am Leyonhjelm, Lindy - Notification Dodds, Terry (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:42:43 AM, Sent to Terry Dodds for authorisation, Notified by Lindy Leyonhjelm</p>					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 23/05/2023	Sundry Delegates Report	350523	RESOLUTION 350523 Moved: Cr Ann Crowe Seconded: Cr Dennis Gleeson That the Sundry Delegates Report of the Mayor and Councillors for the period 18 April 2023 through to 22 May 2023 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.	Leyonhjelm, Lindy	●
CARRIED					
<p>12 Jul 2023 8:42am Leyonhjelm, Lindy - Completion Completed by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:42:27 AM - resolved at Council</p> <p>12 Jul 2023 8:42am Leyonhjelm, Lindy - Notification Dodds, Terry (first authoriser) notified by Leyonhjelm, Lindy (action officer) on 12 July 2023 at 8:42:32 AM, Sent to Terry Dodds for authorisation, Notified by Lindy Leyonhjelm</p>					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
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Monthly Operational Report – June 2023

CIVIC Office

Council 9/05/2023	Mayoral Minute - OPPOSITION TO EMERGENCY SERVICES LEVY	010523	<p>RESOLUTION 010523</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Geoff Wise</p> <p>That Murray River Council (Council) resolve to write to the Minister for Local Government, the Hon. Ron Hoenig, MP, and the Minister for Emergency Services, The Hon. Jihad Dib, MP, expressing its strong opposition to the proposed removal of the Emergency Services Levy (ESL) subsidy, using the preferred template issued by Local Government NSW (LGNSW) to all NSW Councils for this purpose.</p> <p style="text-align: right;">CARRIED</p>	Dodds, Terry	●
<p>06 Jun 2023 10:35am Fernando, Stephen</p> <p>The letters to the Ministers will be drafted and sent out by 30 June 2023.,</p> <p>07 Jun 2023 10:56am Fernando, Stephen - Reallocation</p> <p>Action reassigned to Dodds, Terry by Fernando, Stephen - Terry, As discussed yesterday, you will draft and send the letters related to this resolution.</p> <p>09 Jun 2023 2:36pm Leyonhjelm, Lindy</p> <p>Waiting on impact costs to finalise letter</p>					

Council resolutions outstanding over 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 26/10/2021	Notice of Motion - That MRC lobby all Local Government Area's adjacent to the Murray River, to request a fully independent report into the causes and long-term impacts of erosion and bank slumping...	241021	<p>MOTION</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Nikki Cohen</p> <p>That Council lobby all Local Government Area's adjacent to the Murray River, to request a fully independent report into the causes and long-term impacts of erosion and bank slumping which is occurring along the length of this river.</p> <p>At 4:29 pm, Cr Tony Aquino left the meeting.</p> <p>RESOLUTION 241021</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Geoff Wise</p> <p>Council seek a report identifying the causes and extent of long term erosion and bank slumping with a view to seeking funds for reparation of the same.</p> <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Ann Crowe, Neil Gorey, Alan Mathers, Thomas Weyrich and Geoff Wise</p> <p><u>Against:</u> Cr Gen Campbell</p> <p style="text-align: right;">CARRIED 7/1</p> <p style="text-align: right;">CARRIED</p>	Dodds, Terry	●
<p>12 Nov 2021 2:46pm Leyonhjelm, Lindy - Reallocation</p> <p>Action reassigned to Harvie, John by Leyonhjelm, Lindy - John to initiate investigation into the report</p> <p>12 Jan 2022 11:01am Harvie, John</p> <p>Researching suitable consultants before contacting other councils.</p>					



Monthly Operational Report – June 2023

CIVIC Office

08 Feb 2022 7:42am Harvie, John

Desk top research commenced

07 Mar 2022 3:21pm Harvie, John

Report being prepared for council

11 May 2022 11:18am Leyonhjelm, Lindy - Reallocation

Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel

12 Jul 2022 4:46pm Leyonhjelm, Lindy - Reallocation

Action reassigned to Harvie, John by Leyonhjelm, Lindy - JH to complete

13 Sep 2022 8:21am Harvie, John

Work in progress

29 Nov 2022 4:00pm Leyonhjelm, Lindy

John Harvie in process of sending letter to other Council Areas

20 Feb 2023 8:57am Leyonhjelm, Lindy - Reallocation

Action reassigned to Fernando, Stephen by Leyonhjelm, Lindy - Stephen to discuss option of going to Country Mayors Association meeting and/or LGNSW

07 Jun 2023 10:55am Fernando, Stephen - Reallocation

Action reassigned to Dodds, Terry by Fernando, Stephen - Terry, further to the conversation yesterday, you will speak to Cr. Gorey to suggest an amendment.

09 Jun 2023 2:34pm Leyonhjelm, Lindy

Terry Dodds to work with Cr Gorey to move forward with lobbying for report

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Council celebrated Mr Robert Goddard's 25 years working in our Moama Landfill.

Council has almost finished producing a video clip that explains the Revenue Taskforce Project, long-term financial sustainability, and the path we need to take.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

The river height rose to a height that caused the cancellation of Moama Lights.



Monthly Operational Report – June 2023

Community Engagement and Communication

PART A: Section Accountabilities and Team Roles

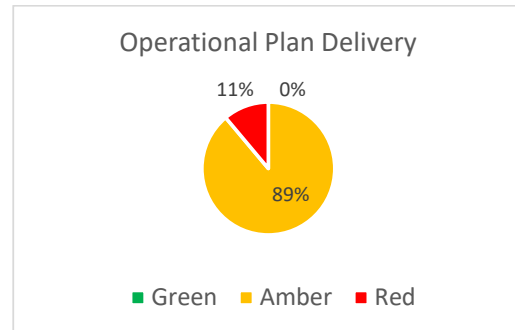
Manager Community Engagement – Zoe Croft		Communications Coordinator	
<p>The team will become a one-stop-shop for all things related to the engagement and education of our community. They will also focus on communicating with the community.</p> <p>Provide an internal Community engagement service to all portfolios of Council (assist in the development and implementation of engagement plans)</p> <p>Development and delivery of community education programs across all portfolios, to schools and community groups</p> <p>Ongoing development and management of Council's Your Say platform (Community Engagement platform)</p> <p>Schools & community education program delivery – What waste goes where (kinder program)</p> <p>Development and assistance with implementation of Community Engagement Plans (FOGO kerbside collection rollout)</p> <p>Assist with development of Community Strategic Plan.</p>		<p>The coordinator is responsible for communicating with our community.</p> <p>Provide an avenue for all media enquiries (internal and external)</p> <p>Communication support to all portfolios including collateral development (graphic design), and engagement/information campaign development (social media/media releases/surveys etc)</p> <p>Development of speeches as required</p> <p>Development and management of Councils Website (new corporate website in development stage)</p> <p>Media releases</p> <p>Website development</p> <p>Social media posts</p>	
Accountabilities		Accountabilities	
<i>SBPO</i>	<i>Accountability</i>	<i>SBPO</i>	<i>Accountability</i>
B	Community Strategic Plan	P	External Communications
B	External Communications Development & Management	P	Website Development
B	Internal Communication	P	Election Communications
B	Council Branding & Corporate Image	P	Branding and Corporate Image
B	Community Engagement	P	Internal Communications
B	Website and Intranet	O	Corporate Advertising
B	Social Media	O	Council Branding and Corporate Image
B	Community Education	O	Internal Communication
P	Stakeholder Engagement for Strategic Planning	O	External Written Communication
P	Social Media Development	O	Community Newsletter
P	Community Engagement	O	Council Publications internal printing services
P	Community Education	O	MRC Social Media
O	Your Say Website	O	MRC Media Management
O	Community Strategic Plan	O	MRC Website
O	MRC Community Stakeholder Engagement		
O	Community Education		



Monthly Operational Report – June 2023

Community Engagement and Communication

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Community Engagement and Communication Section relates to: community engagement, community and schools education, branding, marketing and general communications. The Office of the CEO directly oversees the delivery of these outcomes

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status	
				1	2	3	4			
Theme 1 – Goal 4 - Increased awareness and education for environmental sustainability										
1.8 – Develop an education program focusing on Council Services										
(S CEO)	Deliver, Partner	(DP 1.8.1) Develop an education program focusing on Council service - Sustainability - Rare and Endangered species	B: MCE P: MCE O: MCE		✓	✓	✓			
	Deliver, Partner	(DP 1.8.2) Develop an education program focusing on Council service - Water efficiency, Water Security and impacts on source water	B: MCE P: MWS O: MCE	✓	✓	✓	✓	The MiWater Portal is continuing to be actively promoted across the region. Increased online education about Water Main Flushing, where and why it was occurring. Well received by community. Minimal calls into Water and CustoeMr service Team during flushing period – which is a turn around from pervious year where miuple calls were received daily. Additional requests from community for mapping to be undertaken during Air-Scouring program	●	
	Deliver	(DP 1.8.3) Develop an education program focusing on Council service - Sewer systems	B: MCE P: MWS O: MCE				✓			
	Deliver	(DP 1.8.4) Develop an education program focusing on Council service - FOGO, Waste and Recycling	B: MCE P: MWC O: MCE	✓	✓	✓	✓	2023 Kerbside Waste Colleciton calendar available on wesbite 2022-23 Flood affected waste clean-up assistance and advice Initial request from Moama Preschool for Recycling Education Session.	●	
	Deliver	(DP 1.8.5) Develop an education program focusing on Council service - Illegal activities	B: MCE P: MWC O: MCE	✓	✓	✓	✓	Ongoing advice relating to dog under effective control.	●	
	Deliver, Partner	(DP 1.8.6) Develop an education program focusing on Council service - Weeds and biosecurity	B: MCE P: PGOSB O: MCE	✓	✓	✓	✓		●	
	Deliver	(DP 1.8.7) Develop an education program focusing on Council service - Geospatial	B: MCE P: MSA O: MCE				✓			
Theme 2 – Goal 3 – Provide clear, concise and consistent information that is easily accessible to our customers										
2.6 – Improve externally provided information and communication.										
Further develop and enhance public communication materials. (S CEO)	Deliver	(DP 2.6.1) Update and improve external community information pathways including - Website and online webforms - Your Say Portal - Use community noticeboards - Mobile library	B: MCE P: CC O: MCE	✓	✓	✓	✓	Mobile library back in operation. New location in Murray Downs (Fire Shed) Active advertising for Snap Send Solve platform use Update of several MRC webpages. New landing page developed on MRC Home page to directly link to current projects on YourSay platform.	●	



Monthly Operational Report – June 2023

Community Engagement and Communication

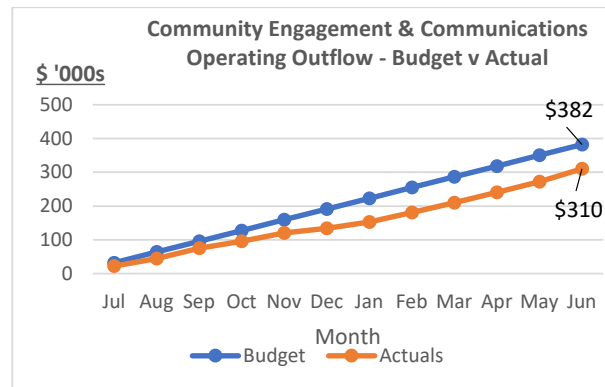
		<ul style="list-style-type: none"> - Increase online and offline event frequency to communicate and drive outcomes - Snap Send Solve - Continue digitisation of externally available services 						Initial training undertaken for use of the OneRoads (NSW online traffic mapping system). Links will be available to MRC website once system is live. Live Traffic training completed - Council is live on the platform but is not active. Launch date to come.	
	Deliver	(DP 2.6.2) Ensure accessibility guidelines are adhered to for all publications where possible (incorporated into Council’s Community Engagement Framework)	B: MCE P: CC O: MCE	✓	✓	✓	✓	Ongoing development of website, flyers, social media posts to ensure they incorporate plain english and graphics to assist with readability.	●
	Deliver	(DP 2.6.5) Upgrades to the MRC website to include <ul style="list-style-type: none"> - Web-based payment options - Interactive mapping of foot and cycle paths - Community directory - Move to more paperless documentation (online signing/ portal) 	B: MCE P: CC O: CC			✓			
Theme 2 – Goal 4 – Achieve community driven results through collaboration and engagement (community and stakeholder). 2.8 – Community and Council collaboration									
Increased interaction with Communities. (S CEO)	Deliver	(DP 2.8.1.) Review and update Councils Community Engagement Framework. <ul style="list-style-type: none"> - Plan to increase face to face engagement with communities - Provide updates on CSP and Delivery Program implementation - Council meetings being held in various locations across the region - Meet the Council events (staff and councillors). 	B: MCE P: MCE O: MCE	✓	✓			DP implementation reported monthly via MOR reports from business unit Managers Council meetings to be held in various locations - November 2022 – Moulamein, March 2023 – Barham, July 2023 – Mathoura. Community is encouraged to meet with Councillors prior to meetings. DP / CSP updates adopted at Dec 2022 Council meeting. Updates are reflected in Jan MOR. Revised versions of the DP and CSP, containing the updates, are available on Councils website. Community Engagement Strategy and Policy revised and adopted by Council (April 2023). Ongoing development of options to increase engagement being investigated.	●
Theme 2 – Goal 4 – Achieve community driven results through collaboration and engagement (community and stakeholder). 2.9 – Community Engagement Framework									
Further development and implementation of Councils Community Engagement Framework. (S CEO)	Deliver	(DP 2.9.1) Review and update the existing Community Engagement Framework ensuring the framework is embedded into Council’s operations	B: MCE P: MCE O: MCE	✓	✓	✓	✓	Councils Community Engagement Policy and Strategy updated draft versions were submitted to Council’s February meeting. The documents were placed on public display for review and public comment as per the requirements of the IP&R Framework. No comments were received. Community Engagement Plans and Communication Plans are embedded into Council’s Project Management Framework. Further training will be undertaken across Council. More Project Managers are using the plans.	●
Theme 2 – Goal 4 – Achieve community driven results through collaboration and engagement (community and stakeholder). 2.10 – Community Engagement Toolkit									
Further development and implementation of Councils Community Engagement Toolkit. (S CEO)	Deliver	(DP 2.10.1) Develop overarching engagement toolkit and implement engagement tools into Council processes	B: MCE P: MCE O: MCE	✓	✓	✓	✓	Initial discussions have been held internally to begin looking at the requirements of the toolkit and formats of tools to support staff to implement. <i>Discussion and template development are ongoing.</i>	●



Monthly Operational Report – June 2023

Community Engagement and Communication

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

Campaigns run during the month	Comments
Campaigns	<ul style="list-style-type: none"> Positions Vacant – Para Planner, Admin Officer, Cadet Town Planner, Local Gov Approvals Officer, Water & Wastewater Technician, Plant Operator, Senior Town Planner, HR Coordinator, Customer Service Officer Roadworks – Barham bridge works, Kyalite Road, Balranald Road, Aratula Road, Gilgal Road, Cotswold Road, North Barham Road, Speewa Road, Alternative access to dog park, Picnic Point Road, Wakool Road, Cobb Highway, Tataila Road, Milgate Road, Tarragon Road, Swan Hill – Moulamein Road. Waste update – CRC Centres, temporary closures of sites, advice around hot ash being placed in bins, Compliance – dogs under effective control Have your say – River Country Art Trail Economic Development and Tourism Strategy, Moama Lights – tickets on sale, closure of Horseshoe Lagoon,
Collateral and promotional material	<ul style="list-style-type: none"> Community Newsletter in mailboxes Continue work on Sustainable MRC project (working title) Your Rates explained 2023-34 staff information flyer developed
Proactive Media Outreach (media releases / interviews / advertisements / social media posts)	<ul style="list-style-type: none"> 58 social media posts 7 media releases 2 fortnightly update features



Monthly Operational Report – June 2023

Community Engagement and Communication

<p>Projects active on Your Say Platform</p>	<p>Visits to the portal will vary month to month depending on the number of projects which are live and the communities' level of interest in the topic/s. On months with small project numbers, smaller projects or projects that have been online for an extensive period of time, it is expected that visits to the portal will be down.</p> <p>Projects live during June were</p> <ul style="list-style-type: none"> • Meninya Street Upgrade • Housing Strategy • Koraleigh Raw Water Pipeline installation • Barham Water Pressure • Flood affected waste clean up • Moama's New Play Space • Moama Preschool • Economic Development and Tourism Strategy • Draft Operational Plan and Budget 2023-24 • River Country Art Trail 	<table border="1" style="font-size: small; margin-top: 5px;"> <caption>MRC Your Say Platform Total Visits v Projects Live</caption> <thead> <tr> <th>Month</th> <th>Total Visits</th> <th>Projects Live</th> </tr> </thead> <tbody> <tr><td>July</td><td>818</td><td>3</td></tr> <tr><td>August</td><td>1382</td><td>4</td></tr> <tr><td>September</td><td>402</td><td>7</td></tr> <tr><td>October</td><td>187</td><td>1</td></tr> <tr><td>November</td><td>88</td><td>1</td></tr> <tr><td>December</td><td>522</td><td>8</td></tr> <tr><td>January</td><td>268</td><td>7</td></tr> <tr><td>February</td><td>2200</td><td>7</td></tr> <tr><td>March</td><td>527</td><td>7</td></tr> <tr><td>April</td><td>745</td><td>8</td></tr> <tr><td>May</td><td>776</td><td>10</td></tr> <tr><td>June</td><td>269</td><td>10</td></tr> </tbody> </table>	Month	Total Visits	Projects Live	July	818	3	August	1382	4	September	402	7	October	187	1	November	88	1	December	522	8	January	268	7	February	2200	7	March	527	7	April	745	8	May	776	10	June	269	10
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June	269	10																																							

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●●●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
				●●●

Council resolutions outstanding under 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Media Policy Review	030623	<p>RESOLUTION 030623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Neil Gorey</p> <p>That Council resolve to adopt the updated Murray River Council Media Policy (Pol 108) and place it on public display for public comment for 28 days.</p> <p style="text-align: center;">CARRIED</p>	Croft, Zoe	●
<p>11 Jul 2023 11:21am Croft, Zoe</p> <p>Draft policy is currently on display</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Organisational Development

PART A: Section Accountabilities and Team Roles

Manager Organisational Development – Vacant

This is a dedicated role that supports the MRC team by working ON the Business rather than IN the business.

The Manager Organisational Development impacts the Organisational Climate by influencing the culture and business disciplines.

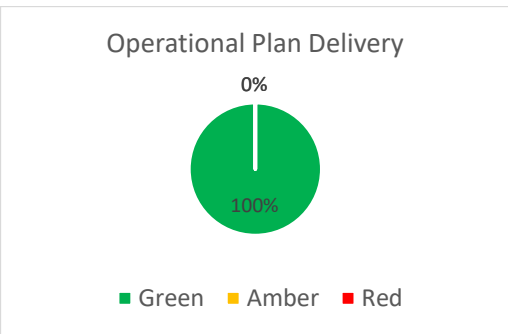
Specifically, the role will implement tools and initiatives to support the 8 business drivers of Purpose, Alignment, Clarity, Trust, Measurement, Manage, Improve and Celebrate.

The role will build relationships across all areas of the MRC, working closely with Manager of Business Intelligence, Manager People, and all other leaders.

Accountabilities

Number	SBPO	Accountability
	B	Workforce Culture
	B	Workforce Planning
	B	Accountability Framework
	B	Business Improvement
	B	Monthly Operating Report
	B	Corporate Change Management
	P	Monthly Operating Report
	P	Corporate Planning
	P	Accountability Framework
	P	Corporate Change Management
	O	Corporate Change Management Advice and Support
	O	IP&R Framework
	O	Monthly Operational Report
	O	Accountability Framework
	O	Workforce Culture
	O	Corporate Strategic Plan

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Organisational Development Unit relates to Change Management, Culture, Workforce Planning and Business Disciplines. The Office of the CEO directly oversees the delivery of these outcomes.

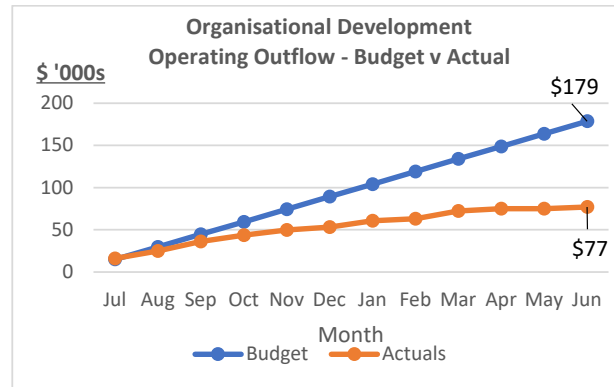


Monthly Operational Report – June 2023

Organisational Development

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 10px; height: 10px; background-color: red; border-radius: 50%; margin-bottom: 2px;"></div> <div style="width: 10px; height: 10px; background-color: yellow; border-radius: 50%; margin-bottom: 2px;"></div> <div style="width: 10px; height: 10px; background-color: green; border-radius: 50%;"></div> </div>
				1	2	3	4		
Theme 2 – Goal 2 - Continue to be a trusted and ethical leader that leads by example									
2.5 – Leadership that is trusted, capable and collaborative									
Review and enhance our values and behaviours within Council. <i>(S CEO)</i>	Deliver	(DP 2.5.5) MRC values and behaviours to become an integral part of the staff performance appraisal process.	B: MOD P: MOD O: MOD	✓				Completed as part of our new Performance Review Process in June 2022. Focus on both the what we do(tasks/outputs/performance) and also the how we do it. (values/attitudes and behaviours)	<div style="width: 10px; height: 10px; background-color: green; border-radius: 50%;"></div>

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

PART F: Service Metrics

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

People, WHS and Wellbeing

PART A: Section Accountabilities and Team Roles

Manager People – Rod Schubert	HR Coordinator	HR Admin Officer	WHS Specialist																																																																																																																																																																				
<p>The overall focus of Human Resources is not a thing we do in the business, it is the thing that runs our business.</p> <p>HR - High Level focus areas:</p> <ul style="list-style-type: none"> Recruitment and selection of all staff. Retention of valuable employees. Training, development, and education to promote individual success and increase the contribution to MRC of all employees. Succession Planning A safe and healthy working environment. Inspiration and encouragement for a high level of employee engagement through recognition, effective communication, and constant feedback. Resources for administering compensation, benefits, policies, and procedures. All aspects of performance management HR data and metrics 	<p>Providing support to the Manager People in the facilitation of all key HR functions and programs and assume responsibility for Manager People in their absence.</p>	<p>Assisting the HR Coordinator in all aspects of Human Resources.</p>	<p>Maintain Work Health & Safety for employees, manage safety systems, including surveillance of staff, training testing and compliance. Ensure compliance against legislative requirements, Coach and Mentor Strengthen Safety Culture process and systems for MRC Mangers & Supervisors.</p>																																																																																																																																																																				
<p>Accountabilities</p> <table border="1"> <thead> <tr> <th>SBPO</th> <th>Accountability</th> </tr> </thead> <tbody> <tr><td>B</td><td>Talent Management</td></tr> <tr><td>B</td><td>Employment Law</td></tr> <tr><td>B</td><td>Training, Development and Mandatory Competencies</td></tr> <tr><td>B</td><td>Workcover & RTW</td></tr> <tr><td>B</td><td>Volunteer Program</td></tr> <tr><td>B</td><td>Workforce Performance</td></tr> <tr><td>B</td><td>Onboarding and Induction</td></tr> <tr><td>B</td><td>WHS Programs</td></tr> <tr><td>B</td><td>Succession Planning</td></tr> <tr><td>B</td><td>Staff Professional Registrations/Accreditations & Membership</td></tr> <tr><td>B</td><td>Employee Relations</td></tr> <tr><td>B</td><td>Recruitment and Selection</td></tr> <tr><td>B</td><td>Reward and Recognition</td></tr> <tr><td>B</td><td>Remuneration Management</td></tr> <tr><td>B</td><td>Uniforms</td></tr> <tr><td>B</td><td>Staff Education</td></tr> <tr><td>B</td><td>Industrial Relations</td></tr> 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Recruitment and Placement services (non-community services) and ongoing monitoring		O	Volunteer Compliance.	<p>Accountabilities cannot be split between people. 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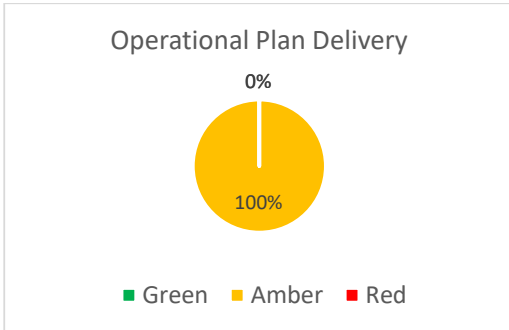


Monthly Operational Report – June 2023

People, WHS and Wellbeing

O	Staff Health & Wellbeing			
O	Uniforms			

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Human Resource Unit relates to the full life cycle of employees. The Office of the CEO directly oversees the delivery of these outcomes

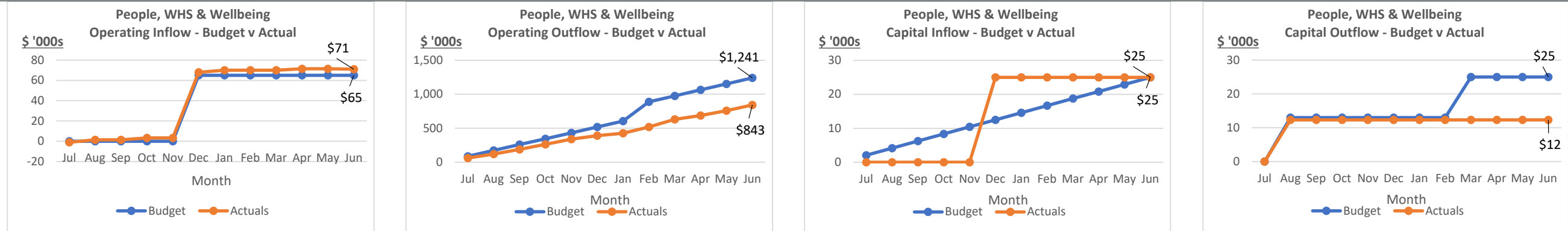
4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 4 – Goal 3 – Actively promote and resource educational pathways into (working with) Council (retain and attract new people).									
4.7 – To attract quality staff to service community demands.									
To attract quality staff to service community demands. (S CEO)	Deliver	(DP 4.7.1) Investigate RDA Riverina's 'Country Change' program to attract new residents	B: MP P: O:	✓	✓			<ul style="list-style-type: none"> In discussions with Rachel Whiting – CEO Regional Development Australia to have River Country included in RDA's Country Change program. 	●
	Deliver	(DP 4.7.2) Actively recruit for specific roles within Council to service community demands and requirements	B: MP P: O:	✓	✓	✓	✓	<ul style="list-style-type: none"> Ongoing – we are actively recruiting however it is a challenging environment. HR attended a meeting/training with Seek on 3 August 2022 to discuss strategies to improve our advertisements to attract quality candidates. Staff recruitment photoshoot scheduled for 15 March 2023. Photos will be used for a range for recruitment marketing including pull up banners and posters advertising vacant positions. 	●
Theme 4 – Goal 3 – Actively promote and resource educational pathways into (working with) Council (retain and attract new people).									
4.8 – Developing future leaders									
Develop a learning and development strategy including leadership opportunities – Emerging Leaders Program (S CEO)	Deliver	(DP 4.8.1) Redevelopment and ongoing review of MRC recruitment and advertising program	B: MP P: O:	✓	✓	✓	✓	<ul style="list-style-type: none"> Attraction & Recruitment Strategy currently being drafted by Manager – People. HR Coordinator to conduct a review of the current recruitment procedure and will make recommendations to improve this process. 	●
	Deliver	(DP 4.8.2) Developing future leaders' program – Emerging leaders certificate (internal program as well as looking at cadet, work, trainee, school, apprenticeships etc)	B: MP P: O:	✓	✓	✓	✓	<ul style="list-style-type: none"> Partnership with CVGT has been completed to manage our Apprenticeship & Traineeships. In discussion with Kerri Symes – Go Tafe to discuss training & development program including an Emerging Leaders program. 	●



Monthly Operational Report – June 2023

People, WHS and Wellbeing

PART C: Financial Outcomes



PART D: Project Status

HR Module – TechOne

- Due to departure of HR Coord – reviewing the possibility of employing a contractor to complete HR TechOne requirements as a priority.
- Ongoing - Discussions held with Director of Corporate Services on the possibility of fast-tracking e-recruitment priority as well as automated staff increases.
- Meeting held on 23 February to discuss e-recruitment module. HR module to be placed on hold to concentrate on the implementation of e-recruitment.
- Not completed due to HR Coord departure draft workflow is not complete

Training and Development – ongoing

- Ongoing - Manager People in discussion with GoTafe. After the recent HR Summit, HR has contacted Penrith City Council to discuss their leadership program. We have not yet been able to communicate with them..
- New policy and procedure to be drafted.
- Skills analysis for depot staff is close to being finalised.

Performance Reviews / ORP

- Performance Reviews to be discussed at future ELT Meeting in preparation for upcoming reviews, which is expected to occur in 2023-24 FY.

HR & WHS Strategic Plan

- WHS Strategic Plan is now completed. Needs to be reviewed by ELT.
- Manager- People has drafted the HR strategy. Currently under review and acceptance by HR team.

Policy & Procedure Review

- HR has commenced ongoing review of all HR policies and procedures.

WHS Document/Systems Reviews:

- WHS procedure reviews are ongoing.
- Development of the WHS document, incident reporting and online induction web page/intranet – currently being trialled and tested.
- Development of electronic pre-starts, risk assessments for phones and iPad

PART E: Business as Usual

Staff Updates (including internal changes)

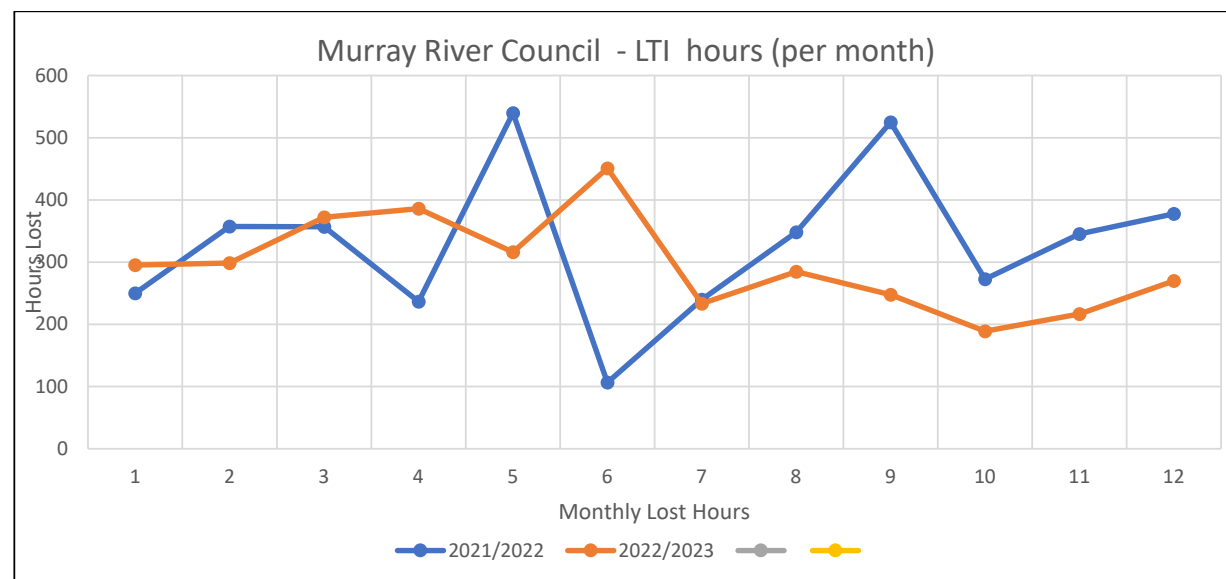
Offboarded: 2
 Onboarded: 8 (including 1 Trainee)
 Internal staff changes 3.



Monthly Operational Report – June 2023

People, WHS and Wellbeing

PART F: Service Metrics



Event	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL
Injury to Employee		4	2	2	2	3	1	1	1	2	3	2	23
Injury to 3 rd Party	1			1			1						3
Property Damage Council		1	2	2	3	3	3	3	1	2		1	21
Property Damage 3 rd Party			1		1	1				1		1	5
P&E Council	8	3	2	7	10	5	4	13	12	8	9	5	86
P&E 3 rd Party			1		1								2
Hazard Identified	3		3			1	1	1	2		3	1	15
Near Miss/Other	1	1	3	2		1	1		2				11
TOTAL	13	9	14	14	17	14	11	18	18	13	15	10	166

June Lost Hrs – 270 hrs

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
01/04/22	Turnover of staff in critical roles	Backfilling roles through Local Govt NSW, and other consultant's.	Task – Develop a succession plan for critical positions Task – Identify changing profile and needs of Council employee through developing a workforce plan Task – Identify employment incentives for attraction and retention of professionals Task – Review reasons for people leaving Council from exit questionnaire and develop action plan.	●
01/04/22	Skilled Workforce – Difficulty in attracting and retaining skilled / qualified staff. Employees using MRC stepping stone to more preferred locations or pay increases.		Creating a workplace that people desire to spend employed longer in, often called Employer of Choice, is fundamental. The staff culture improvement project (called the VOICE Project) will assist. (Being delivered in Office of The CEO – 'Civic').	●

StateCover WHS Audit Recommendations and internal findings:

Date Updated	Risk Details	Required	Required Actions	
Jun 23	WHS Policy	WHS Policy	Review WHS policy and have authorised by senior management and communicated to all employees – approved	●
Jun 23	WHS Strategy & Targets & objectives	WHS Planning Procedure	Approve WHS strategy and develop Targets and Objectives for WHS for remainder of the year – ELT with quarterly reviews - approved	●
Jan 23	Implement & update Internal WHS procedures	<ul style="list-style-type: none"> Incident Reporting & Investigation Procedure WHS Roles & Responsibilities Procedure WHS Document Control Procedure WHS Consultation & communication Procedure 	<ul style="list-style-type: none"> Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved 	● ● ● ●



Monthly Operational Report – June 2023

People, WHS and Wellbeing

Feb 23	Implement & update Internal WHS procedures	<ul style="list-style-type: none"> WHS Training Procedure Managing WHS Risk Procedure Working In Isolation Procedure Hazardous Chemical Procedure 	<ul style="list-style-type: none"> Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved 	<ul style="list-style-type: none"> ● ● ● ●
Apr 23	Implement & update Internal WHS procedures	<ul style="list-style-type: none"> Hazardous Noise Procedure Volunteer Risk Management Managing Psychosocial hazards Hazardous Manual Tasks Procedure Plant & Equipment Procedure Emergency Preparedness procedure Managing risks and falls Procedure Work Environment & Facilities Procedure Electrical Inspection Test & Tagging Procedure Event Risk management Procedure 	<ul style="list-style-type: none"> Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – approved Draft, Consult & implement Procedure into existing processes – Drafted Draft, Consult & implement Procedure into existing processes – Approved Draft, Consult & implement Procedure into existing processes – Approved Draft, Consult & implement Procedure into existing processes – Approved Draft, Consult & implement Procedure into existing processes – Approved Draft, Consult & implement Procedure into existing processes – Approved Draft, Consult & implement Procedure into existing processes - Drafted Draft, Consult & implement Procedure into existing processes - Drafted 	<ul style="list-style-type: none"> ● ● ● ● ● ● ● ● ● ● ●
May 23	Asbestos	<ul style="list-style-type: none"> Asbestos Policy & Procedure 	<p>Approve Asbestos Management Policy & Procedure – Approved</p> <p>Asbestos register available to all employees and contractors</p> <p>Ensure Asbestos register is up to date and each building identified is in a 5 yearly inspection roster – Building & Facilities</p>	<ul style="list-style-type: none"> ● ●
Sept 22	High Risk Construction	<ul style="list-style-type: none"> Construction process and documentation of all works and projects - Infrastructure 	<ul style="list-style-type: none"> Develop Construction Safety Procedure - Drafted Develop Chain of Responsibility Procedure and process 	<ul style="list-style-type: none"> ● ●
Sept 22	Contractor Management	<ul style="list-style-type: none"> Contractor Management Procedure and associated process and operations per department 	<ul style="list-style-type: none"> Review Contractor/Supplier register - Procurement Develop online Contractor WHS induction – WHS - Drafted Review management of departmental process for managing and reviewing contractors – each department 	<ul style="list-style-type: none"> ● ● ●

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Revised recruitment advertising processes have been most successful – utilising local print media in selected locations, and redesigning our print media ads have proven to be most successful in attracting a greater quality and quantity of applicants for positions across the MRC footprint. For example, 7 months ago we advertised for Customer Service staff and received 7 responses when we advertised two weeks ago, we received 38 responses. Manager People is part of 'The Award' working party for the new Local Government Award and agreement has been reached with the United Services Union for a 3-year agreement. From July 2023 our employees will receive a 4.5 % increase on their wages and allowances.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Departure of HR Coordinator – recruitment of replacement is currently progressing.



Monthly Operational Report – June 2023

Corporate Services Directorate

PART A: Director Accountabilities and Key Performance Indicators

Director Corporate Services - Stephen Fernando	Accountabilities
<p>Provide required internal services to operational departments to enable the delivery of community services.</p> <p>This bureau service manages Finance & Accounting, Information/Communications Technology & Business Intelligence, Governance & Risk, Procurement & Contract Management, Property & Leases, Facilities Management & Maintenance. The directorate facilitates corporate reporting.</p> <p>As the business-arm of council, Corporate Services supports the operational & financial planning process, and provides analysis of actual operational & capital performance. The directorate also facilitates the longer-term financial planning process.</p>	<p><i>SBPO</i> <i>Accountability</i></p>
	S Intergovernment Relations – CSD
	S Corporate Performance a& Reporting
	S Light Motor Vehicle (White) Strategy
	S Rural Fire Service
	S Purchasing Outdoor Supplies
	S Procurement
	S Disability Asset Management Plan
	S Financial Appraisals
	S Internal Audit
	S Payroll
	S Information & Records Mgt
	S Policies & Procedures
	S Risk Mgt
	S Legislative Compliance
	S Commercial Business
	S Governance Framework
	S Business Improvement
	S Leasing
	S Contract Management
S Property (Buildings and Facilities) Operations	
S Finance Services	
S Information Technology	
B Intergovernment Relations – CSD	
B Commercial Business	
B Business Continuity	
B Financial Appraisals	
B Internal Audit	
B Legal Services	
B Corporate Performance & Management	

Key Performance Indicator 2023/2024	Evidence/Comments	
In time for the 24/25 financial year manage the SRV process – in line with IPART	In-principle resolution adopted by Council. Interviews being held with potential candidates to manage/action the SRV process. Expect to be finalised and a person appointed in July 2023. Initial contact made with both OLG and IPART.	●●●
Assist the CEO to harvest synergies with other Councils	Initial efforts with other Councils have not converted into any demonstrable results. Engaging with Edward River Council in integrating Council ERP with DPE Planning Portal. Early engagement also on the Compliance module. No further progress made in June.	●
Deliver the TechOne project as adopted by Council	The project is being delivered in modules. Release 1 (Finance, Procurement, Payroll, Asset Management) is in use. Release 2 is Property & Rating, which will be delivered in 3 phases Phase 1: Rating & Receipting, Phase 2: Compliance (development services, ranges etc.) and Phase 3: Customer service. Phase 1 of Release 2 is planned to cut over and go live on 3 July 24. The final decision to proceed with the cut over was made on the evening of 30 June. Data will be transferred and tested thereafter over the weekend of 1 & 2 July. Post Month Note: The cut over was completed and the system went live on 3 July. Currently all receipting is done in TechOne. Rates notices for 23/24 will be issued from TechOne.	●
Advocate on behalf of MRC, in concert with RAMJO if required, to influence the NSW Government in relation to corporate services: finance, governance, records, and digitalisation issues and policies.	Continue to work on the Governance & Technology subcommittees of LG Professionals, NSW chapter. Supporting Technology sub-committee with an initiative on e-invoicing. Working with RAMJO on energy initiatives. Submission to the draft IPART Rate Capping Review has been made.	●
Identify and commence the process of implementing automation for software systems.	Given the focus of implementing the new ERP system, there is very little further capacity within the organisation to undertake additional automation projects. Some initial work is being undertaken to review Robotic Process Automation (RPA). Current automation initiatives are limited to what can be implemented within the TechOne ERP system.	●



Monthly Operational Report – June 2023

Corporate Services Directorate

PART A: Section Accountabilities and Team Roles

Manager IT and Digital Services - Alex Green	Manager Business Intelligence - Sandy Paterson	Manager Governance and Risk - Sandra Gordon	Manager Property & Procurement - Peter Beaumont	Manager Finance - Kris Kershaw	Manager Strategic Assets– Brodie Goodsell
<p>Manage the of the information and communications infrastructure to enable the required connectivity and data exchange requirements.</p> <p>Ensure security of Council information and ICT assets.</p> <p>Provide support services to staff in relation to use of technology.</p> <p>Manage the annual capital and operational budgets.</p>	<p>Manage and maintain the design/redesign and documentation of business processes</p> <p>Review and manage software systems used within Council to ensure they are fit-for-purpose and are kept up to date with evolving technologies.</p> <p>Undertake custodianship of Council’s data including its security, analysis and use for decision making purposes.</p> <p>Align Council data, records, information and ICT security architecture frameworks, standards and processes.</p> <p>Ensure all Council records and managed in keeping with statutory and regulatory requirements.</p> <p>Investigate and drive automation within Council systems using current and emerging technologies (RPA, AI, ML etc.)</p> <p>Provide ongoing training to ensure staff have the necessary skills in the use of software, analysis and use of data, and understand their obligation with regard to managing records.</p> <p>Engage and consult with stakeholders to identify requirements, develop strategy and compile the long-term financial plan.</p> <p>Manage the annual capital and operational budgets.</p>	<p>Ensure Council’s legislative and regulatory compliance and reporting requirements are adhered to.</p> <p>Establish a framework for assessing and managing risk and ensure identified risks and mitigation strategies are documented and are actions follow-up.</p> <p>Establish adequate insurance cover for Council activities, in consultation with operational managers.</p> <p>Maintain the suit of required corporate registers and undertake the related reporting requirements.</p> <p>Facilitate the functioning of the Audit & Risk Committee and the internal audit function of Council.</p> <p>Provide support & guidance to the Mayor and Councillors on their statutory obligations as elected officials and where required assist with their reporting requirements.</p> <p>Managing the legal services relationships.</p> <p>Provide advice and assistance on governance related matter to the whole of Council.</p> <p>Manage the annual cand operational budget.</p>	<p>Provide procurement and property/leasing and tendering related services to the organisation.</p> <p>Ensure compliance with legislative requirements.</p> <p>Develop a high-level framework & monitor policy and procedures including advice, training, templates and support services for both Procurement & Property.</p> <p>Coordinate public tendering to meet legislative requirements and manage Contract Register (GIPA).</p> <p>Provide oversight for Internal procurement probity and audit.</p> <p>Manage supplier relationships.</p> <p>Coordinate purchases and sales of property and facilitate commercial application of property, where appropriate.</p> <p>Develop and manage the Lease Register.</p> <p>Provide oversight for commercial leases and associated issues.</p> <p>Advise on management of crown land.</p> <p>Manage the annual capital and operational budgets.</p>	<p>Operate in a financially responsible and sustainable manner (IPR ratios).</p> <p>Review, revise and maintain Council’s Long Term Financial Plan in line with statutory requirements.</p> <p>Provide financial reports to Management and staff to assist in budget control and decision making.</p> <p>Ensure adequate and effective internal controls are in place for all financial management.</p> <p>Maintain a strategic rating structure that is equitable across the region.</p> <p>Manage investments in the long-term interest of the community and within regulatory requirements.</p> <p>Complete annual & quarterly budgeting processes in-line with statutory requirements.</p> <p>Process accounts payable in-line with Councils protocols and suppliers’ terms of trade.</p> <p>Complete and lodge Annual Financial Statements in accordance with Statutory Requirements.</p> <p>Complete all taxation returns and grant acquittals (as a financial service) as required by external bodies.</p> <p>Organise and manage the external audit of Council and address any rectification/improvement action arising therefrom.</p>	<p>An integration role for big picture and long term, mapping out big infrastructure projects into the future ensure they link up and are sequenced logically.</p> <p>Provide an information and Advisory role to the rest of the organisation on the above.</p> <p>Manager Strategic Assets will also ‘make the 10-year financial plan, to not only ‘join the dots’ but make sure there is enough money to pay for it at the time the Projects are planned for.</p> <p>The keeper of all information related to our assets including Developing, Maintaining the Asset Register MRC has 35 Asset types dispersed across the organisation.</p> <p>The Assets team provide an advisory a information role to the Business Managers in the organisation.</p> <p>They provide a one stop shop for all information capture about all our assets including what they are, how many we have, what they are valued, what condition they are in, how long they w last, what we should be spending on them and when. This assist Business Managers to work out what & how to categorise assets so at budget time listing and getting approval for ‘cluster business cases becomes easier.</p> <p>Other requirements of the Strategic Assets team include Management of GIS/Mapping, Maintenance Management and Addressing systems and data, Road Naming, Gazettal’s and Closures.</p>



Monthly Operational Report – June 2023

Corporate Services Directorate

Accountabilities

SBPO	Accountability
B	Public Access Systems
B	IT Networks
B	Printing Services
B	IT Support
B	IT System Software & Hardware
B	Community Safety
B	Portable Assets
B	Communication Towers & Radio Controls
B	Point of Sale
B	IT System Administration
B	IT Asset Procurement & Disposal
B	IT – Product Development
B	Internal Phone and Internet Services
B	IT Cabling
B	Library Management Systems
B	Drone Registration & Compliance
O	Cyber Security
O	Point of Sale
O	Printing Services
O	IT Asset Procurement and Disposal
O	Library Systems
O	IT Systems
O	IT Infrastructure & Support to MBI
O	Drone Registration & Compliance

Accountabilities

SBPO	Accountability
B	One Council Post Implementation
B	Existing Network Systems and Corporate business applications integration & management
B	Information and Records Management
B	Microsoft 365
B	ECM Development

Accountabilities

SBPO	Accountability
B	Legal Services Management
B	Risk Management
B	Governance Framework
B	Policy & Procedure Management
B	Legislative Compliance
P	Legal Services
P	Policies & Procedures
P	Risk Management
P	Legislative Compliance
P	Legal Services Contract Management
O	Maintenance of Policies and Procedure documents and systems
O	Corporate Performance & Reporting – Publications
O	Legislative Compliance
O	Implementation of Governance Framework and supporting education
O	Coordination of Legal Services
O	Annual Report
O	Government Information Public Access (GIPA) Service
O	Risk Management
O	Councillor Induction & Training

Accountabilities

SBPO	Accountability
B	Office Supply & Stationary
B	Procurement Advice & Framework
B	Crown Land
B	Contracts Advice & Framework
B	Income from Commercial Leases
B	Leasing
B	Land Sales & Procurement
P	Income from Commercial Leases
P	Leasing
P	Crown Land
P	Retirement Villages
P	Procurement
O	Income from Commercial Leases
O	Procurement
O	Leasing
O	Property Framework
O	Property Compliance
O	Reporting of Crown Land

Accountabilities

SBPO	Accountability
B	Internal Finance & Revenue
B	Rates & Revenue
B	Investments
B	Payroll
B	Fees & Charges
B	Financial Projects
B	Management Accounting & Reporting
B	Corporate Financial Planning
B	Sundry Debtors
B	Accounts Payable
P	Internal Audit
P	Finance Systems and Processes
P	Investment Management
O	Corporate Finance Accounting
O	Monitoring & Payment of Bills

Accountabilities

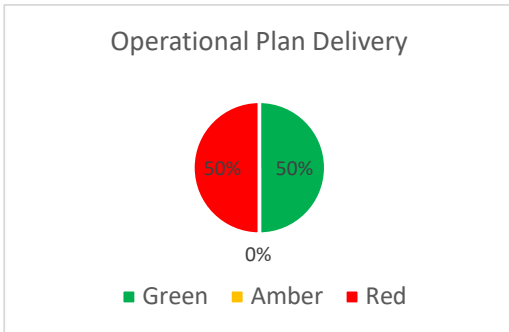
SBPO	Accountability
B	Council Asset Mapping
B	Strategic Asset Projects Management
B	Strategic Asset Planning (4 yrs.) LFTP and IP&R
B	Asset Expenditure Forecasting
B	Gifted Assets
B	Infrastructure Forward Works
B	Asset Creation and Disposal
B	Corporate Asset Advisory & Information Role to Managers
B	Asset and Finance Alignment
B	Rural Addressing
B	Asset Plan Monitoring & Updating
B	GIS Mapping System
B	Council Asset Management Plans
B	Corporate Asset Systems Management and Operations



Monthly Operational Report – June 2023

Corporate Services Directorate

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4-year Delivery Plan, the Corporate Services Directorate relates to provision of internal services to council such as finance, property, governance, risk, legal services, tendering, procurement, records, IT, digitization, business case investigation, long term financial planning and alignment, corporate reporting, audit, and supplier management.

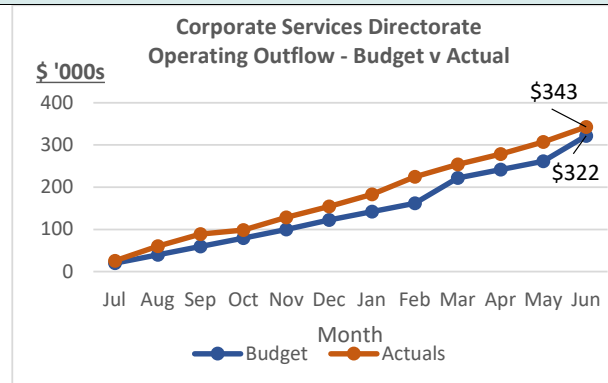
4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 1 – Goal 3 - Plan for the impacts of climate change									
1.7 – Environmental Sustainability Strategy									
Develop & begin implementation of an Environmental Sustainability Strategy, containing energy efficiency and the impacts of climate change. (S DCS)	Deliver	(DP 1.7.2) Adopt an internal policy within MRC to address micro energy production – for MRC site usage	B: DCS P: O:			✓		System to track current energy usage (Azility) has been put in place. Tariff Code Adjustments completed. Working with retailer to upgrade selected meters to Smart Meters to enable detailed data capture required to better understand usage patterns. This will take some time to be completed.	
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.									
4.1 – Signage across Council									
Develop a program to identify, upgrade and renew signs across Council. (S DCS)	Deliver	(DP 4.1.1) Review all signage, develop a plan and begin renewal or replacement of all old Council signage including entranceways signs to all communities & towns, old Wakool signage and old Murray Shire signage	B: DCS, P: MSA, MBF, MPOS, MED O:	✓	✓	✓	✓	Long Term (4-year plan), initial planning underway Task force set up to identify locations that require signage upgrade. Manager Strategic Assets, Manager Buildings & Facilities, and Manger Parks, Open Spaces & Bio Security form the core of the task force. Initial feedback indicates internal signage (including WHS signage) generally up to date. Focus needs to be on public signage. No further progress made on this.	●
Theme 5 – Goal 4 – Partner with industry, community, and government organisations to promote and nurture innovation.									
5.11 – Innovation									
Be engaged in innovation and technology platforms and networks (S DCS)	Deliver, Partner, Advocate	(DP 5.11.2) Work with neighbouring LGAs on implementing a shared services module	B: DCS P: O:	✓	✓	✓		Initial discussions have commenced. Very little progress has been made. Some traction being made with Swan Hill Rural City Council on the Bridge Replacement, which will be a long term project.	●
Theme 7 – Goal 3 – To encourage, educate and enable environmentally sustainable approaches to energy management.									
7.11 – Adapt to Biodiversity and Carbon Offset (Carbon Credits) requirements									
Be prepared for more stringent biodiversity and carbon offset requirements. (S DSP)	Deliver	(DP 7.11.1) Investigate and develop a framework to incorporate current and likely Biodiversity & Carbon Offset (Carbon Credits). Requirements actioned in physical planning decisions.	B: DSP P: O:		✓	✓	✓		



Monthly Operational Report – June 2023

Corporate Services Directorate

PART C: Financial Outcomes



PART D: Project Status

#	PROJECT	COMMENTS	
1	Energy Review	Replacement of Analog meters with Digital Meters at High Usage Sites is in progress.	●●●
2a.	IPART Rate Cap Review	Response provided. Proposed revised methodology while an improvement on the previous methodology, will continue to carry some of the key drawback currently existing within the process.	●●●
2b.	SRV Application	Interviewing candidates for managing the project. Except appointment in July 2023.	●●●
3	Asset Management Framework	Final workshop in early July. Revised framework expected to be available in Aug 24.	●●●
4	Cyber Security Review	EoI developed, Market will be approached in Jul/Aug 24.	●●●
5	Signage Review	Task Force set-up. Initial data analysis being undertaken.	●●●
6	Cobb Highway Land Sale	Potential buyers visited site to undertake due diligence. Negotiations continue.	●●●
7	Sale of Mathoura Line Road Land	Preferred sales agent identified. Final report to Council to be drafted and presented.	●●●
8	Development of Residential Land Mathoura	EoI for selection of a real estate agent to advise on lot configuration and eventually market the development will be issued shortly.	●●●

PART E: Business as Usual

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
	None		●●●



Monthly Operational Report – June 2023

Corporate Services Directorate

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
10.01.22	Overall Financial Sustainability of Council	Cost Management (5.6% Savings), Revenue Taskforce Budget Process. Depending on extent of Grants to recover costs, flood event may make the deficit worse than budgeted.	<i>The budget for 23-24 reduces the budgeted operating deficit, in comparison to 2022-23.</i> First steps in developing and SRV submission to IPART has commenced.	●●●
10.01.22	Implementation of the Technology One system. Potential Time Delays and Cost Overruns. Technical Issues.	Project Management	P&R module (Property, Rating & Receipting) live since 3 July 2023.	●
09.02.22	Conformity to Procurement Regulations	Procedures	Educations & Communication Program Implementation of Contract Audit improvement actions. <i>In progress.</i>	●
13.02.23	Delays in Preparation of Financial Statements, Management Letter comments by Auditors	Tasks allocated to Finance Manager and Strategic Asset Manager	Close Monitoring. Implementation of Processes. Strick plan and deadlines developed for 22-23 audit. <i>In progress.</i>	●
04.05.23	Cyber Security Risks	Basic defences around firewalls and motoring. Primarily reliant on IT Services contractor. Costs of expertise and resources to establish top end defence mechanisms. Human factor.	Full review of existing security measures, identification of weaknesses, and development of an improvement plan. <i>Terms of Reference developed; market to be approached shortly.</i>	●

Council Resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Budget 2023-24: Ordinary Rates, Utility Charges & Schedule of Fees	070623	<p>RESOLUTION 070623</p> <p>Moved: Cr Kron Nicholas</p> <p>Seconded: Cr Nikki Cohen</p> <p>That Murray River Council (Council) resolve to adopt the Ordinary Rates, Utility Charges and related matters provisionally adopted by Council at its Extraordinary Meeting held on 09 May 2023 (EM), (thereafter placed on public display for comment for 28 days without having received any submissions), without any changes, in keeping with the relevant provisions of the Act, as follows:</p> <ol style="list-style-type: none"> categorisation of land and delegation of authority to determine such categorisation to the Chief Executive Officer, for purpose of levying Ordinary Rates, as per resolutions 1 and 2 of agenda item 5.2.1 of the EM, and making and levying of Ordinary Rates on rateable properties using a two-tier structure of a Base Amount and an Ad Velorem rate, with the values for the two tiers to be as detailed in resolution 3 of agenda item 5.2.1 of the EM, and treating lots in a strata plan as allowed for in s495A of the Act, and making and levying Stormwater Management Services Charges as per the resolution of agenda item 5.2.2 of the EM, and making & levying Filtered Water Service Charges, consisting of Filter Water Access Charges and Filtered Water Consumption Charges, as per resolution 1 (including subsections a. & b.) of agenda item 5.2.3 of the EM, and discontinuing a separate filtered water charge structure for the North Barham Pipeline, as per resolution 2 of agenda item 5.2.3 of the EM, and making & levying Raw Water Service Charges, consisting of Filter Water Access Charges and Filtered Water Consumption Charges, as per resolution 3 (including subsections a. & b.) of agenda item 5.2.3 of the EM, and making & levying Sewer Service Charges, consisting of Sewer Access Charges and Sewer Discharge Charges, as per resolution 1 (including subsections a. & b.) of agenda item 5.2.4 of the EM, and delegating to the Chief Executive Officer the authority to provide a discount on the Sewer Discharge Charge, for Business properties that do not have a raw water connection, as per resolutions 1c. of agenda item 5.2.4 of the EM, and making & levying Trade Waste Charges, consisting of Annual Trade Waste Charges and Trade Waste Discharge Charges, as per resolution 2 (including subsections a. & b.) of agenda item 5.2.4 of the EM, and making & levying Waste Charges and an Annual Legacy Landfill Levy as per resolutions 1 and 2 respectively of agenda item 5.2.5 of the EM, and levying Ordinary Rates & Utility Charges, extending concessions to Pensioners, and affording relief to ratepayers facing Hardship, as per resolutions 1, 2, and 3 respectively of agenda item 2.5.6 of the EM, and 	Fernando, Stephen	●



Monthly Operational Report – June 2023

Corporate Services Directorate

- 13. charging interest on overdue Rates & Charges, at the maximum permissible rate of 9% per annum, as per resolution 4 of agenda item 2.5.6 of the **EM**, and
- 14. applying the revised Schedule of Fees, appended as Schedule 2 to this report, for goods and services provided.

CARRIED

05 Jul 2023 12:51pm Fernando, Stephen

Budget uploaded into financial system. Rates Notice for FY 23/24 will be based on new Rates & Charges.

05 Jul 2023 12:53pm Fernando, Stephen - Completion

Completed by Fernando, Stephen (action officer) on 05 July 2023 at 12:53:39 PM - Budget Uploaded into financial system. Rates Notice for 23/24 will be based on new rates & charges.

05 Jul 2023 12:53pm Fernando, Stephen - Notification

Dodds, Terry (first authoriser) notified by Fernando, Stephen (action officer) on 05 July 2023 at 12:53:51 PM, Sent to Terry Dodds and Lindy Leyonhjelm for authorisation, Notified by Stephen Fernando

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Budget 2023-24: Revenue Policy	080623	<p>RESOLUTION 080623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That Murray River Council (Council) resolve, as prescribed in s223(f) of the Act, to adopt the Revenue Policy for 2023-24 appearing as Attachment 1 to this report.</p>	Fernando, Stephen	●
CARRIED					
05 Jul 2023 12:54pm Fernando, Stephen - Completion					
Completed by Fernando, Stephen (action officer) on 05 July 2023 at 12:54:17 PM - Revenue Policy has been uploaded into website.					
05 Jul 2023 12:54pm Fernando, Stephen - Notification					
Dodds, Terry (first authoriser) notified by Fernando, Stephen (action officer) on 05 July 2023 at 12:54:24 PM, Sent to Terry Dodds and Lindy Leyonhjelm for authorisation, Notified by Stephen Fernando					

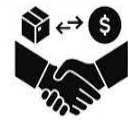
PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

**Budgeting**

Final budget for 23-24 adopted.

**Financial Reporting**

*Short term contractor for Financial Accountant role is in place.
Financial Reporting process for 22-23 (incl. auditing) is underway.*

**Procurement**

*Tenders for capital projects (including flood recovery works) continues.
Preferred agent for land sale identified.*

**ICT, Systems & Processes**

The P&R module (Property, Rating and Receipting) went live 3 July 23. Project generally within timeline s and budget.

*Initial planning indicates a March 24 timeline for the Compliance module.
A full network review has been undertaken and some of the improvement actions budgeted for in 23-24. Presentation on findings of review made to Council.*

**Governance**

Disclosure Filings for the new financial year (Councillors, Key Management Personnel) underway.

Annual Report for 22-23 is being compiled.

**Assets**

Updating the AM system (TechOne) with all asset data is progressing and is expected to be completed by end of 2023.

Workshops on Asset Custodianship is in progress and will feed into the strategic Asset Management Framework.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

- ❑ The Rating & Reciting activities will be undertaken in Technology One from July 23 onward. The Changeover went relatively smoothly, with minimum issues over the weekend of 1st and 2nd July. The project to transition the Compliance module (which includes the process of evaluating and approving development applications) will commence immediately with a completion deadline of March 2024.



Monthly Operational Report – June 2023

Business Intelligence

PART A: Section Accountabilities and Team Roles

Manager Business Intelligence - Sandy Paterson	Team Leader Records	Software Systems Administrator	IT/Software Trainer -																																	
<p>Manage and maintain the design/redesign and documentation of business processes</p> <p>Review and manage software systems used within Council to ensure they are fit-for-purpose and are kept up to date with evolving technologies.</p> <p>Undertake custodianship of Council’s data including its security, analysis and use for decision making purposes.</p> <p>Align Council data, records, information and ICT security architecture frameworks, standards and processes.</p> <p>Ensure all Council records and managed in keeping with statutory and regulatory requirements.</p> <p>Investigate and drive automation within Council systems using current and emerging technologies (RPA, AI, ML etc.)</p> <p>Provide ongoing training to ensure staff have the necessary skills in the use of software, analysis and use of data, and understand their obligation with regard to managing records.</p> <p>Engage and consult with stakeholders to identify requirements, develop strategy and compile the long-term financial plan.</p> <p>Manage the annual capital and operational budgets.</p> <p>To lead the delivery of the TechONE - ONECouncil SaaS solution from concept through to completion.</p> <p>Provision of ONECouncil technical expertise, recommendations and support for MRC functional group teams, key users, end users and key stakeholders.</p> <p>Co-ordinate the storage and retrieval of physical and electronic records in accordance with relevant legislation.</p> <p>Develop, document and continuously review corporate record keeping practices, procedures, policies and systems.</p>	<p>Assist with managing the electronic document management system (CM9) and ensure prompt and accurate retrieval of processed information and provide assistance to staff in using CM9.</p> <p>Assist with managing all hardcopy archiving requirements across the whole Council and ensure compliance with <i>NSW State Records Act 1998</i>.</p> <p>Assist with developing and implementing physical and electronic records disposal schedules in accordance with relevant legislation.</p> <p>Systems administration- onboarding and offboarding user logins, managing security access requirements, data cleansing, file creation and location maintenance.</p> <p>Provide support and back up to Records Officer.</p>	<p>Coordinate & support systems upgrades and implementations when appropriate, including integrations/interfaces, user acceptance testing (test plan/case development, testing support, result documentation, error and rectification monitoring) and co-ordination of cut-over tasks related to such upgrades/implementations.</p> <p>Undertake full responsibility for administering the application software systems in use within Council, including security, workflow and reporting.</p> <p>Co-ordinate report design and development.</p> <p>Maintain the systems set-up as required.</p> <p>Maintain user access to systems in keeping with applicable Council policies and guidelines.</p> <p>Support the year end roll-over processes in systems where such activities are applicable.</p> <p>Manage enquiries from the business regarding system operations and enhancements and provide responsive and timely software systems related first level help desk support to users.</p> <p>Coordinate communication of key system changes to users</p> <p>Liaise with operational users to document the processes that are being undertaken through the software systems under administration.</p> <p>Liaise with software vendors and other service providers as needed to deliver on the role responsibilities</p> <p>Assist with providing software training to staff when required.</p> <p>Develop and maintain appropriate policies and procedures to facilitate effective systems administration</p> <p>Participate in adhoc projects as required</p>	<p>Systems Administrator for Council’s business applications, including managing the access control, troubleshooting of issues and outages, internally as well as with system vendors.</p> <p>Lifecycle Information Management across all systems</p> <p>Provide advice on and coordinate business processes and workflows to facilitate business improvement.</p> <p>Develop software training materials and keep them updated using vendor generated materials where available</p> <p>Co-ordinate and deliver software induction and follow up training, to ensure staff are familiar with the operations and use of the relevant systems</p> <p>Monitor staff usage within Council’s corporate business applications and provide advice, guidance, and assistance to drive adoption</p> <p>Support the development, documentation and review of Council’s corporate business applications, procedures, and policies</p> <p>Assist with business analytics and dashboard reporting across Council</p> <p>Assist with furthering the continuous improvement and automation of Council processes using advanced technologies such as Business Intelligence products and Robotic Process Automation.</p> <p>Manage Council’s software licence register, assist in the budgeting for such licenses and manage the related payments</p>																																	
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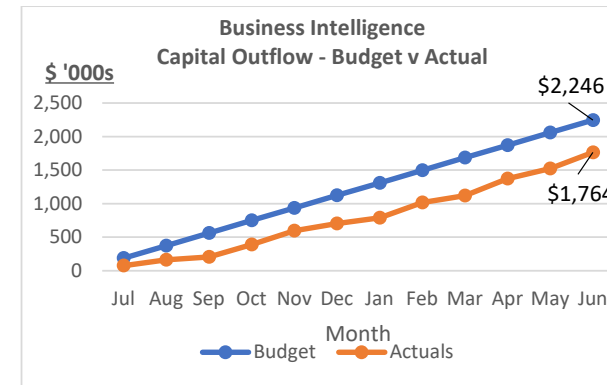
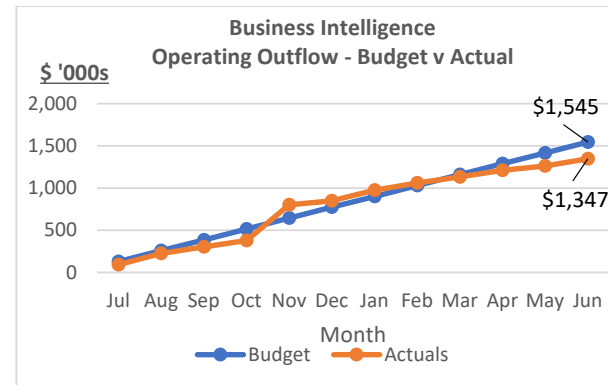
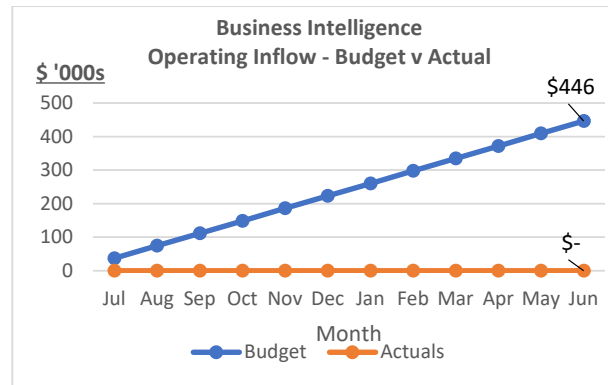


Monthly Operational Report – June 2023

Business Intelligence

										Intranet name MaRCo announced to all staff, with works continuing on the information architecture. Records Consolidation: RFQ for M365 overlay to provide effective governance & records management currently being reviewed. Overlay provider finalised, with project to commence in April. Project kick off meeting held for both M365 Overlay Project. Cloud Back Up implemented & works underway to manage sensitive information such as Bank details & Personal Identifiable Information (PII). <i>Completed the design of Policies & Insights for AvePoint and begun the design of Cloud Governance to manage creation of SharePoint sites & MS Teams - reducing risk of data breach & loss of information.</i>	
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.											
7.2 – Leverage the GIS to improve the extent, efficiency and effectiveness of data capture.											
Use automated data capture processes to capture additional sources of data and more detailed data. <i>(S DCS)</i>	Deliver	(DP 7.2.1) Investigate and implement automation and digitalisation of process (manual process) across Council's operations.	B: MBI P: MBI O: MBI	✓	✓	✓	✓			Process mapping has commenced across several business units to determine requirements and opportunities for improvement/automation. Resourcing is at capacity and no ability to progress this at this stage.	●
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.											
7.3 – Apply data sources to improve corporate decision making											
Automate the process of business decision making <i>(S DCS)</i>	Deliver	(DP 7.3.1) Adopt deep learning and use of algorithms to manage data set and decision making in real time where possible	B: MBI P: MBI O: MBI			✓	✓				

PART C: Financial Outcomes



PART D: Project Status

Project	Comments:	
E-Signature roll out	A new process has been implemented across Council to facilitate electronic signing of documents to provide enhanced governance, reduce paperwork, increase efficiencies and provide cost savings due to convenience & time savings. Successfully rolled out to Corporate Services and the CEOs office, with additional departments to come on board over the coming months. E-signature process rolled out to Dept of Infrastructure May 2022. E-signature has now rolled out to Customer Service and Community Services with Eco Dev training to follow in early September. Project closure tasks underway including review of licencing costs. Review of Adobe licences completed & project closure report submitted for Manager review. Project completed.	●
TechnologyOne SaaS Solution	Release 2 planning and resourcing in progress. Version Upgrade implemented in November 2021. Project Control Board (PCB) has been created to manage the remainder of the project. Discussions being held with various departments to start process mapping current state in preparation of design workshops. Process mapping underway and design workshops scheduled. Workshops to identify Dashboards & Reporting requirements across MRC have been delayed due to flooding. Dashboard scoping sessions to be held in May. Works booked with Consultant to commence building out the dashboards. <i>Dashboard works underway.</i>	●



Monthly Operational Report – June 2023

Business Intelligence

R2 – Property & Rates	Works almost completed to define the initial requirements to move into the configuration sprints in Aug/Sep 2022. Configuration Sprints on track. Remaining Sprints delayed due to flooding- due to recommence in mid-November and won't be an issue if no further delays incurred. Remaining Sprints completed and workshops completed to design new templates for issuing external facing documents. Training Plans circulated to Managers and additional changes/requests are being reviewed to ensure a positive outcome for all. Key User Training completed for Property, Names, Debtors & Billing, and training materials being developed utilising AI. Training materials being reviewed over coming months. Data migration has delayed testing until late March, so staff will now need to dedicate a reasonable amount of time to testing to ensure solution is fit for purpose. Testing for P&R is back on track and Project Team are working through the issues that have been flagged. Final designs for templates have been signed off for new Rates & Water Notices, Invoices, Statements etc. Delays in defining reference numbers for both Bpay & Australia Post- Finance staff working to have this sorted as it's a critical requirement for goLive. <i>Everything in place ready for GoLive 1 July.</i>	●
R2 – Enterprise Cash Receipting	Sprint 1 held, but Sprint 2 has been delayed to mid-November due to flooding. ECR Sprint 2 has been completed, with a few decisions remaining- including integrated eftpos and payment gateway. Item Codes for receipting have been developed and workshops held to develop procedures for receipting Development Services payments until the Compliance module is rolled out. IT sourcing hardware requirements such as barcode scanners, along with hardware required for training inc. receipt printer and training laptops. Key User Training completed Feb '23. Additional works required to ensure configuration meets MRC requirements before testing phase can proceed- await external contractor availability to undertake. Hardware is starting to be set up in readiness for Testing & Gulpa Room secured for this purpose. Have requested TechOne provide additional information on several aspects to move forward with ECR inc Payment reference numbering, payment gateway and system configuration – looking to have finalised by end of April. Key User Training took place last week of April, and will now look to have staff testing the software during May and start to develop training materials. Integrated EFTpos has been installed, still await Payment Gateway and receipt Printer set-up. Training booked for IT staff re: hardware setup required. Additional works required for back office. Training for front counter staff to commence early June. <i>Everything in place ready for GoLive 1 July.</i>	●
R2 – Enterprise Content Manager	Initial discussions underway to define requirements for information & records management within the TechnologyOne product. 80,000 documents have already been captured into a “big bucket” which will need to be addressed to enable compliance with NSW State Archives. Technical configuration training booked for late Feb 2023 to build out the base configuration. Technical configuration training underway with key tasks for MRC to manage internally. MRC working through configuration requirements over the coming months. <i>ECM is now live & managing all documents that are attached within the system.</i>	●
R1 - FINANCE	WIP – product live and in production. Key users and end users trained. MRC using partial functionality from 5 July 2021. Finance CIVICA ETL, balances, budget, bank reconciliation and reporting in progress. Report creation still in progress. Current works underway for a New Creditor Form, Update Creditor Form and Staff Reimbursements Form. End of Financial Year works scheduled for June 2022 including staff training and training materials. EOFY training conducted for Finance staff. Additional Cheat Sheets & training developed to assist staff now reporting across multiple years.	●
R1 - CORPORATE ENTERPRISE BUDGETING	WIP – product live and in production. Budgets loaded. Reports to be finalised and rolled out. Fine-tuning budget & ledger structure. Additional works underway for Budget & Ledger improvements. Works continued for ledger structure. Additional works on hold until next year to minimise disruptions to BAU tasks. Finance Team to define resources required to ensure external contractors can be secured. Additional resources secured for budget works to be undertaken in December. Additional works continue.	●
R1 - SUPPLY CHAIN MANAGEMENT	WIP – Purchasing product live and in production. Key users and end users trained. MRC using partial functionality from 5 July 2021. Training being rolled out to new & existing users. Contracts system configured, data migrated and validated. Working with Manager Procurement to further develop this module. New functionality rolled out to enable users to: cancel Purchase Orders and delegate Goods Receipting. Standard Terms & Conditions being developed to attach to all Purchase Orders. Supplier Portal planning & development and approval workflow for purchases over \$100,000 being developed. Workflow for purchases over \$100K implemented and Standard Terms & Conditions now attached to all Purchase Orders. New Creditor Form has been updated to allow external users to complete (as opposed to MRC staff completing on their behalf).	●
R1 - HUMAN RESOURCES & PAYROLL	WIP – org management, payroll and workforce management live and in production. Payroll and end users trained and using partial functionality. HR modules configured to base line ONLY and awaiting input from Business Unit once resources are made available. Process mapping has commenced to define business needs. Working Group have been identified and scheduled to meet in June to being planning. Workshop delayed until late July due to staff availability. Initial meeting held with Working Group members. Planning for Single Touch Payroll Phase 2. Extension required to enable Single Touch Payroll to be implemented by Jul '23. External resources defined to ensure this work can be undertaken by due date. HR provided with additional information needed to move forward with e-Recruitment rollout. Single Touch Payroll implemented in line with legislative changes. Recruitment Requisition form has been developed and is in Testing phase.	●
R1 - ENTERPRISE ASSET MANAGEMENT	WIP – works system live and in production. MRC trained and using system to book labour, materials and plant to work orders. Projects and work orders to be built out by business units. Defects capture and Maintenance Scheduling to be rolled out. Process mapping is required to better understand Works scheduling. Asset books continuing to be refined and updated to include Assets that were missed in the reval. Additional workshops have been held to define process for asset capitalisation and posting responsibilities. Additional fields added/clarified use for Work projects to assist with asset capitalisation & reporting.	●
R1 - STRATEGIC ASSET MANAGEMENT	WIP – waiting on Asset data to be imported. Meeting with 3rd party 04/05/22 to define next steps required to get this module up & running. Assets Department has delayed any additional works delayed to August 2022.	●
R1 - ACCESS, SECURITY AND PERMISSIONS	WIP – to be reviewed and tightened up post go-live. Business Rules being developed to support ongoing management of access permissions. Recent audit identified additional work required to manage and maintain access permissions and security requirements. Await recruitment of Software Systems Administration role to manage- held off until early 2023 due to lack of interest from suitable candidates. Recruitment Requisition sent for approval to ensure HR can commence the recruitment process in mid January 2023. Role secured & Access Permissions procedure being developed. <i>Access Permissions document completed.</i>	●
R1 – DATA MIGRATION	R1 – AP, Inventory and Payroll data migrated. Assets in progress. R1 data migration completed with exception of Asset books. Negotiations underway for data migration specialist for Release 2. Data migration planning commenced with initial session which included Working Group members. Data Owners identified and migration plan received from vendor- under review. Data Owners now reviewing data mapping. Migration plan has been realigned to suit the overall project plan to ensure timelines are manageable. Selection Review & Mapping Review works continued, Coding continued and Strategy review finished. Possible schedule delay related to config completion and enabling the loading environment, more time than usual needing to be spent on Coding due to possible re-work of objects after Selection and Mapping review. Await variation from vendor to review impact (both cost & delivery) of delays with flooding & TechOne 500 error. Discussions underway with Vendor to facilitate a resolution regarding Variation. Resolution has been reached with a 10% discount accepted. Data migration progressing with a few outstanding issues to be resolved prior to go live. <i>Everything in place ready for GoLive 1 July.</i>	●
R1 – ENVIRONMENTS	Four environments CONFIG, DATA, MASTER and PROD now reduced to PROD and TEST in preparation for Release 2. Test Environment being refreshed to enable Release 2 works to commence. Additional environment to be created for data migration works. Additional environments have been created.	●

PART E: Business as Usual



Monthly Operational Report – June 2023

Business Intelligence

<p>Creation of Records</p> <ul style="list-style-type: none"> Records captured into Content Manager (CM9) – Councils Electronic Document Management System (EDMS): Year 2023 (to date): 29,409 documents Year 2022: 61,200 documents Total: 675,956 documents
<p>Archiving & Disposal</p> <ul style="list-style-type: none"> Records Destroyed – This Year to Date: 8 documents Records Made Inactive- This Year to Date: 16,512 documents Records Custody Transferred (Permanent Archive) - This Year: 0 Records Transferred to Off-Site Storage- This Year: 0 <p>Records Destroyed – Total: 18,893 documents Records Made Inactive- Total: 434,285 documents Records Custody Transferred (Permanent Archive) - Total: 7 files Records Transferred to Off-Site Storage- Total: 7 Files</p>
<p>Additional Works</p> <ul style="list-style-type: none"> Completed the Configuration for ECM in TechOne for P&R & Core Completed the design of Policies & Insights for AvePoint and begun the design of Cloud Governance Commenced work on a full council Audit of Microsoft Teams created since inception.

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
11/10/2021	Non-compliance with regulatory requirements	Policy and Procedures in place Training and support to all EDMS users Trained Records Management staff Backups of current data	Task – Develop Information Asset Register Task – Identify end user records management requirements Project – Migrate network drive data and reduce/discontinue its use Project – Migrate Content Manager (CM) and discontinue its use Project – Define M365 business use and relaunch with training for users and identify Systems Administrator	● ● ● ● ●
11/10/2021	Archiving and Disposal of Hardcopy records does not meet legislative requirements and/or business needs	Policy and Procedures in place Training and support for staff as required Trained Records Management staff	Task – Transfer hardcopy records to NSW State Archive for permanent archiving as per legislation. Works underway to proceed with the first transfer of Minute Books dating back to early 1900s through to 1960 to ensure safekeeping for future generations. Task – Provide additional training to Finance staff. Project – Storage to be determined for Hardcopy Development Application (DA) files currently stored across 2 locations (East & West). Archiving & Disposal processes implemented in the Mathoura Records shed. Disposal completed for backlog at Mathoura Records Shed.	● ● ●
24/01/2022	Availability of internal resources to complete project tasks while managing business as usual	Schedule activities in conjunction with Business Unit Managers to enable backfill of key resources.	Escalate to Project Sponsor if required Managers to raise any backfill issues with their Directors.	●
24/01/2022	TechOne Project over run	Complete change request for extension	Continually review at weekly project meeting. Property & Rates requirements to be defined to manage scope creep.	●
24/01/2022	iFERRET considered inadequate solution for disposal of records in Release 2	Review business requirement, scope and explore alternative	RIM review to assist with determining requirements. Review delivered Apr 2022- outcomes to be assessed over the coming weeks. Information Governance Group to be implemented with a cross section of staff to assist with strategic planning in information management across MRC. Information Governance Group meets monthly to work through information and data governance issues.	●
24/01/2022	Availability of External Consultants	Earlier planning of Release 2 with ALL consultants, TechONE and 3 rd party, to ensure activity alignment and resource availability	All parties to agree on timeline to secure resources and sign off on T1 change request. Project Manager is developing a detailed project plan & meeting with T1 & 3 rd party to confirm timelines & resources.	●
10/06/2022	Availability of specific skill sets internally to complete required works	Identifying gaps in resources early	MRC will need to look at providing additional external resources to supplement existing internal resources in order to undertake additional works required for the Records & Information Management project and potentially other areas of the TechnologyOne rollout. Internal resourcing has caused delays with data migration for the TechnologyOne project and additional resourcing will need to be allocated to keep the project on track.	●
04/07/2022	Organisational Change Management	Developing a Change Management Strategy	Digital transformation projects of this size require extensive change management- discuss at PCB/ELT to manage organisational buy in. Quotes sought from external Change Management providers to assist. Change Workshops help across MRC. TechOne projected incorporated into end of year Roadshow for all staff and individual sponsor	●




Monthly Operational Report – June 2023

Business Intelligence

			communications plans being developed. Organisational Change Management Strategy developed and individual sponsor plans developed- handover delayed due to flooding. Individual Sponsor Plans handed over to Managers & discussed the need for them to talk to their teams. Individual Training Plans delivered to those Managers with staff impacted with dates, staff required & locations. Training Survey was live in the Learning Hub and closing on 21/12/2022. Unfortunately, only 8 survey responses were received, with overall feedback very positive. TechOne presented DXP Local Government to provide managers & exec with a view to what we can achieve moving forward- with a focus on self-service to reduce costs and provide a better level of service to our community.	
04/07/2022	Post project support	Systems Admin role being filled by Consultant and escalated tickets outsourced.	Need to consider how to manage long term- to triage requests and only escalate those that cannot be managed in-house to reduce costs. Position Description developed and sent to HR for advertising. Recruitment process underway. Systems Administrator recruitment finalised- due to commence 31 st March 2023.	●

Council Resolution Completed

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)



Progress to date:


- ✓ All local Post Offices contacted regarding Post BillPay issue.
- ✓ ECR Admin training completed.
- ✓ End User Training completed for P&R and ECR.
- ✓ Biller Code added to templates.

COMING SOON

- Aust Post Biller Code due Aug/Sept
- Compliance module commences in July
- 2 weeks hypercare support for staff across MRC after P&R and ECR go live

Currently Underway

- Dashboard works continuing with HR dashboard expected mid July.
- Works underway to manage the data sync between TechOne & Civica
- Payment Gateway to be configured to allow online payments.
- Recruitment Requisition form in testing phase.
- Reports being developed for P&R modules- expected completion August.



MRC Intranet

MaRCo announced as the official name & logo developed to help give it its own personality & drive usage. Information architecture finalised and draft expected in July. First release will see Policies & WHS available to all staff from any device.



Information & Records Governance Group

Information Asset register works continue. Full review underway of MS Teams created since initial launch to reduce risk of data loss & external sharing. Works continue of Privacy Statement.



Transforming business, making life simple

TechOne ECM for records management

ECM configuration built to manage all documents attached to other modules to enable archiving, disposal, security & access. Training delivered.

Training Materials:

A total of 106 training materials have been completed to support the new modules- P&R and ECR.

Count of Document	Column Labels	Customer Service	P&R - Debtors	P&R - Names	P&R - Property	P&R - Rates	P&R - System Admin	P&R - Waste	P&R - Water	Grand Total
Completed		2	27	14	10	19	6	6	22	106
In Progress		1					2			3
post go live not started					9	2			1	12
post go live in progress						3				3
Grand Total		3	27	14	19	24	8	6	23	124

Training Feedback

A total of 28 training sessions were held across Council and overall attendance has been excellent (75%), across all areas.

All staff that attended training were asked to complete a short survey- results as follows:

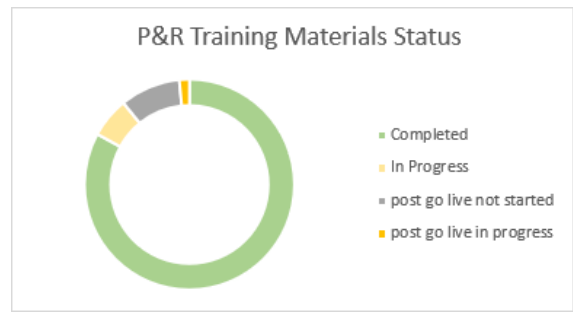
Did the Training meet expectations:

Row Labels	Count of Email
No	2%
Partially	12%
Yes	83%
(blank)	2%
Grand Total	100%

Were you satisfied with training provided?

Row Labels	Count of Email
Neither satisfied nor dissatisfied	5%
Somewhat dissatisfied	2%
Somewhat satisfied	5%
Very satisfied	88%
Grand Total	100%

P&R and ECR - Virtual drop-in sessions to be held in early July for staff that have questions or are simply curious about the new modules.



PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

All major aspects for the new Property & Rating (P&R) and Enterprise Cash receipting (ECR) have come together, with plan to proceed with goLive for 1 July. Additional works to continue to build out the missing components in July. Huge thanks to Georgia Lowe for coordinating all the training required to enable the new TechOne modules to be delivered on time. This was a big task, which Georgia handled seamlessly and always with a smile. Great work Georgia! Enterprise Content Manager (ECM), which is TechOnes version of CM9, has now been configured to manage all the documents being attached throughout the various modules. This will now enable effective archiving and disposal as well as security & access. Well done to Warren Lolicato for getting this done, under some very trying circumstances and even tighter deadlines.



Monthly Operational Report – June 2023

Finance

PART A: Section Accountabilities and Team Roles

Manager Finance - Kris Kershaw	Management Accountant	Financial Accountant	Coordinator Financial Operations	Rates Coordinator/Revenue Officer																																																																																																																																																
<p>Operate in a financially responsible and sustainable manner (IPR ratios).</p> <p>Review, revise and maintain Council’s Long Term Financial Plan in line with statutory requirements.</p> <p>Provide financial reports to Management and staff to assist in budget control and decision making.</p> <p>Ensure adequate and effective internal controls are in place for all financial management.</p> <p>Maintain a strategic rating structure that is equitable across the region.</p> <p>Manage investments in the long-term interest of the community and within regulatory requirements.</p> <p>Complete annual & quarterly budgeting processes in-line with statutory requirements.</p> <p>Process accounts payable in-line with Councils protocols and suppliers’ terms of trade.</p> <p>Complete and lodge Annual Financial Statements in accordance with Statutory Requirements.</p> <p>Complete all taxation returns and grant acquittals (as a financial service) as required by external bodies.</p> <p>Organise and manage the external audit of Council and address any rectification/improvement action arising therefrom.</p>	<p>Assist the Finance Manager in budgeting, forecasting, reporting, and analysis.</p> <p>Prepare Council’s operational and long-term financial plan, monthly and quarterly budget reporting</p> <p>Assist with the long-term financial strategy, performance monitoring and working with managers and ELT to achieve budget targets.</p> <p>Provide ongoing training and support to Council staff on budget and reporting processes.</p>	<p>Assist the Finance Manager in meeting all compliance reporting requirements.</p> <p>Undertake compliance reporting, compliance adherence, end of month processes, journal processing, and general ledger monitoring/ maintenance.</p> <p>Reconcile & Monitor General Ledger reconciliations and monitoring.</p>	<p>Assist the Finance Manager through the supervision of day-to-day finance operations.</p> <p>Supervise accounts payable, accounts receivable, payroll, and trainee finance staff.</p> <p>Manage bank reconciliations.</p> <p>Prepare accounting entries for the disposal and additions of plant/ fleet.</p>	<p>Manage the rating function of Council.</p> <p>Levy Council’s rates each year, respond to ratepayer enquires and maintain rates master file details.</p> <p>Undertake debt recovery activities.</p> <p>Facilitate the sale of land for the recovery of unpaid rates as required.</p>																																																																																																																																																
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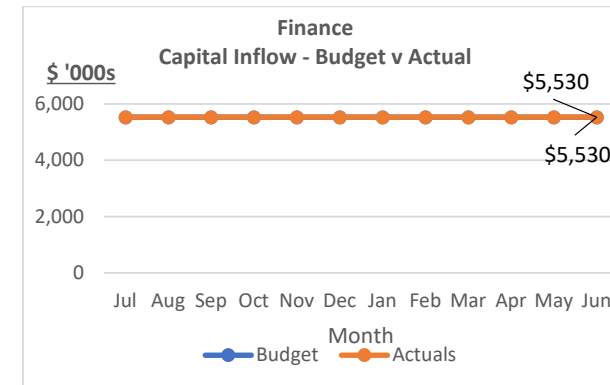
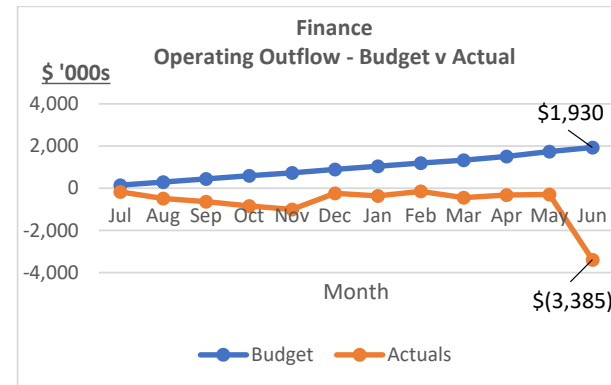
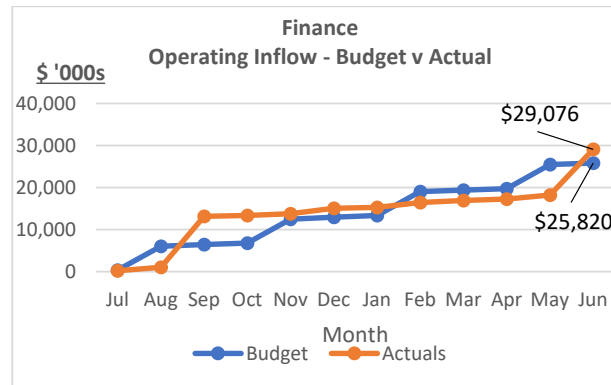
Monthly Operational Report – June 2023

Finance

PART B: 4 Year Delivery Program and 1 Year Operational Plan

The Finance Section relates to: The Corporate Services Directorate directly oversees the delivery of these outcomes. This section has no direct deliverable outcomes under the 2022-2026 Delivery Program. This Business Unit will contribute to other MOR reports as required.

PART C: Financial Outcomes



PART D: Project Status

- Financial Statements – Work has commenced on the 2022/23 financial statements. Shell set of statements has been produced and now Finance staff are working through final reconciliations. Year-end plan has been developed and implemented to manage the year end process.
- Technology One – Tech 1 phase two has gone live from 1 July 2023. Finance staff still working with Tech 1 project team to sort through minor issues since go live. See Business Intelligence section for further updates on this project.
- Internal reporting – Finance staff continue to improve reporting options available from the Technology One system, with focus being placed on giving the Managers the ability to generate the reports themselves. Recent reports created include a Works report that groups capital work orders by work project. This report will help with the capitalisation process in Tech 1.
- Quarterly budget review process – Management Accountant will be issuing budget packs for 1st quarter budget review towards the end of July 2023.
- Yearly budgeting process –2023/24 Operational Plan 2023/24 to 2032/33 Long Term Financial Plan, along with Revenue Policy and Fees and Charges documents adopted by Council at the 27 June 2023 Ordinary Council meeting.
- Interim Audit – Interim audit has been completed. Still waiting on final interim management letter from the NSW Audit Office.

PART E: Business as Usual

Overdue Amounts as of 30 June 2023

Rates Outstanding - \$2,472,619 or 11.30% (Previous month outstanding was \$2,659,825 or 12.05%). This result is above the Office of Local Government ratio requirement of 10% for rural councils. Note that increase was the result of the 4th instalment falling due on the 31 May 2023. It is expected that the outstanding amount will decrease during June 2023.

Water Outstanding - \$285,836.44 or 11.56% (Previous month outstanding was \$309,892 or 11.10%).

Sundry Debtors Outstanding - \$294,690 or 13.46% (Previous month outstanding was \$292,677 or 11.79%). The \$294,690 balance includes a grant funding amount of \$64,382 – This needs to be reviewed and either collected or cancelled.

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
				● ● ●



Monthly Operational Report – June 2023

Finance

July 2023	Availability of Finance Resources	Resourcing improvement has seen vacant roles filled. Finance Manager reviews availability of staff and assign work as required.	<ul style="list-style-type: none"> - Continued training and skilling-up of key staff to help complete the financial statements, which leads to work been pushed out to staff that can do it/ assist. - Financial Accountant role has been vacant since 7 April 2023. Currently backfilled by external contractor. Need to advertise role and make role permanent again. 	●
July 2023	Internal resources unavailable due to business as usual	Monitor what is coming up as due – review each month at the start. Finance Manager assigns work and follows-up on progress. Attempts are made to prioritise work as best as possible. A lot of work is still done using spreadsheets.	<ul style="list-style-type: none"> - Improve reporting to internal audit committee on progress of status of various projects. - Clearly define priorities and ensure this is communicated to all Finance staff. - Focus on ensuring that compliance deadlines are met. 	●
July 2023	Staff fatigue	Normal process is to ensure staff take annual leave and scheduled RDOs. However, the OneCouncil project and other projects has resulted in staff deferring leave and banking RDOs.	<ul style="list-style-type: none"> - Monitor staff physical and mental wellbeing and ensure they are ok on a regular basis. Recent Tech 1 project has resulted in fatigue for some of the Finance staff. - Get staff to schedule in leave and take RDOs. This is proving difficult to implement due to workloads and Council on-going requirements needing to be met. - Look at additional resourcing options as the need arises. 	●

Council resolutions completed

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	2023-24 Operational Plan and 2023-24 to 2032-33 Long Term Financial Plan	090623	<p>RESOLUTION 090623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Geoff Wise</p> <p>That Council resolve to:</p> <ol style="list-style-type: none"> in accordance with Sections 404 and 405 of the <i>Local Government Act 1993</i>, Council adopt the Murray River Council 2023-2024 Operational Plan, including the 2023-2024 to 2032-2033 Long Term Financial Plan, and in accordance with Part 9, Division 5, Section 211(2) of the <i>Local Government (General) Regulation 2005</i>, Council approve expenditure and capital works as detailed in the Murray River Council 2023-2024 Operational Plan, including the 2023-2024 to 2032-2033 Long Term Financial Plan, and adopt the following Reserve movements: <ol style="list-style-type: none"> from reserves to fund the following Capital activities: <ol style="list-style-type: none"> \$302,689 from General reserve \$1,326,300 from Sewer reserve \$1,661,130 from Water reserve \$1,999,000 from Waste reserve; and to reserves for the following Operational activities: <ol style="list-style-type: none"> \$1,003,221 to the General reserve \$2,495,697 to the Sewer reserve \$2,569,643 to the Water reserve \$1,214,068 to the Waste reserve. 	Chalmers, Nikki	●
<p>06 Jul 2023 8:25am Chalmers, Nikki - Completion</p> <p>Completed by Chalmers, Nikki (action officer) on 06 July 2023 at 8:25:22 AM - Noted, no further action</p> <p>06 Jul 2023 8:25am Chalmers, Nikki - Notification</p> <p>Fernando, Stephen (first authoriser) notified by Chalmers, Nikki (action officer) on 06 July 2023 at 8:25:36 AM, Sent to Stephen Fernando and Lindy Leyonhjelm for authorisation, Notified by Nikki Chalmers</p>					

CARRIED



Monthly Operational Report – June 2023

Finance

06 Jul 2023 9:26am Fernando, Stephen - Authorisation
 Dodds, Terry (second authoriser) notified by Fernando, Stephen (first authoriser) on 06 July 2023 at 9:26:17 AM, Authorised by Stephen Fernando, Sent to Terry Dodds and Lindy Leyonhjelm for authorisation, Notification sent to Lindy Leyonhjelm and Nikki Chalmers

06 Jul 2023 9:36am Dodds, Terry - Authorisation
 Authorised by Dodds, Terry (second authoriser) on 06 July 2023 at 9:36:08 AM, Authorised by Terry Dodds, Notification sent to Lindy Leyonhjelm, Nikki Chalmers and Stephen Fernando

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Liquidity Report as at 31 May 2023	100623	<p>RESOLUTION 100623</p> <p>Moved: Cr Geoff Wise</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That the Liquidity Report, incorporating Investments as of 31 May 2023, consisting of a Liquid Asset Position of \$49,345,813 which includes investments of \$43,874,574 be received and noted by Council.</p> <p style="text-align: right;">CARRIED</p>	Kershaw, Kris	●
<p>05 Jul 2023 1:28pm Kershaw, Kris - Completion</p> <p>Completed by Kershaw, Kris (action officer) on 05 July 2023 at 1:28:35 PM - Recommendation noted. No further action required.</p> <p>05 Jul 2023 1:28pm Kershaw, Kris - Notification</p> <p>Fernando, Stephen (first authoriser) notified by Kershaw, Kris (action officer) on 05 July 2023 at 1:28:46 PM, Sent to Stephen Fernando and Lindy Leyonhjelm for authorisation, Notified by Kris Kershaw</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Anniversary Date Nikki Chalmers, Management Accountant - 2 years.

Tech 1 Project work Need to congratulate Kirsty Harris (Rates Coordinator), Kim Burke (Financial Coordinator), Lynn Hawkett (AP Officer) and Vanessa Duncan (Finance Officer) for all their hard work over the past 10 months in relation to the Tech 1 Phase 2 project work. These four staff members went above and beyond at times to get the Phase 2 project to a go live stage. There were also times when they were required to work on the project outside normal hours whilst maintaining their daily work requirements. They continue to be apart of the rollout stage of the project during July, but their efforts need to be acknowledged.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Governance and Risk

PART A: Section Accountabilities and Team Roles

Manager Governance and Risk – Sandra Gordon

Ensure Council's legislative and regulatory compliance and reporting requirements are adhered to.

Establish a framework for assessing and managing risk and ensure identified risks and mitigation strategies are documented and are actions follow-up.

Establish adequate insurance cover for Council activities, in consultation with operational managers.

Maintain the suit of required corporate registers and undertake the related reporting requirements.

Facilitate the functioning of the Audit & Risk Committee and the internal audit function of Council.

Provide support & guidance to the Mayor and Councillors on their statutory obligations as elected officials and where required assist with their reporting requirements.

Managing the legal services relationships.

Provide advice and assistance on governance related matter to the whole of Council.

Manage the annual operational budget.

Accountabilities

Number	SBPO	Accountability
	B	Legal Services Management
	B	Risk Management
	B	Governance Framework
	B	Policy & Procedure Management
	B	Legislative Compliance
	P	Legal Services
	P	Policies & Procedures
	P	Risk Management
	P	Legislative Compliance
	P	Legal Services Contract Management
	P	Business Continuity
	P	Internal Audit
	O	Maintenance of Policies and Procedures documents and systems
	O	Corporate Performance & Reporting – Publications
	O	Legislative Compliance
	O	Implementation of Governance Framework and supporting education
	O	Coordination of Legal Services
	O	Annual Report
	O	Government Information Public Access (GIPA) Service
	O	Risk Management
	O	Councillor Induction & Training
	O	Business Continuity
	O	Internal Audit Services

PART B: 4 Year Delivery Program and 1 Year Operational Plan

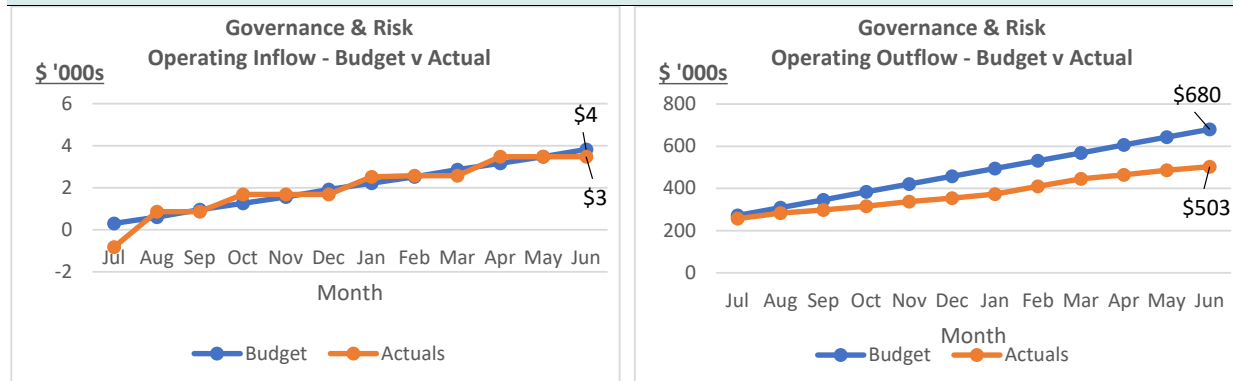
Under the 4-year Delivery Plan, Governance & Risk relates to: Good governance practices and the Statutory requirements of Local Government. Ensuring Council has an effective corporate governance framework that complies with all legislative requirement and promotes business excellence. There are no specific items in either the Delivery Plan or Operational Plan that relates to this position



Monthly Operational Report – June 2023

Governance and Risk

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

PART F: Service Metrics

Key Performance Indicators

Report Against Position Description	Officer	Comments: (Business Manager to provide short precis.)	
Ensure Legislative / regulatory compliance and reporting is met/adhered to.	MGR	<ul style="list-style-type: none"> Compliance Register – updated and legislative changes distributed to the relevant officers – ongoing Public Interest Disclosures (PIDs) – Annual return submitted Government Interest (Public Access) Act Return (GIPA) – Annual return submitted Annual Report finalised, adopted and published to the website Code of Conduct Annual Return – completed and submitted Investigating the implementation of dedicated software for 2023-2024 PID (Public Interest Disclosures) Training undertaken Reviewing software to streamline the process Updated Legislative Compliance Register Updated Policy Matrix – to include new legislation Privacy Statement on website and Council documents reviewed Proposal developed for the legislative changes required to the Ward Boundaries of Council 	● ● ● ●
Establish a framework for assessing and managing risk and ensure identified risks and mitigation strategies are documented and are actions follow-up.	MGR	<ul style="list-style-type: none"> Risk Management Policy & Framework – updated to reflect ISO 31000:2018 - DRAFT Policy adopted by Council in June and is out on public display Assisted with the production of WHS policy and procedures Investigating the implementation of dedicated software for 2023-2024 Undertook training updates – First Aid and Fire Warden Reviewing software to streamline the process 	●
Establish adequate insurance cover for Council activities, in consultation with operational managers.	MGR	<ul style="list-style-type: none"> Certificates of Currency – available in CM9 Statewide Webinar – on the Impact of the Flood from an insurance perspective 	●



Monthly Operational Report – June 2023

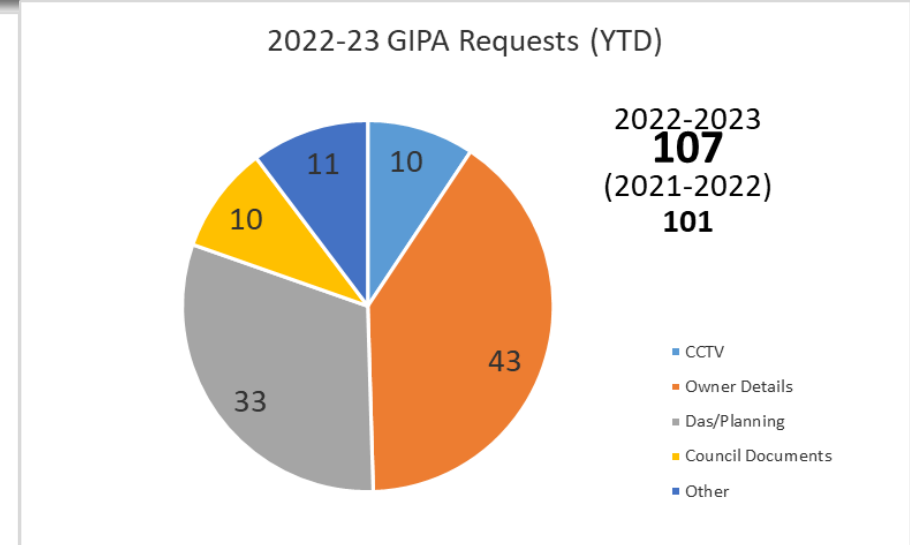
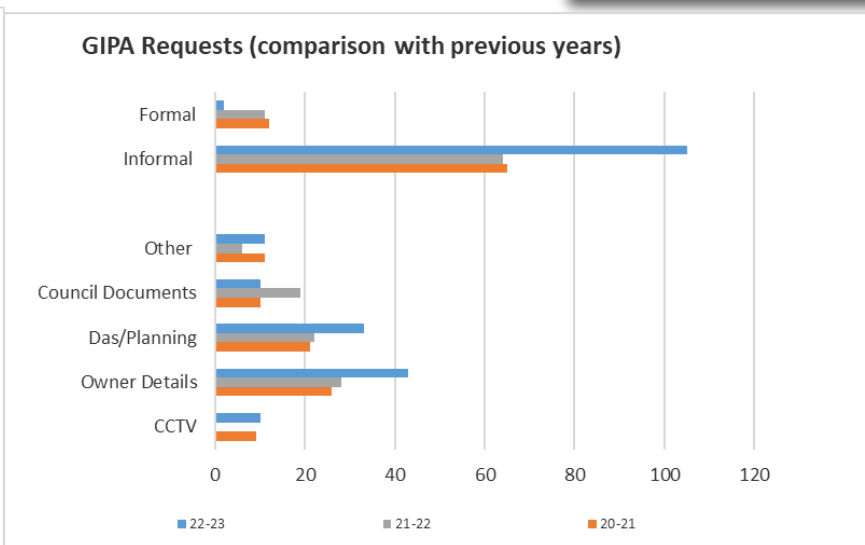
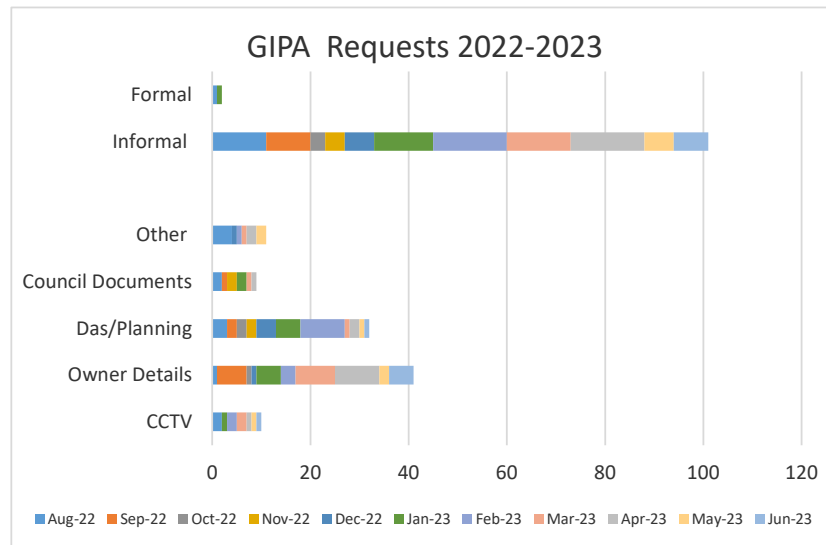
Governance and Risk

		<ul style="list-style-type: none"> ▶ All 10 insurance questionnaire completed and lodged ▶ Insurance Policies for 2023-2024 have been finalised 	
Manage and develop Policies and Procedures	MGR	<ul style="list-style-type: none"> ▶ Delegations for all positions – ongoing ▶ Jul 22 - Liquid Trade Waste Policy - DRAFT adopted by Council and placed on 28 public display ▶ Aug 22 – Investment Policy – Adopted and placed in the Policy Register ▶ Aug 22 – Investment Policy – Adopted and placed in the Policy Register ▶ Sept 22 – Signage and Advertising Structures Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Code of Conduct (Councillors) Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Code of Conduct (Employees) Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Code of Conduct (Committees) Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Code of Meeting Practice Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Councillor Expenses and Facilities Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Delegation of Authority (Mayor and CEO) Policy – Adopted and placed in the Policy Register ▶ Nov 22 – Cyber Security Policy – Adopted and placed in the Policy Register ▶ Nov 22 – DRAFT Information and Records Management Policy – placed on public display ▶ Dec 22 – Disability Inclusion Plan – final adoption ▶ Jan 23 - Information and Records Management Policy – Adopted and placed in the Policy Register ▶ Jan 23 – Work Health & Safety Policy – placed on public display ▶ Jan 23 – Temporary Delegation from Council to the CEO – Emergency Works – Adopted and placed in the Policy Register ▶ Feb 23 - Flood Recovery Management Policy - Moveable Dwellings, relocatable Homes and their Ancillary Structures – Adopted and placed in the Policy Register ▶ Mar 23 – Land Acquisition and Disposal Policy V#1 – Adopted and placed in the Policy Register ▶ Mar 23 – Liquid Trade Waste Policy V#2 – Adopted and placed in the Policy Register ▶ Mar 23 – Asbestos Policy V#1 – placed on public display ▶ Mar 23 – Work Health & Safety Policy V#2 – Adopted and placed in the Policy Register ▶ Apr 23 – Community Engagement Policy – adopted and placed in the Policy Register ▶ May 23 – Asbestos Policy V#1 – adopted and placed in the Policy Register ▶ Jun 23 – Media Policy V#2 – placed on public display 	●
Develop, maintain and report on Council's suite of Corporate registers	MGR	<ul style="list-style-type: none"> ▶ Informal GIPA requests YTD - 105 ▶ Formal GIPA requests YTD – 2 ▶ Disclosure of Interest, Related Parties and Secondary Employment returns – on-going 	●
Facilitate the Audit & Risk Committee function of Council	MGR	<ul style="list-style-type: none"> ▶ Internal Audit – DAs and Building Certificates – finalised ▶ Internal Audit – Contract Management - commenced ▶ ARIC Meeting held 22/8/2022, 26/9/2022, 28/11/2022, 13/2/2023, 24/3/2023 and 28/03/2023 ▶ Infocouncil now being used for ARIC papers and minutes 	●
Provide support & guidance to the Mayor and Councillors on their statutory obligations as elected officials	MGR	<ul style="list-style-type: none"> ▶ Superannuation payments – details received for first quarterly payment ▶ Political donations returns ▶ Superannuation payments – finalised ▶ Report to Council – in regard to the September 2024 elections ▶ Setting of Fees and Expenses for Councillors for 2023-2024 report – adopted by Council 	●
Managing the legal services relationships.		<ul style="list-style-type: none"> ▶ Legal advice sought on a number of complex legal matters ▶ Processed numerous insurance enquiries/claims for damage caused by flood damage to Council roads 	●



Monthly Operational Report – June 2023

Governance and Risk



Council Annual Report Checklist

Description	Reference	Included?
Must contain a statement detailing the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue. Section 428(4)(c) and (d) do not apply to a year commencing before 1 July 2022.	Act s 428(4)(c)	No
Must contain a statement of steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> Section 428(4)(c) and (d) do not apply to a year commencing before 1 July 2022.	Act s 428(4)(d)	No
Disclosure of how development contributions and development levies have been used or expended under each contributions plan. (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Environment Planning and Assessment Regulation 2021 cl 218A(1)	No
Details for projects for which contributions or levies have been used must contain: <ul style="list-style-type: none"> project identification number and description the public amenity or public service the project relates to amount of monetary contributions or levies used or expended on project percentage of project cost funded by contributions or levies amounts expended that have been temporarily borrowed from money to be expended for another purpose under the same or another contributions plan value of the land and material public benefit – other than money or land Whether project is complete (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Reg 218A (2)(a),(b),(c),(d),(e),(f),(g)	No
Total value of all contributions and levies received and expended during the year. (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Reg 218A(3)(a),(b)	No

Council resolution completed

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Setting of the 2023-2024 Annual Fees for Councillors & the Mayor	060623	<p>RESOLUTION 060623</p> <p>Moved: Cr Kron Nicholas</p> <p>Seconded: Cr Thomas Weyrich</p> <p>That Council resolve to pay the following fees for the 2023/2024 financial year (commencing July 2023), in keeping with the determination made by the Local Government Remuneration Tribunal of New South Wales:</p>	Gordon, Sandra	●



Monthly Operational Report – June 2023

Governance and Risk

	<p>a). an Annual Fee of Seventeen Thousand, Six Hundred and Eighty dollars (\$17,680) to each Councillor (including the Mayor); and</p> <p>b). an Additional Fee (over and above the Annual Fee), of Thirty-Seven Thousand, Nine Hundred and Twenty Five dollars (\$37,925) to the Mayor.</p> <p style="text-align: right;">CARRIED</p>
<p>10 Jul 2023 10:50am Gordon, Sandra - Completion</p> <p>Completed by Gordon, Sandra (action officer) on 10 July 2023 at 10:49:48 AM - Report when to the June 2023 Council meeting and the fees as outlined adopted</p>	
<p>10 Jul 2023 10:50am Gordon, Sandra - Notification</p> <p>Fernando, Stephen (first authoriser) notified by Gordon, Sandra (action officer) on 10 July 2023 at 10:50:04 AM, Sent to Stephen Fernando and Lindy Leyonhjelm for authorisation, Notified by Sandra Gordon</p>	
<p>10 Jul 2023 11:21am Fernando, Stephen - Authorisation</p> <p>Dodds, Terry (second authoriser) notified by Fernando, Stephen (first authoriser) on 10 July 2023 at 11:21:53 AM, Authorised by Stephen Fernando, Sent to Terry Dodds and Lindy Leyonhjelm for authorisation, Notification sent to Lindy Leyonhjelm and Sandra Gordon</p>	
<p>10 Jul 2023 1:56pm Dodds, Terry - Authorisation</p> <p>Authorised by Dodds, Terry (second authoriser) on 10 July 2023 at 1:56:36 PM, Authorised by Terry Dodds, Notification sent to Lindy Leyonhjelm, Sandra Gordon and Stephen Fernando</p>	

Council resolution outstanding over 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 22/02/2022	Councillor Training - Team Effectiveness/Conflict Resolution	230222	<p>RESOLUTION 230222</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Ann Crowe</p> <p>That Council engage a suitably qualified and experienced trainer to undertake a Team Effectiveness Workshop for Councillors.</p> <p style="text-align: right;">CARRIED</p>	Gordon, Sandra	●
<p>13 Apr 2022 11:56am Gordon, Sandra</p> <p>Training to be undertaken in June/July to spread out training for Councillors - had ICAC and Integrity training in March and April</p>					
<p>14 Jul 2022 12:09pm Gordon, Sandra</p> <p>Probably needs to be pushed back to August / September - need to discuss with the Councillors and ELT</p>					
<p>16 Mar 2023 8:48am Gordon, Sandra</p> <p>Executive Assistant is researching options</p>					
<p>09 Jun 2023 2:38pm Leyonhjelm, Lindy</p> <p>Options presented to ELT did not cover the needs, will need further research</p>					
<p>14 Jun 2023 9:58am Leyonhjelm, Lindy</p> <p>Sandra Gordon presenting at June council prebreifing to gauge requirements and steps to training moving forward</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Technology & Digital Services

PART A: Section Accountabilities and Team Roles

Manager of IT and Digital Services – Alex Green			Coordinator Technology & Digital Services		
<p>Manage the of the information and communications infrastructure to enable the required connectivity and data exchange requirements.</p> <p>Ensure security of Council information and ICT assets.</p> <p>Provide support services to staff in relation to use of technology.</p>			<p>Coordination of the delivery of IT services to Council</p> <p>Supports the Manager – Technology & Digital Services to deliver the MSP contract, Network, CCTV, Access Control, Radio network and anything else required for council to deliver services to the community.</p>		
Accountabilities			Accountabilities		
Number	SBPO	Accountability	Number	SBPO	Accountability
	B	Public Access Systems		P	IT Asset Procurement & Disposal
	B	IT Networks		P	Existing network systems and corporate business applications
	B	Printing Services		P	Library Management Systems
	B	IT Support		P	IT System Administration
	B	IT System Software & Hardware		P	Portable Assets – IT
	B	Community Safety		P	Printing Services
	B	Portable Assets		P	Point of Sale
	B	Communication Towers & Radio Controls		P	IT – Product Development
	B	Point of Sale		P	IT Support Projects
	B	IT System Administration		P	IT System – Software & Hardware.
	B	IT Asset Procurement & Disposal		P	IT Cabling
	B	IT – Product Development		P	Internal Phone & Internet
	B	Internal Phone and Internet Services		P	Community Safety
	B	IT Cabling		P	IT Security Systems
	B	Library Management Systems		P	Public Access Systems
	B	Drone Registration & Compliance		P	SCADA
	O	Cyber Security		P	Communication Towers & Radio Controls
	O	Point of Sale		P	IT Networks
	O	Printing Services		P	IT Security Systems
	O	IT Asset Procurement and Disposal		O	IT System Maintenance
	O	Library Systems		O	IT System – Software & Hardware
	O	IT Systems		O	Portable Assets – IT
	O	IT Infrastructure & Support to MBI		O	Community Safety
	O	Drone Registration & Compliance		O	IT Security Systems
				O	Internal Phone and Internet Services
				O	Public Access
				O	Communication Towers & Radio Controls
				O	IT Cabling
				O	IT Network Support Services

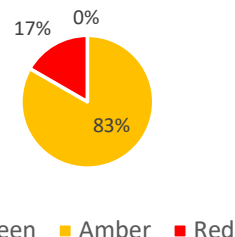


Monthly Operational Report – June 2023

Technology & Digital Services

PART B: 4 Year Delivery Program and 1 Year Operational Plan

Operational Plan Delivery



Under the 4 year Delivery Plan, the Technology and Digital Services section relates to: Adequate and appropriate ICT underpins all aspects of a local government's work. It is integral to the delivery of local government services: from the provision of information and advice, to providing better analysis of environmental, demographic and social change for better land use management and planning. ICT also supports local government back office operations, providing data storage, information management, email and mobile communications. The rapid adoption of mobile, on-demand, and social media technologies has changed expectations of service delivery. These developments offer an opportunity for local government to provide services in new ways, and to interact through new modes. Mobile, internet and cloud technologies provide further opportunities for innovation and efficiencies in service delivery.

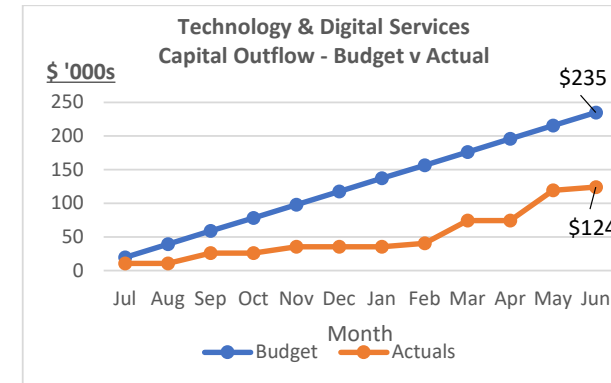
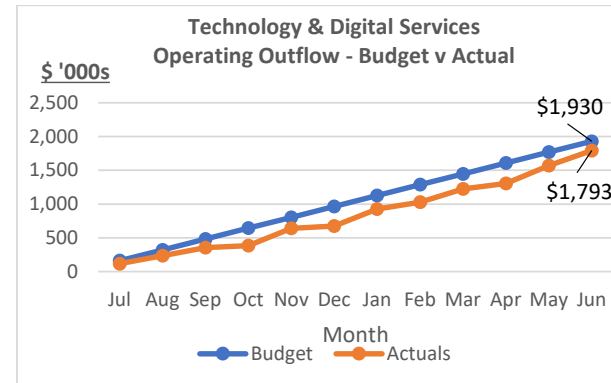
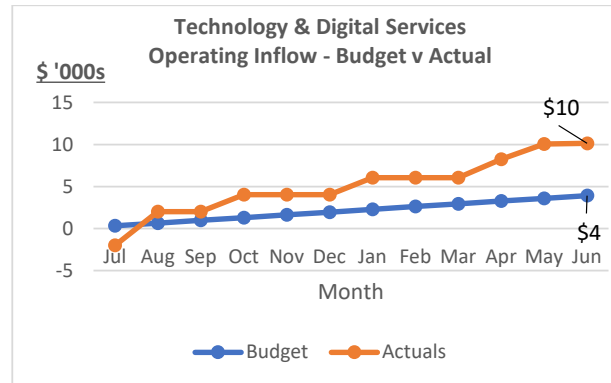
4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.6 – CCTV Strategy									
Develop and implement a CCTV strategy for all townships. (S DCS)	Deliver	(DP 3.6.1) Develop CCTV strategy.	B: MTDS P: O:	✓				Information being gathered – benchmarking with other councils	●
	Deliver	(DP 3.6.2) Begin installation and management of CCTV devices as identified in the strategy	B: MTDS P: O:	✓	✓	✓	✓	Deliverable is based on DP 3.6.1	●
Theme 6 – Goal 2 – Advocate for and facilitate reliable communications infrastructure.									
6.5 – Digital connectivity & communication infrastructure									
Develop and implement a Digital Communication and Network Strategy. (S DCS)	Deliver	(DP 6.5.1) Develop an Internal Digital Communication and Network strategy	B: MTDS P: O:	✓	✓			External review currently being conducted	●
	Partner, Advocate	(DP 6.5.2) Create local partnerships to advocate for improved and up-to-date Digital Communications for the region	B: MTDS P: O:	✓	✓	✓	✓	The ICT team are always creating partnerships and advocating for great outcomes across the LGA Partnered with Centorrino Technologies and speaking with NBN, Telstra and various other ISP's to improve connectivity in the region.	●
	Deliver, Partner, Advocate	(DP 6.5.3) Advocate for implementation of strategic outcomes across the LGA.	B: MTDS P: O:	✓	✓	✓	✓	The ICT team are always advocating for great outcomes across the LGA	●
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.2 – Leverage the GIS to improve the extent, efficiency and effectiveness of data capture.									
Embed mobile devices to capture field data using existing processes. (S DCS)	Deliver	(DP 7.2.2) Investigate mobile devices to capture field data using existing processes	B: MTDS P: O:			✓	✓		
Use new technology and software to capture information. (S DCS)	Deliver	(DP 7.2.4) Continue surveillance of new and emerging technologies to be incorporated in a timely manner.	B: MTDS P: O:	✓	✓	✓	✓	Advocating for use of wider government technologies within the council area ie the Government Radio Network ICT are also utilising Mobile device management for field iPads, Dual SIM phones for better coverage, Starlink for communications and monitoring of remote water plants.	●



Monthly Operational Report – June 2023

Technology & Digital Services

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

ICT PROJECTS Status at the end of June			●	●	●
#	PROJECT	COMMENTS			
8	MATHOURA POOL SALTO INSTALL	IN PROGRESS - WAITING FOR WATER TOWER	●		
9	MATHOURA REC RESERVE SALTO INSTALL	INSTALL COMPLETE – RUNNING STANDALONE - WAITING FOR WATER TOWER		●	
10	MATHOURA WAR MEMORIAL BUILDING SALTO INSTALL	IN PROGRESS - ORDER PLACED - WAITING FOR WATER TOWER	●		
18	MATHOURA TRANSFER STATION SOLAR	IN PROGRESS		●	
19	TRANSFER STATION SOLAR (4 Sites)	NOT STARTED		●	
25	PARALLELS DECOMMISSIONING	IN PROGRESS - STILL A FEW STAFF ON THE SYSTEM		●	
26	TOOLEYBUC PARK INTERNET (STARLINK)	IN PROGRESS - WAITING FOR INSTALLER		●	
27	TOOLEYBUC HACC OFFICE SPEED UPGRADE (STARLINK)	IN PROGRESS – WAITING FOR WATER TOWER STARLINK INSTALL		●	
28	WAKOOL REC RESERVE INTERNET	IN PROGRESS –WAITING FOR INSTALLER		●	
33	MOULAMEIN CLEAN UP RECORDS SHED	NOT STARTED		●	

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	●	●	●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	●	●	●
31/12/2020	Cyber/Security Control – Loss of Information		Develop and test an ICT Disaster Recovery & Business Continuity Plan		●	
31/12/2020	Cyber/ Security Control – IT Infrastructure Failure		Develop and test an ICT Disaster Recovery & Business Continuity Plan		●	



Council Resolutions Completed

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

The workload for ICT business-as-usual (BAU) activities remains high, this has become more evident with the resignation of the Embedded Desktop Support role due to an unsustainable workload. The Technology & Digital Services team is working with the managed service provider (MSP) to help manage the workload. The MSP will work closely with the internal ICT team to identify areas where efficiencies can be gained and develop strategies to reduce the workload.

In addition, the organization is mid rollout of Windows 11, which will provide improved security, performance, and usability features for end-users. The internal ICT team will work closely with the MSP to ensure a smooth transition to Windows 11 and minimize any disruption to business operations.

Finally, the organisation has upgraded the power infrastructure in the Moama Server room in June to ensure it can support the growing ICT workload and improve system resilience. This upgrade will involve the installation of new power equipment and the implementation of new procedures to ensure continuity of service during any power outages.

Overall, the organisation is taking proactive steps to manage the ICT workload, upgrade critical systems, and improve service delivery to end-users. The collaboration between the internal ICT team and the MSP will be critical in achieving these objectives and ensuring the continued success of the organisation.



Monthly Operational Report – June 2023

Property and Procurement

PART A: Section Accountabilities and Team Roles

Manager Property & Procurement - Peter Beaumont

Provide procurement and property/leasing and tendering related services to the organisation. Ensure compliance with legislative requirements. Develop a high-level framework & monitor policy and procedures including advice, training, templates and support services for both Procurement & Property. Coordinate public tendering to meet legislative requirements and manage Contract Register (GIPA). Provide oversight for Internal procurement probity and audit. Manage supplier relationships. Coordinate purchases and sales of property and facilitate commercial application of property, where appropriate. Develop and manage the Lease Register. Provide oversight for commercial leases and associated issues. Advise on management of crown land. Manage the annual capital and operational budgets.

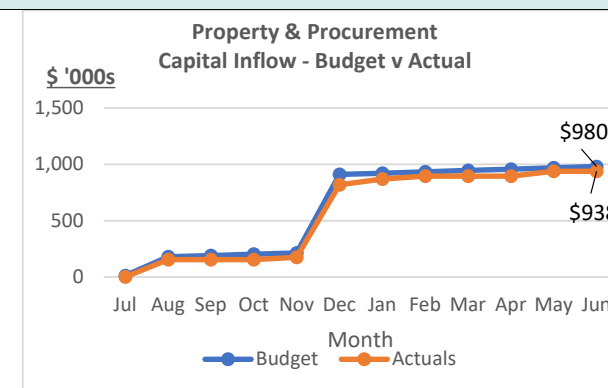
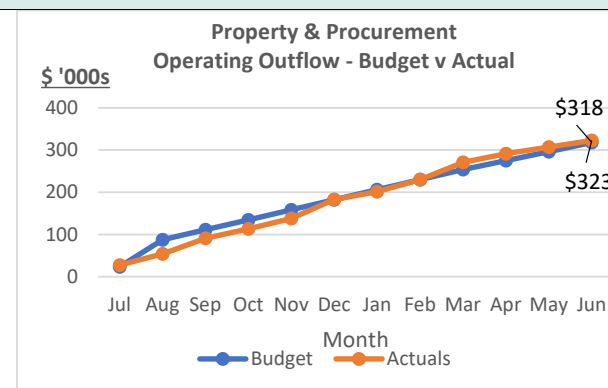
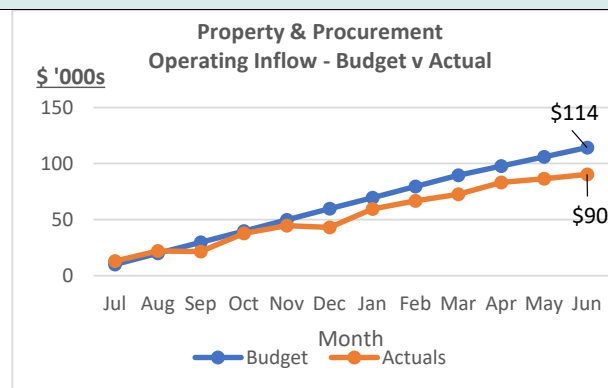
Accountabilities

Number	SBPO	Accountability
	B	Office and Stationary Supply
	B	Procurement Advice and Framework
	B	Management of Crown Land
	B	Contracts Advice and Framework
	B	Income Strategy for Commercial Leases
	B	Leasing Management
	B	Land Sales and Procurement Management
	P	Income from Commercial Leases
	P	Leasing Projects
	P	Crown Land Project Management
	P	Retirement Villages
	P	Procurement
	O	Income from Commercial Leases
	O	Procurement Services
	O	Leasing Services
	O	Property Framework
	O	Property Compliance
	O	Crown Land Reserve Management

PART B: 4 Year Delivery Program and 1 Year Operational Plan

The Procurement and Property Unit relates to: Procurement and Property/Leasing functions. The Corporate Services Directorate directly oversees the delivery of these outcomes. This section has no direct deliverable outcomes under the 2022-2026 Delivery Program. This Business Unit will contribute to other MOR reports as required.

PART C: Financial Outcomes





Monthly Operational Report – June 2023

Property and Procurement

PART D: Project Status

PART E: Business as Usual

Public Tenders

The following is a list of current open public tenders. Open or Public tenders are required to be undertaken where the expected expenditure and/or contract value is over \$250k including GST.

Tender	Name	Closing date
MRC 2310	River Country Art Trail	2 nd August 2023

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
				● ● ●

Council Annual Report Checklist

Description	Reference	Included?
Must contain a statement detailing the action taken by the council in relation to any issue raised by the Anti-slavery Commissioner during the year concerning the operations of the council and identified by the Commissioner as being a significant issue. Section 428(4)(c) and (d) do not apply to a year commencing before 1 July 2022.	Act s 428(4)(c)	No
Must contain a statement of steps taken to ensure that goods and services procured by and for the council during the year were not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> Section 428(4)(c) and (d) do not apply to a year commencing before 1 July 2022.	Act s 428(4)(d)	No

Council Resolutions Outside 3 months

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Strategic Assets

PART A: Section Accountabilities and Team Roles

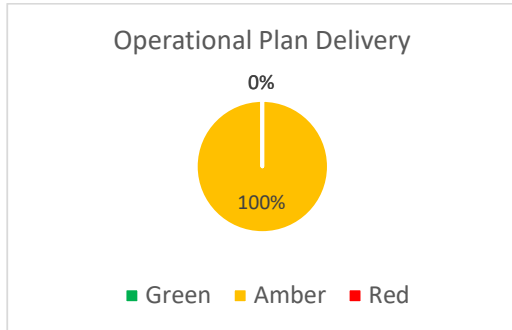
Manager Strategic Assets – (Brodie Goodsell)	Asset Systems Coordinator	Asset Officer																																																																																																
<p>An integration role for big picture and long term, mapping out big infrastructure projects into the future to ensure they link up and are sequenced logically. Provide an information and Advisory role to the rest of the organisation on the above. Manager Strategic Assets will also ‘map’ the 10-year financial plan, to not only ‘join the dots’ but make sure there is enough money to pay for it at the time the Projects are planned for.</p> <p>The keeper of all information related to our assets including Developing, Maintaining the Asset Register</p> <p>MRC has 35 Asset types dispersed across the organisation.</p> <p>The Assets team provide an advisory and information role to the Business Managers in the organisation.</p> <p>They provide a one stop shop for all information capture about all our assets including what they are, how many we have, what they are valued, what condition they are in, how long they will last, what we should be spending on them and when. This assists Business Managers to work out what & how to categorise assets so at budget time listing and getting approval for ‘cluster’ business cases becomes easier.</p> <p>Other requirements of the Strategic Assets team include Management of GIS/Mapping, Maintenance Management and Addressing systems and data, Road Naming, Gazettal’s and Closures.</p>	<p>The primary objective of the if the Asset Systems Coordinator to manage the systems and data associated with Murray River Council Assets, GIS, Maintenance Management and Rural Addressing.</p> <p>The GIS/Mapping systems are used to spatially locate all MRC assets and planning areas providing associated data within a mapping system. The Asset Systems Coordinator responsible for keeping this mapping data updated, enabling access and integration to all mapping data across all platforms throughout the business. They are also responsible for managing the Management of Maintenance Management systems which record inspections, defects and accomplishments against council assets.</p>	<p>The primary objective of the if the Asset Officer is to manage the data and requests associated with Murray River Council Assets, Maintenance Management, Rural Addressing, Road Naming, Gazettal’s and Road Closures.</p> <p>Rural Addressing, Road Naming, Gazettal’s and Road Closures must be undertaken in accordance with strict NSW State Government requirements and the Asset Officer is responsible for ensuring these processes are fulfilled at Murray River Council in line with these requirements.</p>																																																																																																
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Monthly Operational Report – June 2023

Strategic Assets

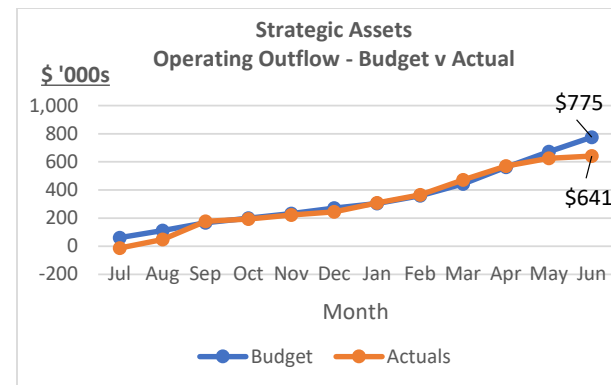
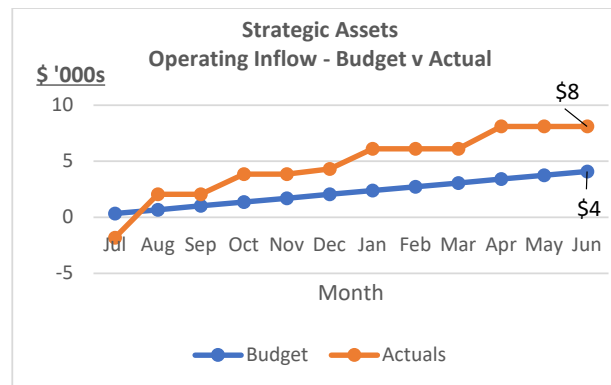
PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, Strategic Assets relates to: asset investigation, planning, policy formulation and management, as a bureau service to whole organisation. The Corporate Services Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.1 – Enable data access through a Geospatial Interface for internal and external users									
Implement a Geospatial Information System (GIS). (S DCS)	Deliver	(DP 7.1.1) Development of databases with links to internal and external GIS systems.	B: MBI P: MSA O: ASC	✓	✓	✓	✓	Working with Technology One Project implementation team and Council IT staff to develop internal and external mapping views via Intramaps. Through Technology One release 2 (property and rating) works are currently underway to ensure property data is linked and updated daily from LPI and available through the mapping systems (update and integration works continuing with Technology One). Internal documentation linkages currently being built to allow access to design plans, specifications and WAE plans via hyperlinks in Intramaps. Mapping of buried assets now loaded into Before You Dig (BYD) platform for auto-generation of external service requests.	●
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.2 – Leverage the GIS to improve the extent, efficiency and effectiveness of data capture.									
Use new technology and software to capture information (S DCS)	Deliver	(DP 7.2.5) Strategic Asset Management Plans supporting progressive development utilising emerging industry practises.	B: MSA P: ASC O: ASC	✓	✓	✓	✓	Works underway to review current systems and processes to determine areas for efficiency gains and suitable points of integration and automation. Detailed process mapping scheduled for mid-2023. Collaboration with other Technology One SAM sites underway. Collaboration discussions with adjacent LGAs also underway. Discussions with other LGAs on gifted asset automation also underway. BYD platform now live with buried asset data.	●

PART C: Financial Outcomes





Monthly Operational Report – June 2023

Strategic Assets

PART D: Project Status

Project Title	Total Project Budget	Expenditure to date	Budget Remaining	% Works Complete	Status/Comments	●	●	●
Service Planning	\$397,155	\$11,954	\$385,201	5%	<i>Project Inception</i> – timelines, resourcing and project plan currently being revised. Councillor inception session completed May 2022. Project paused due to lack of internal resources. No longer funded. Will be submitted for budget consideration 24/25.	●		
MRC Energy Planning Project	Externally Funded			40%	Internal Review of Draft Energy Plan – Meeting with DPIE staff occurred 22 February. Timelines, resourcing, and project plan currently being revised. Project paused due to lack of internal resources.	●		

PART E: Business as Usual

Project Title	Total Project Budget	Expenditure to date	Budget Remaining	% Works Complete	Status/Comments	●	●	●
Building, Land, Facility & Plant Assessment Project	\$442,000	\$433,731	\$8,269	100%	<i>Moving to next phase - public consultation.</i> Field work, digital recordings, condition assessment and initial community consultation complete for buildings and open space assets. Final works programs, valuations and asset management plans completed. Masterplans complete. Draft Plans of Management currently being completed. Consultation with Crown Lands continuing. Initial public and staff consultation complete with 627 responses received for open spaces, 123 responses received for Community Buildings and 39 responses received for Operational Buildings. Draft long term management and rationalisation plans created for Buildings and Parks. Initial Councillor workshops conducted July and September 2022. Additional detailed, location specific Councillor Workshops completed November and December 2022. Final Council report detailing project outcomes and planning proposal requirements approved 28 March 2023. Public consultation & planning proposal to be undertaken as separate projects.			●
Water, Sewer and Stormwater asset Revaluation	\$ 258,500	\$136,520	\$121,980	100%	Review of Water, Sewer and Stormwater assets for Revaluation and to create long term management plans/strategies. Internal data collection complete. External data collection completed. Register data being finalised for valuation. Final complete. AVP and TechOne data load complete.			●
Office Equipment, Furniture & Fittings, and IT Equipment Revaluation	BAU			99%	Desktop revaluation of Office Equipment, Furniture & Fittings and IT Equipment. Revaluation using APV Asset Valuer Pro. Data collection completed May/June. Register data finalised for valuation. Final complete. AVP and TechOne data load currently underway and scheduled for completion June 2023.		●	
Asset Management Strategy Update	BAU			80%	Draft Asset Management Plans completed with detailed review by BU Managers & Directors currently underway. Draft Asset Management Strategy underway awaiting final input from BU Managers & Directors re AM Plans and forward works.		●	
Land Improvement Asset Revaluations	\$100,000	\$83,936	\$16,064	95%	Field work and condition assessment complete for flood protection and riverine assets. Valuation complete. Asset data load currently underway and scheduled for completion July 2023.		●	
Transport Asset Desktop Revaluation	\$50,000	\$35,840	\$14,160	95%	December 2022 valuation complete. Impairment calculations underway. Final June 2023 valuation and asset data load currently underway and scheduled for completion July 2023.		●	
Aerial Imagery Capture	\$41,030	\$41,030	-	100%	2023 Aerial Imagery Capture over Moama and Barham Townships has now been completed with updated imagery received.			●

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	●	●	●



Monthly Operational Report – June 2023

Strategic Assets

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	● ● ●

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Proposed Private Road Names, Tangula Estate - DP 1134973, between Lot 2 DP 1134973 & Lot 2 DP 1067731, Swan Hill Road, Murray Downs	110623	<p>RESOLUTION 110623</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That Council resolve to adopt the private road names Sugargum Court, Willow Lane & Tangula Place, within DP 1134973, in accordance with NSW Roads Act 1993 (Section 162), NSW Road Regulation 2018 (Part 2, Division 1) and the Geographical Names Board of New South Wales requirements and place them on public display for 10 business days.</p> <p style="text-align: right;">CARRIED</p>	Ward, Rebecca	●
<p>12 Jul 2023 9:01am Ward, Rebecca - Completion</p> <p>Completed by Ward, Rebecca (action officer) on 12 July 2023 at 9:00:31 AM - Names advertised on council website for 14 days</p> <p>12 Jul 2023 9:01am Ward, Rebecca - Notification</p> <p>Goodsell, Brodie (first authoriser) notified by Ward, Rebecca (action officer) on 12 July 2023 at 9:01:01 AM, Sent to Brodie Goodsell for authorisation, Notified by Rebecca Ward</p>					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Proposed Road Names of Unnamed Crown Roads, Parish of Tomara & Toorangabby NSW 2731	260623	<p>RESOLUTION 260623</p> <p>Moved: Cr Geoff Wise</p> <p>Seconded: Cr Nikki Cohen</p> <p>1. Council to refuse the proposal to name roads Lanark Road, Mia Mia Road, Saint Ninians Road, and Melrose Road in the Parish of Tomara & Toorangabby NSW 2731, as shown in the map contained in Attachment 1 to this report.</p> <p style="text-align: right;">CARRIED</p> <p><u>/In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis Gleeson</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 8/0</p>	Ward, Rebecca	●
<p>12 Jul 2023 9:02am Ward, Rebecca - Completion</p> <p>Completed by Ward, Rebecca (action officer) on 12 July 2023 at 9:01:53 AM - Applicant to be notified</p> <p>12 Jul 2023 9:02am Ward, Rebecca - Notification</p> <p>Goodsell, Brodie (first authoriser) notified by Ward, Rebecca (action officer) on 12 July 2023 at 9:02:14 AM, Sent to Brodie Goodsell for authorisation, Notified by Rebecca Ward</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Changeover of Intramaps rating data from Authority to Technology completed with release 2 of T1. All staff access to live data links between T1 Rating and Intramaps scheduled for mid-July.



Monthly Operational Report – June 2023

Community & Economic Development

PART A: Director Accountabilities and Key Performance Indicators

Director, Community & Economic Development – Sarah Ryan	
<p>Provide leadership and direction in this community facing directorate with a major focus on customer service. Responsibilities include: Provision of customer service including Murray River Council business services and triaging for all areas of MRC customer service standards and training. A healthy economy by enabling population growth through business development, investment, employment opportunities and destination marketing, visitor servicing and event development. Acquire grant funding both internally and for external community groups. Providing community service to our senior citizens including community transport, social respite services, meals delivery, home modification and maintenance services and youth engagement services.</p>	
Accountabilities	
SBPO	Accountability
S	Caravan Parks Strategy
S	Retirement Villages
S	Community Safety
S	CED Inter Govt Relations
S	Cemeteries
S	Customer Service
S	Community Services
S	Economic Development & Tourism
S	Abattoirs
S	MRC Financial Assistance Program
B	Child Safe
B	Abattoirs
B	Retirement Villages
B	Cultural Plan
B	CED Intergovernmental Relations
B	Cemeteries
B	Caravan Parks
P	Cemeteries
P	Economic Development
P	Abattoirs
P	Child Safe Audit & Review

Key Performance Indicators 2023/2024	Evidence/Comments	
By June 2024 Prepare an Economic Development Strategy and Employment Lands Strategy	<p>Council's Eco Dev and Tourism team have drafted an Economic Development and Tourism Strategy + Action Plan. Officers are currently reviewing the Community Strategic Plan, the Riverina Murray regional Plan, the Murray Regional Economic Development Strategy, A 20 Year Economic Vision for Regional NSW and the Murray Riverina Destination Management Plan to develop a vision for 'strengthening existing and creating new opportunities for the Murray River Council area' which is representative of key internal and external stakeholder needs and aspirations; , working to identify any missing critical opportunities and challenges; outlining timeline and costs (where relevant) for implementation of actions; reviewing 2021 Census data, reviewing Council's Economic Development Assistance Policy; undertaking a business confidence and economic conditions survey to provide Council with an evidence base to inform planning and investment decisions around community infrastructure and service provision.</p> <p>Council's Delivery Program identifies several projects to be investigated and developed including an Employment Lands Strategy. The focus of the ELS is to ensure that land use and transport activities explicitly reflect the employment and productivity objectives of the NSW Govt. The strategies will have regard to Local Strategic Planning Statements and the Local Environmental Plans will translate the intent of the strategies into statutory controls. The ELS should reflect those elements of the Economic Development & Tourism Strategy that have land use planning implications. The strategy should also recognise that jobs are an outcome of business activity and investment and that employment strategies will need to support/facilitate same.</p> <p>Moama Meninya Street Project is one of Council's largest projects that will transform the heart of Moama into a vibrant precinct of social and economic activity. Reshaping Meninya Street from a transport thoroughfare into a innovative and sustainable precinct, this project intends to position Moama as a key tourism destination through place making to compliment surrounding markets. Strategically investing in infrastructure, parks and open spaces and surrounding points of interest, Council aims to create a 'sense of place' and support high intensity developments including multi-level and multi-function spaces for business and the community to thrive.</p> <p>Delivered in a staged approach, the multi-year project will enhance not only Meninya Street, but the surrounding precinct to create stronger connections to points of interest including the Horseshoe Lagoon, Moama Beach and the surrounding natural environment. Council will lead the facilitation and preparation of an investment prospectus aligned with the draft Economic Development Strategy - a place led strategy identifying precincts and particular actions for those areas from an economic development point of view - including activation of the night time economy</p> <p>The strategy aims to support existing business in Moama and those looking to invest in the Meninya Street Precinct in making informed business decisions on developments.</p> <p>Contractor appointed for development of ELS in collaboration with Planning and Environment in June 2023</p>	●●●
By September 2023, working with the Director of Planning and Environment Replenish iN1 Zoning (Industrial Land)	<p>In addition to strategy development above, DPE and DCED are currently meeting with various land owners to identify parcels of land that may be available to purchase and develop for commercial/industrial opportunities in line with the ELS and EDTS above.</p> <p>DPE and DCED working on revised prospectus – opportunities to replenish</p>	
Work with Campaspe Shire Council's Director Community to harvest synergies that may exist to expand services and therefore gain scale etc	DCED (and directorate) are looking forward to working collaboratively with Campaspe DC and other neighbouring LGAs on joint projects for mutual outcomes.	
By Sept 23 oversee the consultation of the Revenue Taskforce.	WIP	
Advocate on behalf of MRC, in concert with RAMJO if required, to influence the NSW Government with regional issues and policies.	<p>Current advocacy projects:</p> <ul style="list-style-type: none"> -Flood support for local businesses ; -Loss of capacity due to current flood event; -Draft NSW tourism support packages; -Support for affordable housing; -Support for health and aged care services; -Closure of community banking services; -Regularly hosting Govt Dept visits. 	
In relation to Tourism:	Flood recovery advocacy works - BAU	



Monthly Operational Report – June 2023

Community & Economic Development

<ul style="list-style-type: none"> • Advocate for the development of MRC at a regional level • Expand network and zone of influence. • Create synergies leading to improved scale. • Maintain close relationship with service providers (product) • Seek grant opportunities 	<p><i>Renewed partnerships with MRTB/EMT</i> <i>Hosted famils DRM/DNSW</i> <i>Received funding through RTAF for new tourism product, public art trail</i></p> <p><i>Seeking opportunities to offset cost of Moama Lights 2023 and reinvent the festival for 2024</i></p>	
<p>Monitor delivery and achievement of client services, projects and initiatives. Ensure these are responsive to client and organisational needs and are well managed in a manner that meets MRC CS statutory, contractual obligations, organisational policies and MRC delivery Program.</p>	<p><i>BAU</i></p>	
<p>Communities are adequately informed to ensure maximised engagement with services and projects. Advocacy for health and wellbeing programs for all residents (all ages and demographics) is monitored.</p>	<p><i>Social Health and Wellbeing Plan to be updated</i> <i>Regular newsletters</i></p>	
<p>In relation to Economic Development:</p> <ul style="list-style-type: none"> • Seek to expand our economic footprint • Advocate for the maintenance of existing industries through and post crises (emergency grants) • Positively engage with industry associations • Maintain and improve working relationships with State and Federal Government agencies and bodies. 	<p><i>Attendance at DRNSW Investment Attraction Workshop</i> <i>Undertaking EDA Cluster Network Development Training</i> <i>Recovery efforts working with RA</i> <i>DRNSW meetings with businesses in Murray Downs and Tooleybuc</i> <i>New Ministers</i> <i>ICAC Anti Corruption Training</i> <i>EDA Webinar – Smart Specialisation – focus on local key assets</i> <i>Meeting with DRNSW to discuss priorities MRC</i></p> <p><i>Finance for non-finance Managers training</i></p>	
<p>Investigate potential for introducing a Community Survey within this term of office.</p>	<p><i>Engagement will be undertaken with draft Economic Development & Tourism Strategy</i></p>	



Monthly Operational Report – June 2023

Community & Economic Development

PART A: Section Accountabilities and Team Roles

Acting Manager Economic Development & Tourism – Beck Hayward	Manager Customer Service – Jodi Lees	Manager Community Services – Karen Buckley																																																																																																																		
<p>A healthy economy by enabling population growth through business development, investment, employment opportunities and growth in visitor numbers through destination marketing, visitor servicing and event development. Beck’s role is to support and enhance local business and visitor experiences in MRC. Promoting and facilitating economic development, business and employment opportunities and community development to promote and revitalise the communities within our LGA. Identification of state and federal funding opportunities to implement initiatives. Working with the volunteer committees across our communities to help achieve revitalisation projects such as construction of the new Wakool Bowling Club.</p>	<p>The Manager of Customer Services, provides organisational wide direction for Customer Service, overseeing the customer service team, library team, cemetery services and our internal and external call centre operations. Provision of customer service including Murray River Council business services, Service NSW, Banking Services, V/Line Services, and visitor servicing through council’s service centres.</p>	<p>Providing community service to our senior citizens including community transport, social respite services, meals delivery, home modification and maintenance services and youth engagement services.</p>																																																																																																																		
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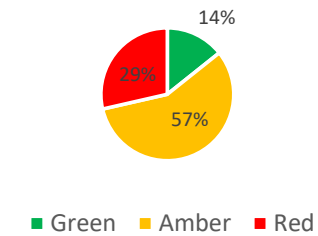


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Community & Economic Development

PART B: 4 Year Delivery Program and 1 Year Operational Plan

Operational Plan Delivery



Under the 4-year Delivery Plan, the Community and Economic Development Directorate relates to: Community development through community engagement and advocacy, Provision of community services to aged, disadvantaged and at-risk members of our communities, Provision of Youth Services, Provision of internal and external Customer services for MRC, Bendigo Bank, WAW Credit Union, VLine Transport services, library services, cemetery services and visitor information services. Business community growth and support services, investment and development support, visitor servicing, destination marketing and Grant procurement and funding.
The Community and Economic Development Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 2 – Goal 2 - Continue to be a trusted and ethical leader that leads by example.									
2.5 – Leadership that is trusted, capable and collaborative									
Develop and implement a Corporate Strategy (S DCED)	Deliver	(DP 2.5.3) Develop a Child Safe Strategy and implement as per NSW legislation	B: DCED P: O:	✓				Officers participated in Office of the Children’s Guardian (OCG) Supported Assessment Program, a free initiative for the child safe team at the OCG to help with implementation of the Child Safe Standards in Councils under the Children’s Guardian Act 2019. Officers also attended the fourth annual Child Safe Forum for Local Government during Child Protection Week.	●
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.3 – Disability Action Plan for Open Spaces / Disability Inclusion Action Plan									
Develop and implement a disability action plan for open spaces including a disability inclusion action plan. (S DCED)	Deliver	(DP 3.3.1) Disability Inclusion Plan developed and embedded into Councils day-to-day operations and design programs.	B: DCED P: O:	✓				MRC Staff and Community consultation regarding the Disability Inclusion Action Plan is now complete. MRC have developed our 2022-2026 DIAP with the aim of making our community more accessible and inclusive for people with disability. The DIAP is Council’s four-year plan that details our approach to enabling people with disability to fully participate in all aspects of the community. The DIAP has been adopted.	●
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.									
4.4 – Provide programs for targeted community demographics									
Develop after school programs, Youth engagement programs, computers for seniors etc. (S DCED)	Deliver, Partner, Advocate,	(DP 4.4.2) Investigate the requirement for targeted community programs for various demographics. Deliver programs as identified	B: DCED P: O:		✓	✓	✓		
	Advocate	(DP 4.4.3) Advocate for the implementation of an after-school care program for Mathoura	B: DCED P: O:		✓				
Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.									
4.11 – Community Health and Wellbeing Services including; Mental Health Services Health Services Aged Care Special care (disability housing / assisted living).									
Develop a Health and Wellbeing Strategy (S DCED)	Deliver	(DP 4.11.1) Strategy developed and implemented	B: DCED P: O:	✓	✓			Social Health and Wellbeing Strategy 2017 under review, draft update in progress	●



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Community & Economic Development

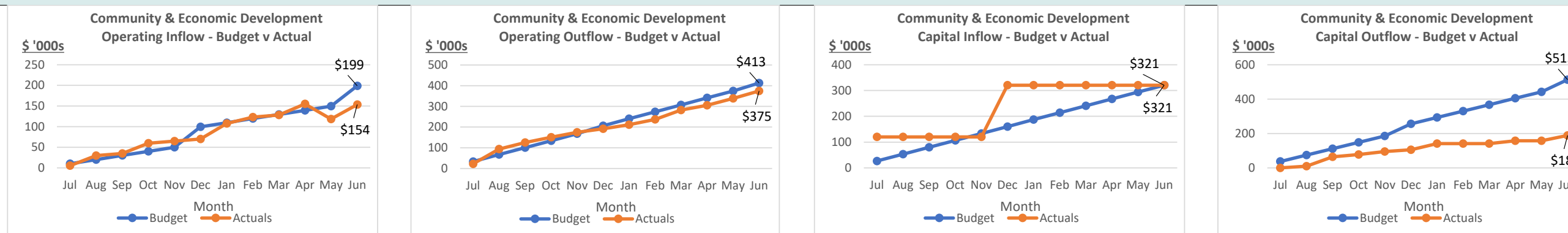
Health Services (S DCED)	Advocate	(DP 4.11.5) Advocate for increased availability of Doctors, Community and Rural Nurses, and associate services such as pathology, optometry, equipment hire and Ambulances for various locations across Council	B: DCED P: O:	✓	✓	✓	✓		●
Aged Care Services (S DCED)	Advocate	(DP 4.11.6) Advocate for the ongoing investigation and support of local aged care, retirement, special needs, disability and assisted living housing across various locations across Council	B: DCED P: O:		✓	✓			
Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.									
4.12 – Continue to provide and support services in remote communities with a focus on communicating the service availability and locations.									
Service Provision (S DCED)	Advocate	(DP 4.12.4) Increase advocacy across the region in relation to Community Health Services	B: DCED P: O:		✓	✓			
Theme 5 – Goal 1 – Encourage and support economic development across the region.									
5.1 – Development of Business Parks / industrial expansion.									
Industrial Expansion (S DSP)	Deliver	(DP 5.1.1) Prepare a business case relating to the expansion of industrial land, business parks and business growth required across the region and implement the findings	B: DSP P: O:	✓	✓	✓	✓	Proposals for Employment Lands Strategy received, appointment to be made prior to 30 June 2023. Consultant appointed June 2023	●
Theme 5 – Goal 1 – Encourage and support economic development across the region.									
5.2 – Commercial Investment Strategy.									
Develop a prospectus of commercial investment opportunities. (S DCED)	Advocate	(DP 5.2.2) Advocate for funding for aged care homes across the region	B: DCED P: O:			✓	✓		
	Advocate	(DP 5.2.3) Advocate for increased transport links for local producers	B: DCED P: O:			✓	✓		
	Advocate	(DP 5.2.4) Advocate for and encourage new and diverse industries to the region	B: DCED P: O:	✓	✓	✓	✓	Officers working with the Department of Regional NSW and Austrade, in discussions with internally renowned premium spice farmer looking to set up an Australian farming arm for export to global market. In discussions with international seed business looking to relocated to MRC. Officers met with local grain business looking to expand operations. Officers met with tourism business looking to diversify to accessible accommodation and caravan park tenants to discuss master plans and growth strategy. Director attended Investment Attraction Workshop with Department Regional NSW. Further workshop to identify specific industries to target for MRC to be undertaken. in June. Facilitated meetings with DRNSW and businesses in Tooleybuc, Koraleigh, Barham and Murray Downs. Prospect - new business opportunity for Koraleigh	●
Theme 5 – Goal 1 – Encourage and support economic development across the region.									
5.4 – Investigate alternative and renewable energy									
Investigate alternative and renewable energy. (S DCED)	Advocate	(DP 5.4.1) Advocate for various renewable energy projects underway and installed across the region	B: DCED P: O:	✓	✓	✓	✓	Officers currently engaged with numerous state significant projects taking place across the LGA – Energy Connect, Windlab, Kilara Energy & Wilan Energy Park. MRC submission to VNI West with feedback regarding route development/project study area. Participated in VNI regional reference workshop to discuss up to 6 alternative river crossing locations.	●
Theme 6 – Goal 3 – Advocate for improved public transport.									
6.6 – Public Transport that connects towns									
Develop a Public Transport Strategy and advocate for implementation. (S DCED)	Deliver, Partner, Advocate	(DP 6.6.1) Develop a Public Transport Strategy for our communities to become interconnected.	B: DCED P: O:		✓				



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Community & Economic Development

PART C: Financial Outcomes



PART D: Project Status

Economic Development & Tourism Strategy	<ul style="list-style-type: none"> Business and Economic Conditions Survey conducted. 58 x responses will now inform the development of an action plan to support EDT Strategy Draft and action plan in final stages, estimated completion end of July Proposals received for Employment Lands Strategy, consultant appointed June Economic Development Assistance Policy review in progress, draft complete, will need to align with final Eco Dev Strategy, estimated completion end of July
Barham Micro Abattoir	<ul style="list-style-type: none"> Construction complete. MDBEDP final report submitted. Occupation Certificate issued. DPI audit scheduled to take place in July. Lease should commence August 2023.
Australian Open Darts	<ul style="list-style-type: none"> Dates confirmed Monday August 14 – Sunday August 20 The presentation Dinner - Saturday August 12 following the conclusion of the Australian Championships.
Moama Lights	<ul style="list-style-type: none"> Economic Impact of 2022 event in excess of \$11.5m to local economy. 2023 dates 30 June to 23 July. Official event launch 30 June 2023 and sold out across first three nights
Murray Downs Industrial Land	<ul style="list-style-type: none"> Eco Dev team met with NSW Aboriginal Land Council. Follow up meeting scheduled with development adviser at NSW Aboriginal Land Council
Section 355 Committees	<ul style="list-style-type: none"> Review of Guidelines and management of facilities in progress Legal advice obtained for Mathoura Retirement Village and Moama Lions Community Village
Crisis Management	<ul style="list-style-type: none"> Corporate Comms Campaign and Advocacy Initiative Caravan Park Flood Recovery works Cross Border Recovery Initiatives Sussan Ley Visit Governor General visit Claims Workshop Newsletters, Business & Community Updates

PART E: Business as Usual

Customer Service (See detailed Customer Service Report)	<ul style="list-style-type: none"> Due to Techone training/implementation, the customer service centre in Moulamein was closed for 2 days. This had an impact on the transaction volumes for June. The call centre answered 1541 calls for June, a decrease of 266 calls from the previous month. 2 interments during June Tech Savvy Seniors Program in Barham – 27 participants and 10 waitlisted for next edition, 5 x participants in Mathoura at last session, Service NSW end of year figures reflect an increased uptake of online services. Voice of Customer Program, average for June 80% customer satisfaction The MVBC saw an increase of 52% on front counter transactions and 11% increase in receipting over May. The 3 main areas of Library, Council and Tourism were the main contributors to this increase. This reflects quite a large increase in foot traffic which is a good indicator that the town and tourists are making more use of the facilities. The Mobile library attended all sites during May. It was a busier month than April. We have had positive results from Murray Downs since moving the Mobile Library stop closer to residents. As result of this we have had 5 new members join the library during May.
Community Service	<ul style="list-style-type: none"> Home modifications \$610;



Monthly Operational Report – June 2023

Community & Economic Development

(See detailed Community Service Report)	<ul style="list-style-type: none"> • Meals x 245 • Transport NSW – 968 trips • Social support 1038 hours - Social support consists of group activities, Respite services, as well as 1:1 supports including wellness checks/phone calls and supported shopping etc. • Home maintenance 25 hours • After surveying the Moulamein and Wakool communities, a fortnightly shopping/access bus trip will be run from each centre. This service is funded through Transport for New South Wales, Community Transport program which aims to support those living in communities who are 'transport disadvantaged – eg. no access to public transport or public transport does not meet their needs – Taxi vouchers are also available in the Barham community as part of the Community Transport Program - these services are not age specific and can be used by all community members. • SIRS training took place as well as annual first aid and CPR training. • Community Transport Taxi Vouchers successful, increasing clients capacity for transport • Moulamein Youth Hub on hold due to incident involving youth attendees
Community Development	<ul style="list-style-type: none"> • During June the following events and activities took place – Echuca Steam Rally, MND fundraiser at Moama Beach, Moama Lights Ice skating, Moama Lights launch • Consultant appointed to deliver an MRC Arts and Culture Strategy; • A new operator was appointed for Moama Market and will commence on 30 July; • During May, Country Music Festival and Echuca Moama Wedding Expo • Museum advisor met with community committees in Moama, Barham, Moulamein, Mathoura to complete a needs analysis • During April – Teddy Bears Picnic, Mathoura Easter Fair, Discovery Day, ANZAC Day • Christmas Pop Up Trail • Australia Day Nominations closed. • Community newsletter distributed. • Support for the following community events: Moama Lions Christmas Carols, Australia Day, Christmas Events (Wakool, Goodnight, Barham, Mathoura, Tooleybuc & Koraleigh), Ganawarra Toy Drive, After the flood event music event organisers, • Case study -MRC in partnership with WMLIG was showcased by Local Government NSW sharing our Building Communities In Advance Project through the Increasing Resilience to climate change program with other Councils across NSW • Tooleybuc visit – Sports club, Hotel, Motel and Recreation Reserve Committee - 2023 priorities planning • Newsletter with information on flood support, grants, events and other updates • Champions League basketball 3x3 event • Supported delivery of the Southern 80 • Supported NSW Golf Open • Cinema pop up events in Mathoura, Bunnaloo, Barham and Murray Downs • Teddy Bears Picnic • Supported Riverdaze in Barham • Supported Celebration of Moulamein
Economic Development (See detailed Economic Development & Tourism Report)	<ul style="list-style-type: none"> • During June one newsletters were sent to Council's business and community database, with information on flood support, grants, events, and other updates. • EDT officers met with Moama Local Lands Council; • Agritourism workshop held in Barham to identify opportunities in our region • TO attended Victorian and NSW Destination & Visitor Economy Conference • Moama, Barham and Mathoura named finalists in the NSW Top Tourism Town awards • Grant funding received – Country Passenger Infrastructure Grants \$69,000 for 6 x new bus shelters. Local Roads & Community Infrastructure \$1,073,936 for road projects. Applications submitted – EOI Growing Regional Economies Meninya Street Stage 1, Start Strong Cadetship Program for 3 x planning cadets. • Beck Hayward appointed as Manager Economic Development & Tourism • Tiana Cronin appointed Grants Officer • Julia Druitt appointed Economic Development Officer • Meeting with Crown Lands • Country Universities Centre – to commence investment prospectus (Edward River, Hay, Berrigan and MRC) • Successful Grant submissions: Fixing Local Roads (\$1.3m), Local Government Recovery Grant (\$1m), Regional and Local Roads Repair Program (\$5.4m), Fixing Country Roads (\$6.8m) • Transgrid returning as platinum partner Moama Lights 2023 • Work Here, Live Here, Play here – regional investment prospectus joint initiative with Campaspe Shire • Draft Economic Development & Tourism Strategy and Action Plan almost complete. • Meeting with existing business looking to relocate to Moama. • Meeting with existing local business looking to expand operations. • Meeting with Bendigo TAFE • EDA webinar • Met with Penrith City Council to discuss employment lands strategy development. • In partnership with Campaspe Shire, Eco Dev organised the 2022 Campaspe Murray Business Awards held on 12 October 2022. 270 people attended. The Awards were well received, and the winning businesses were thrilled to be recognised for their hard work and talent. • Flood response – comms to the community, business and primary producers, coordination of community meetings, advocating for support for community and business to commence recovery process.



Monthly Operational Report – June 2023

Community & Economic Development

	<ul style="list-style-type: none"> • Attended National Economic Development Australia Conference in Sydney. • Windlab, development of community grants program; • Moama Market Lease review • Australia Day Event coordination • Museum advisor met with Moulamein Men’s Shed, Border Flywheelers and Friends of Old Moama • International Women’s Day sold out event in Barham, 85 x attendees
Tourism	<ul style="list-style-type: none"> • <i>Promotion and Marketing of Moama Lights and Barham Balladeers Country Music Festival</i> • <i>Securing Sponsorship opportunities for Moama Lights including McDonalds, Riverine Herald, Edge FM and Kyabram Fauna Park; as well as facilitating the “Moama Lights Partnership Promotion” and getting the offer out to local businesses</i> • <i>Ensuring local businesses have sufficient collateral to promote Moama Lights (e.g. tourism businesses are giving out postcards and have posters up)</i> • CluBarham will host Tennis Seniors Victoria to run the 2023, 2024 and 2025 Tennis Seniors Victoria ITF & Tri-State Series Tournament to be conducted at Barham Tennis Club over 5 days from 13-17 September 2023 (to be confirmed). It is anticipated that the event will attract approximately 120 participants (competitors and officials) as well as their accompanying partners. • CluBarham will host Bowls Victoria to run the Over 60’s State Championships and the Women’s Country Carnival, commencing 2024. Both events will bring significant visitors to the region. • Launch of Autumn/Winter Campaign • Tourism Officer invested a lot of time in March submitting nominations for Moama, Mathoura and Barham for Top Tourism Awards. All 3 towns have since been named finalists in the awards. • Although tourism numbers are still down due to the floods and lack of camping, we have seen an influx of visitors during February. With numbers still down by around 30%, we still had a 20% increase on visitation from January. • RRGC secured the NSW Open Golf Tournament being held in March. • Preparing content for Visit River Country website to reflect Autumn. • Working with Club Barham to assist them to secure major 2024 Bowling Tournament • Launch of the Backroads Trail • Planning and securing sponsorship for Moama Lights • Promotion and Marketing of February events in the area including Celebration of Moulamein Festival, Riverboats Music Festival and the Barham Fishing Comp; ensuring website and social media are up to date also liaising with Media to ensure events are promoted sufficiently. • Destination NSW CEO visit to the Murray River Region

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●●●
			●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
14/09/2022	New Moama Preschool	Council has resolved to move forward with the project subject to a significant capital contribution by the MDPS. Tender submissions – cost to complete project	Council has resolved to move forward with the project subject to a significant capital contribution by the MDPS.. Site preparation commenced.	●●●

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Moulamein South Recreation Reserve - AGM	190623	<p>RESOLUTION 190623</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Revoke existing members of the Moulamein South Recreation Reserve Committee of management; and 2. Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the February 2023 AGM. 	Ryan, Sarah	●



Monthly Operational Report – June 2023

Community & Economic Development

CARRIED

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Kyalite Progress & Recreation Reserve Committee - AGM	180623	<p>RESOLUTION 180623</p> <p>Moved: Cr Dennis Gleeson</p> <p>Seconded: Cr Neil Gorey</p> <p>That Council:</p> <ol style="list-style-type: none"> Revoke existing members of the Kyalite Progress & Recreation Reserve Association Committee; and Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the July 2022 AGM. 	Ryan, Sarah	●
CARRIED					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Moama Lions Community Village Committee - Request for rate waiver	200623	<p>RESOLUTION 200623</p> <p>Moved: Cr Dennis Gleeson</p> <p>Seconded: Cr Frank Crawley</p> <p>That Council not approve a rate waiver for the Moama Community Lions Village units located at 10 & 12 Council Street Moama until construction of the new units commences.</p> <p><u>In Favour:</u> Crs Chris Bilkey, Neil Gorey, Frank Crawley and Dennis Gleeson</p> <p><u>Against:</u> Crs Nikki Cohen, Thomas Weyrich, Kron Nicholas and Geoff Wise</p>	Ryan, Sarah	●
EQUAL					
CARRIED					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Moama Lions Community Village Committee - Request for rate waiver	200623	<p>RECOMMENDATION</p> <p>That Council consider (in the positive or negative) a rate waiver for the Moama Community Lions Village units located at 10 & 12 Council Street Moama until construction of the new units commences.</p>	Ryan, Sarah	●



Monthly Operational Report – June 2023

Community & Economic Development

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Moulamein Courthouse and Men's Shed - AGM	170623	<p>RESOLUTION 170623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Revoke existing members of the Moulamein Courthouse and Men's Shed Committee of management; and 2. Pursuant to Section 355 of the <i>Local Government Act 1993</i> appoint the new committee members nominated at the May 2023 AGM. <p style="text-align: right;">CARRIED</p>	Ryan, Sarah	●

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	GRANT FUNDING APPLICATIONS - MAY 2023	140623	<p>RESOLUTION 140623</p> <p>Moved: Cr Frank Crawley</p> <p>Seconded: Cr Geoff Wise</p> <p>That Council receive and note the Grant Funding Applications Report for May 2023.</p> <p style="text-align: right;">CARRIED</p>	Cronin, Tiana	●
<p>06 Jul 2023 10:54am Cronin, Tiana - Completion</p> <p>Completed by Cronin, Tiana (action officer) on 06 July 2023 at 10:54:08 AM - No further action was required</p> <p>06 Jul 2023 10:54am Cronin, Tiana - Notification</p> <p>Ryan, Sarah (first authoriser) notified by Cronin, Tiana (action officer) on 06 July 2023 at 10:54:20 AM, Sent to Sarah Ryan for authorisation, Notified by Tiana Cronin</p>					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	MRC Community Financial Assistance Program Framework 2023-24	130623	<p>RESOLUTION 130623</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Dennis Gleeson</p> <p>That Council approve the updated Community Financial Assistance Program Framework 2023-24 document, including the list of annual allocation recipients.</p> <p style="text-align: right;">CARRIED</p>	Cronin, Tiana	●
<p>06 Jul 2023 10:53am Cronin, Tiana - Completion</p> <p>Completed by Cronin, Tiana (action officer) on 06 July 2023 at 10:53:28 AM - No further action was required.</p> <p>06 Jul 2023 10:53am Cronin, Tiana - Notification</p> <p>Ryan, Sarah (first authoriser) notified by Cronin, Tiana (action officer) on 06 July 2023 at 10:53:51 AM, Sent to Sarah Ryan for authorisation, Notified by Tiana Cronin</p>					



Monthly Operational Report – June 2023

Community & Economic Development

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Section 355 Committee Report - Meeting Minutes as at June 2023	160623	<p>RESOLUTION 160623</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Kron Nicholas</p> <p>That Council receive and note the June 2023 Section 355 Committee Report.</p>	Ryan, Sarah	●
CARRIED					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Update on Economic Development and Tourism Strategy	150623	<p>RESOLUTION 150623</p> <p>Moved: Cr Dennis Gleeson</p> <p>Seconded: Cr Neil Gorey</p> <p>That the Officer's report on providing an Update on Economic Development and Tourism Strategy as of 15 June 2023 be received and the information noted by the Council.</p>	Ryan, Sarah	●
CARRIED					
<p>07 Jul 2023 2:31pm Ryan, Sarah</p> <p>SR - no further action required. Draft strategy to be reported at future Council meeting.</p>					

Council resolutions outstanding outside 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 28/03/2023	Proposal - Access to Utility Scale Renewable Energy Generation and Storage	330323	<p>RESOLUTION 330323</p> <p>Moved: Cr Nikki Cohen</p> <p>Seconded: Cr Neil Gorey</p> <p>1. Approve the CEO to respond to the expression of interest to host one or more Town Power Projects;</p>	Ryan, Sarah	●
CARRIED					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 26/04/2022	Commercial Development Enquiries - Murray Downs	240422	<p>MOTION</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Nikki Cohen</p>	Ryan, Sarah	●



Monthly Operational Report – June 2023

Community & Economic Development

	<p>That Council</p> <ol style="list-style-type: none"> 1. Take steps to rezone the 3.8Ha land on Moulamein Road Swan Hill to RU5 Village. 2. Include \$50,000 in the 2022/2023 budget to cover the cost of rezoning and development of a subdivision proposal 3. Provide a further report to council when the rezoning is completed, and the subdivision proposal has been prepared. <p>RESOLUTION 240422</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Nikki Cohen</p> <p>AMENDMENT TO MOTION</p> <ol style="list-style-type: none"> 1. Take steps to rezone the 3.8Ha land on Moulamein Road Swan Hill to an appropriate zoning. 2. Include \$50,000 in the 2022/2023 budget to cover the cost of rezoning and development of a subdivision proposal 3. Provide a further report to council when the rezoning is completed, and the subdivision proposal has been prepared. <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis Gleeson</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 8/0 CARRIED</p>
<p>11 May 2022 11:17am Leyonhjelm, Lindy - Reallocation</p> <p>Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel</p> <p>12 Jul 2022 4:48pm Leyonhjelm, Lindy - Reallocation</p> <p>Action reassigned to Harvie, John by Leyonhjelm, Lindy - JH to complete</p> <p>13 Jul 2022 7:41am Harvie, John</p> <p>Preparing a quotation brief</p> <p>13 Sep 2022 8:24am Harvie, John</p> <p>Determining the appropriate zoning for this parcel of land.</p> <p>05 Oct 2022 1:34pm Harvie, John</p> <p>Finalizing suitable zone and engaging consultant to prepare the application to rezone.</p> <p>09 Nov 2022 10:42am Leyonhjelm, Lindy - Reallocation</p> <p>Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Acting Director Community & Economic Development to continue with actions require</p> <p>04 May 2023 10:22am Ryan, Sarah - Target Date Revision</p> <p>Target date changed by Ryan, Sarah from 10 May 2022 to 30 June 2023 - SR - budget dependent</p>	

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 25/02/2020	Murray Downs Land - Compulsory Acquisition	220220	<p>RESOLUTION 220220</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Geoff Wise</p> <p>That the Council:</p>	Ryan, Sarah	●



1. Agree to proceed with the compulsory acquisition of the 20Ha site located on the Swan Hill to Moulamein Road at Murray Downs for the purpose of future development of a business/industrial park or other appropriate use.
2. Agree to offer the Local Aboriginal Land Council two lots, totalling not more than 5000sqm, free of charge within the completed development for the purposes of conducting retail or wholesale trade or manufacturing.
3. Upon finalisation of the acquisition of the land, the land be classified as "Operational" land in accordance with Section 31 (2) of the NSW Local Government Act 1993.
4. Delegate authority to the Mayor and General Manager to sign and apply the Common Seal of Council to all documentation relating to the purchase of the land.

CARRIED

17 Mar 2020 12:19pm Keogh, Kerri

No comment received on this matter as at 17/03/20.

31 Mar 2020 2:45pm Harvie, John

The Murray Downs Local Aboriginal Land Council (LALC) has been notified of councils decision. The LALC has commenced action to have the 20Ha lot exempted from the blanket claim on all NSW Travelling Stock Routes.

21 Apr 2020 9:28am Keogh, Kerri

No further comment/update received on the matter as at 21/04/20.

18 May 2020 2:37pm Keogh, Kerri

No further comment/update on this matter as at 18/05/20.

27 May 2020 7:38am Harvie, John

Wamba Wamba nation are finalising an exemption from statewide TSR land claim for the 20Ha parcel of land. Once received compulsory acquisition process will commence.

18 Jun 2020 9:43am Lewandowski, Rosemarie

No further update at this time.

16 Jul 2020 9:51am Harvie, John

Still waiting on exemption from blanket TSR claim by NSW Aboriginal Land Council.

07 Aug 2020 7:22am Harvie, John

As above.

14 Oct 2020 9:50am Harvie, John

As above.

23 Dec 2020 8:25am Harvie, John

NSW Aboriginal Land Council taking steps to provide a 'No Objection' consent to enable the process to move forward.

12 Feb 2021 9:25am Harvie, John

As above

05 Mar 2021 12:02pm Harvie, John

Negotiations are continuing

07 Apr 2021 9:07am Harvie, John

Meeting with CEO Wamba Wamba wc 19/04/21

10 Jun 2021 4:07pm Harvie, John

Negotiations are still continuing slowly.

15 Jul 2021 7:52am Harvie, John

As above.



Monthly Operational Report – June 2023

Community & Economic Development

14 Sep 2021 2:48pm Harvie, John

As above

12 Oct 2021 9:23am Harvie, John

NSW Aboriginal Land Council and the Murray Downs Local Aboriginal Land Council have agreed to provide a 'No Objection' letter supporting a development application by council to develop a businesspark in Murray Downs.

02 Nov 2021 9:07am Harvie, John

Advice received from Kell Moore in relation to the procedure for compulsory acquisition.

08 Dec 2021 8:34am Harvie, John

DA being prepared.

12 Jan 2022 10:50am Harvie, John

As above

11 May 2022 11:18am Leyonhjelm, Lindy - Reallocation

Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel

12 Jul 2022 4:47pm Leyonhjelm, Lindy - Reallocation

Action reassigned to Harvie, John by Leyonhjelm, Lindy - JH to completed

13 Jul 2022 7:39am Harvie, John

Work in Progress

13 Sep 2022 8:16am Harvie, John

This matter will now be actioned by the Director of Community and Economic Development and the manager of Contracts and Leases.

05 Oct 2022 1:30pm Harvie, John

A meeting with the Acting CEO of Wamba Wamba was held on 05/10/2022

09 Nov 2022 10:41am Leyonhjelm, Lindy - Reallocation

Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Acting Director Community & Economic Development to continue with actions required

10 Nov 2022 7:00am Ryan, Sarah

SR - JH/SR met with Local Aboriginal Land Council. A subsequent meeting with NSW Aboriginal Land Council was postponed late October due to flood event. Meeting to be rescheduled in November.

16 Mar 2023 9:05am Ryan, Sarah

SR - met with Local Aboriginal Land and NSW Aboriginal Land Council. It was proposed that the Local Aboriginal Land Council claim the land and progress the industrial development with support from MRC due a recent find of remains on an adjacent block of land.

04 May 2023 10:21am Ryan, Sarah - Target Date Revision

Target date changed by Ryan, Sarah from 10 March 2020 to 30 June 2023 - SR in discussions with NSWALC.

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)



Community services celebrated our volunteers with a lunch at the Barham Hotel – Volunteers and staff travelled from locations across council – Mathoura, Moama, Moulamein & Tooleybuc for the celebration.



Monthly Operational Report – June 2023

Community & Economic Development

Moama Lights was successfully launched on 30 June, following an enormous effort from many staff across Council. As of 4 July, the earned media received through our Moama Lights promotion has received a reach of 7,266,442 and an Advertising Sales Rates value of \$2,975,008. Ticket sales are strong. The opening weekend saw over 5000 visitors through Horseshoe Lagoon. An official launch was attended by media, partners and key stakeholders. Guests were treated to a first glimpse of the event followed by formalities and refreshments at Junction Moama on Friday evening.



PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

On Thursday 6 July Council officers had to make the unfortunate decision to cancel the Moama Lights component of the Moama Lights, Lighting up the Murray in Echuca Moama festival. Due to rising river levels, the compound located in Horseshoe Lagoon was due to be inundated. All equipment had to be moved off site which unfortunately put an end to the show. Many Council staff worked around the clock in an attempt to beat the rapidly rising water to ensure a safe and efficient bump out. A huge thankyou to Councils Parks and Gardens, Works and Economic Development and Tourism Teams. Special thanks to Jack Bond, Phil Smith, Jacko Williamson, Matt Sherman, Nathan O’Callaghan, Tim Moodie, Chris Vesty, Luke Hartshorn for working extended hours to move equipment off site.



All ticket holders will be full refunded the value of their tickets. Whilst the lights component of the event is cancelled, the rest of the festival will operate through to July 23. Council officers hope to see the event return in 2024.

Due to Techone Training and implementation, the customer service centre in Moulamein was closed for 2 days. This had an impact on the transaction volumes for June. Service NSW end of year figures reflect an increased uptake of online services. Many services provided by Service NSW now provide their customers the choice of attending an office or conducting their business via a mobile application or via the Service NSW website. Doctors are now able to upload Fitness to Drive assessments directly to Service NSW which has decreased the number of people attending our customer service centres to submit assessments.



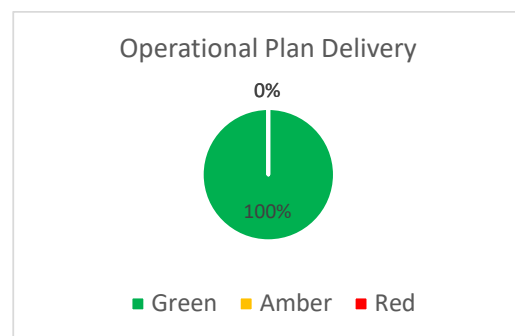
Monthly Operational Report – June 2023

Community Services

PART A: Section Accountabilities and Team Roles

Manager Community Services - Karen Buckley	Quality and Administration Officer	Team Leader Social/Respite Services	Community Transport/Meals Co-Ordinator	Coordinator Home Support	Administration Officer	Youth Engagement Officer																																																																																																																								
Maintain operations of the Community Services Program as the 3 - all areas 2 - all areas except for Quality Services	Monitor, Develop and assist “actioners’ to Implement actions from the Community Services – Continuous Improvement Plan, to ensure compliance of service delivery within respective Commonwealth and State Govt Programs – within the scope of services delivered within Community Services. C.I.Plan measures against: - the Commonwealth Aged Care Standards and - the NSW Childsafe Standards	Provide co-ordination of services delivery of frail-aged services under the Commonwealth Home Support Program within the Community Services Department	Provide co-ordination of services delivery to clients receiving Community Transport and Meals Delivered services																																																																																																																											
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PART B: 4 Year Delivery Program and 1 Year Operational Plan



- Under the 4 year Delivery Plan, the Community Services Unit relates to:
1. deliver safe, sustainable human/social services to residents through our contract agreements held by both State and Australian Commonwealth Governments.
 2. identify and advocate for increased (external) services, in areas where there are evident gaps in service delivery.

The Community and Economic Directorate directly oversees the delivery of these outcomes.



Monthly Operational Report – June 2023

Community Services

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	 	
				1	2	3	4			
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.										
4.2 – Formation of Networks - training and networking to fulfil social function and spark migration of ideas										
Engage with Community Groups and develop social programs. (S DCED)	Deliver	(DP 4.2.1) Development of a Youth Forum	B: MCS P: YEO O: YEO		✓					
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.										
4.3 – Health and Wellbeing program options for all residents										
Engage with Murrumbidgee Local Health Network and cross border equivalents. (S DCED)	Advocate	(DP 4.3.1) Advocate for health and wellbeing programs for all residents (all ages and demographics)	B: MCS P: MCS O: MCS	✓	✓	✓	✓	Attending: LHAC meetings, Campaspe Murray Mental Health Network meetings, Loddon Mallee Public Health Unit (LMPHU) LMPHU Buloke, Gannawarra and Campaspe Stakeholder Huddle, Deniliquin Mental Health Awareness Group.		
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.										
4.4 – Provide programs for targeted community demographics										
Develop after school programs, Youth engagement programs, computers for seniors etc (S DCED)	Advocate	(DP 4.4.1) Advocate for youth activities / youth group / youth centres in various locations across Council	B: MCS P: YEO/TL O: YEO/TL		✓					
Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.										
4.11 – Community Health and Wellbeing Services including; Mental Health Services Health Services Aged Care Special care (disability housing / assisted living).										
Continue to deliver the Commonwealth Social Support Program, Community Transport Program and Home Modification Programs across Council. (S DCED)	Deliver	(DP 4.11.2) Programs delivered in line with funding	B: MCS P: MCS O: MCS	✓	✓			CHSP and TfNSW projects continued to be delivered in line with grant funding. Department of Health grant agreement updated to 30/06/24. Transport for NSW grant funding updated to 30/06/24		
Health Services (S DCED)	Advocate	(DP 4.11.3) Advocate for better promotion of mental health services at various locations across Council	B: MCS P: MSC O: MSC		✓	✓				
	Advocate	(DP 4.11.4) Advocate for Garden of Hope Mental Health Project	B: MCS P: MSC O: MSC		✓					
Community Health (S DCED)	Deliver	(DP 4.11.7) Develop a program to recognise and address loneliness across the Council region.	B: MCS P: MSC O: MSC			✓				
Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.										
4.12 – Continue to provide and support services in remote communities with a focus on communicating the service availability and locations.										

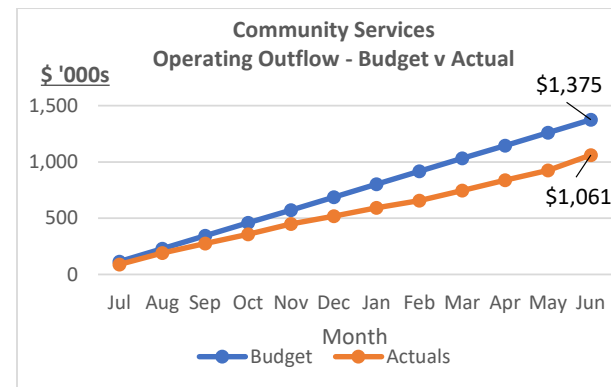
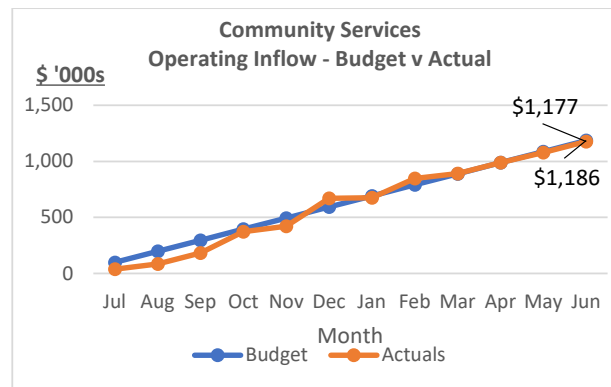


Monthly Operational Report – June 2023

Community Services

Service Provision (S DCED)	Advocate	(DP 4.12.1) Advocate for community based mental health first aid courses to be run across various locations within the LGA	B: MCS P: MSC O: MSC	✓	✓			
Theme 6 – Goal 3 – Advocate for improved public transport.								
6.6 – Public Transport that connects towns								
Continue to deliver Community Transport options to a variety of community members. (S DCED)	Advocate	(DP 6.7.1) Continued use of Community Transport Services	B: MCS P: MCS O: CHS	✓				

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

After surveying the Moulamein and Wakool communities, a fortnightly shopping/access bus trip will be run from each centre. This service is funded through Transport for New South Wales, Community Transport program which aims to support those living in communities who are ‘transport disadvantaged – eg. no access to public transport or public transport does not meet their needs – Taxi vouchers are also available in the Barham community as part of the Community Transport Program - **these services are not age specific and can be used by all community members.**

During June the Community Services Aged Care team delivered the following supports:

Social Support - 1038 hours - Social support consists of group activities, Respite services, as well as 1:1 supports including wellness checks/phone calls and supported shopping etc.

Meals - 245 meals - Home Maintenance - 25 hours , Home Modifications - \$2097, Transport – 968 trips

YHub continues in Moulamein with young people provided the opportunity for social participation – various activities and a light meal is provided. An average of 10 younger people attend each week.

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●



Monthly Operational Report – June 2023

Community Services

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	

Council Resolutions (Completed, Within 3 months, Over 3 months)

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Community services celebrated our volunteers with a lunch at the Barham Hotel – Volunteers and staff travelled from locations across council – Mathoura, Moama, Moulamein & Tooleybuc for the celebration.



PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



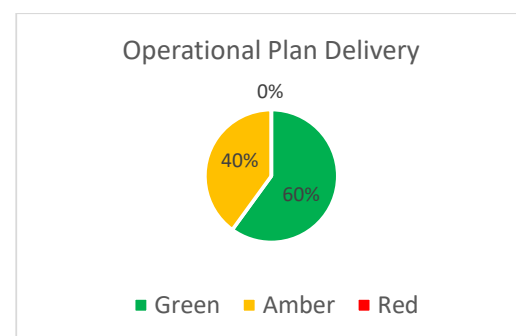
Monthly Operational Report – June 2023

Customer Service

PART A: Section Accountabilities and Team Roles

Manager Customer Service – Jodi Lees	Coordinator Customer Service – Roger Pinson																																																																								
<p>The Manager of Customer Services, provides organisational wide direction for Customer Service, in particular overseeing the customer service team, library team and our internal and external call centre operations.</p> <p>Business agencies, including Service NSW, V Line, Bendigo Bank and WAW Bank are available through our 4 in-house Customer Service locations.</p>	<p>Working closely with the Manager of Customer Service, this role provides daily operational support to the customer services team</p>																																																																								
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PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Customer Service Unit relates to: Customer Service, Library Services, Business Agencies, After Hours Call Centre. The Community and Economic Development Directorate directly oversees the delivery of these outcomes.



Monthly Operational Report – June 2023

Customer Service

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments		
				1	2	3	4			
Theme 2 – Goal 1 – Deliver exceptional and consistent service to our internal and external community										
2.1 – Visitor and Resident information										
Development of a Community Directory and general information relevant to Council and local services. <i>(S DCED)</i>	Deliver, Partner Advocate	(DP 2.1.1) Ensure Service NSW services are communicated and frequently visit outlying locations	B: M ^C USS P: M ^C USS O: M ^C USS	✓	✓			We work with Community Engagement teams to ensure that Service NSW and Services Australia visits are communicated to our communities via newsletter and social media as well as display signage in our nearby offices. We have a proposal into Service NSW to allow us to provide their services to our outlying locations on the Mobile Library Customer Service Centre.		
Theme 2 – Goal 1 – Deliver exceptional and consistent service to our internal and external community										
2.2 – Provide a variety of options on how people can contact Council										
Develop a community access/engagement strategy including digital platforms and by phone. <i>(S DCED)</i>	Deliver	(DP 2.2.1) Ensure face to face service centres are retained across the region	B: M ^C USS P: M ^C USS O: C ^C USS	✓				Business as usual. Customer service is provided in all offices 5 days a week and via the Mobile Library Customer Service Centre fortnightly in the Murray Downs area, Wakool and Tooleybuc.		
	Deliver	(DP 2.2.2) In addition to online information capture – continue to use paper-based forms for non-tech savvy community members	B: M ^C USS P: M ^C USS O: C ^C USS	✓				Paper based forms are available to customers in our branches as well as Customer Service Officers completing them online for customers at the counter and over the phone. Regular updated Council, Bendigo Bank, WAW, Services Australia and Service NSW brochures are available in the relevant offices.		
	Deliver	(DP 2.2.3) Develop a community access/engagement strategy including digital platforms and by phone. Implement a customer satisfaction annual survey and rating system to note service satisfaction with Council services	B: M ^C USS P: M ^C USS O: M ^C USS		✓	✓	✓			
Theme 2 – Goal 1 – Deliver exceptional and consistent service to our internal and external community										
2.3 – Customer Service Charter										
Develop and implement a fully integrated Customer Relationship Management (CRM) process and system <i>(S DCED)</i>	Deliver	(DP 2.3.1) Customer Service Charter to be aligned and implemented across Council’s Business Units	B: M ^C USS P: M ^C USS O: M ^C USS	✓				Consultation with MRC staff has taken place with great feedback and responses. The Customer Service team will be obtaining feedback via Customer Feedback forms at the counter and surveys via phone. The questionnaire has been developed in conjunctions with Community Engagement and are designed in a way that will allow us to capture insights into opportunities to improve the customer experience. We will ascertain our customer’s expectations which will allow us to develop a charter that will be achievable, suiting both customer and business needs.		
	Deliver	(DP 2.3.2) All Council staff to undertake and complete Customer Service Training	B: M ^C USS P: M ^C USS O: M ^C USS		✓	✓				
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.										
3.12 – Cemeteries / commemoration										
Cemeteries have an identifiable level of service and standard across the Council area.	Deliver	(DP 3.12.1) Investigate level of services and complete an asset review for all of Councils cemeteries.	B: M ^C USS P: M ^C USS O: M ^C USS		✓					

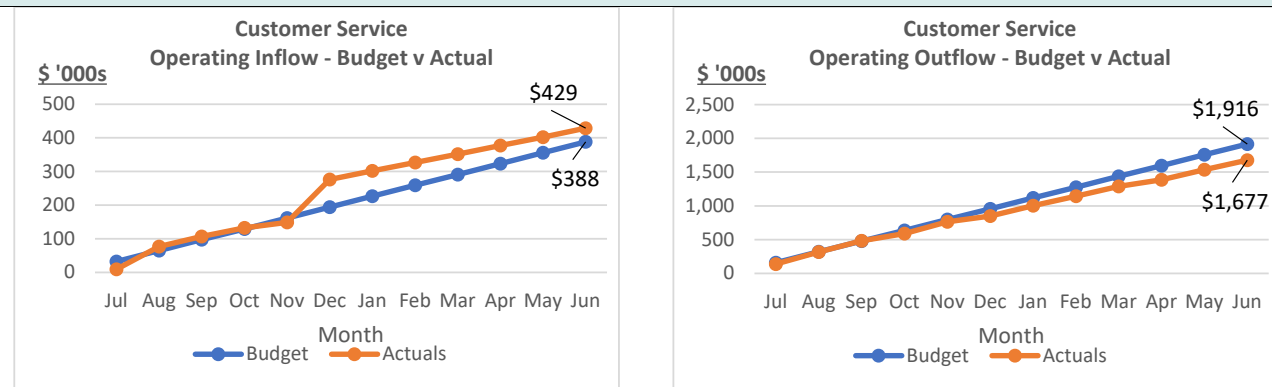


Monthly Operational Report – June 2023

Customer Service

(S DCED)									
Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.									
4.2 – Formation of Networks - training and networking to fulfil social function and spark migration of ideas									
Engage with Community Groups and develop social programs. (S DCED)	Deliver	(DP 4.2.3) Increase social interaction / library programs	B: MCUSS P: MCUSS O: CCUSS	✓	✓	✓	✓	Library programs are running in all libraries. We provide storytime for preschool age children, library visits from schools and preschools in our static branches and visitation from our Mobile Library Customer Service Centre to the outlying areas, Tech Savvy for Seniors, Be Connected for community members, Move and Groove, Lego and Craft after school sessions, Games afternoons and book club. These are programs are ongoing.	●
Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.									
4.12 – Continue to provide and support services in remote communities with a focus on communicating the service availability and locations.									
Service Provision (S DCED)	Advocate	(DP 4.12.2) Advocate for increased access to government services in smaller communities across Council - i.e. Service NSW, Services Australia	B: MCUSS P: MCUSS O: MCUSS		✓				
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.3 – Apply data sources to improve corporate decision making.									
Enable interoperability between internal and Smart City systems (S DCED)	Deliver	(DP 7.3.3) Use AI on recorded calls to provide feedback on customer satisfaction	B: MCUSS P: MCUSS O: MCUSS			✓			

PART C: Financial Outcomes



PART D: Project Status

N/A

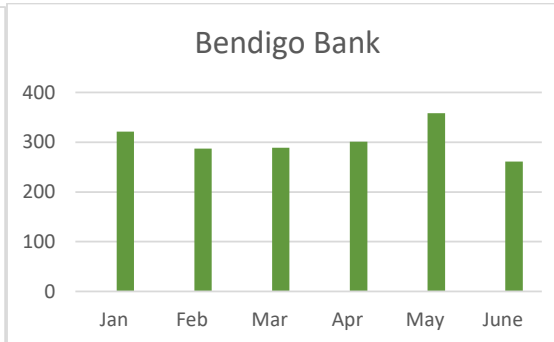
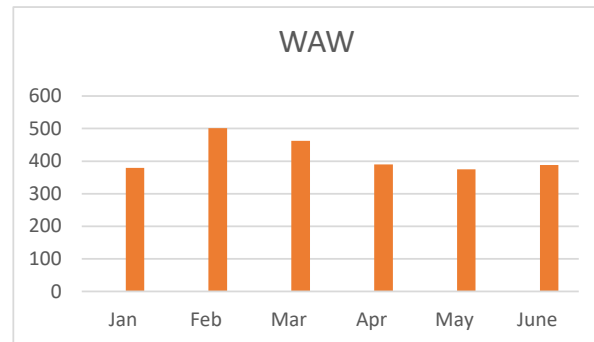


Monthly Operational Report – June 2023

Customer Service

PART E: Business as Usual

WAW and Bendigo Bank Monthly Transaction Statistics



WAW Moulamein

Month	Jan	Feb	Mar	Apr	May	June
WAW Number transactions	379	501	462	390	375	388
WAW non dep. wdl transactions	72	84	95	67	50	68

Bendigo Bank Mathoura

Month	Jan	Feb	Mar	Apr	May	June
Bendigo Number transactions	321	287	289	301	358	261
Bendigo non dep. wdl. transactions	112	111	136	110	75	128

Moulamein WAW Agency conducted 388 deposit and withdrawal transactions for June. The Moulamein team recorded 68 non deposit and withdrawal transactions in June. These figures show an increase compared to the previous month. The non deposit and withdrawal transactions varied between change requests, balance checks print out and update requests. The Moulamein Business Centre reduced operating hours on the 16th and 29th June so team members could attend TechOne training in Barham.

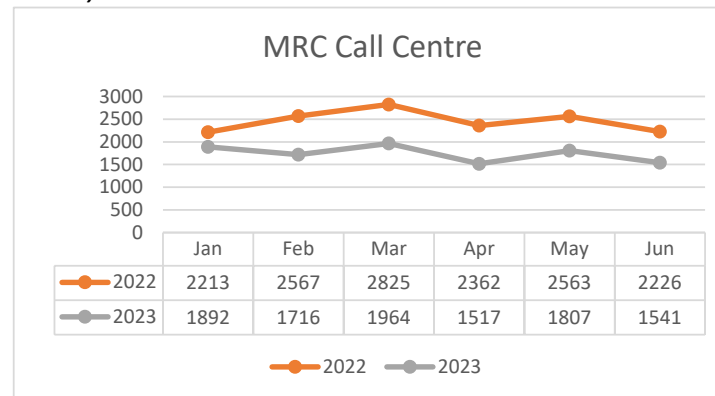
WAW financial transactions for the 22/23 year were 4566 and there were 699 non-financial transactions conducted.

Mathoura Bendigo Bank conducted 261 deposits and withdrawal transactions in June with the team recording 128 non deposit and withdrawal transactions. This was a significant increase in the non deposit and withdrawal transactions in June.

Bendigo Bank financial transactions for the 22/23 year were 3742 with 1398 non-financial transactions conducted.

MRC Call Centre Monthly Statistics

Murray River Council – Business Hours



The call centre answered 1541 calls for June, a decrease of 266 calls from the previous month. The decrease is due to the closure of the call centre on two occasions for TechOne training purposes.

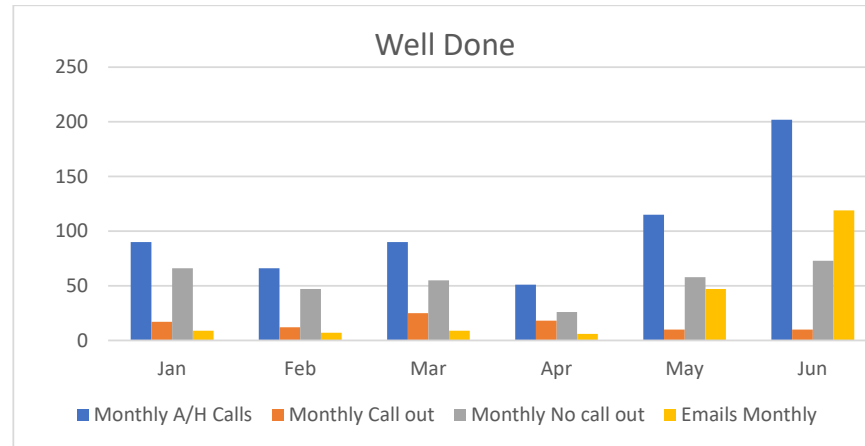
The total calls for the 22/23 period for Murray River Council excluding after hours calls was 22,374 with an additional 721 returned calls made in relation to abandoned calls.

The MVBC also had 28 library attendees, 178 council transactions and enquiries, and 76 tourists through the centre. The total time spent on receipting was 1201.5 minutes for the month. 19 people attended to use the public access computers and we had 24 people attend for games day and art group. Attendance numbers generally fall in the colder months.



Monthly Operational Report – June 2023

Customer Service



Well Done

Month	Jan	Feb	Mar	Apr	May	Jun
Monthly A/H Calls	90	66	90	51	115	202
Monthly Call out	17	12	25	18	10	10
Monthly No call out	66	47	55	26	58	73
Emails Monthly	9	7	9	6	47	119

The After Hours Call Centre had a total of 202 calls for June and 10 of these were call outs while 119 email notifications were sent to Admin for distribution. The large number of email notifications was due to the call centre being closed (15/6/2023 and the 29/06/2023) and calls diverted to Well Done. Closure on those dates was due to all Customer Service staff training on Tech 1 in anticipation of receipting going live on 1/7/2023.

The total number of calls to the After Hours Call Centre for the 22/23 year was 1081, with 197 call outs made, and 251 emails distributed via the records team.

V/Line

There were 80 transactions for June VLine sales. People are starting to book online and attend the Barham office to have their tickets printed. There were 14 online booking attendees so 94 transactions in total.

Service Requests

475 service requests were lodged through Customer Service and our Records team last month with 411 finalised. The total amount of Service Requests lodged for the 22/23 year was 7405 with 5913 finalised.

We had 32 Snap Send Solve requests lodged for June relating Compliance, Transport Services, Parks & Open Space and Building & Facilities. The total amount of Snap Send Solve requests for the 22/23 year were 266.

Cemeteries

We have had a total of 2 interments and no plaques installed for the month of June.

	Interments	Plaques
Barham	0	0
Mathoura Lawn	1 Cremated remains	0
Mathoura Pioneer	0	0
Moama	1 Burial	0
Moulamein	0	0
Tooleybuc	0	0

22/23 End of Year

	Interments	Plaques (recorded since February)
Barham	21 Burials, 5 Cremated remains	14
Mathoura Lawn	2 Cremated remains	1
Mathoura Pioneer	1 Burial	0
Moama	24 Burials, 12 Cremated remains	16
Moulamein	4 Burials, 1 Cremated remains	1
Tooleybuc	2 Burials	0
Total	52 Burials, 20 Cremated remains	32 plaques

Library Services



Monthly Operational Report – June 2023

Customer Service

Barham: The Barham Library was lucky to have Laura Daniels from the Barham High School on work experience for a week during June. Laura showed great artistic talents and was very keen to engage in all Library duties and contributed some wonderful ideas for Move & Groove and other activities. Move & Groove celebrated Reconciliation Week and enjoyed other lovely stories read by our wonderful volunteer during June. Move & Groove is on every Thursday morning at 10.30am until 11.30am. Our Saturday Story time in June featured Sharky McShark and the Teeny Weeny Crab – thank you to our volunteer for her lovely story reading. Barham library was successful in the application for the National Backyard Cricket grant and have been sent Harvey Norman gift cards to the value of \$1400 to use on the purchase of two iPads to assist with Tech Savvy Seniors and other tech courses that we run. There has been 9 new people register for membership in June, there were 854 people through the door and 156 information requests. We have had patrons taking advantage of the Save Power Kit with three people taking the kit on loan over June.

The following is the report for Tech Savvy Seniors Barham
 Total participants in last round of TSS: 27
 Total on waiting list for next round: 10

Mathoura: Mathoura library continues to increase in patronage. While there has been a decrease in attendees for the games and art programs we have seen increases in borrowing. The library members are borrowing more books at each visit as we have more updated stock and promotion of new releases have been well received.

The following is the report for Tech Savvy Seniors Mathoura
 Total participants in last round of TSS: 5

Moulamein: Moulamein Library has had a facelift. The Moulamein Library underwent a makeover with new paint on the walls and new blinds, creating an even more welcoming and fresh environment. There have been 4 new customers signed up to the Moulamein Library this month. Games day on a Friday is going well and participants are enjoying the Lego and magnetic tiles purchased with the priority grant funding.

Mobile Library Customer Service Centre: We have had positive results from Murray Downs since moving the Mobile Library stop closer to residents with an average of 1-3 customers attending. We will focus on promoting rates payments in July to increase patronage and give residents a payment alternative close to home. Wakool is also experiencing better numbers as regular customers return to the mobile library and we have even had attendance for the public access computers.

Our library teams work tirelessly to ensure that the library is a safe place for community members and visitors to go to borrow books, attend a program, socialise and most importantly, build connections. Our volunteers feel a sense of purpose and community engagement which allows them to build relationships with other members. Our libraries are an integral part of our communities.

Service NSW Statistics

SNSW Transactions 22/23	Quarter 4				Yearly Target	YTD	% YTD Performance	Transactions remaining	% Target met
	GLS	OLGR	Drives	Total					
Barham	33	6	1302	1341	6300	5216	83%	1084	83%
Moama	70	36	4121	4227	16700	17251	103%	-551	103%
Moulamein	8	6	442	456	2900	1936	67%	964	67%
SNSW Transactions 21/22	Quarter 4				Yearly Target	YTD	% YTD Performance	Transactions remaining	% Target met
	GLS	OLGR	Drives	Total					
Barham	39	11	1215	1265	6300	5300	84%	1000	84%
Moama	96	68	4433	4597	16700	17306	104%	-606	104%
Moulamein	17	4	589	610	2900	2377	82%	523	82%

Service NSW end of year figures reflect the increased uptake of online services. Many services provided by Service NSW now provide their customers the choice of attending an office or conducting their business via a mobile application or via the Service NSW website. Doctors are now able to upload Fitness to Drive assessments directly to Service NSW which has also decreased the number of people attending our office to submit their assessment. We are still fielding a lot of queries in relation to services and transactions which are not captured in this data.

GLS – Service NSW: Office of Fair Trading, Maritime, Owner Builder applications, NCAT, Births Deaths & Marriages, Associations, Seniors Cards



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Customer Service

OLGR – Office Liquor, Gaming & Racing: Responsible Service of Alcohol, Responsible Conduct of Gambling
 Drives – Transport for NSW: Driver Licensing, Vehicle Registration, Mobility Parking Scheme, Firearms, Security, Commercial Agents & Private Inquiry Agent Licensing, Working with Children Checks

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
	Business Agency coverage – various Customer Service Centres require staff with specific skills to provide agency support Barham CSC – Council, Allianz, Service NSW, V/Line Barham Library – Library services Mathoura CSC – Council, Library, Bendigo Bank, Visitor Information Centre (Tourism), Call Centre, Services Australia Moama CSC – Council, Service NSW Moulamein CSC – Council, WAW Credit Union, Service NSW, Allianz Moulamein Library – Library services	Roster accordingly utilising staff who have the required skills where possible	Multi skill staff across all Business Agency Units that they may attend	
	Mobile Library	One trained operator	Source and train second driver to cover leave. Need to have the same skillset. Suitable staff member has expressed interest. Alternatively, seek a HR driver to drive the Mobile Library and have a fully trained Library and Customer Service Officer travel with them to provide service	

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Complaint	Action Undertaken	

Risk Management

Council resolutions completed

Council Resolutions outstanding over 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 23/11/2021	Notice of Motion - Enter into discussions with Service NSW to seek the provision of Service NSW Services, to the communities of Murray Downs, Koraleigh and Tooleybuc, by establishing a new agency in one of these towns.	171121	<p>MOTION</p> <p>Moved: Cr Neil Gorey</p> <p>Seconded: Cr Ann Crowe</p> <p>That Council enter into discussions with Service NSW to seek the provision of Service NSW services, to the communities of Murray Downs, Koraleigh, and Tooleybuc, by establishing a new agency in one of these towns.</p> <p>RESOLUTION 171121</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Alan Mathers</p> <p>Amendment to Motion</p> <p>1. That Council enter into discussions with Service NSW to seek the provision of Service NSW services, to the communities of Murray Downs, Koraleigh, and Tooleybuc, by establishing a new agency in one of these towns.</p>	Lees, Jodi	



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Customer Service

2. That Council seek a review by Service NSW with a view to strategically planning new services as a result of population expansion and growing need.

CARRIED

12 Jan 2022 11:41am Leyonhjelm, Lindy - Reallocation

Action reassigned to Harvie, John by Leyonhjelm, Lindy - John Harvie will be discussion services with Service NSW

08 Feb 2022 7:44am Harvie, John

Video conference with Service NSW held in January, to discuss the matter. Submission to Service NSW being prepared.

07 Mar 2022 3:22pm Harvie, John

Submission to Service NSW early April.

11 May 2022 11:18am Leyonhjelm, Lindy - Reallocation

Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel

12 Jul 2022 8:13am Ryan, Sarah

JH/SR - Draft Business Case is complete. SR to review and report at a later Council meeting. 12/07/22

10 Nov 2022 7:01am Ryan, Sarah

SR - JL has submitted business case to Service NSW for consideration.

10 Jan 2023 11:11am Ryan, Sarah

SR - Service NSW have requested further information to consider proposal.

04 May 2023 10:17am Ryan, Sarah - Reallocation

Action reassigned to Lees, Jodi by Ryan, Sarah - To provide update on status of business case with Service NSW

08 May 2023 9:51am Lees, Jodi

Proposal to include services currently with Service NSW. Request for an update on proposal sent 04/05/2023. Awaiting response.

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

TechOne

The Customer Service team continued TechOne Property, Rating and Enterprise Cash Receipting (ECR) training throughout June to prepare for release on the 1st July 2023. To ensure that all team members were able to attend the training, 8 sessions were run over 4 days. This enabled us to continue to provide services at our centres with minimal disruption. The After Hours Call Centre provided assistance with phone calls being diverted twice for the Moama/Mathoura training days and our records team providing assistance with the dispersal of emails sent. Our Moulamein Business Centre closed early on the Barham/MBC training days to allow the team to travel to Barham for the training. Notices were placed on the door of the office and the early closure was advertised on social media.



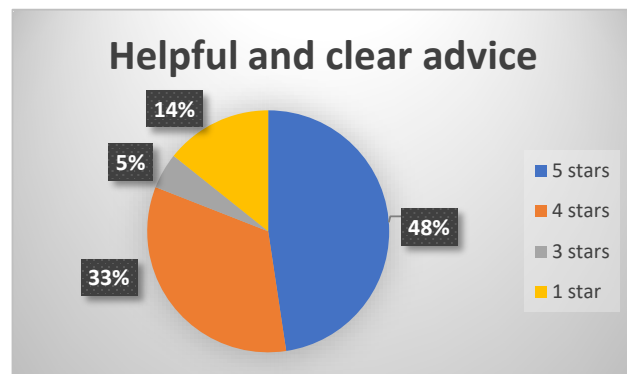
Monthly Operational Report – June 2023

Customer Service

Voice of Customer

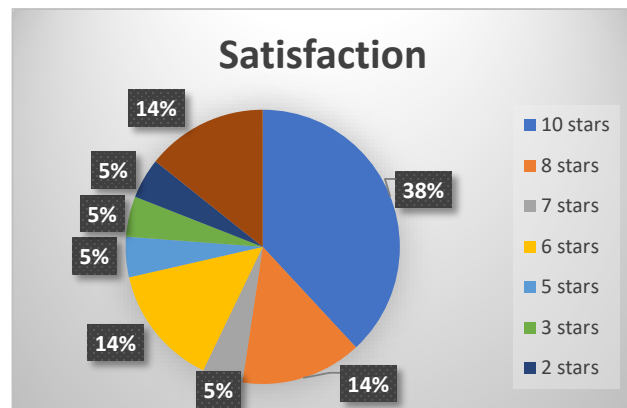
Voice of Customer Program continued in June with the Customer Service Team contacting 21 customers. The reduction in call backs was related to an error where the first week of calls, 18 in total, were included in May's results. Of the remaining 32 call outs we had 11 calls that we left messages for on more than one occasion. Those customers who had scored us less than seven stars for satisfaction were asked to provide additional feedback. 7 out of 9 provided feedback advising that their score was due to a lack of response or the amount of time to have their issue resolved. This feedback allows us to recognise opportunities for improvement and work together and collaborate on achieving desired outcomes.

21 feedback forms completed
 15 requests were finalised
 6 requests were ongoing



Question: On a scale of 1-5, how helpful and clear was the advice/information provided to you throughout this enquiry? (1 star not helpful – 5 stars very helpful)
 Overall score = 80%

5 stars – 10
 4 stars – 7
 3 stars – 3
 2 stars – 0
 1 star – 3



Question: On a scale of 1-10 how would you rate your satisfaction with the service you received relating to this enquiry? (1 star not satisfied – 10 stars very satisfied)
 Overall score = 67.6%

10 stars – 8
 9 stars – 0
 8 stars – 3
 7 stars – 1
 6 stars – 3
 5 stars – 1
 4 stars – 0
 3 stars – 1
 2 stars – 1
 1 star – 3

Fourth quarter results for Voice of Customer

Total surveys completed	115
Helpful and clear advice	87.4%
Satisfaction	79.8%

A common theme amongst the feedback on how we can improve our service is returning phone calls in a timely manner. Positive feedback centred on the information provided to our customers by Murray River Council staff.



Monthly Operational Report – June 2023

Economic Development & Tourism

PART A: Section Accountabilities and Team Roles

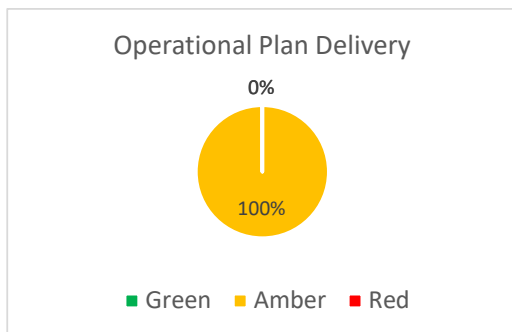
Acting Manager of Economic Development and Tourism – Beck Hayward	Economic Development Officer	Economic Development and Tourism Officer	Grants Officer	Administration/Events Officer																																																																																																														
<p>This role is to support and enhance local business and visitor experiences in MRC.</p> <p>Promoting and facilitating economic development, business and employment opportunities and community development in order to promote and revitalise the communities within our LGA.</p> <p>Identification of state and federal funding opportunities to implement Council’s priority projects and working with volunteer committees across our communities to help achieve revitalisation projects.</p>	<p>This role is required to build and maintain a variety of collaborative working relationships with business groups, community organisations, local governments and other external stakeholders.</p> <p>Working with community groups, local businesses, and government agencies to facilitate planning, economic and community development and events at a local level.</p> <p>The position also provides support to other regional projects and initiatives as required.</p>	<p>This role to support and grow the prosperity of our region by encouraging and identifying economic development opportunities, with a focus on tourism.</p> <p>Market the local government area, develop quality tourism products and services and guide the activities of local tourism organisations to increase visitation to the region, enhance the visitor experience and contribute to the local economy.</p>	<p>This role is responsible for researching and writing innovative funding submissions in line with Murray River Council’s policies and procedures. The role offers support to all areas of the business as well as external stakeholders, businesses and community groups, aligning key projects to available funding opportunities.</p> <p>Meeting with local business operating and community groups to identify funding opportunities;</p> <p>Supporting internal departments to apply for funding to drive new projects;</p> <p>Working within tight timeframes to submit innovative funding applications;</p>	<p>This role provides administrative assistance to Director of Community and Eco Dev as well as Manager Eco Dev and Tourism. The role is responsible for coordinating community events and provides administrative assistance as required to wider Eco Dev team.</p> <p>Key contact for Section 355 committees.</p> <p>Diary management for the Director of Community and Economic Development;</p>																																																																																																														
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Monthly Operational Report – June 2023

Economic Development & Tourism

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Economic Development and Tourism actions relate to strengthening economic growth and prosperity.

Council has a wide range of economic objectives to assist positioning MRC as a great place to live, work, invest and visit. The Economic Development and Tourism Strategy will be achieved in a sustainable and financially responsible way that allows flexibility and responsiveness in an ever-changing economic environment.

The Strategy is based on three goals:

- Population growth (through employment and business development);
- To increase visitation through tourist promotion and product development;

To identify and facilitate the development of essential and enabling infrastructure and services. The Community and Economic Development Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 2 – Goal 1 – Deliver exceptional and consistent service to our internal and external community									
2.1 – Visitor and Resident information									
Development of a Community Directory and general information relevant to Council and local services. (S DCED)	Deliver	(DP 2.1.2) Investigate subscription-based program for online community directory	B: MEDT P: O:	✓				The eco dev team will consider how to best make available information about community groups to the public.	Amber
Theme 2 – Goal 3 – Provide clear, concise and consistent information that is easily accessible to our customers									
2.6 – Improve externally provided information and communication.									
Further develop and enhance public communication materials. (S DCED)	Partner Advocate	(DP 2.6.3) Investigate and provide a report on relocation of the information centre in Moulamein to the Moulamein Heritage Village	B: MEDT P: O:		✓				
	Deliver, Partner, Advocate	(DP 2.6.6) Investigate and undertake a business case for creating a Community Directory including 1. housing or 'New to town' concierge service Trades directory	B: MEDT P: O:		✓			The eco dev team will consider how to best make available information about our communities to new residents.	
	Deliver	(DP 2.6.7) Service signage at front of MRC buildings (what services are available at each location)	B: MEDT P: O:	✓				We are currently investigating which service centres may need additional signage.	Amber
Theme 2 – Goal 4 – Achieve community driven results through collaboration and engagement (community and stakeholder).									
2.8 – Community and Council collaboration									
Increased interaction with Communities. (S DCED)	Advocate	(DP 2.8.2) Provide additional information to community relating to grant opportunities for community driven projects (eg Goodnight Wetlands)	B: MEDT P: O:	✓	✓	✓	✓	The eco dev team currently provide grant opportunity and other general information to community groups using a variety of communication methods. During August the following newsletters were distributed to the community: 02/08/2022 – Community Newsletter 09-08-2022 - Meninya Street Upgrade- Concept Design 23-08-2022 – Last Chance to Have Your Say- Meninya Street Upgrade- Concept Design 23-08-2022 -Community Newsletter	Amber



Monthly Operational Report – June 2023

Economic Development & Tourism

						<p>02-09-2022 – Tourism Update 06-09-2022 – 2023 Australia Day Award Nominations Now Open 20-09-2022 – Community Newsletter</p> <p>During October seven newsletters were sent out via CRMS with the up-to-date flood information regarding accessing information or assistance: 6/10/2022 - Tourism Update 12/10/2022 - MRC Flood Update 13/10/2022 - MRC Flood Update 19/10/2022 - MRC Flood Update 24/10/2022 - Flood Recovery Community & Business 25/10/2022 - MRC Flood Recovery 26/10/2022 – MRC Flood Recovery – Primary Industries</p> <p>During November ten newsletters were sent out via CRMS with the up-to-date flood information regarding accessing information or assistance: 6/11/2022 - Services Australia in Moama on Monday 7 November 2022 6/11/2022 - Flood Recovery Business Update 8/11/2022 - MRC Survey & More 9/11/2022 - Australia Day Nominations Closing Monday 14 November 2022 13/11/2022 - 2023 Australia Day Nominations Close Tomorrow 14/11/2022 - Primary Producers Natural Disaster Damage Survey 15/11/2022 - FREE Small Business Event this Friday in Moama 18/11/2022 - NSW Small Business Month – Free Online Workshops Available 20/11/2022 – \$75,000 Grant Announced for Primary Producers 21/11/2022 – Caravan Park Grant Program</p> <p>During December five newsletters were sent out via CRMS with the up-to-date flood information regarding accessing information or assistance: 01-12-2022 – Business Update – Flood Recovery 01-12-2022 – Caravan Park Grants Program – Information Session 01-12-2022 – Community Update 16-12-2022 – MRC – Business & Community Newsletter 29-12-2022 – MRC Flood Update for Community & Business</p> <p>During January three newsletters were sent out via CRMS: 05-01-2023 - Rebates, Grants, Loans & Support Update 23-01-2023 – Assistance for Farmers and Agricultural industries affected by Floods 24-01-2023 – Murray Valley Encephalitis virus detected in MRC</p> <p>During February economic development staff worked with WindLab to help set up a community grants program, which is specifically aimed at projects that benefit the Balranald, Tooleybuc, Goodnight and/or Kyalite communities.</p> <p>During March two newsletters were sent to Council’s business and community database, with information on flood support, grants, events, and other updates.</p> <p>During April two newsletters were sent to Council’s business and community database, with information on flood support, grants, events, and other updates.</p> <p>During May two newsletters were sent to Council’s business and community database, with information on flood support, grants, events, and other updates.</p>
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Monthly Operational Report – June 2023

Economic Development & Tourism

								<p><i>During June one newsletter was sent to Council’s business and community database, with information on flood business, grants, events, and other updates.</i></p>	
		(DP 2.8.3) Further develop partnerships with local community groups to implement community driven projects	<p>B: MCE P: MCE O: MCE</p>	✓	✓	✓	✓	<p>MRC Councillors and staff currently attend various community group meetings. Staff in the eco dev team communicate regularly with numerous community groups and members and endeavour to provide support to various community projects and Council also drive a number of community projects.</p> <p>September – met with Moama Lions Club re support for this year’s Christmas Carols event</p> <p>In October, the following engagements occurred:</p> <ul style="list-style-type: none"> Met with Moama Lions & Jefferson Smith to assist with upcoming Christmas event Assisted Mathoura Speed Shear with event and the postponement into November Engaged with Australia Day committees Engaged with Christmas Event committees Supported Gannawarra Toy Drive with their planned visit to Barham Economic Development assisted with Australian Citizenship Ceremonies <p>In November, the following engagements occurred:</p> <ul style="list-style-type: none"> Met with Moama Lions & Jefferson Smith regarding Moama Lions Christmas Carols Engaged with Australia Day committees Engaged with Christmas Event committees Assisted with Gannawarra Toy Drive with their planned visit to Barham Met with Darts Australia Met with Mathoura Speed Shear committee and assisted with event Met with after the flood live music event organisers Met with Moama Market organisers <p>In December, the following engagements occurred:</p> <ul style="list-style-type: none"> Met with Moama Lions & Jefferson Smith regarding Moama Lions Christmas Carols – Event held Sunday 18 December with 1,500+ in attendance Engaged with Australia Day committees Engaged with Christmas Event committees (Wakool, Goodnight, Barham, Mathoura, Tooleybuc & Koraleigh) Assisted with Gannawarra Toy Drive with their planned visit to Barham Met with Darts Australia and SEN Met with after the flood live music event organisers Met with Moama Market organisers Liaised with Echuca Moama Triathlon Club regarding their proposed event in January 2023. Met with Moama Preschool to further advance the new preschool project Met with Echuca Moama Tourism to discuss their proposed new structure. Met with Windlab to plan their community grants program for the western part of the LGA. <p>In January, the following engagements occurred:</p> <ul style="list-style-type: none"> Met with Mandylights and Carla O’Brien’s teams at various locations to assist with Christmas installation bump out Met with Wakool Progress Association to discuss tourism and upcoming events Engaged with Australia Day Council regarding Australia Day ambassador and events Engaged with 7 Australia Day committees for Australia Day events (Moama, Mathoura, Moulamein, Barham, Koraleigh, Tooleybuc & Wakool) Met with MRT to assist facilitating a board meeting and training Engaged with Southern 80 organisers for media launch event Met with Rich River Golf Club to discuss upcoming NSW Open Golf event. Councillors and staff met with Sussan Ley regarding the ongoing impacts of flood. Attended the Riverina Murray Regional Flood Recovery meeting Met with Western Murray Land Improvement Group to discuss the OneBasin CRC project. 	



Economic Development & Tourism

					<p><i>During February Council’s Director of Economic and Community Development, along with Council’s Grants Officer, Economic Development Officer, Tourism Officer and Admin and Events Officer met with the following community groups to hear about their upcoming projects, needs, challenges and to discuss relevant grant opportunities:</i></p> <ul style="list-style-type: none"> • Moulamein Community Development Inc • Moulamein Men’s Shed • Moulamein Art Gallery & Café • Moulamein Racing Club Committee • Moulamein Football Club Committee • Tooleybuc Sports Club • Tooleybuc Piangil Action Group (Goodnight Wetland Project) • Tooleybuc Club Motor Inn • Tooleybuc Hotel working • Tooleybuc Recreation Reserve • Koraleigh Recreation Reserve <p><i>Economic development staff also met with and worked with the following during February:</i></p> <ul style="list-style-type: none"> • Champions League Basketball re upcoming CLB 3X3 event • Murray Regional Tourism to assist facilitating a board meeting and training • Key stakeholders in relation to Barham Micro Abattoir • The Backroads Trail Committee to assist with the launch of Backroad Trails podcast • Moama Water Sports Club to assist with Southern 80 • Steering Committees regarding the Silo / Water Tower Art Trail • Barham Consolidated to assist with Barham’s Riverdaze event • Rich River Golf Club and Golf NSW regarding the upcoming NSW Open • Darts Australia regarding the 2023 Australia Darts Open event • Various community groups regarding the Celebration of Moulamein event and the Cinema Pop-up events being held across the LGA in March. <p><i>Economic development staff also met with and worked with the following during March:</i></p> <ul style="list-style-type: none"> • Champions League Basketball re upcoming CLB 3X3 event • Key stakeholders in relation to Barham Micro Abattoir • Moama Water Sports Club to assist with Southern 80 • Barham Consolidated to assist with Barham’s Riverdaze event • Rich River Golf Club and Golf NSW regarding the NSW Open • Darts Australia regarding the 2023 Australia Darts Open event • Various community groups regarding the Celebration of Moulamein event and the Cinema Pop-up events being held across the LGA in March. • Lions Club of Moama and Moama Anglican Grammar regarding Teddy Bear’s Picnic • CluBarham regarding multiple sporting events • Moulamein Community Development Inc – Moulamein Heritage village • Council’s Museum Advisor met with the following groups: <ul style="list-style-type: none"> ○ Moulamein Men’s Shed ○ Border Flywheelers committee – Barham ○ Friends of Old Moama <p><i>Economic development staff met with and worked with the following during April:</i></p> <ul style="list-style-type: none"> • Champions League Basketball re CLB 3X3 event • Stakeholders in relation to Barham Micro Abattoir • Rich River Golf Club • CluBarham • Friends of Old Moama (AGM)
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Economic Development & Tourism

								<ul style="list-style-type: none"> • Darts Australia regarding the 2023 Australia Darts Open event • Various community groups regarding the community events being held across the LGA. • Various stakeholders regarding the Teddy Bear’s Picnic event • Moulamein Community Development Inc – Moulamein Heritage village • Mathoura Easter Fair Committee • Council’s Museum Advisor met with the following groups: <ul style="list-style-type: none"> ○ Moulamein Men’s Shed ○ Border Flywheelers committee – Barham ○ Moulamein Community Development Inc – Moulamein Heritage village <p>Economic development staff met with and worked with the following during May:</p> <ul style="list-style-type: none"> • Moulamein Community Development Inc – Museum Advisory Program • Barham Botanic Reserve Committee – committee provided update on works • Wakool Progress Association • Wakool Club Board • Barham Water Tower Art Committee • CluBarham regarding the Bowls tournament • Community/business attendees for a meeting in Barham regarding agritourism <p>Economic development staff met and worked with the following during June:</p> <ul style="list-style-type: none"> • Moama Local Lands Council
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Theme 4 – Goal 1 – Develop community led strategy with a focus on social connections / social fabric and a sense of belonging.
 4.2 – Formation of Networks – training and networking to fulfil social function and spark migration of ideas

Engage with Community Groups and develop social programs. (S DCED)	Deliver	(DP 4.2.2) Continue to form community networks for training and networking, placed based gathering to fulfill social function and to spark migration of ideas.	B: MEDT P: O:	✓	✓	✓	✓	<p>The eco dev team run several community gatherings throughout the year, including agricultural gatherings, business workshops, international women’s day events, cinemas etc. Council provides funding support to numerous community projects and events and gatherings.</p> <p>During October, November and December Eco Dev liaised with Australia Day Committees and Christmas event organising committees to help where required.</p> <p>During February, economic development staff worked with community groups to plan and deliver various community events.</p> <p>During March the following events took place:</p> <ul style="list-style-type: none"> - International Women’s Day – Sold out event in Barham, 85 women attended, guest speakers Ginny Stevens from Active Farmers and Kim Falls from Ethical Outback Wool Company. Positive feedback received by the community. - Pop Up Cinema’s were delivered in Barham, Murray Downs, Mathoura and Bunnaloo – free events funded through the NSW Government’s Reconnecting Regional NSW Community Events Program - Riverdaze Event Free Kids Activities – funded through the NSW Government’s Reconnecting Regional NSW Community Events Program - Celebration of Moulamein – free event funded through the NSW Government’s Reconnecting Regional NSW Community Events Program <p>During April the following events and activities took place:</p> <ul style="list-style-type: none"> - Champions League Basketball tournament - Teddy Bear’s Picnic 	
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									<ul style="list-style-type: none"> - Mathoura Easter Fair - Discovery Day (Echuca Library) - ANZAC Day activities - Headspace (Echuca) celebrated its first birthday <p>During May the following events and activities took place:</p> <ul style="list-style-type: none"> - Agritourism Strategy Consultation Event – held in Barham by Destination Riverina Murray - Country Music Festival - Echuca Moama Wedding Expo <p>During June, the following events and activities took place:</p> <ul style="list-style-type: none"> - Echuca Steam Rally - MND fundraiser at Moama Beach - Moama Lights Ice Skating - Moama Lights launch.
<p>Theme 4 – Goal 2 – Foster and develop strategy to recognise and celebrate our rich heritage and indigenous culture (in partnership with community).</p> <p>4.5 – Indigenous Recognition</p>									
Collaborative agreements with local indigenous nations developed (S DCED)	Deliver	(DP 4.5.1) Development of collaborative agreements with local indigenous nations. Establish twice yearly meetings with indigenous leaders.	B: MEDT P: O:		✓	✓	✓		
	Partner, Advocate	(DP 4.5.2) Ongoing support and advocacy for local indigenous sites and development of programs.	B: MEDT P: O:			✓	✓		
	Deliver, Partner, Advocate	(DP 4.5.4) Work with Aboriginal artists, musicians, storytellers, poets etc to assist with planning for and execution of events within Councils LGA	B: MEDT P: O:						
<p>Theme 4 – Goal 2 – Foster and develop strategy to recognise and celebrate our rich heritage and indigenous culture (in partnership with community).</p> <p>4.6 – Regional History</p>									
Celebrate significant local history milestones and develop an ongoing calendar of milestones (S DCED)	Deliver	(DP 4.6.1) Facilitate investment and construction to showcase history, art and culture of the MRC area	B: MEDT P: O:				✓		
	Deliver	(DP 4.6.2) Continue to celebrate our regional history	B: MEDT P: O:	✓	✓	✓	✓	<p>Council works with numerous local community groups with a heritage and historical focus, to support their efforts to preserve and promote our local history. Council offers a Heritage Advisory Service and runs a Local Heritage Fund. Council has a Heritage Advisory Committee.</p> <p>Eco Dev has established museum advisor service (MAS) for Murray River Council, in conjunction with Museums and Galleries NSW, to support our local museums to grow and prosper.</p> <p>During March the MA visited the following:</p> <ul style="list-style-type: none"> o Moulamein Men’s Shed o Border Flywheelers committee – Barham o Friends of Old Moama o Two privately operated museums o Moulamein Heritage Village had to postpone and will be visited during April. <p>During April, Council’s Museum Advisor met with the following groups:</p> <ul style="list-style-type: none"> o Moulamein Men’s Shed o Border Flywheelers committee – Barham 	



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								<ul style="list-style-type: none"> o Moulamein Community Development Inc – Moulamein Heritage village <p>During May, Council’s Museum Advisor completed a Needs Analysis for the following committees:</p> <ul style="list-style-type: none"> - Old Telegraph Station Captains Cottage – Friends of Old Moama - The Border Flywheelers Museum, Barham - Moulamein Old Courthouse - Chanter Estate Military Museum - Good Vibrations Motorcycle Museum, Mathoura - Moulamein Heritage Village <p>During June, Council’s Museum Advisor met with the following committees:</p> <ul style="list-style-type: none"> - Old Telegraph Station Captains Cottage – Friends of Old Moama - The Border Flywheelers Museum, Barham - Moulamein Old Courthouse - Moulamein Heritage Village 	
<p>Theme 4 – Goal 3 – Actively promote and resource educational pathways into (working with) Council (retain and attract new people).</p> <p>4.8 – Developing future leaders</p>									
Develop a learning and development strategy including leadership opportunities – Emerging Leaders Program (S DCED)	Deliver	(DP 4.8.3) Ongoing development and use of skilled locals within S355 committees	B: MEDT P: O:	✓	✓	✓	✓	Council works to support its s.355 committees to ensure they are resourced and skilled to deliver on their responsibilities.	●
<p>Theme 4 – Goal 4 – Support existing and new art projects and diverse community events.</p> <p>4.9 – Public Arts and Culture Projects</p>									
Develop a Public Arts and Culture Strategy (S DCED)	Deliver	(DP 4.9.1) Public Arts and Culture Strategy developed and implemented.	B: MEDT P: O:	✓	✓			Eco Dev has submitted two grant applications, seeking funding to develop an Arts and Culture Strategy, both were unsuccessful. The Eco Dev team plan to use Council funds to develop an Arts and Culture Strategy in 2022-23.	●
	Advocate	(DP 4.9.2) Arts and Crafts Festival – various locations across Council	B: MEDT P: O:			✓	✓	During June, Expressions of Interest were sought from suitable consultants to deliver an Arts and Cultural Strategy for Murray River Council. Five submissions were received and a consultant has been appointed. The project will get underway during July.	
	Advocate	(DP 4.9.3) Actively advocate for Murals to be completed at various locations across Council	B: MEDT P: O:				✓		
	Advocate	(DP 4.9.4) Actively advocate for Silo Art projects to be completed at various locations across Council	B: MEDT P: O:	✓	✓	✓		Eco Dev staff are working on a Visit River Country Silo/Water Tower Art Trail, which will comprise six locations including Tooleybuc, Barham, Wakool, Moulamein, Mathoura and Caldwell.	●
								In early February, the Hon Ben Franklin MLC (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, Minister for Tourism) visited our region to announce some successful funding applications in our region. Murray River Council was successful in obtaining a grant of \$1,747,431 under the Regional Tourism Activation Fund Round 2, to deliver the River Country Silo Art Trail which will benefit the communities of Barham, Bunnaloo, Caldwell, Mathoura, Moulamein, Tooleybuc and Wakool.	



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								<p>Moulamein Heritage Village was successful in receiving a \$228,749 grant through the Creative Capital program to assist a facility upgrade to the Moulamein Heritage Village.</p> <p>During May, Council invited expressions of interest from community members to join the Silo Art Trail Advisory Committees across each relevant community. Submissions close 30 June 2023.</p> <p>Council is currently working on the tender process to appoint a strategic art consultant for the art project.</p>	
	Deliver, Partner	(DP 4.9.5) Advocate for the Moama Bridge Arts Precinct – undertaken as part of the Meninya Street redevelopment project.	B: MEDT P: O:	✓	✓	✓	✓	<p>Eco Dev staff support the Bridge Arts Project committee with various events and funding applications. The Bridge Art Project was successful in obtaining a \$4.95M grant under the Tourism Activation Fund, to deliver a contemporary purpose-built art gallery in Moama, which will host a permanent collection as well as exhibitions.</p>	●
	Advocate	(DP 4.9.6) Support Community Art groups including performing arts, exhibitions, displays, art classes and tuition	B: MEDT P: O:	✓	✓	✓		<p>Eco Dev staff support community art groups where possible, including support to seek funding, promotion of various events and activities, inclusion in various tourism promotional activities, and also connections with South West Arts.</p> <p>Staff have been in discussions with Swan Hill Regional Art Gallery to once again bring artist in residencies to MRC communities, followed by a community gathering.</p>	●
<p>Theme 4 – Goal 4 – Support existing and new art projects and diverse community events.</p> <p>4.10 – Regional Events</p>									
Develop a Regional Events Strategy (S DCED)	Deliver	(DP 4.10.1) Regional Events Strategy developed and implemented.	B: MEDT P: O:				✓		
	Partner, Advocate	(DP 4.10.2) Partner with various groups and Government Departments to bring events to regional locations across Council	B: MEDT P: O:	✓	✓	✓	✓	<p>Council has secured another round of the Champions League Basketball event in Moama in April 2023. Council worked with Rich River Golf Club to bring the NSW Open golf event to Moama (in March 2023).</p> <p>During March and April, Council worked with cluBarham to enter agreements with sporting organisations to host two significant events in Barham.</p> <p>CluBarham will host Tennis Seniors Victoria to run the 2023, 2024 and 2025 Tennis Seniors Victoria ITF & Tri-State Series Tournament to be conducted at Barham Tennis Club over 5 days from 13-17 September 2023 (to be confirmed). It is anticipated that the event will attract approximately 120 participants (competitors and officials) as well as their accompanying partners.</p> <p>CluBarham will host Bowls Victoria to run the Over 60’s State Championships and the Women’s Country Carnival, commencing 2024.</p> <p>Both events will bring significant visitors to the region.</p>	●
	Partner, Advocate	(DP 4.10.3) Create ongoing opportunities for schools, community groups and businesses to develop events within the local community	B: MEDT P: O:	✓	✓	✓	✓	<p>Council provides support in various ways to community groups and organisations to deliver events in the MRC LGA. Council proactivity seeks to bring new events to the MRC LGA.</p> <p>Ec Dev staff secured a \$301,708 grant to support local community events across the LGA. Staff are supporting community groups across the LGA to deliver events over several months.</p> <p>The events to be supported through this program include:</p> <ul style="list-style-type: none"> • End of Year Lighting Celebration – all townships • Australian Darts Open 2022 – Moama • Teddy Bears Picnic – Moama • International Women’s Day – Barham • Pop-Up Cinemas – Mathoura, Bunnaloo, Barham and Murray Downs • End of year celebration – Wakool • Riverdaze – additional youth activities – Barham • Festival of Moulamein Community Event 	●



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								<ul style="list-style-type: none"> Tooleybuc Harvest Festival – Tooleybuc Pop-up Cinemas in Barham, Mathoura, Murray Downs and Bunnaloo Small Halls Festival – Caldwell, Bunnaloo, Womboota <p>Ec Dev staff engaged all local schools in Echuca Moama to contribute artwork to the 2023 Moama Lights event.</p>		
	Advocate	(DP 4.10.4) Continue to support Community Markets – expand to new locations, live music, food trucks etc	B: MEDT P: O:	✓	✓			<p>Eco Dev staff works closely with market organisers to assist in their delivery and expansion within the MRC LGA.</p> <p>Council staff assisted the Moama Market to continue to operate at the Moama Recreation Reserve, due to the Soundshell being damaged by the flood. And then helped the market return to the Soundshell, once safe to do so.</p> <p><i>During May, expressions of interest were invited to operate the Moama Market. A successful applicant was appointed in June and will begin operating the market from 30 July.</i></p>	●	
	Advocate	(DP 4.10.5) Community led ‘indigenous language’ classes for interested local community members	B: MEDT P: O:				✓			
<p>Theme 4 – Goal 5 – Facilitate and advocate for accessible health and wellbeing services based on local community needs.</p> <p>4.12 – Continue to provide and support services in remote communities with a focus on communicating the service availability and locations.</p>										
Service Provision (S DCED)	Deliver	(DP 4.12.3) Increase information available relating to services provided and attended across the LGA including Medicare, Legal aid, Centrelink, Doctors, Service NSW, Services Australia.	B: MEDT P: O:				✓			
<p>Theme 5 – Goal 1 – Encourage and support economic development across the region.</p> <p>5.2 – Commercial Investment Strategy.</p>										
Develop a prospectus of commercial investment opportunities (S DCED)	Deliver, Advocate	(DP 5.2.1) Develop and begin implementation of a Commercial Investment Strategy	B: MEDT P: O:				✓	✓		
<p>Theme 5 – Goal 1 – Encourage and support economic development across the region.</p> <p>5.3 – Prepare an Employment Lands Strategy</p>										
Prepare an Employment Lands Strategy (S DCED)	Deliver	(DP 5.3.1) Prepare and implement an Employment Lands Strategy	B: MEDT P: O:		✓	✓				
		(DP 5.3.2, DP 5.33. DP 5.3.4, DP5.3.5)							All line items relocated to and reported under (DP 5.10.1)	
	Advocate	(DP 5.3.6) Continue to support and assist with Murray Connect project	B: MEDT P: O:		✓					
	Deliver, Advocate	(DP 5.3.7) Continue to support and develop business opportunities across the region	B: MEDT P: O:	✓	✓	✓	✓		The actions identified within the MRC Economic Development Strategy will identify which projects are undertaken over the coming years.	
<p>Theme 5 – Goal 1 – Encourage and support economic development across the region.</p> <p>5.5 – Chamber of Commerce</p>										
Chamber of Commerce (S DCED)	Advocate	(DP 5.5.1) Assist with marketing of local Chambers of Commerce / Progress Associations.	B: MEDT P: O:	✓	✓	✓	✓		<p>Eco Dev staff work with local business groups and endeavour to strengthen partnerships and deliver improved outcomes for our communities.</p> <p>In partnership with Campaspe Shire, Ec Dev staff organised the 2022 Campaspe Murray Business Awards, with the awards dinner being held on 12 October 2022, with approximately 270 people in attendance. Over 12 different</p>	●



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									<p>categories, judges undertook 48 assessments of finalist businesses. The Awards were well received and the winning businesses were thrilled to be recognised for their hard work and talent.</p> <p>Eco dev staff have met with the Barham businesses to discuss opportunities and strategies to better target town promotional activities to attract new and repeat visitors and new events.</p> <p>Businesses were invited to attend a workshop in Barham during May, to discuss agri-tourism opportunities in our region. It was a good opportunity for businesses to connect and discuss various tourism opportunities in the region.</p> <p>Council’s Tourism Officer joined Echuca Moama Tourism in meetings with businesses in Mathoura and Barham during May to discuss tourism opportunities.</p>
<p>Theme 5 – Goal 2 – Continue to develop strong and resilient communities.</p> <p>5.6 – Increased Educational opportunities</p>									
Review the education services available and required by our community including early childhood and adult community education. <i>(S DCED)</i>	Deliver, Partner, Advocate	(DP 5.6.1) Prepare a report and submit to Council on educational services available and required and advocate for the findings	B: MEDT P: O:					✓	
<p>Theme 5 – Goal 2 – Continue to develop strong and resilient communities.</p> <p>5.7 – Development of a resilient economy</p>									
Develop Action Plans for each community to sit alongside the Adverse Events Plan which covers all of MRC. <i>(S DCED)</i>	Deliver, Partner, Advocate	(DP 5.7.1) Development and implementation of community actions plans	B: MEDT P: O:		✓	✓	✓		
<p>Theme 5 – Goal 3 – Promote and grow tourism across the region.</p> <p>5.8 – Promotion of local attractions</p>									
Yearly Events Strategy and Marketing and Promotions Plan developed. <i>(S DCED)</i>	Deliver, Partner, Advocate	(DP 5.8.1) Prepare a yearly Events, Marketing and Promotion Plan taking into account community suggestions and innovation forums.	B: MEDT P: O:		✓	✓	✓		
<p>Theme 5 – Goal 3 – Promote and grow tourism across the region.</p> <p>5.9 – Promote advantages to visit, live, work and invest</p>									
Live, Work and Play in River Country Project further developed and implemented. <i>(S DCED)</i>	Deliver, Partner, Advocate	(DP 5.9.1) Development and implementation of Live, Work and Play in River Country Project.	B: MEDT P: O:		✓	✓	✓		Eco Dev staff are committed to delivering the Live Here, Work Here, Play Here, project.
<p>Theme 5 – Goal 3 – Promote and grow tourism across the region.</p> <p>5.10 – Growing Tourism across the LGA.</p>									
Develop an Economic Development and Tourism Strategy. <i>(S DCED)</i>	Deliver	(DP 5.10.1) Economic Development and Tourism Strategy developed and implementation has begun	B: MEDT P: O:	✓	✓	✓			An MRC Economic Development Strategy will be delivered in July 2024. Implementation will occur over several years. Planning meetings to begin development of various economic development strategies and documents has taken place during February.



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									A business survey was conducted during May with 58 responses received. The data gathered will be used to inform development of the Economic Development Strategy.	
	Deliver, Partner, Advocate	(DP 5.10.2) Increase signage in and around townships relating to tourism	B: MEDT P: O:	✓	✓	✓	✓		This work is ongoing and signage is updated as it becomes evident there needs to be improvements made. A number of signs across the Council area will be installed, upgraded and replaced during June/July 2023.	●
	Advocate	(DP 5.10.3) Advocate for steam trains and replica train stations across the region	B: MEDT P: O:				✓			
Theme 5 – Goal 4 – Partner with industry, community, and government organisations to promote and nurture innovation.										
5.11 – Innovation										
Be engaged in innovation and technology platforms and networks. (S DCED)	Partner, Advocate	(DP 5.11.1) Investigate and undertake pilot programs – cropping	B: MEDT P: O:		✓	✓	✓			
Theme 5 – Goal 4 – Partner with industry, community, and government organisations to promote and nurture innovation.										
5.12 – Research & Development (R&D)										
Engage with universities and research institutions. (S DCED)	Partner, Advocate	(DP 5.12.1) Investigate and undertake pilot programs (including seeking funding sources) – cropping	B: MEDT P: O:		✓	✓	✓			
	Advocate	(DP 5.12.2) Consideration of opportunities to identify problem waste streams and implement circular economy options	B: MEDT P: O:				✓			
	Partner	(DP 5.12.3) Investigate options for Indigenous employment for trial projects Darts	B: MEDT P: O:				✓			
Theme 6 – Goal 3 – Advocate for improved public transport.										
6.6 – Public Transport that connects towns										
Develop a Public Transport Strategy and advocate for implementation (S DCED)	Advocate	(DP 6.6.2) Advocate for improved public transport for our communities	B: MEDT P: O:			✓	✓			
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.										
7.3 – Apply data sources to improve corporate decision making.										
Enable interoperability between internal and Smart City systems (S DCS)	Deliver, Partner	(DP 7.3.2) Implement data capture mechanisms at attractions to collect data relating to use of locations and collection of on-the-spot feedback	B: MEDT P: O:			✓				
Collaborate with Telecommunication providers to gather public information for improved tourism promotion and Economic Development decision making. (S DCED)	Partner	(DP 7.3.5) Partnership in place and information is being used for effective decision making	B: MEDT P: O:				✓			



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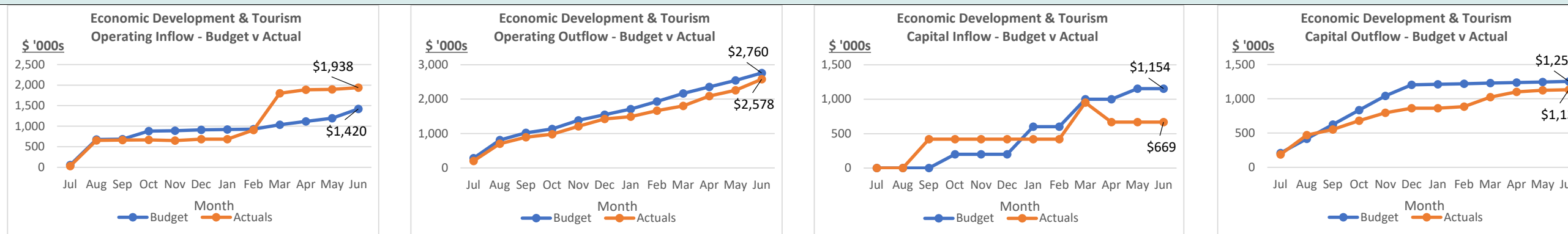
Theme 7 – Goal 2 – Explore technologies to forecast possible future opportunities.										
7.6 – Promote advanced technologies.										
Support local business to access or develop and introduce advanced technologies. (S DCED)	Deliver	(DP 7.6.1) Business case to develop a technology hub completed.	B: MEDT P: O:					✓		
	Advocate	(DP 7.6.2) Continue to align strategic plans to future scenario planning	B: MEDT P: O:		✓	✓	✓			
	Advocate	(DP 7.6.3) Continue being an active member of advocacy groups to promote research and advancement	B: MEDT P: O:	✓	✓	✓	✓		To do.	●
Support local business to access or develop and introduce advanced technologies. (S DCED)	Advocate	(DP 7.6.4) Promote the region as a node for New Fibre Optic Network.	B: MEDT P: O:	✓	✓	✓	✓		To do.	●
Theme 7 – Goal 3 – To encourage, educate and enable environmentally sustainable approaches to energy management.										
7.7 – Community based energy generation (Micro-grids).										
Support community led energy generation enterprises. (S DCED)	Advocate	(DP 7.7.1) Support Micro-grid developments across the region.	B: MEDT P: O:		✓	✓	✓			
Theme 7 – Goal 3 – To encourage, educate and enable environmentally sustainable approaches to energy management.										
7.9 – Electric Vehicle charging stations.										
Align public infrastructure with customer and community requirements. (S DCED)	Deliver, Advocate, Partner	(DP 7.9.1) Explore options for external funding of EV charging stations to meet demand.	B: MEDT P: O:			✓				
	Deliver	(DP 7.9.2) Prepare a changing station plan for installation locations for EV charging stations	B: MEDT P: O:			✓				
	Deliver	(DP 7.9.3) Develop and begin implementation of an Electric Vehicle Strategy	B: MEDT P: O:			✓				
Theme 7 – Goal 4 – Monitor and assess emerging global technology trends.										
7.12 – Be prepared to leverage emerging technologies for Economic & Community Development										
Use technology to create interactive / talking tours for our region. (S DCED)	Advocate, Partner	(DP 7.12.4) Investigate options and create a plan to develop interactive tours.	B: MEDT P: O:			✓	✓			



Monthly Operational Report – June 2023

Economic Development & Tourism

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual

Tourism Update

June was mainly taken up by Moama Lights and ensuring we are organised for our June 30th launch. Activities include the below;

- **Event Schedule and Logistics:** Create a detailed event schedule, including the dates, times, and locations of American Hotel Marquee and Ice Skating. Assist with planning for logistics and coordinating with local authorities and relevant stakeholders to ensure a smooth execution.
- **Marketing and Promotion:** Work with J2 Creation to ensure marketing and promotion plan is selling tickets, creating awareness and generating excitement about Moama Lights. Utilize various channels such as social media, local newspapers, radio, and community bulletin boards to reach your target audience. Highlight the unique aspects of this year's event, including new theme, the American Beer Garden, Ice Skating and local food vendors.
- **Sponsorship and Partnerships:** Seek sponsorships from local businesses and establish partnerships with community organizations to enhance the event. Collaborate with sponsors to promote their brand and offerings while providing them with exposure to our Moama Lights audience.
- **Volunteer Recruitment:** Assist with recruitment for volunteers who can assist with various tasks during the event, such as welcoming guests, managing information booths, or directing traffic.
- **Collaborating with local businesses** will enhance the overall experience and support the community such as displaying posters or handing out postcards to their customers to promote the event.
- **Finalize Logistics and Details:** In the final weeks leading up to the event, confirm all logistics, permits, and licenses with the American Hotel. Coordinate with vendors and suppliers to ensure timely delivery of equipment, lighting, and merchandise.
- **On-site Preparations:** As the event draws closer, focus on on-site preparations. Assisting the American with their set up including lighting installations, decorations, furniture and signage.
- **Publicise Event Reminders:** In the last week leading up to the event, intensify your marketing efforts by publicizing event reminders, including dates, timings, and highlights. Use social media platforms, email newsletters, and local advertising to remind people to attend.
- **Arrange Media Launch night** at The Junction, co-ordinate RSVP's.
- **Co-Ordinate photo shoot** and run through Thursday night before the event Conduct a final walk-through to identify any potential issues and make necessary adjustments.

June Social Media Report

Moama Lights

Facebook Overview: Through our organic socials and ads campaign we have reached almost 196,844 people. We had 16,480 people visit our page and 441 new likes. Audience is 20% Melbourne based, mainly women ages 35-44.

Facebook Reach = 196,844 reach Up 67.9% from previous month

Top Posts:

1) Moama Lights Ice Skating 2023 is officially open (June 24th)

Performed best on Facebook with: 23,770 Reached 5901 Reactions, Comments & Shares



Monthly Operational Report – June 2023

Economic Development & Tourism

2) 20% Off Murray River Paddle Steamers during Moama Lights (June 30th)

Performed best on Facebook with: 14,216 Reached 856 Reactions, Comments & Shares

3) Where can I park? (June 25th)

Performed best on Facebook with: 10,556 Reached 2053 Reactions, Comments & Shares

Instagram Reach = Instagram Reach = 22,276 Down 29.7% from previous month however with 2315 profile visits we're up 66.1% on last year. Current following = 2,013 New following: 167 (net)

Visit River Country

Facebook Overview: Reach significantly up as predicted due to Moama Lights. Once again the 2 top performing posts are all specific venues/businesses or events. Posting this kind of content creates a connection to these businesses as opposed to the whole town. Posts surrounding specific local businesses throughout River Country performed really well. Posting specific events and specials from businesses helps increase their exposure and is more likely to see people booking trips away.

Facebook Reach = 62,266 up 167.7% from previous month Current page followers= 10,498 New following: 22 (net)

Top Posts:

1) Barham Bridge Under New Ownership (June 14th)

Performed best on Facebook with: Reached 4339 Reactions, Comments & Shares

2) Pastoral Hotel Mathoura (June 15th)

Performed best on Facebook with: 10015 Reached 1316 Reactions, Comments & Shares

3) Koondrook Barham Bridge (June 20th)

Performed best on Facebook with: 7728 Reached 487 Reactions, Comments & Shares

Instagram Reach = Instagram Reach = 3,434 up 10.2% from previous month Current following = 2,043 New following: 30 (net)

GRANT OUTCOMES announced in the month of June:

1.			
2.			
TOTAL funding achieved			

SUBMITTED Grant applications for June:

3.			
4.			
TOTAL funding requested			



Monthly Operational Report – June 2023

Economic Development & Tourism

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	

Council Resolutions Completed

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Moama Lights was successfully launched on 30 June, following an enormous effort from many staff across Council. As of 4 July, the earned media received through our Moama Lights promotion has received a reach of 7,266,442 and an Advertising Sales Rates value of \$2,975,008. Ticket sales are strong.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Planning & Environment Directorate

PART A: Director Accountabilities and Key Performance Indicators

Director of Planning and Environment – Rod Croft	SBPO	Accountability	Key Performance Indicators 2023/2024	Evidence/Comments:	
<p>The Planning and Environment Department has approximately 65 full time equivalent staff spread across 3 Branches – Waste and Regulatory Services, Parks&& Open Spaces and Biosecurity and Development Services. The Director is responsible for an Operating Budget of \$10 M and a Capital Budget of \$3M (on average) The Director of Planning and Environment provides high-level strategic advice to the CEO and leadership and management of the Planning &Environment directorate to lead the Planning and Environmental Services Department of Council effectively and efficiently through and within legislative requirements and accounting practices. Ensure proactive development, deployment, and maintenance of Planning, and Environmental Services strategies, policies, and practices to meet Murray River Council (MRC) strategic direction and organisational goals. Provide leadership and direction to all planning and environment functions to deliver projects, operations, and statutory approvals within budget and on time.</p>	S	Waste and Compliance Services	Work with Campaspe Shire Council’s Director Sustainability to harvest synergies that may exist to expand services and therefore gain scale etc.		●●●
	S	Parks, Gardens, Open Space and Bio-Security			
	S	Commercial Building Codes	Deliver “Plannings” operational outcomes as determined by the 355 Special Revenue Committee, once the concept plans are finalised.		
	S	Private Building Compliance			
	S	Building Compliance	Assist `the Director Community and Economic Development as required with information that will contribute to the Employment Lands Strategy.	Quotes have been sought by multiple company’s to complete this piece of work, input has and will continue to go into the project that relate to planning matters in particular commercial and industrial land and the relationship with the housing strategy. Consultant is expected to be appointed in June.	●
	S	Statutory Planning			
	S	Local Strategic Planning			
	S	Intergovernment Relations – Planning and Environment	Advocate on behalf of MRC, in concert with RAMJO if required, to influence the NSW Government with regional planning issues and policies.	DPE workshop held late May to understand the population growth and the need for aggressive rezoning of land in the short to medium term. A ministerial letter has been prepared with a solution-focused approach to influence changes to how the NSW stage government address fundamental flaws in the Housing strategy guideline in relation to the definition of “Vacant land” amongst other aspects.	●
	S	Section 138’s Driveways and Crossovers			
	S	Solar Energy			
	S	Building and Development			
	S	Internal Approvals Part 5			
	S	Planning Advisory Service			
	S	Meninya Street Project			
B	Intergovernment Relations – Planning and Environment	Jointly project manage the input into re-development of the Planning Portal	24/4/2023 - Lead and delivered the EOI process for the integration with the EPlanning Portal. Prepared EOI statement and documentation to run the process and lead the interview process for 5 x IT providers. Two IT providers were determined as being the strongest in the process, which RAMJO councils will be given the opportunity for ‘economy of scale” type contracts with a provider with multiple councils. Process concluded 24/4/2023.	●	
		By Dec 23 Gain a mandate for a revised Developer Contribution Plan	Draft Developer Contribution Plan has been completed, awaiting budget confirmation to move to a % based model from Finance and the 2023/2024 budget to understand capital project forecasts.	●	
		By Dec 23 Gain a mandate for a disincentive to land bank.	Legal advice sought in relation to legal pathways for establishing a sub-category for residential rates, including any potential IPART processes.	●	
		By Dec 23 in conjunction with the Director of Community and Economic Development lead the investigation and subsequent re-zoning of suitable land for IN1 (Industrial Land)			
		By March 24 provide a detailed design for the Meninya Street Precinct	Civil Design inclusive of Feature Survey and Service Location is currently submitted to market for submissions. Expected to be completed by March 2024.	●	
		By Sept 23 produce a prospectus for the Meninya Street Precinct and EOI for the redevelopment of the old council offices (in conjunction with the Employment Lands Strategy Process).	Lucid Economics has been engaged for the development of a Prospectus for the Meninya Street Precinct Project.	●	
		By Sept 24 assist the Director of Corporate Services and the CEO in developing the funding model for the Meninya Street Precinct.			



Monthly Operational Report – June 2023

Planning & Environment Directorate

PART A: Section Accountabilities and Team Roles

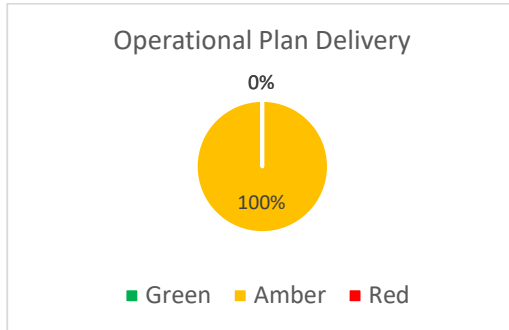
Manager of Development Services – Jessica McFarlane	Manager Parks, Gardens, Open Spaces & Biosecurity – Luke Keogh	Manager Waste and Regulatory Services – Brian Holmes	Meninya Street Project Manager – Matt Sherman	Acting Senior Administration Officer/Executive Officer –																																																																																																																																																																									
<p><i>The Manager Development Services is responsible for the management and delivery of all planning and certification services within Council. The role requires detailed knowledge of all relevant legislative requirements in New South Wales, a strong customer service focus and the ability to negotiate and resolve conflicts to achieve required outcomes.</i></p> <p><i>The Manager works closely with colleagues with internal and external stakeholders on a variety of issues in order to ensure effective communication, streamline and fast track processes and to produce effective planning and building outcomes for the community.</i></p>	<p>The Manager Parks, Gardens, Open Spaces & Biosecurity manages and coordinates parks, gardens and biosecurity within the Murray River Council and the public spaces and amenities including but not limited to playgrounds, trees swimming pools, sport and recreation facilities and grounds and public amenities in the Murray River Council area.</p>	<p>The Manager Waste and Environmental Protection ensures quality programs and initiatives are provided to Council in the delivery of waste and environmental services, and compliance. Ensure the ratepayers are provided with appropriate, effective and efficient services, which encourage the community in the areas of recycling and waste minimisation.</p>	<p>This is a contracted position to manage the Meninya Street Precinct Project.</p>	<p>The Acting Senior Administration Officer/Executive Officer is to provide administrative support to the Development Services team, Manager Development Service and Director Planning & Environment. Additional to this the role services customers/applicants in relation to planning and building related development approvals and certificates.</p>																																																																																																																																																																									
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Monthly Operational Report – June 2023

Planning & Environment Directorate

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the *Section* relates to The Planning and Environment Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 1 – Goal 2 - Protect, enhance and sustain the natural environment									
1.6 - Stewardship agreements									
Work with relevant agencies to identify any projects that Council can support and contribute to relating to biodiversity, carbon or other offset agreements. (S DPE)	Advocate	(DP 1.6.1) MRC / DPIE Sustainable Councils and Communities Program findings to be reviewed and implemented.	B: DPE P: W&BC O:W&BC		✓	✓	✓		
Theme 1 – Goal 3 - Plan for the impacts of climate change									
1.7 – Environmental Sustainability Strategy									
Develop & begin implementation of an Environmental Sustainability Strategy, containing energy efficiency and the impacts of climate change. (S DPE)	Deliver	(DP 1.7.1) Develop an Environmental Sustainability Strategy taking into account energy efficiency & the impacts of climate change	B: DPE P: O:			✓	✓		
Theme 2 – Goal 2 - Continue to be a trusted and ethical leader that leads by example									
2.5 – Leadership that is trusted, capable and collaborative									
Develop and implement a Corporate Strategy. (S DPE)	Deliver, Partner, Advocate	(DP 2.5.1) Revitalisation of Meninya Street Moama	B: DPE P: O:	✓	✓	✓	✓	Project Manager, Meninya Street Precinct Project is currently acting as interim Manager, Parks and Open Spaces resulting in no major progress since the May MOR Update. Procurement remains underway to identify a successful supplier for the Design, Survey and Service Location for the construction of Meninya Street, Moama.	●
Theme 3 – Goal 4 – Strategic planning which produces consistent, strategic, transparent outcomes.									
3.10 – Streetscaping / Master planning / Placemaking									
Investigate and prioritise townships for placemaking, masterplans and streetscaping, to be	Deliver	(DP 3.10.1) Review of priority Streetscapes and Masterplans within MRC, to be undertaken with community consultation considering township identity and sense of place.	B: DPE P: O:		✓	✓			

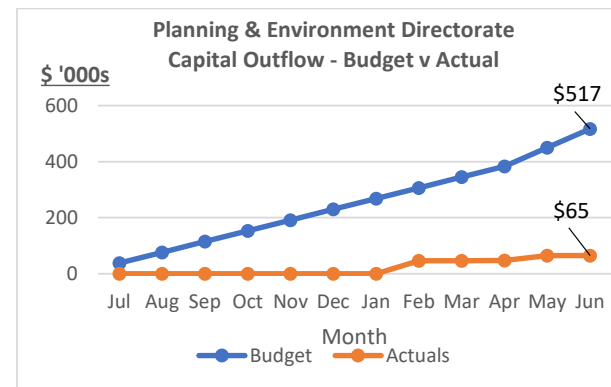
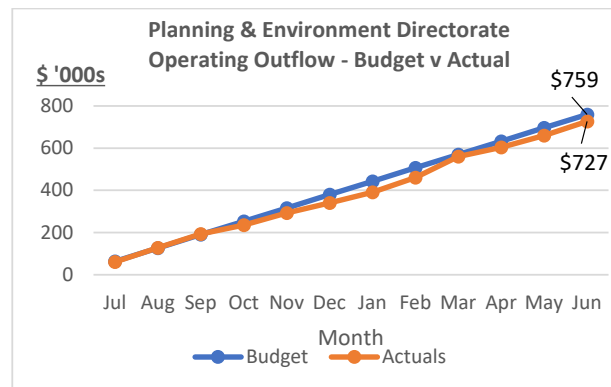


Monthly Operational Report – June 2023

Planning & Environment Directorate

well-planned, design and implemented. (S DPE)	Deliver	(DP 3.10.2) Meninya Street Moama is the initial priority for MRC	B: DPE P: O:	✓	✓	✓	✓	Project Manager, Meninya Street Precinct Project is currently acting as interim Manager, Parks and Open Spaces resulting in no major progress since the May MOR Update. Procurement remains underway to identify a successful supplier for the Design, Survey and Service Location for the construction of Meninya Street, Moama.	●
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.									
3.15 – Water Play									
Investigate commercial and public sector opportunities for splash and water parks throughout the region. (S DPE)	Partner, Advocate	(DP 3.15.1) Advocate for private investment of these facilities at appropriate locations linked to commercial business arrangements to allow sustainable funding model to maintain the asset and renew when required.	B: DSP P: O:	✓	✓	✓	✓	Investigations for possible areas where a private/commercial operator could encompass a waterpark/splash park appears to be limited to higher populated areas. Council staff are having discussions with the developer in Moama to include a splash park as part of their overall subdivision. Other locations around the region have not been pursued at this stage, as these are costly items, where ongoing maintenance costs are very high	●
Theme 7 – Goal 3 – To encourage, educate and enable environmentally sustainable approaches to energy management.									
7.8 – Waste to Energy.									
Maintain currency with EPA's Energy from Waste Policy. (S DPE)	Deliver	(DP 7.8.1) Energy from waste is embedded in the Environmental Sustainability Strategy.	B: DPE P: O:				✓		
	Partner	(DP 7.8.2) Investigate feasibility and provide a report to Council on options for future use of the WW2 fuel storage area in Mathoura in relation to waste to energy uses on the site.	B: DPE P: O:			✓			

PART C: Financial Outcomes



PART D: Project Status

Meninya Street Precinct Project:
 The Meninya Street Precinct Project has concluded consultation conceptual designs and will now proceed to Detailed Design (Civil) for the streetscape and associated services. Procurement is underway for a supplier to complete the design process including survey and design. Evaluation is currently underway to identify a successful supplier. Contract will include geotechnical design, electrical network design as well as traffic management and liaison with telecommunication authorities.

PART E: Business as Usual

PART F: Service Metrics



Monthly Operational Report – June 2023

Planning & Environment Directorate

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
15/2/2023	Development Services resourcing	Attracting and retaining planning and building staff to Moama remains a challenge. These issues aren't isolated to MRC, there appear to be national shortages across Australia. Investment NSW is conducting a review in relation to the number of planners that are in NSW to service the needs of the State and Local Governments. MRC have advertised a "try before you buy" type deal where Council will pay accommodation, flights etc from anywhere in Australia to work for MRC as a planner or building surveyor for a month at no cost to the applicant. There has only been one interested candidate at this stage, and therefore we will extend the advertisement to herald sun and the Age newspapers nationally to see if we can't attract candidates.	<ul style="list-style-type: none"> - Continue to advocate for "stocktake process" to be completed Nationally via local government forums and consider international recruitment of planning staff - Advocacy at high levels through NSW Government to understand the impact on MRC growth etc. - A proposed Development Services realignment has been proposed internally to organise the team in a higher functioning and less administrative way. This has created no increase in Full time Equivalent staff but will change positions to allow a better field of applicants via the recruitment process. - A new development services structure has been designed and confirmed where roles have been changed to entice different skills sets to fill roles where the pinch points are in workloads across the development services directorate. Therefore, Council can align skills and experience with the technical work and admin staff with more admin tasks. First stages of advertisement will be advertised in Early April. 	● ● ●

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 18/04/2023	Draft Murray River Council Housing Strategy 2023 - Part 1 & 2	120423	<p>RESOLUTION 120423</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Geoff Wise</p> <p>That Council:</p> <ol style="list-style-type: none"> Notes the place-based actions outlined in the Strategy (Part 2 Implementation plan) to deal with issues and impediments to progressive development in all Murray River Council townships. Endorsed the attached Draft Murray River Council Local Housing Strategy - Part 1 and 2 (the Strategy) and authorises the Strategy to be placed on public display to undertake the required 28-day public consultation process. Noting that a further report will come back to Council for formal adoption of the Strategy. Approves the notion of the expansion area of the Moama township to the west through the suggested rapid release of residential land products and provide a balance in protecting key tourism interests and environmental values from Moama through to the Torrumberry Weir. <p style="text-align: right;">CARRIED</p>	Croft, Rod	●
<p>13 Jun 2023 1:18pm Croft, Rod</p> <p>18 Submissions received. Mostly small minor changes required. The large submissions will take some time to go through and finalise the document for July</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

High Risk – NSW DPE planning need for detail and requirements for logical infill development is a risk to Councils aggressive residential land rezoning agenda.



Monthly Operational Report – June 2023

Development Services

PART A: Section Accountabilities and Team Roles

Manager Development Services – essica McFarlane	Senior Building Surveyor	Building Surveyor (Including Cadet BS)	Senior Town Planners	Subdivision Engineer	Administration Officers																																																																																																		
<p>The Manager Development Services is responsible for the management and delivery of all planning and certification services within Council. The role requires detailed knowledge of all relevant legislative requirements in New South Wales, a strong customer service focus and the ability to negotiate and resolve conflicts to achieve required outcomes. The Manager works closely with colleagues with internal and external stakeholders on a variety of issues in order to ensure effective communication, streamline and fast track processes and to produce effective planning and building outcomes for the community.</p>	<p>The objective of this role is to provide a very high level of advice, support and leadership to the building services team and to support the customers of Murray River Council in accordance with set policies and procedures and legislative requirements.</p> <p>To carry out all duties and functions prescribed under the various Planning and Environmental Acts, Regulations, Codes and Council Policies and Procedures in an efficient, expedient, and professional manner without favour to ensure the protection of the built and natural environment.</p>	<p>The objective of this role is to provide developers, ratepayers, staff, and Council with specific advice on all building related matters. To carry out all duties and functions prescribed under the various Planning and Public Health and Environmental Acts, Regulations, Codes and Council Policies and Procedures in an efficient, expedient, and professional manner without favour to ensure the protection of the built and natural environment.</p>	<p>The objective of this role is to ensure that all planning and development activity, and Town Planners, in the Council is controlled under Council Policy and in accordance with applicable legislation.</p> <p>Managing Development Applications assessment and determination and prepare Local Environmental and Development Control plans and policies in accordance with Councils Strategic Plans and other legislative requirements.</p> <p>Professional Planners dealing with both strategic and statutory planning matters.</p>	<p>The objective of this role is to negotiate and carry out all functions associated with Subdivisions (pre-construction) managed by Murray River Council in accordance with legislation, policy and procedure.</p> <p>Multiple stages of subdivision plans for development in the next six month have been completed and released.</p>	<p>The objective of this role is to provide administrative support to the planning service team, with specific planning administration duties under the direction of the supervisor. The incumbent will be expected to make a valuable contribution to the level and quality of support provided to the Development Services Department.</p>																																																																																																		
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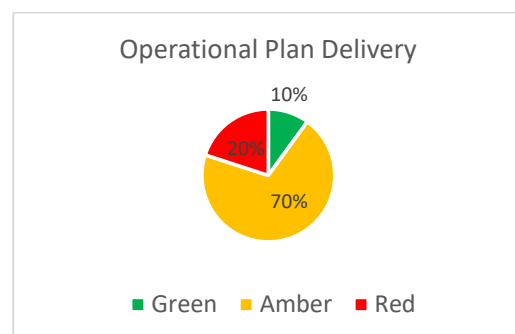


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Development Services

O	Statutory Planning Certificate Services					
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PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Development Services provides a service as part of the Planning and Environment Directorate

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	
				1	2	3	4		
Theme 1 – Goal 2 - Protect, enhance and sustain the natural environment									
1.4 - Improving areas of natural habitat									
Identify and enhance natural values/habitats as part of any landscape upgrades to Council Reserves (S DPE)	Deliver	(DP 1.4.1) Development of the Waterfront Strategy - encompass protection of the riverine environment regeneration and restoration of river frontages including erosion and bank stabilisation works	B: MDS P: O:	✓	✓			On hold until the finalisation of the Housing Strategy.	●
Sensitive urban design, green spaces included in developments where appropriate (S DPE)	Deliver, Partner	(DP 1.4.2) New subdivisions will incorporate green spaces in their urban design for Council to manage in the future.	B: MDS P: O:	✓	✓	✓	✓	Continually implemented.	●
Theme 2 – Goal 1 – Deliver exceptional and consistent service to our internal and external community									
2.4 - Statutory Planning and Building									
Encourage improved standards of development applications (S DPE)	Deliver	(DP 2.4.1) Percentage of approvals completed within statutory timeframes. Update Development Services Charter.	B: MDS P: O:	✓	✓			Continually progressing. New procedures and processes to be put into place including a Development Services Team realignment, new Software (BCS) and advertising for replacement and new positions to progress.	●
		(DP 2.4.2)						All line items relocated to and reported under (DP 3.11.1)	
		(DP 2.4.3)						All line items relocated to and reported under (DP 3.11.2)	
	Deliver	(DP 2.4.4) Waterfront Strategy developed and implemented	B: MDS P: O:	✓	✓	✓		On hold until the Housing Strategy is finalised.	●
Provide sufficient resources to meet	Advocate	(DP 2.4.5) Undertake and complete process mapping of planning processes and efficiencies.	B: MDS P: O:	✓	✓			Continually progressing.	●



Monthly Operational Report – June 2023

Development Services

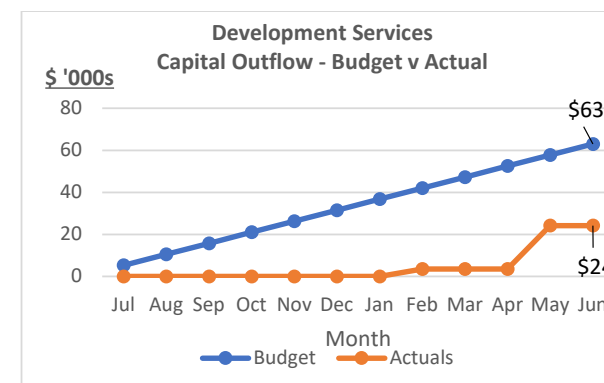
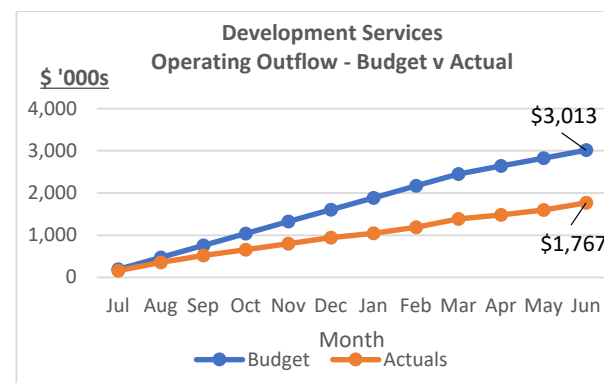
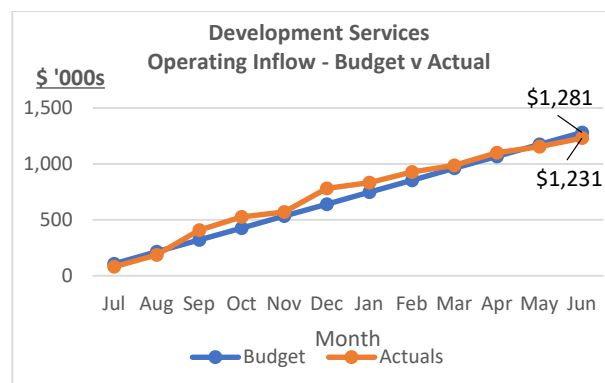
statutory delivery timeframes. (S DPE)	Advocate	(DP 2.4.6) Undertake and complete process mapping of planning processes and efficiencies.	B: MDS P: O:	✓	✓			Continually progressing.	●
Provide improved communication measures for planning enquiries. (S DPE)	Deliver	(DP 2.4.7) Reduced number of general planning enquiries into Council. Allowing more focus and timely approvals of DA's.	B: MDS P: O:	✓	✓			Implementation in progress in alignment with corresponding processes and procedures throughout Development Services Team in general for overall improvement and streamlining.	●
	Deliver Advocate	(DP 2.4.8) Increase education and training for locals on use of NSW Planning Portal and other requirements.	B: MDS P: O:	✓	✓			Continually in progress.	●
Theme 3 – Goal 2 – Enable development of sustainable liveable communities									
3.7 – Housing Strategy									
Development of a Residential Housing Strategy which will guide the rezoning of future residential land over the next 5-10 years and beyond. (S DPE)	Deliver	(DP 3.7.1) Develop a Residential Housing Strategy.	B: MDS P: O:	✓				Nearing completion. Council staff have completed the process of handing this project over to Consultant Town Planner Angus Witherby for completion. Due for presentation to Council in April 2023.	●
	Deliver	(DP 3.7.2) Review and update the Local Environment Plan in relation to the Housing Strategy Outcomes.	B: MDS P: O:			✓	✓		
Theme 3 – Goal 4 – Strategic planning which produces consistent, strategic, transparent outcomes.									
3.11 – Town Planning / Land Use Strategies									
Prepare new Development Control Plan and New Local Environment Plan for MRC (S DPE)	Deliver	(DP 3.11.1) Review and develop a new Development Control Plan	B: MDS P: O:	✓				MDS has commenced discussions with consultant to kick this process off now that the housing strategy has further developed.	●
	Deliver	(DP 3.11.2) Review and develop a new Local Environment Plan	B: MDS P: O:			✓	✓		
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.									
3.13 – Upgrade, enhance and maintain Parks and Open Spaces that connect Communities and are accessible.									
Investigate and review current standards of existing parks and identify upgrades required including accessibility and amenity blocks where appropriate. Consider new areas of Parks & Open Spaces where they link to high use areas, such as residential subdivisions. (S DPE)	Deliver	(DP 3.13.3) Feasibility and demand investigated for Teenage hangout spaces across the region	B: MDS P: O:			✓			
	Deliver Partner Advocate	(DP 3.13.5) Increase in public access points to rivers – being assessed via the Waterfront Strategy		✓	✓	✓	✓		



Monthly Operational Report – June 2023

Development Services

PART C: Financial Outcomes



PART D: Project Status

August 2022	Residential Housing Strategy	Phase 1 of Public Consultation closed on 15 November 2021. Drafting of the strategy began in December 2021 and in early January we were advised that the 2021 ABS Census data would be released to us in June 2022. Given that the 2021 census data provides a crucial baseline for the Housing Strategy and the Populations Projections (which link into this Strategy) we elected to delay the drafting of the Residential Housing Strategy until the updated census data could be factored in. With the level of change experienced in the preceding two years for housing, population change, births, and deaths, it would be illogical to base the Housing Strategy and subsequent planning outcomes off outdated 2016 data.	<p>The draft strategy is under preparation. Council Staff have reviewed the first draft of the Housing Strategy and are fine tuning the draft in partnership with our consultant and the NSW Department of Planning & Environment (DPE). While we are disappointed that the project is tracking behind the initial schedule, it is of critical importance this significant piece of work is fit for purpose before being presented to Councillors and our community. We will continue to work on the draft as a priority and intend to present to final draft to Council for consideration in March 2023.</p> <p>April 23 – Strategy is currently under Public Exhibition</p> <p>June 2023 – Council staff and our consultant Angus Witherby met with Department of Planning & Environment representatives on the 6th of June to discuss their own thoughts in relation to the strategy and to establish a way forward. A further meeting with State representatives and stakeholders into the strategy is to go ahead in the coming month with the strategy expected to be presented back to Council in July/August 2023.</p>
August 2022	Waterfront Strategy		<p>In late June 2022, Council received the draft Waterfront Strategy for review. Council Staff and DPE have provided feedback on the draft and unfortunately require significant amendment to ensure the strategy will fulfill the overarching aim of the project and promote sustainable waterfront activation. Unfortunately, the lead consultant employed for this project resigned in mid-August 2022, and staff are arranging a pathway forward. At this time, the project will be paused to allow our consultants to respond to the draft feedback, and also allow Council to prioritise the Housing Strategy. Updates will be provided as they are at hand.</p> <p>June 2023 – Council’s Senior Strategic Planner will look to touch base regarding deliverables and a new course for the strategy with our consultants moving forward.</p>

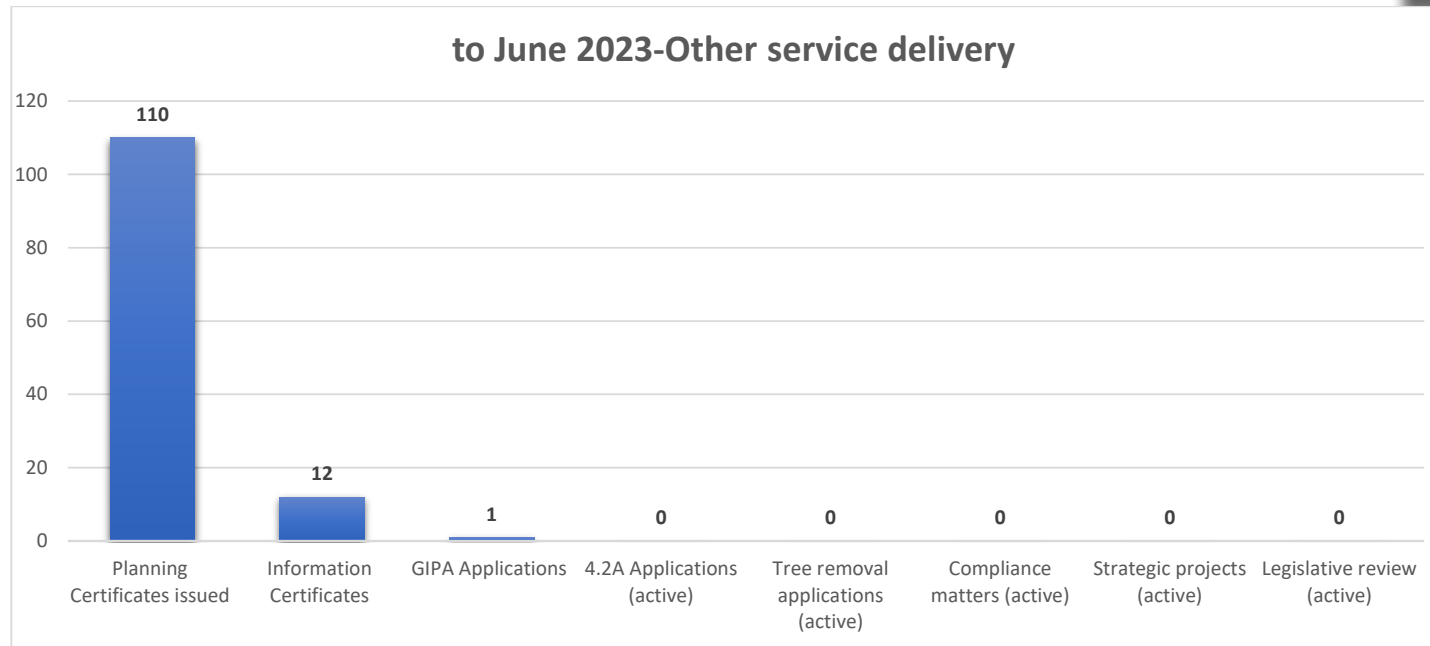
PART E: Business as Usual

Planning Certificates issued	110
Information Certificates	12
GIPA Applications	1
4.2A Applications (active)	0
Tree removal applications (active)	0
Compliance matters (active)	0
Strategic projects (active)	0
Legislative review (active)	0

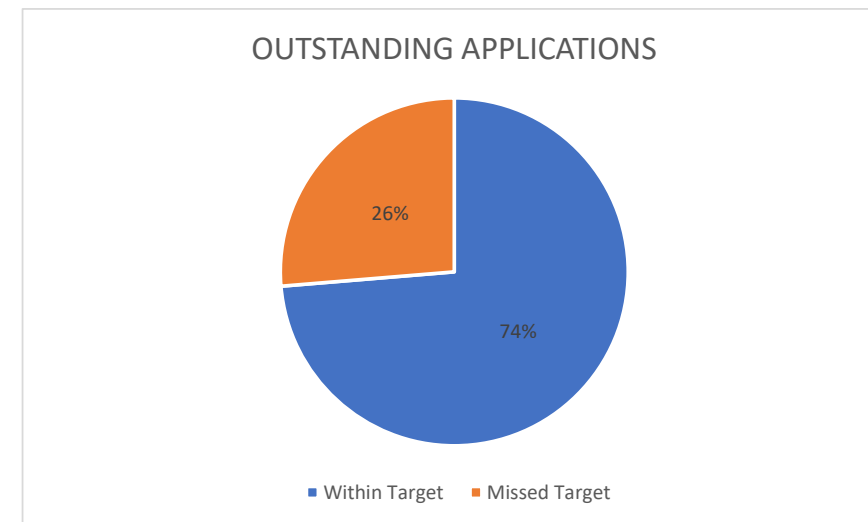
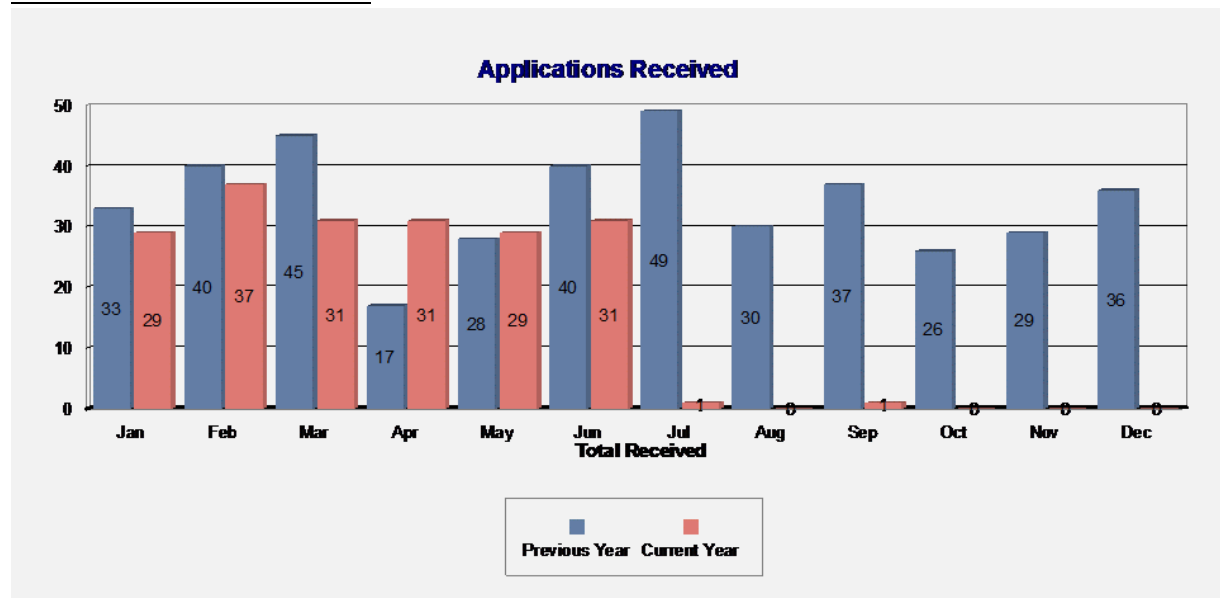


Monthly Operational Report – June 2023

Development Services



DEVELOPMENT APPLICATIONS:





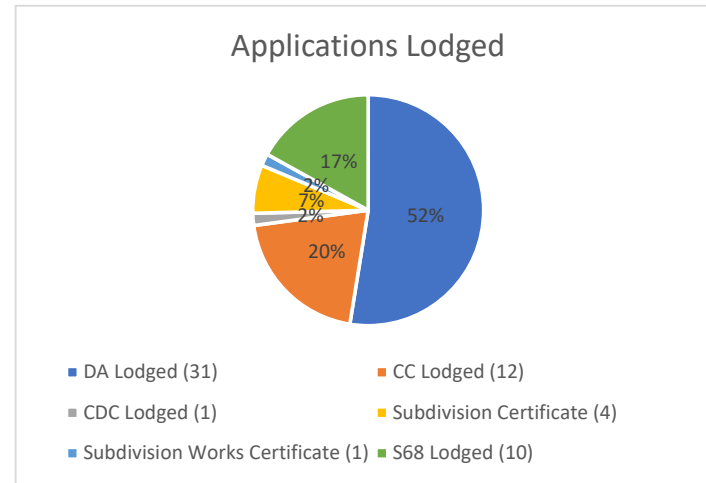
Monthly Operational Report – June 2023

Development Services

APPLICATIONS LODGED, DETERMINED and INSPECTIONS

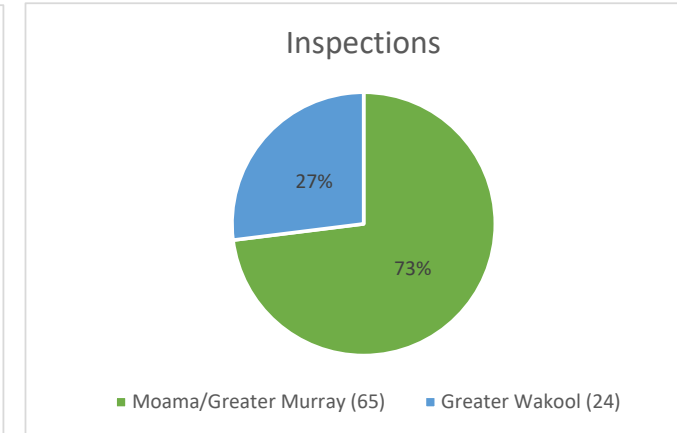
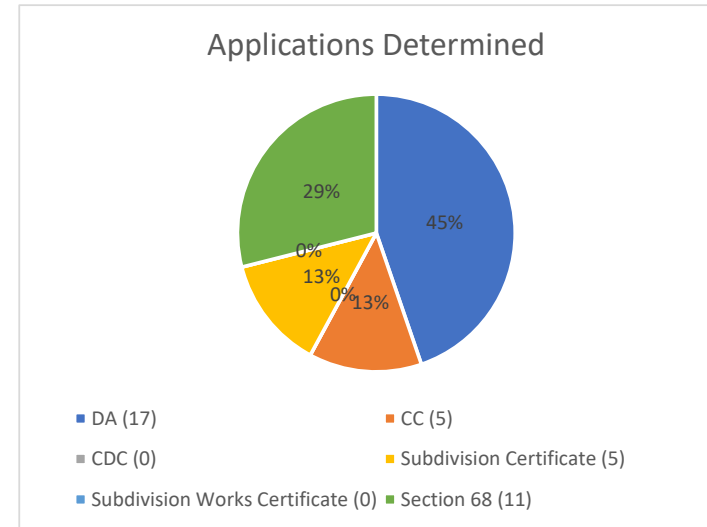
Applications Lodged:

DA Lodged	31
CC Lodged	12
CDC Lodged	1
Subdivision Certificate	4
Subdivision Works Certificate	1
S68 Lodged	10



Applications Determined:

DA	17
CC	5
CDC	0
Subdivision Certificate	5
Subdivision Works Certificate	0
Section 68	11



Pre-assessments lodgement Applications in the Portal, under Request for Information:

Development Applications – 24 Construction Certificates- 16 Section 68 - 9 Complying Development Certificate – 2 Principal Certifier – 1
 Occupation Certificates –11 Building Information Certificates - 0

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
June 2022	E Planning Portal Errors	Log and record the errors and raise these issues with the E Planning Portal technical support team.	Council staff have contacted 'E Planning technical support' to resolve errors and issues as there is an issue in the system in relation to processing building related certificates and post consents. Issues with the E planning portal system are being documented and have been discussed with DPE. Council has released a Development Update to the Development Forum Group acknowledging the issues with the portal and describing the function and processes of the portal in a straightforward way. This information may assist developers to understand how the portal works and the processes both Council and applicants need to adopt when using the portal. Update: June 2022 - Council's Director of Planning and Environment met with the Minister of Planning and Minister of Local Government to discuss the NSW Planning Portal functionality. Update May 2023 – As the portal evolves Council is exploring software and options that integrate with the portal for as much ease of use as possible. The main issue is that customer service at the portal is still minimal and Council staff continue to receive various requests for support from the community.	● ● ●
December 2021	Development contributions reform	See previous comments in SWOT analysis. The proposed reforms will result in a likely loss to Council as development contributions captured to fund local infrastructure delivery will be affected. Additional funding will likely be	Council completed a submission as part of the second round of consultation. Council have again raised objection to the subject reforms. Staff will update as the matter progresses.	●



Monthly Operational Report – June 2023

Development Services

		captured by the State Government, at the expense of local government areas.		
May 2022	Builder's Forum / Industry Forum	In May 2022, Council launched a 'Builder's Forum' which is aimed at sharing industry information amongst developers, builders and the like to assist in ensuring smoother transition of development applications from the portal to the assessment officer and back to the applicant resulting in faster turnaround times for approvals. This forum focuses on the use of Council's various checklists to ensure better quality applications to ensure faster acceptance in the portal, thus ensuring faster assessment times amongst other issues such as inspections, applications, town planning matters etc.	On-going meetings to be held every 6-8 weeks with the next meeting 26 September 2022. The meeting of 26 th September 2022 was a meeting with low attendance. We had 3 representatives attend in person and perhaps 5 online attendees. Update April 2023 – Next meeting to be held 23 rd May 2023 with presentations from Council staff and the introduction of new staff to the community. This meeting was well attended and a strategy for further meetings discussed. Next Meeting 25 th July 2023.	●
April 2023	Standard conditions of consent and standard format notice of determination	More information to come on how the changes affect our timeframes, whether positively or negatively during the transition stage. MDS to ensure all staff are kept on top of the changes to promote seamless transition into the process.	The introduction of standard conditions of development consent is an initiative under the NSW Planning Reform Action Plan . From 30 June 2023, councils and planning panels will be required to use the standard format notice of determination on the NSW Planning Portal.	●

Council Annual Report Checklist

Description	Reference	Included?
Disclosure of how development contributions and development levies have been used or expended under each contributions plan. (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Environment Planning and Assessment Regulation 2021 cl 218A(1)	No
Details for projects for which contributions or levies have been used must contain: <ul style="list-style-type: none"> ▶ project identification number and description ▶ the public amenity or public service the project relates to ▶ amount of monetary contributions or levies used or expended on project ▶ percentage of project cost funded by contributions or levies ▶ amounts expended that have been temporarily borrowed from money to be expended for another purpose under the same or another contributions plan ▶ value of the land and material public benefit – other than money or land ▶ Whether project is complete (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Reg 218A (2)(a),(b),(c),(d),(e),(f),(g)	No
Total value of all contributions and levies received and expended during the year. (Commencing 1 July 2022. Reporting does not apply retrospectively – not required 21-22)	Reg 218A(3)(a),(b)	No

Council resolution completed

Council resolution outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Planning Agreement for 13 Maidensmith Drive, Moama	250623	<p>RESOLUTION 250623</p> <p>Moved: Cr Geoff Wise</p> <p>Seconded: Cr Dennis Gleeson</p> <p>1. That the Officers Report be received and noted.</p> <p>2. That Council endorse the Voluntary Planning Agreement (VPA) between Murray River Council and Layfield Road Pty Ltd and authorise the CEO to execute the agreement on Councils behalf.</p> <p style="text-align: right;">CARRIED</p> <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis Gleeson</p> <p><u>Against:</u> Nil</p>	O'Brien, Christopher	●



Monthly Operational Report – June 2023

Development Services

CARRIED 8/0

Council resolution outstanding over 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 14/03/2023	Update - Planning Proposal PP-2022-2347 Reclassification of Land from 'Community' to 'Operational' at Lot 3 DP813704, Centre Road, Moama	020323	<p>RESOLUTION 020323</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Kron Nicholas</p> <p>That:</p> <ol style="list-style-type: none"> This council report be considered for information. Proceeds with the planning proposal to reclassify the land (Lot 3 DP 813704, Centre Road, Moama) to operational and send the planning proposal to the NSW Department of Planning and Environment to finalise the process. <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Ann Crowe, Thomas Weyrich, Frank Crawley and Kron Nicholas</p> <p><u>Against:</u> Nil</p>	McFarlane, Jessica	●
CARRIED 6/0					
CARRIED					
<p>30 Mar 2023 3:31pm Gunter, Maddison</p> <p>30/03/2023 - Council has uploaded the finalisation information onto the Planning Portal following the council report and recommendation to proceed to finalisation. The Proposal has now been sent to the plan making authority (PMA) and Council have notified their DPE contact of this.</p> <p>08 May 2023 3:46pm Leyonhjelm, Lindy - Reallocation</p> <p>Action reassigned to McFarlane, Jessica by Leyonhjelm, Lindy - Maddison Gunter has left the organisation</p> <p>14 Jun 2023 8:54am Leyonhjelm, Lindy</p> <p>planning proposal has been sent to to the NSW Department of Planning and Environment in March, still waiting on approval</p>					

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 28/02/2023	Planning Proposal - PP-2021-5594 - Post Consultation Report - Planning Proposal for amendment of Murray Local Environmental Plan 2011 to reduce the minimum lot size from 3000m2 to 1000m2 at Lot 17 DP258661, 17 Maiden Smith Drive, Moama	120223	<p>MOTION</p> <p>Moved: Cr Geoff Wise</p> <p>Seconded: Cr Ann Crowe</p> <p>That Council resolve to:</p> <ol style="list-style-type: none"> Consider this report and submissions for information, and proceed with the Planning Proposal as submitted to reduce the minimum lot size provisions of Lot 17 DP 258661 from 3000 square metres to 1000 square metres in accordance with the current Planning Proposal, and Due to the comments received from NSW Department of Planning and Environment (DPE), develop a Precinct Plan for the Maiden Smith Drive area and include it into Council's Development Control Plan prior to the determination of any subsequent Development Applications affecting the subject land. <p>SEE AMENDED RESOLUTION WITH ADDITIONAL ITEM</p>	McFarlane, Jessica	●

**RESOLUTION 120223**

Moved: Cr Frank Crawley

Seconded: Cr Neil Gorey

That Council resolve to:

1. Consider this report and submissions for information, and
2. proceed with the Planning Proposal as submitted to reduce the minimum lot size provisions of Lot 17 DP 258661 from 3000 square metres to 1000 square metres in accordance with the current Planning Proposal, and
3. Due to the comments received from NSW Department of Planning and Environment (DPE), develop a Precinct Plan for the Maiden Smith Drive area and include it into Council's Development Control Plan prior to the determination of any subsequent Development Applications affecting the subject land.

Amendment - Additional item for resolution:

4. Any subsequent DA relating to the sub division as a whole be brought to Council for a decision by Council.

CARRIEDIn Favour: Crs Chris Bilkey, Ann Crowe, Neil Gorey, Frank Crawley, Kron Nicholas, Geoff Wise and Dennis GleesonAgainst: Crs Nikki Cohen and Thomas Weyrich**CARRIED 7/2****16 Mar 2023 11:08am Gunter, Maddison**

The report went to Council meeting, then following the resolution, the Planning Proposal was sent to DPE to finalise the Murray LEP 2011 changes. Council are awaiting confirmation on the completion of the LEP map amendments.

04 Apr 2023 8:02am Gunter, Maddison

Planning proposal has been finalised and Murray LEP map amendment has been finalised.

08 May 2023 3:46pm Leyonhjelm, Lindy - Reallocation

Action reassigned to McFarlane, Jessica by Leyonhjelm, Lindy - Maddison Gunter has left the organisation

14 Jun 2023 8:49am Leyonhjelm, Lindy

this is now with DPE for assessment.

14 Jun 2023 8:49am Leyonhjelm, Lindy - Target Date Revision

Target date changed by Leyonhjelm, Lindy from 14 March 2023 to 01 August 2023 - Waiting on assessment from DPE

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

In June 2023 Jack Rogerson, Council's Assistant Building Surveyor completed his studies and is now on track to becoming an Accredited Council Certifier. Congratulations Jack on all your hard work and commitment to your role and study (not an easy feat!) and we are excited to see you grow into a Building Surveyor within your team!

In June we also welcomed Council's New Business Unit Support Officer Beck White who will lead the Development Services Administration Team. Staff have also been busy this month development all new development checklists for internal and external use with an aim to increase and improve customer experience and community education as well as streamline and promote ease of use for staff internally. A huge well done to Amy Jackson and Harvey McKinnon for their commitment to building the processes for our new Building Certification Systems software. Your effort in making this happen has been amazing.

A big well done to the entire Development Services team for your exceptional teamwork and commitment to our ever changing team as we go through many changes. Your commitment and contribution to our team and Council is greatly appreciated and we are excited to see what the remainder of 2023 brings.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Council continues to use the services of Louise Collins & now Nancy Sample as consulting town planners to assist the development Services Section. This assistance is important at this stage and is proving vital to ensure service commitments to the community and to ensure support within the team environment. In June/July we see not only new started but also interviews for various roles within DS which will see the need for contractors to slowly diminish, however, this arrangement will continue as needed.



Monthly Operational Report – June 2023

Parks, Gardens, Open Space & Biosecurity

PART A: Section Accountabilities and Team Roles

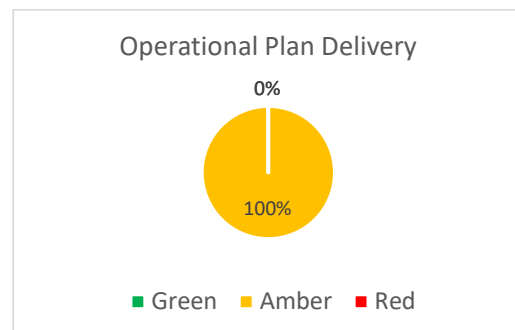
Manager Parks and Biosecurity – Luke Keogh	Parks Coordinator	Biosecurity Coordinator	Parks Team Leaders (By Location)																																																																																																																																																		
<p>To manage and coordinate parks, Open spaces and Bio Security within Murray River Council and the public spaces and amenities including but not limited to playgrounds, trees swimming pools, sport and recreation facilities and grounds, public amenities and natural areas in the Murray River Council area.</p> <p>Accountable for the effective management of major sections or projects within their area of expertise. As a specialist, advice would be provided to executive level and to the employer on major areas of policy or on key issues of significance to the organisation. The position’s influence would have an important role in the overall performance of the function.</p>	<p>The primary objective of the Parks & Gardens Coordinator is to manage and supervise the team on a day to day basis, ensuring the provision of a high standard of service delivery in accordance with Murray River Council’s policies and procedures and any legislative requirements.</p> <p>Responsible to provide a specialist/technical service and to complete work which has some elements of complexity. Makes recommendations to the public and council staff.</p>	<p>The objective of this role is to manage noxious weeds throughout Murray River Council boundaries in accordance with NSW Biosecurity Act 2015 and Murray River Council policies and procedures. To undertake invasive weed identification and inspections on private and public lands. To participate in the planning and supervision of invasive weed control works to ensure weed management or eradication</p> <p>Responsibility as a trainer/coordinator for the operation of a small section which uses staff and other resources, or the position completes tasks requiring specialized technical/administrative skills.</p>	<p>The Team Leader is responsible for the supervision of staff and resources in the Parks & Gardens unit to ensure that all operations, maintenance and reporting related to the relevant services are carried out in accordance with relevant legislation and Murray River Council’s Policies and Procedures. To assist with the management of external contractors and new capital infrastructure under the direction of the Manager Parks & Open Space.</p> <p>Responsibility as a trainer/coordinator for the operation of a small section which uses staff and other resources, or the position completes tasks requiring specialized technical/administrative skills.</p>																																																																																																																																																		
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Parks, Gardens, Open Space & Biosecurity

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan *Parks, Open Space & Bio Security* relates to: consultation, planning, development; amenity; maintenance and operations; public trees; sportsgrounds (active and passive); cleanliness and administration. Further to this Bio Security relates to the management of Priority Weeds within the LGA under the NSW Bio Security Act 2015. The Planning and Environment Directorate directly oversees the delivery of these outcomes

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	● ● ●
				1	2	3	4		
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.1 – Sports and recreation facilities and spaces									
Outcomes of the Asset and service delivery review to be planned for and prioritised. (S DPE)	Deliver	(DP 3.1.1) Develop a Service standards strategy for all Parks, Recreation reserves.	B: MPOSB P: MPOSB O:CPG	✓	✓			Project commenced and ongoing. CT Management completed Needs and Demands for Parks & Recreation, work shops with Councillors complete, initial report adopted by Council to proceed to next phase of project.	●
	Deliver	(DP 3.1.2) Investigate and plan for development of various boat ramps across the region.	B: MPOSB P: MIP O:CPG	✓	✓	✓	✓	Project ongoing.	●
	Deliver	(DP 3.1.3) Ongoing monitoring and management of sports grounds across the region.	B: MPOSB P: CPG O:CPG	✓	✓	✓	✓	Project commenced and ongoing. All Reserves being monitored with Section 355 Committees being engaged with and supported.	●
	Deliver	(DP 3.1.4) Investigate and develop business cases and feasibility studies for outdoor exercise stations across the region	B: MPOSB P: O:				✓		
	Deliver, Partner	(DP 3.1.5) Investigate and develop business cases for change of ownership of Moulamein swimming pool and associated facilities	B: MPOSB P: O:			✓			
	Deliver, Partner	(DP 3.1.6) Ongoing monitoring and management of Moama and Mathoura outdoor swimming pools and associated facilities	B: MPOSB P: MPOSB O:CPG	✓	✓	✓	✓	Moama & Mathoura pools are operational, 22/23 season has now closed.	●
	Deliver	(DP 3.1.7) Investigate and plan for development and upgrades of Skate Parks across the region.	B: MPOSB P: O:		✓	✓	✓		
	Deliver	(DP 3.1.8) Ongoing monitoring and management of existing sports and recreation buildings.	B: MPOSB P: MPOSB O:CBF	✓	✓	✓	✓	Project commenced and ongoing. All Reserves being monitored with Section 355 Committees being engaged with and supported	●
	Deliver	(DP 3.1.9) Undertake Master Planning for new sport and recreation buildings and grounds across the region.	B: MPOSB P: MPOSB O:MPOSB		✓	✓	✓		
	Deliver	(DP 3.1.10) Undertake feasibility study for development of BMX / Mountain /	B: MPOSB P: MPOSB		✓	✓	✓		



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Parks, Gardens, Open Space & Biosecurity

		Motor bike / Pump tracks across the region.	O:CPG									
Theme 3 – Goal 2 – Enable development of sustainable liveable communities												
3.8 – Community / Botanical Gardens												
Review and support the finalisation of existing community & Botanical gardens. (S DPE)	Deliver	(DP 3.8.1) Continue to support existing community and botanical gardens	B: MPOSB P: MPOSB O:CPG	✓	✓	✓	✓			Stage Five of the project has commenced and on going. 2022/23 Capex Works now complete.	●	
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.												
3.13 – Upgrade, enhance and maintain Parks and Open Spaces that connect Communities and are accessible.												
Investigate and review current standards of existing parks and identify upgrades required including accessibility and amenity blocks where appropriate. Consider new areas of Parks & Open Spaces where they link to high use areas, such as residential subdivisions. (S DPE)	Deliver	(DP 3.13.1) Investigate level of services and complete an asset review for all Parks and Open Spaces.	B: MPOSB P: MPOSB O:CPG	✓						Asset review completed by CT Management, preliminary assessment of service delivery completed and documented. Operational adjustments are continuing to maintain consistency across all towns and villages. Workshops completed with Councillor’s and report prepared to proceed to public consultation.	●	
	Deliver, Partner, Advocate	(DP 3.13.2) Murray Downs Riverside Park – designed and implementation has begun	B: MPOSB P: MIP O:CPG	✓	✓	✓	✓			Design of the Open Space and Boat Ramp is complete. Staging of works has been identified and Council is working with the S355 Committee to deliver the project. Project to be delivered in coming months.	●	
	Deliver	(DP 3.13.4) Ongoing installation of drinking water fountains across the region	B: MPOSB P: CPG O:TLPG	✓	✓	✓	✓			Scoping of the project has commenced. Parks staff have identified priority areas for installations. Procurement has been completed and Council is waiting for delivery.	●	
	Deliver	(DP 3.13.6) Deliver Township Beautician Projects in accordance with Master Plans / Streetscape Plans	B: MPOSB P: O:			✓	✓					
	Deliver	(DP 3.13.7) Review of Council wide toilet / amenity blocks, their future use and accessibility features including parents room, disability access, amenity	B: MPOSB P: O:		✓	✓						
	Deliver	(DP 3.13.8) Ongoing feasibility assessments for new and existing picnic areas.	B: MPOSB P: O:			✓						
	Deliver, Partner, Advocate	(DP 3.13.9) Smarty benches (USB charge stations, power points, wifi hot spots) - Consideration in future design and grant opportunities	B: MPOSB P: O:	✓	✓	✓	✓				Project outcomes to be included in future design requirements for Open Space.	●
	Deliver	(DP 3.13.10) Playgrounds - Feasibility and demand investigated for various locations across the region, complete an asset review and define level of service	B: MPOSB P: O:		✓	✓						
	Deliver	(DP 3.13.11) Park bench program of works to be developed and considered for various locations across the region	B: MPOSB P: MPOSB O:TLPG	✓	✓	✓	✓				Scoping of project is complete with locations and upgrades identified. Procurement is complete and new furniture has been delivered ready for installation.	●
	Deliver	(DP 3.13.12) Shade Sails program of works to be developed and considered for various locations across the region	B: MPOSB P: CPG O:TLPG	✓	✓	✓	✓				Project has commenced. Parks staff have identified priority locations to install shade structures and to renew existing infrastructure. Shade structure install completed at the Moama Off Leash dog Park (small area) and Barham Recreation Reserve Playground has been procured and is on order.	●
	Deliver	(DP 3.13.13) Investigate opportunities for Jetties, Pontoon’s and floating wharfs around the region.	B: MPOSB P: MIP	✓	✓	✓	✓				Not yet commenced.	●
	Deliver	(DP 3.13.14) Investigate and develop feasibility studies for retaining walls around the region.	B: MPOSB P: MIP	✓	✓	✓	✓				Not yet commenced.	●
	Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.											

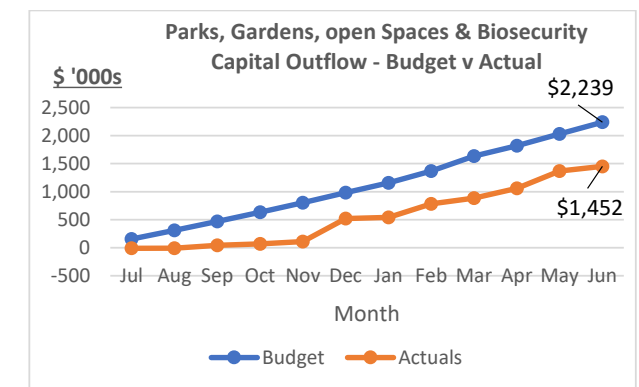
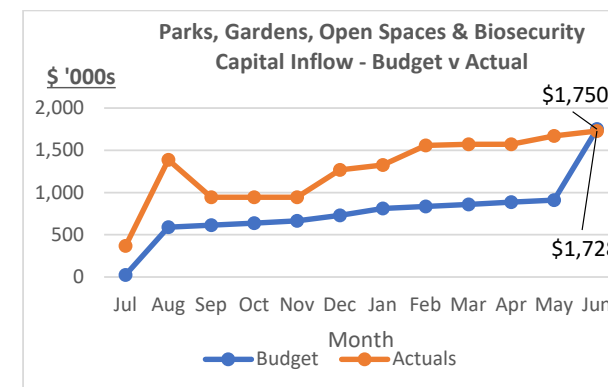
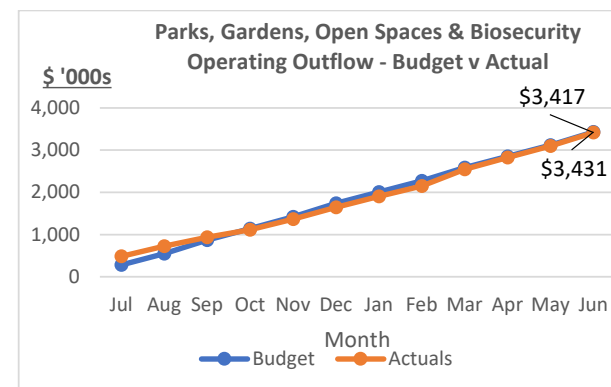
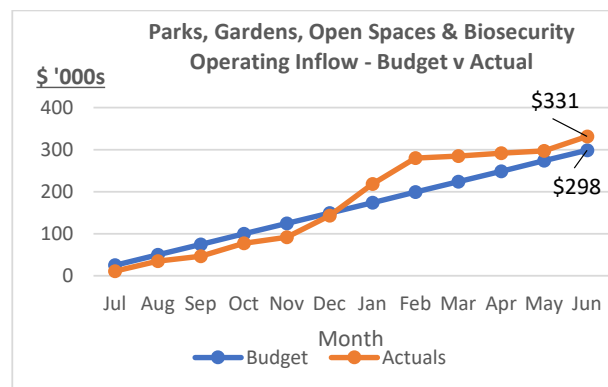


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3.14 – Public Space Waste and Recycling									
Investigate and implement a program for waste and recycling bins in public spaces. (S DPE)	Deliver	(DP 3.14.1) Ongoing installation of dog poo bag dispensers across the region	B: MPOSB P: CPG O:TLPG	✓	✓	✓	✓	Public waste bins have been delivered to Council. Installation to be scheduled in conjunction with furniture upgrades.	●
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.									
3.16 – Weed Management									
Review and further development the Weed Management Strategy (S DPE)	Deliver, Partner	(DP 3.16.1) Development of an Urban Weed Management Plan for adoption by Council.	B: MPOSB P: CB O:CB	✓	✓	✓	✓	Project commenced. Biosecurity Co-Ordinator reviewing current operations and other LGAs to develop Urban Weed Management Plan.	●
	Deliver, Partner, Advocate	(DP 3.16.2) Weed Management Priorities are communicated annually with the community.	B: MPOSB P: CB O:CB	✓	✓	✓	✓	Biosecurity Team implementing WAP 22/23 plan. BIS reports sent to NSW DPI monthly as required to report control actions and inspections. Stakeholder engagement to continue with new signage, media and inspections on Private Property.	●
	Deliver	(DP 3.16.3) A reduction of priority weeds reducing over time.	B: MPOSB P: CB O:CB	✓	✓	✓	✓	Commenced and ongoing.	●
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.2 – Leverage the GIS to improve the extent, efficiency and effectiveness of data capture.									
Use new technology and software to capture information. (S DI)	Deliver	(DP 7.2.3) Implement artificial intelligence to assist in identification of priority weeds	B: MPOSB P: CB O:CB			✓	✓		
Theme 7 – Goal 1 – Embed a geospatial driven system into Council processes, including public interface.									
7.3 – Apply data sources to improve corporate decision making.									
Better management of Biosecurity risks through the use of AI (data capture) (S DI)	Deliver	(DP 7.3.4) Implement Artificial Intelligence to assist in the management of priority weeds	B: MPOSB P: CB O:CB			✓	✓		

PART C: Financial Outcomes







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Parks, Gardens, Open Space & Biosecurity

PART D: Project Status

Location & Fund	Fund	Project Title	Project Phase	% Works Complete	Status	Comments
Various Locations	SCCF4	Sports field lighting upgrades to LED: Mathoura, Barham, Tooleybuc, Moulamein & Bunnaloo. New Female Change facilities - Jack Eddy Oval	Delivery	70%	Delivery	<p>Project at 80% Completed.</p> <p>Tooleybuc:</p> <p>Lighting Upgrades 95% Complete in Tooleybuc. Testing and commission of lights completed. Average Lumens for AFL and Netball passed requirements. Grouting of poles outstanding.</p> <p>Moulamein:</p> <p>Lighting Upgrades – 80% Complete for AFL Ground and Netball Courts. New Towers successfully installed and running in test mode (operational for training purposes). Final switchboard works to be completed onsite. Bird Spiking installed and old fittings currently at Depot.</p> <p>Barham:</p> <p>Lighting Retrofitment completed for AFL and Netball. Awaiting Testing to confirm average light output. Minor Damage occurred during installation – remediation works to be completed in July.</p> <p>Bunnaloo Tennis Courts:</p> <p>Lighting Retrofitment Completed on Tennis Courts. Awaiting testing to confirm average light output. Coin Operation was successfully retained to allow member usage for training purposes.</p> <p>Mathoura:</p> <p>Netball and Tennis Court Lighting Retrofitment Completed. Football oval outstanding due to luminaries still on order for delivery. ETA of lighting installation to be confirmed.</p> <p>Lighting upgrade - Project cost \$946,050</p> 

Parks, Gardens, Open Space & Biosecurity

						<p>Female Change Facility – Moama:</p> <p>Change Facility has successfully been installed onsite in Moama. Service Connections are 75% Completed. Internal fitout is 80% completed with partitioning and final painting underway onsite. Gas Tank installation and concreting works are outstanding. Project is on track to be completed by September 2023.</p> <p>Female Change rooms - Project cost \$400,000</p> 
Moama Soundshell Playground	Everyone Can Play NSW	Replacement of Moama Soundshell Playground with all abilities play space	Construction	50%	Delivery	Funding approved. Final design completed by Thompson Hay Landscape Architects. Site survey has been completed. Joint funding \$102,500 MRC Capex + NSW - Everyone Can Play \$102,500 Total Project \$205,000. Site Establishment Completed. Concreting Works underway and Water Bubbler installation complete. Awaiting delivery of playground equipment for installation onsite.
Moama Recreation Reserve	CAPEX	Botanic Garden Stage 5	Construction	90%	Delivery	Stage Five delivery on going. FY 2022/23 works completed.
Barham Recreation Reserve	Crown Reserves Improvement Fund 2021/22	Construction of New Amenities Block	Construction	90%	Delivered	Project Completed. Project cost- \$84,641 Inc Gst
Mathoura/ Moulamein Depots	CAPEX	Construct chemical storage sheds	Complete	100%	Delivered	Chemical Storage facilities at Mathoura and Moulamein have been installed and completed.
Tooleybuc Cemetery	CAPEX	Construct Niche Wall	Complete	100%	Delivered	Design completed in conjunction with Committee. Contractor engaged and works have been completed.
Moama	SCCF5	Horseshoe Lagoon Landscaping	Design	20%	Delivery	Procurement for Design completed. Works awarded to suppliers. Design process commenced for Project with Feature Survey and Site Meeting Completed. Concept Design Completed Awaiting Revisions before proceeding to final design. Procurement underway for selected items such as lights, water fountains etc.

*Moama Beach Flooding**Wakool Sculpture Installation**Horseshoe Lagoon Emergent Works**Moama Beach Toilet Block Removal***PART E: Business as Usual**

Weed Action Plan (WAP) agreed targets met. BIS reports being prepared for Murray Local Land Services. 28 Sites Inspected and 1153km Roads inspected.
Roads, Reserves and Waterways Sprayed for WAP – Sweet Briar, Spiny Burrgrass, Silverleaf Nightshade, Khaki Weed, African Boxthorns, Horehound, Creeping Knapweed, Prickly Pear, Bridal Creeper, ETC.

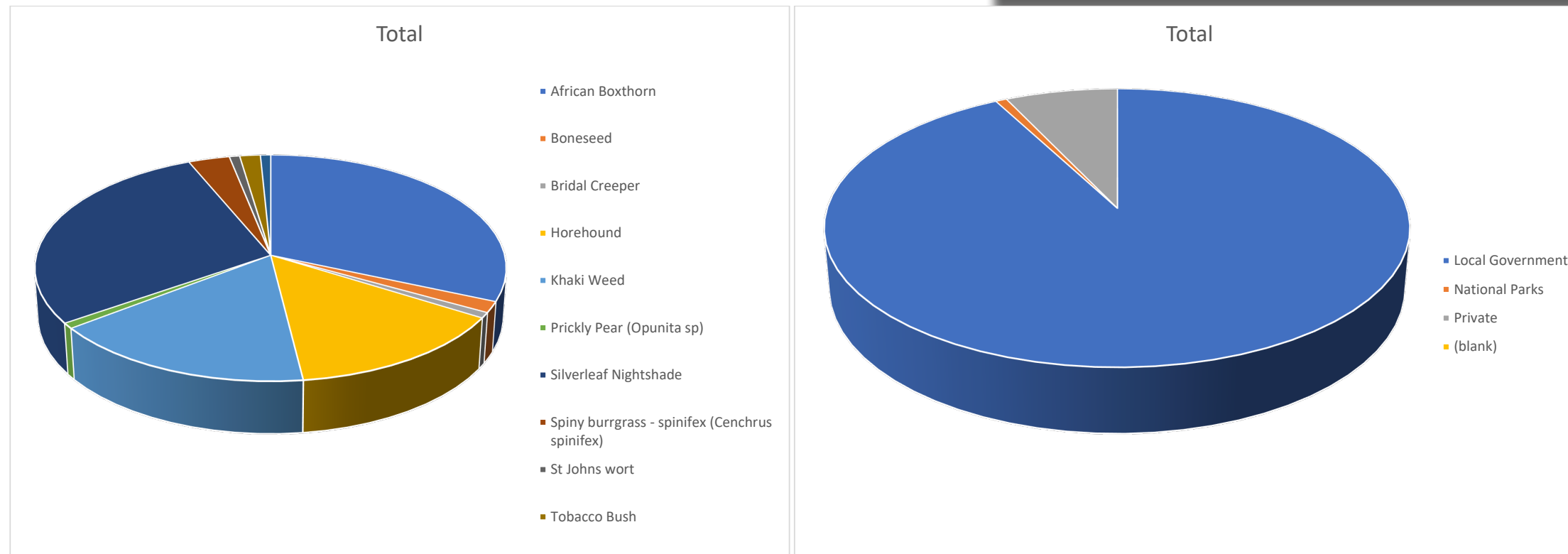
OPERATIONS:

- Weed Action Plan Targets met and reported to NSW DPI & Murray Local Land Services.
- **WEED ACTION PLAN – 139** Points recorded and reported to BIS.
- NIL infestations – 20
- Infestations - 119



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Parks, Gardens, Open Space & Biosecurity



GENERAL WEED CONTROL - Road Spraying – 448 km sprayed (Horehound, Silverleaf Nightshade, African Boxthorn, Cape Broom, Thornapple, Spiny Burrgrass etc.)

Mathoura Tip	Mathoura Filtration Plant	Mathoura Laneways	New Bridge approach landscape areas	MRC sealed road network	LLS RAMSAR Boxthorn project, Cummeragunja	Private Works	
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LLS Training - Moulamein



Roadside spraying in several areas around LGA.



Monthly Operational Report – June 2023

Parks, Gardens, Open Space & Biosecurity

GENERAL PARKS OPERATIONS:

Town Maintenance- All locations as per service delivery.	Mowing- As per service delivery	Roadside Mowing- All locations
Arborist Services- Tree pruning & clean up in several locations. Barham Riverside Caravan Car Park.	Flood Restoration works: Horseshoe Lagoon Access Trail and Walking Paths has Rock installed to reinstate existing service levels.	Cemeteries- Multiple burials-All locations
Irrigation maintenance- Riverside Park	Sportsfield- Fertilising & pesticide applications, Light tower repairs Moama Recreation Reserve (ongoing).	Other: Mathoura Garden Pruning continued as well as aeration of Oval. New Sculpture installed at Wakool. Replace Softfall in playgrounds.
	Other: Roadside mowing, spraying and continued playground maintenance.	

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
	Injury/illness or property damage to users of Council's recreational spaces	Regular inspection and maintenance Remote Supervision signage	Project - Ensure all required signage is erect and visible	

Council Resolutions Completed

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

- New Sculpture installed in **Wakool** on Cook Street by the community.
- New open space furniture continues to be rolled out across the Local Government Area including a large delivery to **Barham** recently being completed.
- Glenn Hagley is back at Work in Tooleybuc – great to have Glenn back on deck.
- Replacement of 'softfall' in playgrounds completed around Moama
- Biosecurity team were able to make use of wet weather to attend Local Land Services Training on pesticide use and resistance in Moulamein.
- 2022/23 RAMSAR Boxthorn Project Finished.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

- Craig Davis commenced with Council in Barham in June.
- Interviews were undertaken for Parks and Gardens attendant in Moama, candidate has since been selected and has accepted the role. Awaiting team member to commence in the role.
- Open Spaces and Bio-Security team members were heavily involved in the set up for Moama Lights as well as the emergent works for pack down due to water levels. Team members played a key role in both the set up and pack down of the event and assisted in minimising damage to equipment and infrastructure in horseshoe lagoon.
- Landscaping Works progressing at Perricoota Road / Cobb Highway under Transport for NSW. Irrigation Network in place and soil installation continuing to occur. Water Tapping underway and plants on order.
- 2022/23 RAMSAR Boxthorn Project Finished.
- Increased Water Levels have inundated several locations around Moama including the Moama Beach and Horseshoe Lagoon. Beach Amenities Block was removed due to the water height and BBQ's were removed from the Moama Beach. Locations to be inspected once water levels recede.



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Waste and Compliance

PART A: Section Accountabilities and Team Roles

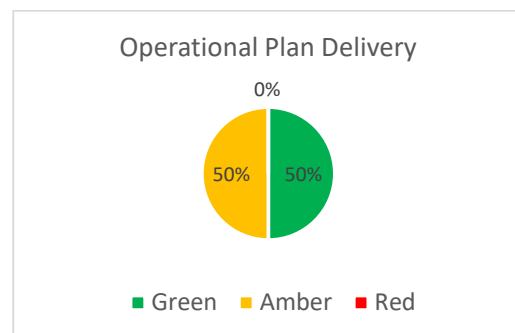
Manager Waste and Regulatory Services – Brian Holmes	Coordinator Compliance Ranger	Coordinator Waste Management	Environmental Health Coordinator	Business Unit Support Officer																																																																																																																																																						
<p>To ensure quality programs and initiatives are provided to Council in the delivery of Waste and Regulatory services. Ensure the ratepayers are provided with appropriate, effective and efficient services, which encourage the community in the areas of recycling and waste minimisation. Provide strong leadership and direction to the waste and compliance team in relation to legislation, projects and operations.</p> <p>Areas of Focus/Accountability: Compliance & Regulatory management, Waste and recycling kerbside and street management, Waste facility management.</p>	<p>To provide high quality monitoring, control and awareness programs and initiatives to ensure compliance by the community with statutory requirements for environmental and animal control standards, as well as investigate, action, and represent Council in relation to complaints and breaches in legislation and local government laws and to prepare documentation and represent Council in Court hearings within the scope of the position.</p> <p>Areas of Focus/Accountability: Compliance operations, Staff rostering and on call, Companion animals, Parking and abandoned vehicles, unauthorised signage, and animal management, POEO and any legislation applicable to MRC and its constituents.</p>	<p>To provide leadership to the Waste Management team to achieve Council’s Waste Strategy objectives and outcomes with a focus on teamwork, service delivery, productivity, and customer service, as well as ensuring ratepayers are provided with appropriate, effective, and efficient provision of waste related services, which encourages and educates the community in all areas of waste minimisation and recycling</p> <p>Areas of Focus/Accountability: Waste facility operation, kerbside & street litter collection operation, waste customer service and resource recovery.</p>	<p>The objective of this role is to provide a very high level of effective and efficient environmental services support to customers of Murray River Council in accordance with set policies and procedures and legislative requirements.</p> <p>Areas of Focus/Accountability: Underground petroleum storage systems management of compliance, Liquid trade waste agreements compliance, Regulating food premises and food vans, Pool inspections/ compliance</p>	<p>To provide a high standard of administrative support to the Waste and Regulatory Services Business Unit through effective, efficient, and flexible customer service. Coordinate the business unit’s day to day diary management, meetings, training needs, phone calls & purchasing requirements in an effective and efficient manner. Collate and collect data to work with team members to drive the business unit forward and capture any operational data to tighten efficiencies.</p> <p>Areas of Focus/Accountability: Waste and Compliance customer service, work scheduling, administration, data collection and project functions.</p>																																																																																																																																																						
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Waste and Compliance

PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4-year Delivery Plan, the *Section* relates to ongoing and sustainably managing waste: reduction; recycling; landfill remediation and development; and public education. The Planning and Environment Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 1 – Goal 1 - Facilitate Circular Economy									
1.1- Designing and promoting products that last and that can be reused, repaired and remanufactured									
An increase of waste diversions of reclaimed, recycled and remanufactured materials out of the landfill sites. (S DPE)	Deliver, Partner, Advocate	(DP 1.1.1) Plan for and build an Automated Depot to recycle bottles and cans at Moama Landfill.	B: MWCS P: CWS O: CWS	✓	✓			Final engineering designs have been received and the tender is out for construction of the Automated Depot. Planning consultants Urbanism have prepared documents and lodged the Development Application.	Amber
Theme 1 – Goal 1 - Facilitate Circular Economy									
1.2- Enhance waste and recycling programs to increase resource recycling across LGA									
Investigate, design and construct a resource recovery facility in Moama. With further programs to be considered across the Council area. (S DPE)	Deliver	(DP 1.2.1) Encourage Council's Community to participate in the National Garage Sale Trail. Council to support the National Garage Sale Campaign.	B: MWCS P: CWS O: MCE	✓	✓	✓	✓	Promotion of the Garage Sale Trail was undertaken in the lead up to the event in November.	Green
Theme 1 – Goal 2 - Protect, enhance and sustain the natural environment									
1.5 - Landfill Rehabilitation works									
Develop & begin implementation of Waste Management Strategy to rehabilitate landfill sites over the next 10 years. (S DPE)	Deliver	(DP 1.5.1) Upgrades to landfills and transfer stations to be carried out on a risk-based approach.	B: MWCS P: MWCS O: CW	✓	✓	✓	✓	Landfill Risk Assessment project is complete, and outputs have been included in the 10 Year Waste Capital Program. Transfer Station upgrade designs are being completed for all other sites and will also be included in the 10 Year Waste Capital Program. Projects will then be prioritised for delivery over the coming years giving consideration to risk presented and available funding. Full engineering designs are being developed by Talis.	Amber
Theme 3 – Goal 3 – Delivering best practice and compliant waste and recycling service and infrastructure that meets community needs.									
3.9 – Kerbside, landfill and waste collection services and facilities									

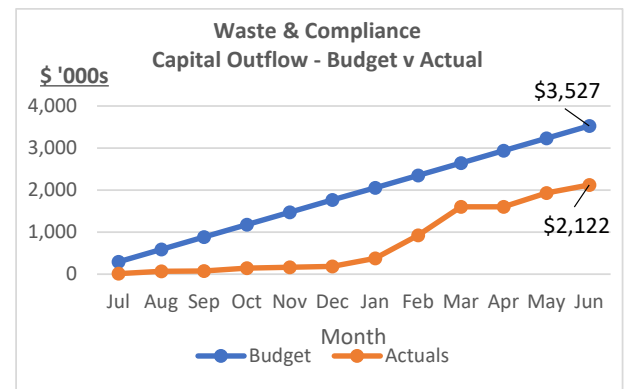
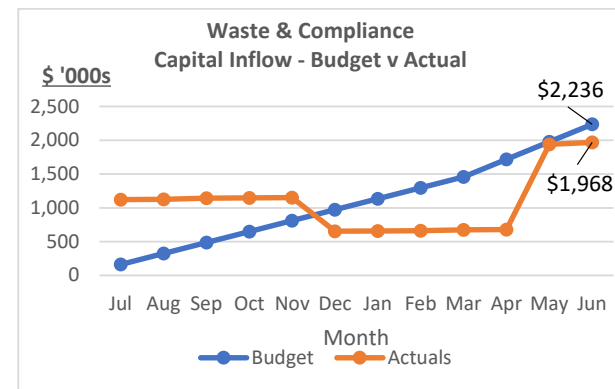
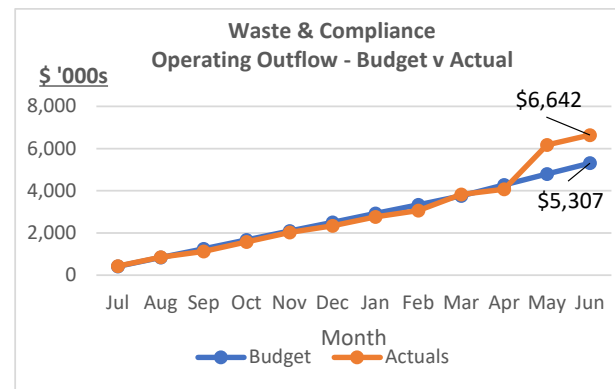
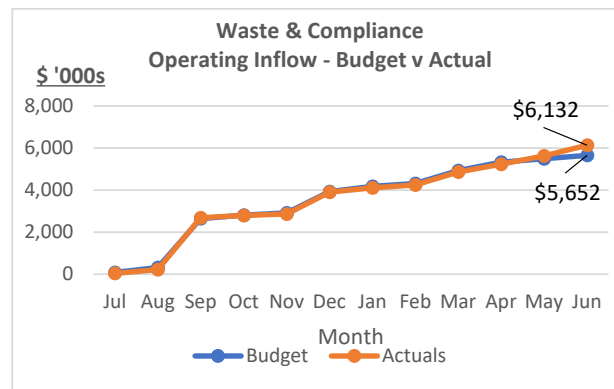


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Waste and Compliance

Design and implementation of the Food Organics and Garden Organics (FOGO) program. <i>(S DPE)</i>	Deliver	(DP 3.9.1) FOGO kerbside collection service rolled out to all townships across the Local Government Area	B: MWCS P: CW O: CW	✓					This project was successfully completed during July. Delivery of bins and caddies was smooth and almost no negative feedback was provided from the community. A number of community members took the time to provide positive feedback and congratulate Council on the roll out. Post implementation kerbside bin contents audits are currently taking place to audit the diversion and success of the program.	●
Develop & begin implementation of the Waste Management Strategy. <i>(S DPE)</i>	Deliver	(DP 3.9.2) Additional waste and recycling options investigated and actioned as per the strategy.	B: MWCS P: CW O: CW	✓	✓	✓	✓	✓	This is an ongoing action that is considered by the Waste Unit continuously.	●
Theme 3 – Goal 5 – Update and review our open spaces to reflect community wants and needs.										
3.14 – Public Space Waste and Recycling										
Investigate and implement a program for waste and recycling bins in public spaces. <i>(S DPE)</i>	Deliver	(DP 3.14.2) Ongoing installation of public space waste and recycling services across the region	B: MWCS P: O:	✓	✓	✓	✓	✓	Public space waste and recycling services are considered adequate.	●

PART C: Financial Outcomes



PART D: Project Status

Environmental Health

- Between March and June 2023, a snapshot survey was conducted on commercial dishwashers using Thermal Disinfection Indicators (TDIs) to determine the effectiveness of their cleaning and sanitising. The data will be collated with results from other LGAs to form a statewide survey.
- Germs and Handwashing presentations were delivered to preschools. The presentations were interactive and used the Glitterbug lotion to demonstrate how far germs from coughing and sneezing can go. The Glitterbug lotion is only visible using a blue light torch, so the children learnt that germs aren't always easily seen. The lotion was also applied to the children's hands, and they were taught the correct technique to effectively wash their hands. They enjoyed seeing their hands glow with "germs" under the torch before washing their hands and using the torch again to check how effective their handwashing was.
- EHC met with James from Murrumbidgee Health and Associate Professor Cameron Webb with the objective of developing a comprehensive written document outlining the approach to managing mosquito risk in the area. Data from the previous arbovirus season was discussed along with different strategies that may be implemented in future seasons and how we might engage the community. The document will hopefully go out for review and feedback in time to be ready for Council to implement before the next season.
- Correspondence between EHC, Chris O'Brien and Matthew Dudley from RAMJO has continued regarding the proposed Contaminated Land Policy with prospects that it will be adopted by Council next month. Matthew will also visit Murray River Council to formally present the policy and to assist EHC with finalising the UPSS register and provide training in conducting UPSS site inspections.

**Waste and Resource Recovery**

- The Business Unit Support Officer continues to support the Tech One Property and Rating module roll out committing to many meetings, system testing and reporting specifically related to waste and the interaction with the Rates and Revenue department.
- The Moama Landfill Cell 5 project was completed in June (excluding the leachate management system and storage pond). Waste is now being deposited in the cell and a temporary leachate management system has been installed. This is a significant milestone marking the end of 8 months of earthworks and lining activities.
- Requests for Information (RFI's) have been received by Officers from Council's Planning team in relation to the Development Application submissions for the Automated Depot and Leachate Pond projects. All questions have been answered and the applications continue to be processed.
- Manager Waste and Compliance has made comments on the State Emergency Waste Sub-Plan Toolkit.
- In the role of Chair of the RAMJO Murray Waste group the Manager Waste and Compliance has been involved in contract meetings for the mulching and scrap steel contracts. These are group procurement contracts that involve Murray and Riverina Waste Groups.
- Council received the raw data and final report for the 12-month FOGO post implementation bin contents audit. Just Waste consulting undertook audits through materials dropped out of kerbside collection vehicles containing bins from specific townships and areas.
- Northern Construction Group commenced the Mathoura Transfer Station clean-up project to tidy up stockpiles and improve all weather access to the resource recovery area to the rear of the site with 470t of crushed rock bought to site.

PART E: Business as Usual**Environmental Health**

- Food safety assessments were the main focus of the month with 38 fixed premises inspections complete along with 3 follow up inspections of premises where major non compliances were identified, and 2 new food vendor inspections.
- 100% of required Food safety assessments have been completed for the 2022/23 financial year.
- This was the first full round of inspections completed by councils EHC – previous year inspections were completed by a contractor. It has provided a great opportunity to build ongoing working relationships with proprietors and food handling staff with many taking full advantage of the benefit of being able to call Council any time they required specialist advice and guidance. It has also meant that the appropriate amount of time could be spent in each premises to assess their practices and engage in constructive conversations, addressing any concerns and providing recommendations and best practices to improve their operations and maintain high standards of food safety. Furthermore time was allocated to follow up on non-compliances identified so that they do not continue to be a reoccurring issue.

Waste and Resource Recovery

- Riley Edwards commenced with Councils waste team in the casual waste facility operator position and hit the ground running bringing a great level of civil and heavy equipment experience into the workplace.
- The waste team attended the Veolia Material Recovery Facility to inspect the site for any upgrades and speak to management around any known contamination or compliance issues whilst processing MRC recycling.
- Council had 2500 cubic metres of mulch processed, this is the organics dropped off at the Moama Waste Management Facility. Staff will now monitor the mulch with a probe for heat and turn the mulch if it exceeds 75 degrees Celsius.
- Tonnage has typically slowed during the winter months in previous years at the Moama Waste Management Facility, however this year it has maintained a higher than normal volume. Staff have done an exceptional job of sustaining and adapting to the increase in tonnage.

Compliance

- Rangers have been identifying outdated signage and replacing with new, revised MRC versions while travelling through our many communities. This enables an enforceable, legislatively correct and consistent message throughout the LGA.
- Rangers continue to conduct internal referral investigations for multiple departments within Council. The process is proving to be effective, cohesive, knowledge sharing and achieving consistent results.
- Multiple vehicles and items that were removed from public places have now been disposed of in accordance with the conditions of new Public Spaces (Unattended Property) Act 2021
- Feral cat trapping and the amount of animals captured continues at a higher-than-normal average for this time of the year throughout the LGA.
- Council continues to receive an increased amount of requests to surrender companion animals. This is due mainly to the economic climate and increased cost of living. To date, all animals surrendered to Council have been successfully rehomed through registered companion animal rehoming organisation. The process includes identifying and desexing of all animals before rehoming to suitable new owners, all of which our outside of the MRC LGA.



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Waste and Compliance



PART F: Service Metrics



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Waste and Compliance



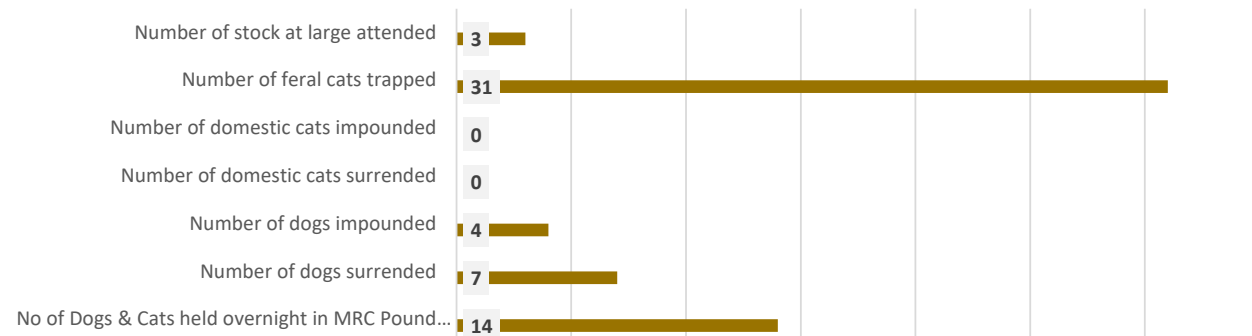


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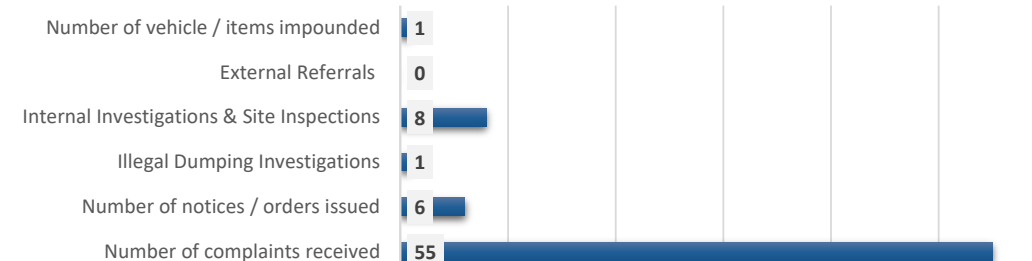
Compliance - Animals

Jun-23



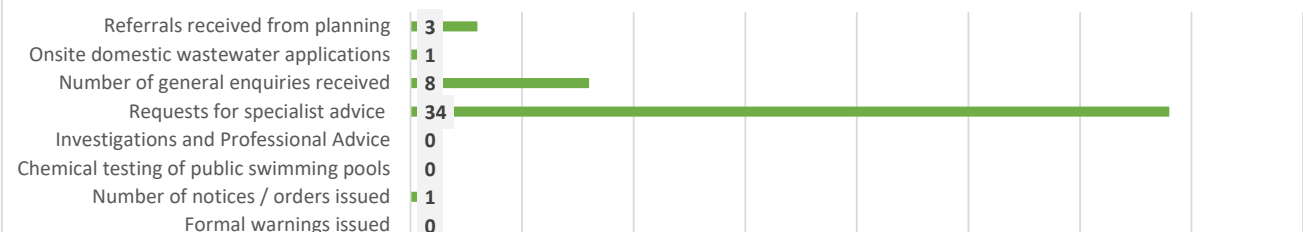
Compliance - Investigations

Jun-23



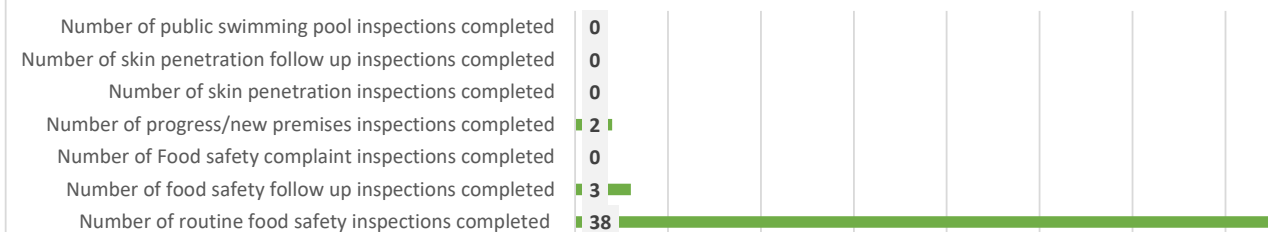
Environmental Health

Jun-23



Environmental Health - Inspections

Jun-23



Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●●●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
12/09/22	No CCTV cameras at Barham Pound facility. High risk to on call Ranger who may be required to attend 24/7 should a break in occur. Identify / reduce incidents.	No existing controls.	Inspection conducted by MRC IT, 2x cameras to be installed and mobile access provided to all on call Rangers. IT to provide recommendation and advise time of completion. No notification of such received.	●
09/05/2021	Public dropping waste at Moama landfill directly to cell around heavy equipment.	Low height skip bins placed at the front of house to get majority of the public to drop into these and have them transferred to the waste cell.	Build infrastructure for push pit or retaining wall for transfer station to have safer options for public drop off. Component of current Upgrade Design and Quantity Survey Project	●
09/05/2021	Barham and Wakool waste facility fencing is damaged and outdated providing easy unauthorised.	Boundary checks and facility monitoring.	Budget to upgrade fencing at both locations. Barham complete, Wakool a component of current Upgrade Design and Quantity Survey Project	●
26/05/2022	Threatening behaviour during compliance visits and investigations and pressure on officers to record accurate and contemporaneous notes while carrying out duties during high pressure situations.	Officer handwritten notes and photos.	Purchase body worn cameras to encourage peaceful interactions and ensure the interactions are accurately recorded.	●



Monthly Operational Report – June 2023

Waste and Compliance

28/05/2022	Working in isolation/ limited phone signal / locating team members	Phone calls and team meetings to understand members work	Remote and Isolated Work Risk Assessment completed. GPS vehicle and personal GPS locators identified and information on products and costs received from supplier. Call centre identified to monitor after hours call outs. Currently assessing options.	●
29/08/2022	Exposure to Japanese Encephalitis Virus through mosquito trapping and working outdoors.	Long sleeve clothing and insect repellent spray	Environmental Health and Rangers have received Japanese Encephalitis Vaccination	●

Council Resolutions (Completed, Within 3 months, Over 3 months)

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

- Rob Goddard celebrated 25 years of service at the Moama Waste Management Facility. Rob commenced with Councils contractor Ellwaste back in 1998 before moving over to Council in 2021 when Council took back the operation of the facility. Well done Rob!

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

- The Moama Landfill Cell 5 project was completed in June (excluding the leachate management system and storage pond). Waste is now being deposited in the cell and a temporary leachate management system has been installed. This is a significant milestone marking the end of 8 months of earthworks and lining activities.
- Rob Goddard celebrated 25 years of service at the Moama Waste Management Facility. Rob commenced with Councils contractor Ellwaste back in 1998 before moving over to Council in 2021 when Council took back the operation of the facility. Well done Rob!
- This was the first full round of inspections completed by councils EHC – previous year inspections were completed by a contractor. It has provided a great opportunity to build ongoing working relationships with proprietors and food handling staff with many taking full advantage of the benefit of being able to call Council any time they required specialist advice and guidance. It has also meant that the appropriate amount of time could be spent in each premises to assess their practices and engage in constructive conversations, addressing any concerns and providing recommendations and best practices to improve their operations and maintain high standards of food safety. Furthermore time was allocated to follow up on non-compliances identified so that they do not continue to be a reoccurring issue.
- Food safety assessments were the main focus of the month with 38 fixed premises inspections complete along with 3 follow up inspections of premises where major non compliances were identified, and 2 new food vendor inspections.
- Rangers have been identifying outdated signage and replacing with new, revised MRC versions while travelling through our many communities. This enables an enforceable, legislatively correct and consistent message throughout the LGA.
- Riley Edwards commenced with Councils waste team in the casual waste facility operator position and hit the ground running bringing a great level of civil and heavy equipment experience into the workplace.



Waste and Compliance



Landfill cell 5 complete and ready to fill, the culmination of 14 months of planning, design and construction. First waste being deposited into landfill cell 5,



Rob Goddard recently celebrated 25 years working at the Moama Landfill.



Officers recently visited Veolia's Echuca Materials Recovery Facility where MRC kerbside recycling is sorted.



Monthly Operational Report – June 2023

Infrastructure Directorate

PART A: Section Accountabilities and Team Roles

Director of Infrastructure – Jack Bond

Aligning and giving direction for all Council infrastructure of the Council region.

A focus of ensuring an adequate level of service and expectation is delivered for our communities.

Accountabilities

#	SBPO	Accountability
	S	Water and Sewerage
	S	Transport Services
	S	Strategic Assets
	S	Project Management Office
	S	Infrastructure Integration
	S	Intergovernmental Relations – Infrastructure
	B	Intergovernmental Relations – Operations and Major Projects
	B	Bridge Collapse Planning

Key Performance Indicator	Evidence/Comments:	● ● ●
By Nov 23 Investigate and work with other councils to harvest synergies.	Monthly meeting with Edward, Berrigan, and Murrumbidgee Director Engineering. Meet with new SHCC Director prior to cross Council meeting. Organising meeting with new Campaspe Director.	●
By Dec 23 lead the council wide energy reduction and management program: investigate, plan, business case, funding and delivery.		●
Consider opportunities to on-sell services, eg other councils, Transport for NSW etc	Offering Project Management services for the Murray Irrigation bridge inspection funding project. Post flood recovery, there will be opportunity to utilise fleet for projects	●
Flood expenditure under the DRFA to be claimed and reimbursed within 6 months.	Yes. Refer to Works update for up to date break down of submission	●
Advocate on behalf of MRC, in concert with RAMJO if required, to influence the NSW Government with regards to infrastructure issues and policies.	Attended many meetings to highlight the additional need of betterment within DRFA guidelines.	●
Manage the development of extra capacity in relation to the Water Filtration Plant, trunk mains, and corresponding sewerage transportation and treatment systems.	Hydraulic models are being completed for filtered water, raw water and sewerage networks. This will determine medium/long term location for a new water treatment plant. Working with consultant and DPE to do short term solutions on existing plant to assist	●
Continue to strongly advocate and liaise with Transport for NSW and Swan Hill Regional Council to further the replacement of the one-lane bridge across the Murray River	Next Project meeting in June. Councils now both aligned on the alignment.	●



Monthly Operational Report – June 2023

Infrastructure Directorate

PART A: Section Accountabilities and Team Roles

Manager Water Services – Phillip Smith	Manager Infrastructure Projects – Onisimo Mukodi	Manager Plant, Fleet and Stores – Chris Godfrey	Manager Works – Ricki Thompson	Manager Building and Facilities – Glenn Bulmer																																																																																																																																																																																																																																																																																																												
<p>This team is now solely focused on implementation and the “doing”.</p> <p>This team will provide these services based on Service Level agreements with Delivery Managers</p> <ul style="list-style-type: none"> Water source access (including alternative supply options) Water and wastewater treatment processes Water distribution and quality Waterwater collection Water efficiency and reuse Emergency Services and After Hours Response <p>Their work will include:</p> <p>Potable and raw water supply, safe water and wastewater treatment plant operations, stormwater reuse, leak detection & repair, planned and unplanned pipe maintenance, pump operations and repair, customer response.</p>	<p>This group will be a one-stop-shop for all things Project Management.</p> <ol style="list-style-type: none"> technical advice and information to the rest of the organisation Delivery Manager for some projects (almost all hard assets) <p>If you have a ‘soft’ asset project it can still be handled here.</p> <p>Their services include:</p> <ul style="list-style-type: none"> Scoping, Pricing, documentation Designing, project managing, on-site supervision Cost planning, procurement and contract administration, writing tenders, advertising and auditing. <p>Next year Business Managers must bid for projects- and provide a Business Case & use the MRC Project Management Framework. This team will provide advice on high level costing & scope of the project, then if successful in getting funding through ELT & Council, provide a detailed project brief, cost plan and project management (the delivery management).</p>	<p>This team will manage Council’s Commercial Functions that are the responsibility of Public Works</p> <ul style="list-style-type: none"> Fleet – heavy and light Stores - buying Depots – facilities management and optimisation <p>O Including Real Estate services (Delivery Management) to other Business Managers who are responsible for building assets (eg community buildings, park buildings)</p> <p>O Leases, Deeds high level agreements to do with all property issues. (Not to be confused with Building Maintenance or Building Asset Management Planning)</p> <p>This team will also provide commercial due diligence on any proposed “money making” projects within the Organisation.</p>	<p>This team is now solely focused on implementation and the “doing”.</p> <p>Ricki is the Implementation Agent</p> <p>This team will provide these services based on Service Level agreements with Delivery Managers</p> <ul style="list-style-type: none"> Civil Works Roads Bridges Ancillary furniture Emergency Services and After Hours Response <p>Their work will include:</p> <p>Roads, Footpaths, Stormwater, , Bridges, Signage and Linkemarking, Bus shelters, Seats, Street scaping, Kerb and gutter, pavements, Verges, Traffic islands, Streetlighting etc</p>	<p>Manage the ongoing viability of Council’s approximately 300 buildings and facilities through robust asset management plans and practices.</p> <p>Engage and consult with stakeholders to identify requirements, develop strategy and compile the long-term financial plan.</p> <p>Manage the annual capital and operational budgets.</p>																																																																																																																																																																																																																																																																																																												
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Monthly Operational Report – June 2023

Infrastructure Directorate

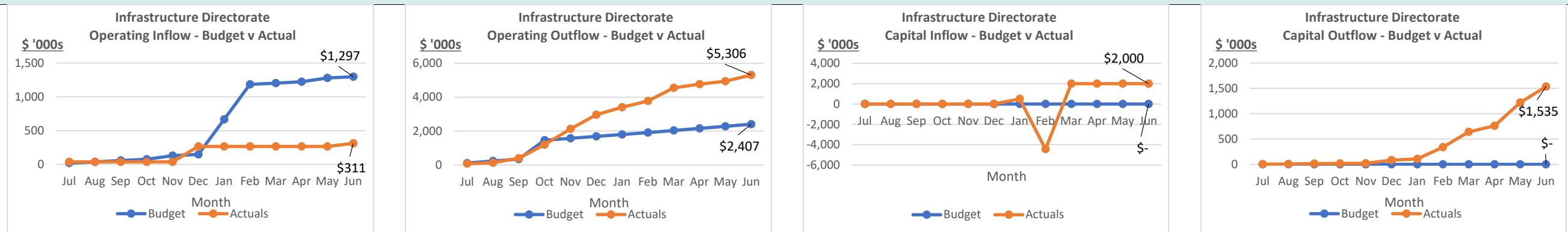
O	Caravan Park Maintenance Water Services	P	Bridge Capital Works	O	Purchase of Outdoor Plant Vehicle & Equipment (Yellow)	B	Private Road Maintenance	P	Utility Bills
O	Monitoring and Renewal of Water Licensing	P	Levee Banks	O	Management and Maintenance of Light Motor Vehicles (White)	B	Emergency Traffic Response Management	P	Caravan Park Projects
		P	Stormwater Infrastructure	O	Toll & Fleet Arrangements	B	Sealed Road Management	P	Property Operations
		P	Potable Water Infrastructure	O	Depot Maintenance	B	Road Drainage	O	Location Management Site Specific Operations
		P	Survey, Investigation & Design projects that are unique	O	Purchase of Light Motor Vehicles (White)	B	Pathway Management	O	Disability Asset Management Plan
		P	Flood Studies Projects	O	Management of Pool Vehicles	B	Road Opening Application Register		
		P	Bridge Maintenance	O	Plant, Fleet & Equipment Administration	B	Rural Road Management		
		P	Building Capital Works			B	Road Safety Program		
		P	Stormwater Pipe and Pump Network			B	Works and Fleet Administration		
		O	Infrastructure Grant Acquittals			B	Management of Levee Banks		
		O	Liaise with Utility Providers prior to Construction			P	Supply Requests and Budget Oversight		
		O	Infrastructure Projects Stakeholder Engagement			P	Major Traffic Incident Preparation and Planning		
		O	Project Office Team Delivery			P	RFS Minor Construction and Maintenance		
		O	Inspection of Levee Banks			P	Roads Grant Funding		
						P	Transport for NSW Services		
						P	Road Cleaning		
						P	Lift Bridge		

PART B: 4 Year Delivery Program and 1 Year Operational Plan

Under the 4-year Delivery Plan, the Infrastructure Directorate relates to: providing strategy and oversight for Council infrastructure assets and associated services. The Infrastructure Directorate directly oversees the delivery of these outcomes. The infrastructure Directorate has no actions in the 1st year of the Delivery Program.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	<div style="display: flex; justify-content: space-around; width: 20px;"> ● ● ● </div>
				1	2	3	4		
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.4 – Community Safer Spaces									
Develop and implement a Community Safer Spaces Plan and associated documentation (S DI)	Deliver	(DP 3.4.1) Community Safer Spaces Plan and associated documentation developed and embedded into Council’s operations	B: DI P: O:	✓	✓				

PART C: Financial Outcomes



*Flood Recovery Costs centres have been assigned to the Infrastructure Directorate. Both funding and expenditure for the recent flood event and recovering are all aligning to these Financial Outcome graphs.



Monthly Operational Report – June 2023

Infrastructure Directorate

PART D: Project Status

For specific details regarding these projects, please refer to the individual Business Unit Monthly Operational Reports.

PART E: Business as Usual

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	● ● ●

Council Resolutions outside 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 25/01/2022	Mathoura Residential Development	150122	<p>RESOLUTION 150122</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Nikki Cohen</p> <p>That Council</p> <p>A) Approve a budget variation of \$130,000 to progress the survey, planning and detailed engineering design to complete detailed construction costs and budget the construction of the residential development in the 2022/23 financial year.</p> <p>OR</p> <p>B) That Council note that to progress the development is \$130,000 and that it be considered in the determination of the 2022/2023 Operational Budget.</p> <p>Amendment to (A) budget variation of \$130,000 in the 2021/2022 financial year.</p> <p>Option A was moved by Cr Thomas Weyrich and seconded by Cr Nikki Cohen.</p> <p style="text-align: right;">CARRIED</p> <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich and Kron Nicholas</p> <p><u>Against:</u> Crs Ann Crowe and Frank Crawley</p> <p style="text-align: right;">CARRIED 5/2</p>	Bond, Jack	●
<p>08 Feb 2022 1:08pm Donald, Jan</p> <p>Works have commenced on the engineering design following on from meeting with the consultants.</p> <p>12 Jul 2022 4:16pm Bond, Jack</p> <p>DA has been applied for</p> <p>30 Nov 2022 10:22am Donald, Jan</p> <p>Design and planning still underway. More information available in 2023.</p> <p>04 Apr 2023 8:49am Donald, Jan</p>					



Monthly Operational Report – June 2023

Infrastructure Directorate

Design and planning nearing completion. Actively seeking funding opportunities to support the development.

09 May 2023 3:56pm Donald, Jan
No further update at this time.

08 Jun 2023 9:03am Bond, Jack
Motion passed at May meeting to progress to detailed costing stage.

12 Jul 2023 1:09pm Bond, Jack
Detailed design underway

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/07/2021	Notice of Motion - Perricoota Road sealing of unsealed 22km of road	250721	<p>RESOLUTION 250721</p> <p>Moved: Cr Geoff Wise</p> <p>Seconded: Cr Alan Mathers</p> <p>That Council</p> <ol style="list-style-type: none"> Resolve that the sealing of the 22Km unsealed section of Perricoota Road is a priority. Ask the Chief Executive Officer to do all that is necessary to obtain funds to complete the works by 30 June 2025. <p style="text-align: right;">CARRIED</p> <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Tony Aquino, Ann Crowe, Neil Gorey, Alan Mathers, Thomas Weyrich and Geoff Wise</p> <p><u>Against:</u> Cr Gen Campbell</p> <p style="text-align: right;">CARRIED 8/1</p>	Bond, Jack	●
10 Aug 2021 4:22pm Leyonhjelm, Lindy	CEO Terry Dodds to take on until new Director Operations & Major Projects commences as MRC				
10 Aug 2021 4:24pm Leyonhjelm, Lindy - Reallocation	Action reassigned to Dodds, Terry by: Leyonhjelm, Lindy for the reason: Scott Barber leaving MRC				
12 Oct 2021 1:46pm Leyonhjelm, Lindy - Reallocation	Action reassigned to Bond, Jack by Leyonhjelm, Lindy - Jack Bond is now the director Infrastructure to manage this action				
22 Nov 2021 3:35pm Donald, Jan	Further investigation into viability of sealing Perricoota Road (unsealed section) and future funding opportunities to be considered to be considered by Council.				
17 Jan 2022 11:18am Donald, Jan	Engineering seeking funding opportunities. Further detailed report in March 2022.				
14 Jul 2022 2:39pm Bond, Jack	Funding had been applied to Federal and still yet to hear an announcement.				
30 Nov 2022 10:20am Donald, Jan	Council has not yet been success with funding opportunities, maintenance works planned to improve level of service.				
16 Mar 2023 12:50pm Bond, Jack	Council have been successful in \$1.4mil to resheet that problem areas of the road and improve drainage issues., Planning to hold community meeting in coming weeks to hear concerns of the users of the road to ensure alignment of priorities.				



Monthly Operational Report – June 2023

Infrastructure Directorate

04 Apr 2023 8:50am Donald, Jan
 Currently in early planning stages.

10 May 2023 12:27pm Donald, Jan
 Perricoota Road Community Update is being conducted on Thursday 18 May 2023 from 2pm to 6pm at the Womboota Hall. Residents are encouraged to pop in and bring along ideas for increasing safety measures along the road.

08 Jun 2023 9:03am Bond, Jack
 Community session was well represented by community. Comments have been taken into consideration as we progress into detailed design and scope.

12 Jul 2023 1:09pm Bond, Jack
 Project planning well underway

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/11/2018	Barham Water Supply Fluoridation	331118	<p>RESOLUTION 331118</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Alan Mathers</p> <p>That Council:</p> <ol style="list-style-type: none"> Notes the request from the Local Health Medical Trust to consider fluoridation of water in Barham. Undertakes community consultation regarding fluoridation of the water supply in Barham. Following community consultation refer the results to NSW Health seeking approval for water supply at Barham to be fluoridated. <p><u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Alan Mathers and Thomas Weyrich</p> <p><u>Against:</u> Crs Gen Campbell, Neil Gorey, Ann Crowe and Geoff Wise</p> <p>The Mayor used his casting vote to pass the resolution.</p>	Bond, Jack	●
16 May 2019 12:11pm France, Malcolm					
	Meeting to be had with Josh Tickle and James Allwood of NSW Health on the 23rd of May 2019 to plan a community consultation strategy				
20 Aug 2019 2:30pm France, Malcolm					
	Received email from DPI Health on 16th August 2019 suggestions for consultation				
15 Oct 2019 11:40am France, Malcolm					
	I have been waiting on information from the NSW Health Dept but have had no response. I have now contacted our communications officer to work out what is the best approach by MRC to impliment a communications plan with the community				
19 Nov 2019 12:23pm Keogh, Kerri					
	No further comment received on the matter as at 19/11/19.				
10 Dec 2019 11:54am Keogh, Kerri					
	No further comment received on this matter as at 10/12/19.				
14 Jan 2020 1:30pm Keogh, Kerri - Reallocation					
	Action reassigned to Barber, Scott by: Keogh, Kerri for the reason: Direct report to Manager.				
17 Mar 2020 11:45am Keogh, Kerri					
	No further comment received on this matter as at 17/03/20.				
01 Apr 2020 4:06pm Barber, Scott					



Monthly Operational Report – June 2023

Infrastructure Directorate

Management has decided to hold off on Barham fluoridation until the Smart Meter Project is complete. Review in January 2021.

01 Apr 2020 4:10pm Barber, Scott - Target Date Revision

Revised Target Date changed by: Barber, Scott From: 11 Dec 2018 To: 11 Jan 2021

23 Oct 2020 11:27am Barber, Scott - Target Date Revision

Revised Target Date changed by: Barber, Scott From: 11 Jan 2021 To: 01 Oct 2021, Reason: Review post NSW Health requirements for COVID, including checkpoints, building access, sewage sampling and other.

23 Oct 2020 11:29am Barber, Scott - Target Date Revision

Revised Target Date changed by: Barber, Scott From: 1 Oct 2021 To: 01 Oct 2021, Reason: MRC priorities include completion of LGA Smart Meter Project, Integrated Water Cycle Management Strategy with Public Works Advisory, DPIE and NSW Health.

12 Oct 2021 1:51pm Leyonhjelm, Lindy - Reallocation

Action reassigned to Bond, Jack by Leyonhjelm, Lindy - Sent to director Infrastructure Jack Bond

22 Nov 2021 3:06pm Donald, Jan

Revised date December 2022. Due to Smart Meter Project being completed early 2022 and NSW Health able to provide assistance (post COVID).

14 Jul 2022 2:37pm Bond, Jack

Progressing with December 2022. Working on booster pump station for the town to complete both projects at the same time

30 Nov 2022 10:21am Donald, Jan

Booster pump station underway. Fluoridation design completed. Work recommencing in 2023.

04 Apr 2023 8:51am Donald, Jan

Works are underway to boost town water pressure in the first instance. Project is on track for completion late 2023 pending community consultation.

09 May 2023 3:56pm Donald, Jan

No further update at this time.

08 Jun 2023 9:04am Bond, Jack

No further update at this time

12 Jul 2023 1:09pm Bond, Jack

No further update at this time

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

This month we have held asset custodianship sessions with the Assets team. Asset Management is the most important aspect of infrastructure management and I aim to coach and train all staff on asset management. It is great to see action on the new Moama Preschool site. A huge milestone for the Building Team who have taken on one of the largest projects in Council and has been able to dramatically improve the financial status of the project. Barham Sewer Treatment Plant project has had concept design completed and we will now move into detailed design with Public Works. Perricoota Road community session was well received with community input being included as we progress to detailed design and scope of works.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Buildings and Facilities

PART A: Section Accountabilities and Team Roles

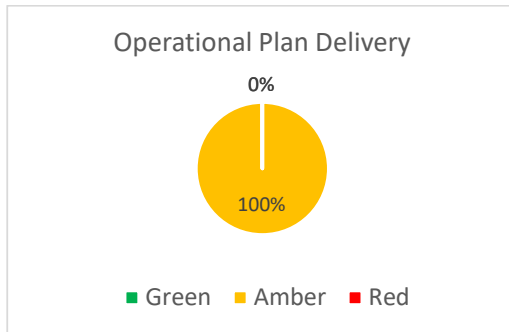
Manager Buildings and Facilities – Glenn Bulmer		Coordinator Buildings and Facilities	
<p>Manage the ongoing viability of Council’s approximately 300 buildings and facilities through robust asset management plans and practices.</p> <p>Engage and consult with stakeholders to identify requirements, develop strategy and compile the long-term financial plan.</p> <p>Maintain an accurate inventory of contractors and consultants for the management of Council's diverse range of land, buildings and facilities.</p> <p>Manage the annual capital and operational budgets.</p>		<p>Provide an internal operational service for corporate buildings.</p>	
Accountabilities		Accountabilities	
<i>SBPO</i>	<i>Accountability</i>	<i>SBPO</i>	<i>Accountability</i>
B	Building Capital Works	P	Heritage Projects
B	Disability Asset Management Plan	P	Council Building (Pre 2004) Asbestos Register
B	Facilities Security Management	P	Safety Equipment Compliance (Buildings)
B	Pest Management (Buildings)	O	Property improvement and maintenance service
B	Council Building (Pre 2004) Asbestos Register	O	RFS Asset Maintenance
B	Open Spaces amenity buildings and facilities (public amenities, structures, BBQ's, public furniture)	O	Asset (Non IT) Security Service
B	IT Security Systems	O	Caravan Park Maintenance
B	Utility Bills Management	O	Council Building (Pre 2004) Asbestos Register
B	Safety Equipment Compliance (Buildings)	O	Pest Management Public Health (Buildings)
B	Community Cultural and Heritage Buildings	O	Safety Equipment Compliance (Buildings)
B	Buildings and Facilities Cleaning Management	O	Retirement Villages
B	Property (Buildings & Facilities) Operations Management	O	Emergency Management planning for Buildings and Facilities
P	Pest Management (Buildings)	O	Maintenance of Sport and Recreation Buildings
P	Asset (Non IT) Security		
P	Heritage Systems and Processes		
P	Disability Asset Management Plan		
P	Utility Bills		
P	Caravan Park Projects		
P	Property Operations		
O	Location Management Site Specific Operations		
O	Disability Asset Management Plan		



Monthly Operational Report – June 2023

Buildings and Facilities

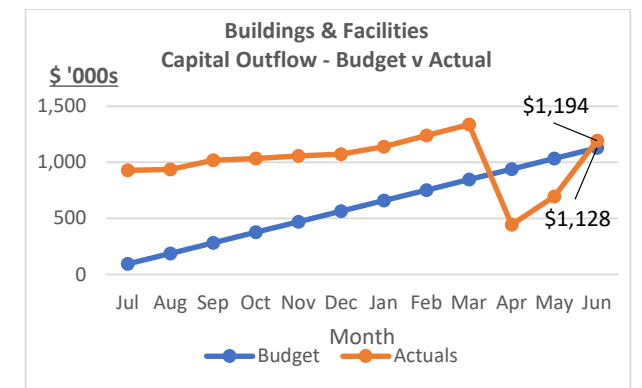
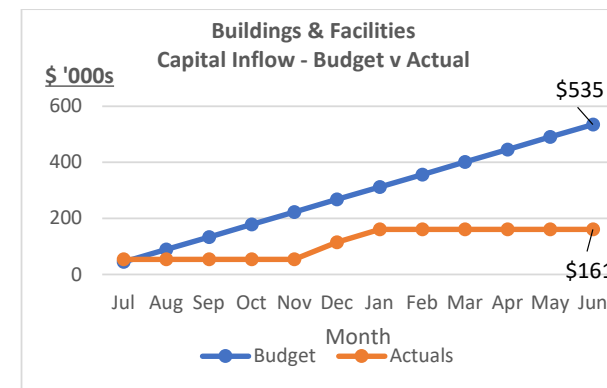
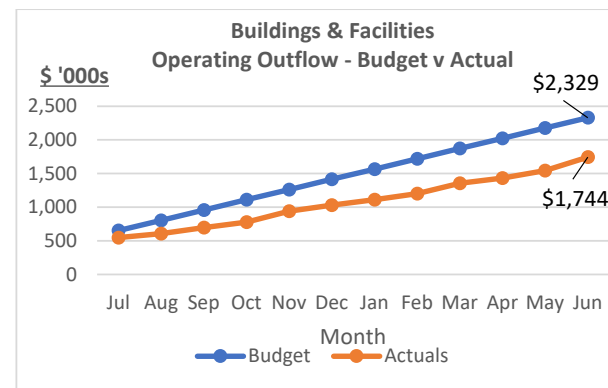
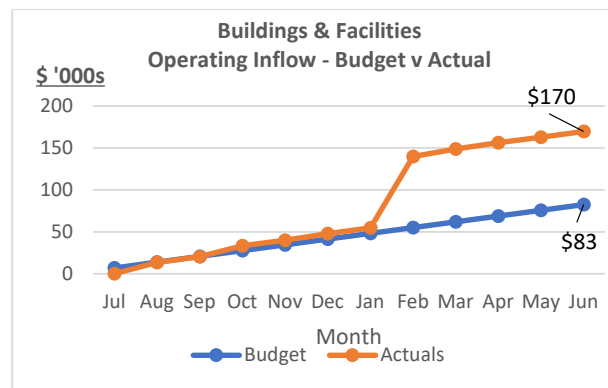
PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4 year Delivery Plan, the Building and Facilities relates to: asset maintenance and operations, planning, development, amenity and deliver new buildings that are well planned, connected, safe and designed to support our communities, industries, and businesses. The Infrastructure Directorate directly oversees the delivery of these outcomes.

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.2 – Public Buildings									
Delivery of a feasible level of service for the community in relation to public buildings. Building Asset Management Plan to determine Council’s long term financial plans to deliver fit for purpose public buildings. (S DI)	Deliver	(DP 3.2.1) Town hall / public facility upgrades will be undertaken in line with the priorities set from the Building and Open spaces review – completed 2022. Feasibility and design requirement will be subject to grant funding availability.	B: MB&F P: MP&B P: MMP O: CB&F	✓	✓	✓	✓	Asset review completed by CT Management Group. Maintenance and renewal plans being finalised and split into separate documents. Currently in the planning phase. FY24 capital works and maintenance budget for Councils buildings derived from the CTMG 10 year maintenance and renewal plan.	Amber

PART C: Financial Outcomes





Monthly Operational Report – June 2023

Buildings and Facilities

PART D: Project Status

Project Title	Total Project Budget	Expenditure to date	Budget Remaining	% Works Complete	Status/Comments	
New HACC garage, water tank, fencing, electrical and security	\$54,500	\$51,657	\$2,842	100%	Garage, water tank, fencing, etc installed. Completion of the installation and commissioning of the Salto System on the garage and access into the compound. Installation and completion of the surface water drainage. The scoping of the landscaping for the area has been completed and scheduled in for completion. Awaiting the installation and completion of the CCTV security systems. Stabilised crushed rock driveway, drainage works and landscaping completed. Project completed.	● ● ●
New carport at Moama Main Office.	\$22,000	\$18,551	\$3,449	100%	Carport installed. Stormwater drainage system installation complete. Project completed.	●
Moama Main Office (HQ) – Bird and Pest Control	\$27,500	\$9,431	\$18,069	100%	Currently conducting a trail of bird spikes (two types), bird wire and ultra-sonic deterrents to deter birds (Swallows). Installation of “boxing” out and covering / flashing nesting points in and around the eastern entry points of the building completed. Significant reduction (virtual elimination) of bird activity in this location. Project completed.	●
Asbestos remediation works – Council Buildings	\$47,000	\$26,089	\$20,911	40%	Planning phase. Contactors contacted to quote and conduct removal of asbestos in high priority buildings. Completed removal of some high priority floor coverings at Moulamein Business Centre. More asbestos removal works being planned. Asbestos removal and demolition of the old Barham Football clubrooms completed.	●
Security & Compliance upgrade	\$86,000	\$72,507	\$13,493	80%	Ongoing rollout of the Salto system and the commencement of the installation of the Promaster system in the western area of the Council.	●
New Moama Preschool – Moama Rec Res (Construction phase)	\$5,902,492	\$617,6082	\$5,284,884	15%	PCG meeting scheduled for 24/05/2022 to finalise architectural, carpark and landscaping design. Tender documents on track for 28/06/2022. Native title assessment completed 26/05/2022. Moama Rec Res PoM lodged with Crown Lands. Tender documents issued 06/07/2022. Architects making amendments to the plans to address CELA recommendations. Tender process on hold until PPP issues resolved. Tender process recommenced as per Council resolution 27/09/2022. Council resolved on the 28/03/2023 to award Tender to AV Builders on the proviso that further cost savings are identified prior to the CEO signing off on the Tender. Currently working with Architects and Builder to implement further cost savings.	●
Old Telegraph Station – Drainage works	\$17,274	\$21,703	\$0	100%	Soil test and Drainage design completed. Seeking quotes for the works. Discussed scope of works with FOOM which includes the removal of two (2) Silky Oak trees (as recommended by drainage consultant). FOOM have agreed to required works. Quotes have been obtained and works to commence shortly. Project completed.	●
Liston CP Revitalisation	\$75,500	\$67,717	\$7,283	85%	Current site holder notified to fully vacate sites by 01 Sept 2022. Full site audit and associated report completed. Councillor briefing session held 31/05/2022. RFQ for options paper sent to specialist tourist park consultants 08/06/2022 (closes 22/06/2022). Awaiting legal opinion regarding several matters. MRC to send further communication to site holders once received. Additional correspondence sent to site holders 22 June 2022. Large skip bin supplied to assist site occupants with disposal of smaller items. Stage 1 works will commence in mid August 2022 to demolish derelict buildings (old toilet blocks & shed). Demolition works now scheduled for mid October – delayed due to weather. Only one site remaining which has been partially decommissioned – due to be finalised by 18/10/2022. Demolition works completed November 2022. Scope Consulting have submitted draft final report. Staff currently reviewing findings and recommendations. Report being revised based on staff review and recent advice from Crown Lands.	●
Moama Main Office – Packaged HVAC unit replacement	\$50,000	\$39,307	\$10,693	100%	Quotes have been received and contract awarded. Installation scheduled for January 2023. New HVAC unit installed in January 2023. Awaiting delivery and installation of the associated control unit (due April 2023). Unit installed and operational.	●
Moama Main Office – Stage 1a (Ground floor office expansion)	\$60,000	\$0	\$60,000	5%	Moama Ground Floor office refurbishment and fit out to create additional 14 work stations to accommodate fluctuating demand / shortages, two additional meeting rooms (former massage and IT storage rooms), finalise conversion of former change rooms to temporary storage areas, rectify floor slip issue in airlock and east corridor, install printer, upgrade kitchen / loading bay stairs (safety – lighting, non-slip stair nosing's, hand rail both sides). Currently addressing identified safety issues. Currently investigating multiple water leaks and developing remediation options. Project carried over to FY24 due to leak rectification works being delayed.	●
Caldwell Hall – Capital upgrades	\$5,000	\$4,418	\$582	100%	New ceiling fans installed and switchboard upgrades carried out. Works completed.	●

PART E: Business as Usual

Moama HQ: Water leak rectification works progressing well. Painting of the external cladding and internal wall linings completed. Works on the east side balcony underway.

**Moama Preschool Development:**

Works progressing well despite poor weather – under slab services installed, building slab has been completed and framing is well underway. Building colour schemes have been finalised. Carpark works commenced.

Note: Whilst works are in progress access to the northern section of the Moama Recreation Reserve will be closed and there will be detours within the Reserve as the build progresses.





Monthly Operational Report – June 2023

Buildings and Facilities

Captains Cottage & Old Telegraph Station – Post Flood rehabilitation works:

Captains Cottage – Internal cleaning and painting works completed. Engineers report recommends underpinning of the east wall 1.5 years post flood event. Old Telegraph Station – Internal and external cleaning completed. Painting nearing completion. New subfloor ventilation system, cellar glass panel and power points due to be installed shortly.





Monthly Operational Report – June 2023

Buildings and Facilities

Moulamein Library & Community Services:

Both the Moulamein Library and Community Services buildings were recently given an internal refresh with a full internal paint and new blinds fitted to the library.



PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	● ● ●

Council resolutions outside 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 25/01/2022	Liston Caravan Park	290122	<p>RESOLUTION 290122</p> <p>Moved: Cr Nikki Cohen</p> <p>Seconded: Cr Neil Gorey</p> <p>That Council resolve to:</p> <ol style="list-style-type: none"> 1. Give notice of termination of a site agreement to each tenant of Liston Caravan Park in accordance with the provisions of the Residential Tenancies (Caravan Parks and Manufactured Home Estates) Amendment Act 1994. 2. Request a further report that identifies councils' options in relation to the future of the Liston Caravan Park Mathoura, including: <ol style="list-style-type: none"> a) Cost to upgrade the park to a compliant standard. b) Management and operating models. c) Cost to decommission the site and develop the Caravan Park area into a passive recreation park. <p style="text-align: right;">CARRIED</p>	Bulmer, Glenn	●

08 Feb 2022 7:47am Harvie, John



Monthly Operational Report – June 2023

Buildings and Facilities

Legal advice on termination of annual leases has been sought. Letters to annual tenants will be sent once legal advice is received.

07 Mar 2022 3:23pm Harvie, John

Letters of termination have been sent. Two onsite meetings held with tenants. A further onsite meeting to be held on Monday 14 March.

04 Apr 2022 4:30pm Harvie, John

Further report to council in April.

11 May 2022 11:17am Leyonhjelm, Lindy - Reallocation

Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel

12 Jul 2022 8:07am Ryan, Sarah

JH/SR - GB will prepare a report to Council.

12 Jul 2022 4:50pm Leyonhjelm, Lindy - Reallocation

Action reassigned to Bulmer, Glenn by Leyonhjelm, Lindy - GB is currently actioning the steps required for the upgrade of Liston Caravan Park to adhere to current regulations

14 Jul 2022 2:43pm Bond, Jack

G Bulmer progressing with closure and preparation of options

04 Oct 2022 4:25pm Bulmer, Glenn

Liston CP temporary closure effective 19/09/2022. Minor demolition works to remove old toilet blocks now scheduled for mid October 22. Redevelopment options currently being prepared.

29 Nov 2022 4:24pm Bulmer, Glenn

Demolition of delatidated toilets / shower blocks completed. Site cleanup to be finish end November 2022. Options paper due Jan 2023.

10 Jan 2023 12:20pm Bulmer, Glenn

Awaiting completion of the Options Report by Scope Project Consulting

14 Feb 2023 11:10am Bulmer, Glenn

Options Report by Scope Project Consulting on target for completion 28/02/2023

04 Apr 2023 8:21am Bulmer, Glenn

Staff currently reviewing the Options Paper submitted by Scope Consulting.

09 May 2023 11:33am Bulmer, Glenn

Staff have finalised review of the Options Paper and are working with the Consultant to finalise the report. Crown Lands are due to provide options / advice to MRC by 12/05/2023

05 Jun 2023 4:15pm Donald, Jan - Email

Hi Glenn - could you please update your actions on the above item in InfoCouncil. If there hasn't been any change since last month, just put that in there.,Thanks,Jan.

07 Jun 2023 9:49am Bulmer, Glenn

The consultant is currently amending the options paper as a result of the staff review and recent advice from Crown Lands.

11 Jul 2023 8:44am Bulmer, Glenn

The consultant has completed the report and staff are currently reviewing.

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Major Projects

PART A: Section Accountabilities and Team Roles

Manager Major Projects – Onesimo Mukodi	Project Manager	Design and Development Technician (Vacant)																																																																																																																																							
<p>Manage the Major Projects Business Unit. Developing, implementing, and updating the framework and tools for project management; and the quality infrastructure design services and delivery of outsourced capital projects for roads, bridges, drainage, water, sewer and other civil infrastructure. Infrastructure design standards; infrastructure project development; investigation, design, and configuration of GPS systems for construction teams.</p> <p>Management of the Project Office; oversee the management of major projects, project managers, project teams, consultants, contractors in delivery of infrastructure projects. Ensuring that the projects are delivered within exceptions of: Scope; Time; Cost; Quality; Risk and Benefits. Design standards which satisfy Council’s adopted levels of service; best practice; legislation; Australian Standards and Codes of Practice. Accountable to users and stakeholder for project development; investigation; design; procurement; delivery and close out of projects on completion.</p> <p>Provision of major project development; investigation; design; procurement; construction/delivery; and project close out for Transport Services and Water Services and other business units.</p>	<p>Management of Infrastructure Projects. Investigation; Design; Procurement; Delivery/Construction; and Project Close out.</p> <p>Delivery of major infrastructure projects within exceptions of: Scope; Time; Cost; Quality; Risk and Benefits</p> <p>Accountable to users and stakeholder for project development; investigation; design; procurement; delivery and close out of projects on completion</p>	<p>Infrastructure project survey and investigation; design; and configuration of GPS systems for construction teams; setting out quality assurance and updating Council design standards (drawings).</p> <p>Designing infrastructure in accordance with Council’s adopted levels of service; best practice; legislation; Australian Standards and Codes of Practice. Accurate infrastructure works setting out configuration with GPS systems, control and quality assurance and updates of as-built drawings.</p> <p>Accountable to users, construction and project teams high quality design, survey, GPS setting out and control configuration and production for as-builts drawings.</p>																																																																																																																																							
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Monthly Operational Report – June 2023

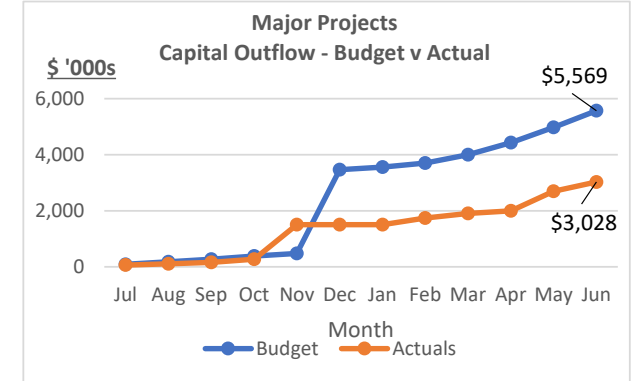
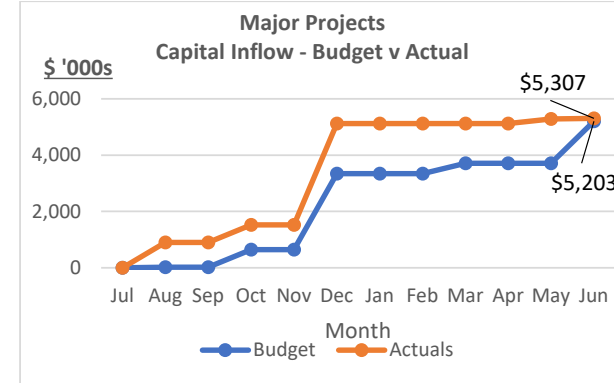
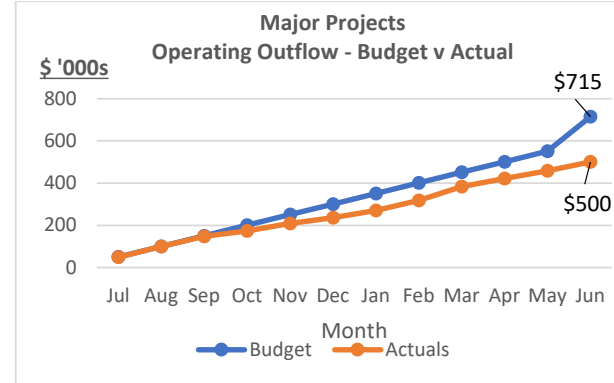
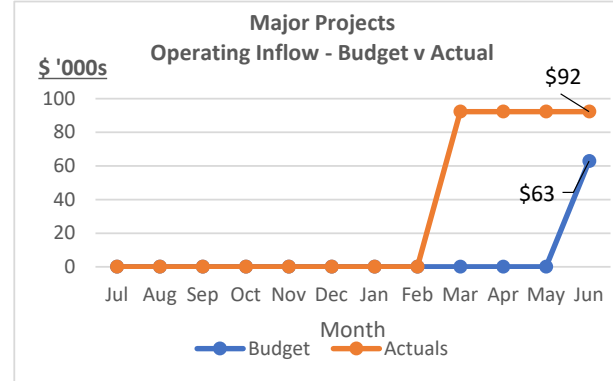
Major Projects

PART B: 4 Year Delivery Program and 1 Year Operational Plan

Under the 4-year Delivery Plan, the Section relates to Major Projects in the Built/Physical Environment to deliver infrastructure that is well planned, connected, safe and designed to support our communities, industries, and businesses. The Operations and Major Projects Directorate directly oversees the delivery of these outcomes. This section has no direct deliverable outcomes under the 2022-2026 Delivery Program. This Business Unit will contribute to other MOR reports as required.

PART C: Financial Outcomes

Completed projects delivered within budget.



PART D: Project Status

PART D: Project Status

Projects	Comments:	
Moama Foreshores Development – Beach Amenities Block (including water, sewer and electrical service connections) (Regional Growth Fund/Community Building Partnership/Council)	Project Complete	●●●
Moama Foreshores Development – Riverside Retaining Walls (Regional Growth Fund/Council)	Current funded scope of work complete.	●●●
Sandys Road/Barber Creek Bridge (Fixing Country Bridges)	Bridge construction, approaches and creek restoration work complete.	●●●
Frasers Road/Murrain Yarrein Creek Bridge (Fixing Country Bridges)	Bridge structure completed, bridge approach works in progress. Approach roadworks delayed by wet weather.	●●●
Tooranie Road/Yarrein Creek Bridge (Fixing Country Bridges)	Construction scheduled to commence October/November 2023. Impacted again by flooding.	●●●
Murray Downs Foreshore Boat ramp and associated works (Boating Now Round 3/Council)	Delayed by current floods. Flooding started immediately after commencing work on site.	●●●
Echuca-Moama Floodplain Risk Management Study and Plan (NSW Floodplain Management Program/Council)	Modelling for recalibration of the of the Echuca-Moama Flood Study against the October 2022 Echuca-Moama Floods in progress.	●●●
River Estate and Jamieson Levee Upgrade Detailed Investigation and Design	Current funded scope of work complete. Subsequent work will be subject to Council securing funding under the NSW Floodplain Management Grants.	●●●

PART E: Business as Usual

Continuing to manage the project performance for Benefits, Time, Cost, Quality, Scope and Risk.

PART F: Service Metrics

Nothing to report.

Date	Customer Compliant	Action Undertaken	
	Nil	N/A	●●●



Monthly Operational Report – June 2023

Major Projects

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
	Construction risks: Scope, Time, Cost, Quality, WHS, Environmental	Construction Contract, REF, CEMP	Implement existing controls	● ● ●
January 2022	Availability of internal resources to complete project tasks while managing business as usual	Relying on resources available	Fill vacancies of Technical Design Officer position. Position not yet filled.	●
	Temporary works installations for staging construction works bridge construction	Design Certification, Design Proof Engineering, Certificate of Compliance Issued by the Design Engineer upon completion.	Monitor and manage	●

Council Resolutions Completed

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Continuing to court opportunities to get the most of grant programs.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Approach roadworks at Fraser Road/Murrein Yarrein Creek will be completed shortly. The new bridge will be opened to traffic soon.



Monthly Operational Report – June 2023

Plant Fleet & Stores

PART A: Section Accountabilities and Team Roles

Manager Plant, Fleet and Stores – Chris Godfrey	Fleet and Workshop Manager	Procurement Officer Stores																																																																																										
<p>The ongoing management of and/or advisory service for mechanical, electrical, pneumatic, or hydraulic machinery or apparatus. Large and small earthmoving plant, heavy vehicles - trucks and cranes, pumps, electric, hydraulic, and pneumatic machinery, fixed plant (sewer, water, and waste management), minor plant and equipment, and pressure vessels. Directly manage council’s store functions, as an internal service to the organisation. Provide a delivery and maintenance service for council’s light vehicles.</p>	<p>Internal delivery service: maintenance of large and small earthmoving plant, heavy vehicles - trucks and cranes, pumps, electric, hydraulic, and pneumatic machinery, fixed plant (sewer, water, and waste management), minor plant and equipment, and pressure vessels.</p>	<p>Provide internal (operational) services, ordering and receipt of stores, goods and services, storage and allocation of stores, liaison with external suppliers.</p>																																																																																										
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PART B: 4 Year Delivery Program and 1 Year Operational Plan

Under the 4 year Delivery Plan, the *Section* relates to: effective provision and management of plant, fleet, equipment, and stores. The Infrastructure Directorate directly oversees the delivery of these outcomes; largely as an internal service provider.

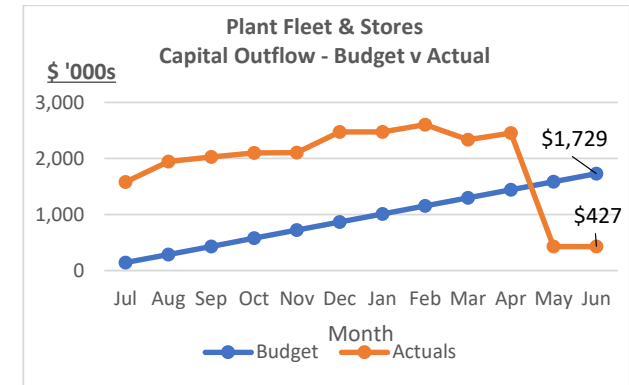
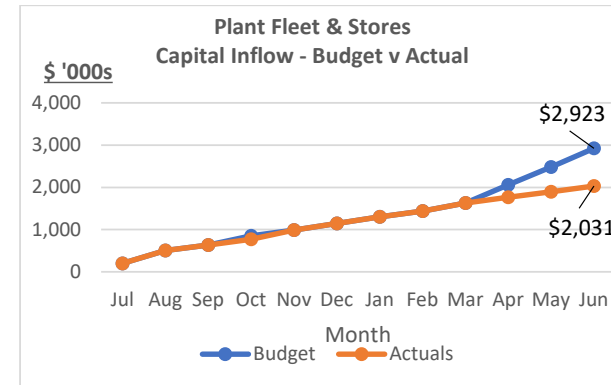
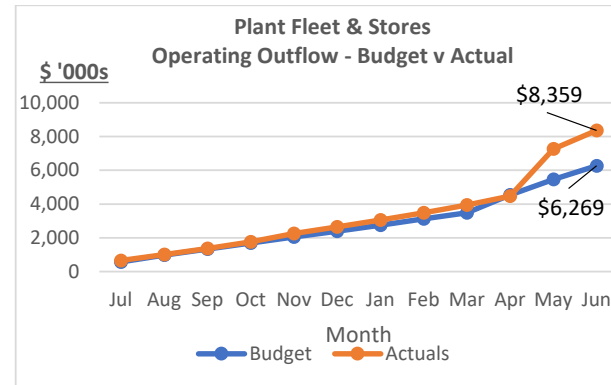
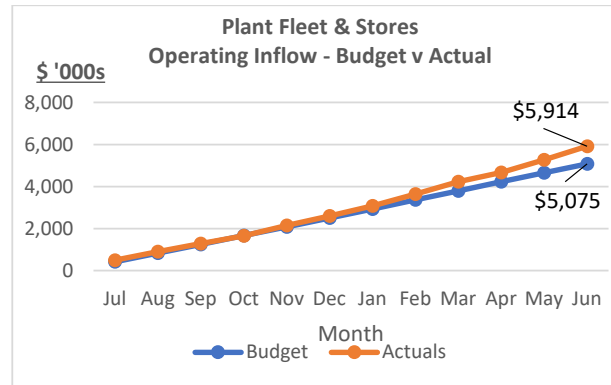
4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	
				1	2	3	4		
<p>Theme 7 – Goal 3 – To encourage, educate and enable environmentally sustainable approaches to energy management. 7.10 – Gradual retirement of vehicles with Internal Combustion Engines (ICE).</p>									
Ensure Council’s vehicle fleet is fit-for-purpose. (S DI)	Deliver	(DP 7.10.1) Business cases prepared for new Council’s vehicle purchases to ensure they are fit-for-purpose and meet the transition out of vehicles with ICE.	B: MPF&S P: O:		✓	✓	✓		



Monthly Operational Report – June 2023

Plant Fleet & Stores

PART C: Financial Outcomes



Monthly fuel expenditure is tracking at \$100k to \$120k depending on workdays per month and extent of maintenance work being done at distant locations. This has been consistent all year. Annual budget of \$895k insufficient and was revised in QB3. May fuel costs were higher than average with more work days and favourable weather conditions and June fuel cost finished at \$113k. Vehicle registration costs now estimated to finish at \$194k against budget of \$109k. Only minor change in fleet assets registered from 2022 to 2023. Annual budget insufficient and has been revised in QB3. Monthly Diesel Fuel rebate amounts will be realised by year end will partly offset full year overspend on fuel. Plant usage and recoveries forecasted to finish ahead of budget which will partly offset the higher expenditure.

PART D: Project Status

PART E: Business as Usual

Number of new vehicles have been commissioned in recent months, replacing older vehicles or disposing vehicles identified as surplus to requirements. 5 vehicles have been returned and will be disposed through public auctions with all staff being notified of auction details.

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			●●●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
	Plant and equipment unfit for purpose	Electronic Pre-Op forms being trialled now with "Notification of maintenance required" being sent to workshop staff.	Project Replace existing formwork used for stormwater construction activity Task - Develop tag out procedure for unsafe plant and equipment	●●●

Council Resolutions (Completed, Within 3 months, Over 3 months)

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)



Monthly Operational Report – June 2023

Works

PART A: Section Accountabilities and Team Roles

Manager Works – Ricki Thompson	Project Engineers	Soils Laboratory Supervisor	Road Safety Officer	Works Coordinators																																																																																																																																																																																																
<p>This team is now solely focused on implementation and the “doing”.</p> <p>Ricki is the Implementation Agent.</p> <p>This team will provide these services based on Service Level agreements with Delivery Managers</p> <ul style="list-style-type: none"> Civil Works Roads Bridges Ancillary furniture Emergency Services and After Hours Response <p>Their work will include new projects, maintenance, and repair on: Roads, footpaths, stormwater, bridges, signage and linemarking, bus shelters, seats, street scaping, kerb and gutter, pavements, verges, traffic islands, streetlighting, etc.</p>	<p>This team is responsible for the supervision and management of construction and maintenance activities for the Works program including road construction, drainage constructions and contractual subdivision construction. Management of construction and maintenance activities as instructed by Transport for NSW (TfNSW) including fulfilling Murray River Council’s commitment to the Road Maintenance Council Contract (RMCC). In partnership with Works Coordinators, ensure deliverables and outputs from staff and contractors involved in the Works Program are in accordance with works packages, legislation and Murray River Council Policy and Procedures.</p>	<p>This team is responsible for the measurement and assessment of materials including gravels and soils for road pavement construction and repair.</p> <p>The team also manages the traffic counters to assess at a given site</p> <ul style="list-style-type: none"> the number of vehicles per day the vehicle travel speeds direction of travel percentage heavy vehicles <p>Since 2020, the team has relocated this information, along with historic data, into an online system for greater transparency of data and better decision-making for traffic management.</p> <p>Types of Soil Tests for Road Construction to assess soils strength, pavement design, construction quality.</p> <ul style="list-style-type: none"> In-situ Moisture Content. Specific gravity of soil. Particle Size Distribution (By wet sieving & pipette method) Compaction test – Proctor test. <p>California Bearing Ratio (CBR) Test.</p>	<p>This role (half a position) is funded under the NSW Local Government Road Safety Program (LGRSP) up to 30 June 2025.</p> <p>It aims to foster important relationships with local businesses, community groups and institutions to deliver programs that improve road safety and help to integrate a ‘safe system’ approach to reducing road deaths and serious injuries at the local level.</p>	<p>This team is responsible for the coordination, logistics and delivery of capital and operational road works at Council.</p> <p>This includes reviewing customer service requests to assess and prioritise the need for unplanned maintenance works. This team also provides service requests for other parts of the business as required including water, wastewater and stormwater maintenance, road works and other assistance to parks and open spaces, earthworks and fencing for Council managed events.</p> <p>Areas of Focus/Accountability is for the provision of a safe road network including roads, footpaths, bridges, signage and linemarking, bus shelters, seats, kerb and gutter, pavements, verges, traffic islands, streetlighting, etc.</p>																																																																																																																																																																																																
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Works

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	
				1	2	3	4		
Theme 1 – Goal 1 - Facilitate Circular Economy									
1.2- Enhance waste and recycling programs to increase resource recycling across LGA									
Investigate, design and construct a resource recovery facility in Moama. With further programs to be considered across the Council area. (S DPE)	Deliver, Partner	(DP 1.2.2) Investigate options to use recycled materials in more projects across Council.	B: MWCS P: MWCS O: MWCS	✓	✓	✓	✓	Crushed concrete is used extensively at Transfer Stations and landfills to improve access. Other divisions of Council are continuously encouraged to assess the merits of recycled products for use in projects and services.	
Theme 1 – Goal 2 - Protect, enhance and sustain the natural environment									
1.3 - Integrated Water Cycle Management									
Review and update the Residential Drainage / Flood Management Strategies (S DI)	Deliver	(DP 1.3.1. A) Progress the Moama West Drainage Strategy as development grows.	B: MW P: MIP O: MW	✓	✓			Ongoing.	
	Deliver	(DP 1.3.1.B) Construction of the Moulamein Levee	B: MW P: MIP O: CW		✓	✓			
	Deliver	(DP 1.3.1.C) Investigate and progress stormwater infrastructure upgrades across the region	B: MW P: PE O: CW	✓	✓	✓		Ongoing.	
Theme 3 – Goal 1 – Create and maintain safe and accessible community spaces that enhance healthy living and promote active lifestyles.									
3.5 – Lighting upgrades & improvements									
LED lighting Strategy and program to be rolled out across the Council area (Street lighting and Parks and Reserves). (S DI)	Deliver	(DP 3.5.1) Progressive LED lighting replacement program to be undertaken over next 10 years. New subdivisions to use LED lighting.	B: MW P: SE O: Authority	✓	✓	✓	✓	Ongoing. This will continue the replacement of over 1,200 LED lights across the LGA during 2022.	
Theme 6 – Goal 1 – Develop strategies to deliver road and shared pathway infrastructure that is accessible to all.									
6.1 – Cycle, foot and other pathways									
Pathways Plan to be developed taking into account sensitive design of pathways to consider environmental factors, accessibility and amenity. (S DI)	Deliver	(DP 6.1.1) Develop and begin implementation of a Pathways Plan for implementation across the LGA.	B: MW P: PE O: Consultants	✓	✓	✓	✓	Commenced – review of previous plans and strategies. Desktop assessment.	
Theme 6 – Goal 1 – Develop strategies to deliver road and shared pathway infrastructure that is accessible to all.									
6.2 – Improved and consistent road signage across the region.									
Develop a plan to focus on updating road and pathway signage across the region (S DI)	Deliver	(DP 6.2.1) Develop and begin implementation of consistent and accurate signage across Council’s roads and pathways	B: MW P: PE O: CW	✓	✓	✓	✓	Ongoing. All new works to be in accordance with current standards. Identification of older signage across Council’s roads and pathways for replacement.	



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Works

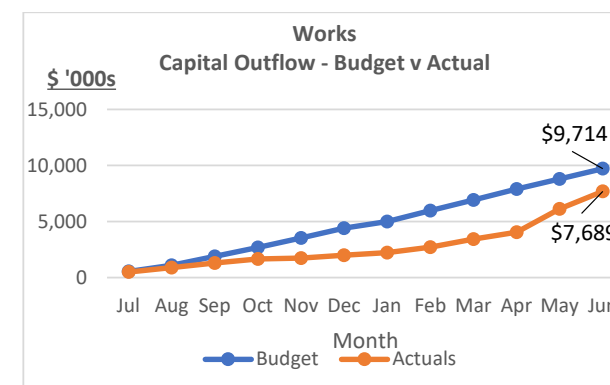
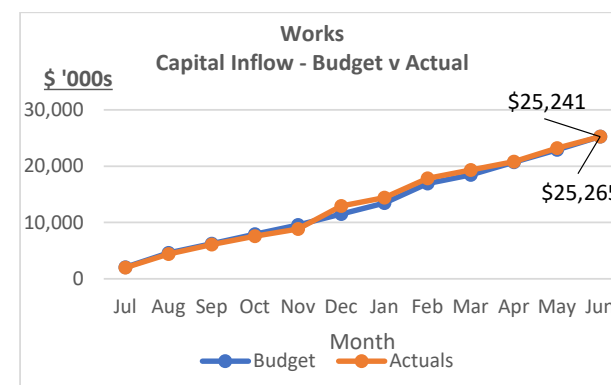
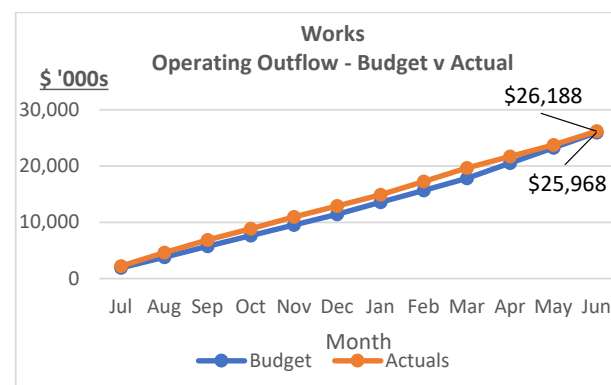
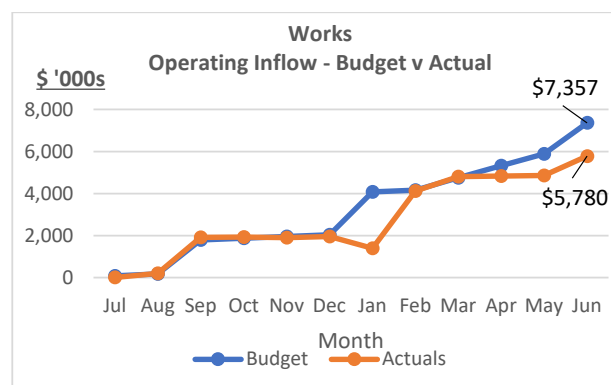
Theme 6 – Goal 1 – Develop strategies to deliver road and shared pathway infrastructure that is accessible to all.								
6.3 – Improved parking options & consideration of larger vehicles (caravan, boat, RV, trailer).								
Work with community to plan and deliver a parking options report and delivery plan for the whole of Council. (S DI)	Deliver	(DP 6.3.1) Develop and begin implementation of parking options plan for all of Council.	B: MW P: SE O: CW		✓	✓	✓	
Theme 6 – Goal 1 – Develop strategies to deliver road and shared pathway infrastructure that is accessible to all.								
6.4 – Local road & drainage options								
Develop and implement a roads and drainage program of works. (S DI)	Deliver	(DP 6.4.1) Develop and begin implementation of roads and drainage program of works for all of Council which addresses community concerns and feedback	B: MW P: PE O: CW	✓	✓	✓	✓	Ongoing. Current survey and design package will include projects to be included in future program of works.
Sensitive design of roads to consider environmental factors, accessibility and amenity. (S DI)	Deliver, Partner, Advocate	(DP 6.4.2) Ensure Prework procedures are defined and developed to take into consideration Environmental and Heritage considerations	B: MW P: PE O: CW	✓	✓	✓	✓	Ongoing. Use of Project Management Framework to document necessary planning and approval requirements. Completion of Project Management Plans for new works where environmental and heritage considerations are documented. Engagement of a suitably qualified environmental scientist as required to evaluate and address environmental risks so that the that the design is complainant and satisfies project consent requirements.
Theme 6 – Goal 3 – Advocate for improved public transport.								
6.6 – Public Transport that connects towns								
Work with state governments and local transport companies to improve service and infrastructure requirements (S DI)	Advocate	(DP 6.8.1) Upgrade and installation of infrastructure as identified.	B: MW P: PE O: CW	✓	✓	✓	✓	Ongoing. Funding secured under the Country Passenger Transport Infrastructure Grants Scheme for rural bus shelters. Met with Newtons Bus Service and Dysons to review current servicers, opportunities for improvement and the expansion of Moama.
Theme 6 – Goal 4 – Enable commercial transport and connection opportunities.								
6.9 – Truck Parking								
Consult and apply for grant funding for upgrades and new truck parking sites. (S DI)	Deliver, Partner, Advocate	(DP 6.9.1) Work with the community and Transport NSW to identify and develop new truck parking locations and upgrade existing locations as required across the region. Moama Township Plan will be the initial priority.	B: MW P: MCE O: PE	✓	✓	✓	✓	Ongoing. Moulamein truck parking area on hold due to impacts of floods. Further review to be completed to assess flood extents at preferred locations. Options to have two areas given five main routes in and out of Moulamein (Pretty Pine Road, Maude Road, Balranald Road, Swan Hill Road and Barham Road) to be discussed and investigated further.
Theme 6 – Goal 4 – Enable commercial transport and connection opportunities.								
6.10 – Major Road Upgrades								
Road Asset Management Plan to deliver a financially sustainable road network across the LGA. (S DI)	Deliver, Partner, Advocate	(DP 6.10.1) Road Asset Management Plan under continual renewal with a program of deliverable projects developed for roads across the region.	B: MW P: MSA O: PE	✓	✓	✓	✓	Ongoing. Current survey and design package will include projects to be included in future program of works.
	Deliver, Partner, Advocate	(DP 6.10.2) Advocate to Transport NSW for upgrades to state and regional roads.	B: MW P: PE O: CW	✓	✓	✓	✓	Ongoing. Heavy patching program completed on Cobb Highway. Funding secured for Kyalite Road widening, pending success of further funding for Federal government.



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Works

PART C: Financial Outcomes



PART D: Project Status

Location	Fund	Project Title	Project Phase	% Works Complete	Status	Comments
Lower Thule	Roads to Recovery (R2R)	Resheet Lower Thule Road	Construction	65%	In progress.	Works in progress.
Barham	Roads to Recovery (R2R)	North Barham Road Widening & Reconstruction	Closing	95%	In progress.	Works completed during June, project finalisation and closeout in progress.
Mathoura	Roads to Recovery (R2R)	Bunnaloo Road Widening & Reconstruction	Planning	20%	In progress.	Previously on hold, project documentation for construction has commenced.
Speewa	Roads to Recovery (R2R)	Speewa Road Widening & Reconstruction	Planning	20%	In progress.	Previously on hold, project documentation for construction has commenced.
Barham	Roads to Recovery (R2R)	Wakool Street & Chester Street Intersection Traffic Calming	Planning	10%	In progress.	RFQ for survey and design released.
Moama	Roads to Recovery (R2R)	Centre Road Reconstruction	Closing	95%	In progress.	Works completed during June, project finalisation and closeout in progress.
Various	Roads to Recovery (R2R)	Rural Roads Gravel Resheet & Formation Improvements	Construction	90%	In progress.	Works in progress.
Various	Fixing Local Roads Round 3 (FLR3)	Reseals	Closing	95%	In progress.	Linemarking rectification works completed. Project completion report in progress.
Various	Disaster Recovery Funding Arrangements (DRFA)	AGRN 1034 – NSW Flooding from 14 September 2022	Planning / Construction	30%	In progress.	Damages finalised to 162. Immediate Restoration Works completed; next phase is Essential Public Asset Reconstruction Works. Damages summary: 154 approved, 5 queried by TfNSW and further information to be provided, 3 to be submitted. See below for a breakdown of damages and works in progress / completed.
Various	Fixing Local Roads (FLR)	Pothole Repair Round 2023-2024	Construction	20%	In progress.	Works in progress. 310 potholes completed during June for a total area of 1,493m ² . The total number of potholes completed is 1,494.
Various	Regional & Local Roads Repair Program (RLRRP)	Regional & Local Roads Repair Program 2023-2024	Planning / Construction	10%	In progress.	Heavy patching tender awarded. Further planning for drainage and unsealed road works in progress. Potential delays with culvert supplies.
Bunnaloo	Fixing Local Roads Round 4 (FLR4)	Perricoota Road, Bunnaloo	Planning	5%	In progress.	RFQ for survey and design is currently advertised. Further community consultation issued.

PART E: Business as Usual



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Road Opening Permit & Driveway / Crossover Applications

A Road Opening Permit (ROP) and applications to construct a driveway or crossover are in accordance with Section 138 of the Roads Act.

For this financial year, a total of 147 applications have been processed for ROPs and driveway / crossover applications.

Council staff have complete three (3) culvert installations however due to current workloads and resourcing; we have been unable to commit to any recent culvert installation requests.

Application	Received YTD	Completed YTD	Received Current Month	Completed Current Month	Pending / To be Completed
Road Opening Permits	114	111	7	4	3
Driveway / Crossover Applications	33	31	8	6	2

Pre-pour inspections for driveways / crossovers: 150

Culvert installation inspections: 9

Pre-application consults: 80

Flood Recovery

Council have consolidated flood damages to the road network and associated infrastructure to 162 in total.

We are currently working through these damages to submit to TfNSW for their review and approval.

The status of damages is currently broken down as follows:

- 154 approved.
- 5 queried by TfNSW and further information to be provided.
- 3 to be submitted.

Damages completed:

- Aratula Road
 - 1x unsealed shoulder loss of materials (150m).
- Barham Road
 - 1x sealed pavement damage (200m²)
 - 1x loss of material in unsealed shoulders (130m).
- Barmah Road
 - 8x seal pavement damages (6,310m²).
- Chanter Street
 - 1x seal pavement damage (68m²).
- Gilmour Road
 - 1x seal pavement damage (56m²).
- Holmes Street
 - 1x seal pavement damage (98m²).
 - 1x seal pavement potholes (6 No.).
- Leetham Road
 - 1x loss of materials (980m).
- Milgate Road
 - 1x loss of materials (20m).
 - 1x unsealed road surface damage (1,000m).
- Millewa Road
 - 13x unsealed road surface damage (1,080m).
 - 9x loss of materials (1,160m).



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- Moama Street
 - 1x seal pavement damage (5m²).
- Nineteen Mile Road
 - 1x unsealed road surface damage (1,585m).
- Officer Road
 - 3x loss of materials (1,560m).
- Old Barmah Road
 - 3x seal pavement damage (160m²).
- Perricoota Forest Road
 - 2x seal pavement damage (140m²).
- Picnic Point Road
 - 6x seal pavement damage (916m²).
- Riverside Caravan Park Access Road
 - 1x seal pavement damage (49m²).
- Sandy Bridge Road
 - 1x unsealed road surface damage (1,940m).
 - 1x culvert / floodway / causeway damaged or destroyed.
- Tarragon Road
 - 1x seal pavement damage (640m²).

A total of 146 Emergent Works were completed in the initial recovery response and 59 damages completed in the following Immediate Reconstruction Works phase.

Streetlighting

Streetlight Maintenance Performance (YTD – 30/06/23)

Source	Repair Count	Repaired within Target	Average Days to Repair
Found and Fixed	10	8	0
Night Patrol	16	10	35.94
Public Reported	15	13	4
Summary:	41	31	15.49

5 Year Crash Statistics

79% of the crashes were single vehicle crashes.

76% of the crashes were single vehicles going off the road which is usually caused by excessive speed, fatigue or distraction (e.g. mobile phone use).

Year	# Crashes	# Casualties	Degree of crash - detailed	# Crashes	% of Total	Degree of casualty - detailed	# Casualties	% of Total
2018	28	43	Fatal	6	7.0%	Killed	6	5.1%
2019	21	25	Serious Injury	6	7.0%	Seriously Injured	8	6.8%
2020	12	18	Moderate Injury	25	29.1%	Moderately Injured	31	26.3%
2021	16	18	Minor/Other Injury	46	53.5%	Minor/Other Injured	66	55.9%
2022	9	14	Uncategorised Injury	3	3.5%	Uncategorised Injured	7	5.9%

Crashes with alcohol involved		Crashes with speeding involved		Crashes with fatigue involved	
10	11.6%	30	34.9%	14	16.3%



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Works

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	● ● ●

Council resolutions outstanding within 3 months

Meeting	Subject	Resolution Number	Resolution	Officer	Status
Council 27/06/2023	Murray River Council Local Traffic Committee	120623	<p>RESOLUTION 120623</p> <p>Moved: Cr Thomas Weyrich</p> <p>Seconded: Cr Nikki Cohen</p> <p>That Council note the DRAFT minutes of the Murray River Council Local Traffic Committee meeting held on Wednesday 5 April 2023.</p> <p style="text-align: right;">CARRIED</p>	Donald, Jan	●
<p>10 Jul 2023 2:58pm Donald, Jan - Completion</p> <p>Completed by Donald, Jan (action officer) on 10 July 2023 at 2:58:06 PM - No further action required. This action can now be closed.</p>					
<p>10 Jul 2023 2:58pm Donald, Jan - Notification</p> <p>Bond, Jack (first authoriser) notified by Donald, Jan (action officer) on 10 July 2023 at 2:58:24 PM, Sent to Jack Bond for authorisation, Notified by Jan Donald</p>					
<p>12 Jul 2023 1:10pm Bond, Jack - Authorisation</p> <p>Croft, Rod (second authoriser) notified by Bond, Jack (first authoriser) on 12 July 2023 at 1:10:49 PM, Authorised by Jack Bond, Sent to Rod Croft for authorisation, Notification sent to Jan Donald</p>					

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Thank you to the staff who assisted with the setup of Moama Lights and the unfortunate works required due to rising river water levels, and subsequent cancelling of the light show.

Improvements to maintenance programs including maintenance grading scheduling is underway.

Works in progress or completed includes Wakool Road reconstruction, Centre Road reconstruction, Moulamein heavy patching, North Barham Road reconstruction and various resheeting on unsealed roads.

Upcoming works include Perricoota Road resheeting consultation and design, Bunnaloo Road, Speewa Road, Chester Street and Wakool Steet intersection, Deniliquin-Barham Road, Barmah Road (pending external funding), Kyalite Road (pending external funding), and various K&G and footpaths renewals.

Thank you to the effort put in for end of financial year requirements across all areas.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Works teams have continued to perform well to deliver on Immediate Reconstruction Works prior to 30 June 2023 deadline along with other funding programs.

Planning and scheduling is well underway for the new financial year including the next phase of flood recovery and reconstruction works.



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Water Services

PART A: Section Accountabilities and Team Roles

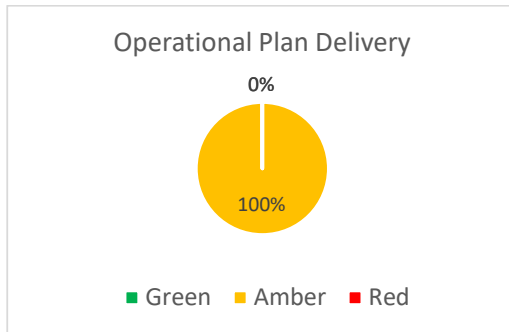
Manager Water Services – Phillip Smith	Supervisor Water & Wastewater (By Location)	Assistant Supervisor																																																																																																															
<p>This team is now solely focused on implementation and the “doing”.</p> <p>Murray is the Implementation Agent</p> <p>This team will provide these services based on Service Level agreements with Delivery Managers</p> <ul style="list-style-type: none"> • Water source access (including alternative supply options) • Water and wastewater treatment processes • Water distribution and quality • Wastewater collection • Water efficiency and reuse • Emergency Services and After-Hours Response <p>Their work will include:</p> <p>Potable and raw water supply, safe water and wastewater treatment plant operations, stormwater reuse, leak detection & repair, planned and unplanned pipe maintenance, pump operations and repair, customer response.</p>	<p>The supervisors of the Wastewater and Water teams are responsible for the day-to-day operations of the field staff.</p> <p>Ensuring this most commonly unseen business of Council is ran effectively 24/7 365 days of the year.</p>	<p>The assistant supervisor of the Wastewater and Water teams is responsible for all daily assistance to the supervisors as required.</p>																																																																																																															
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Monthly Operational Report – June 2023

Water Services

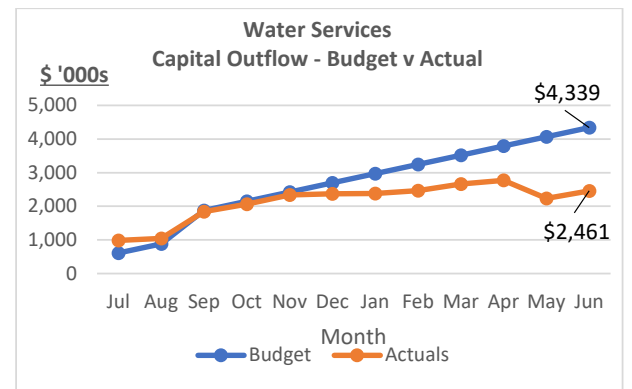
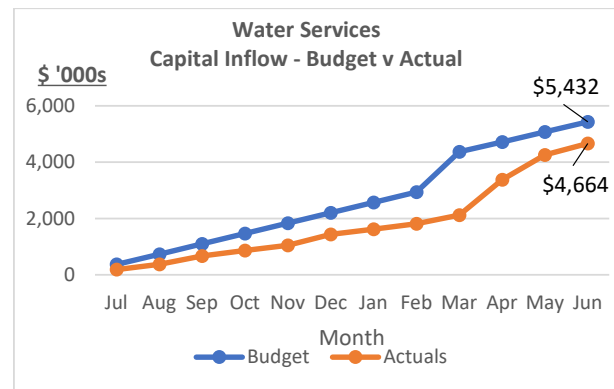
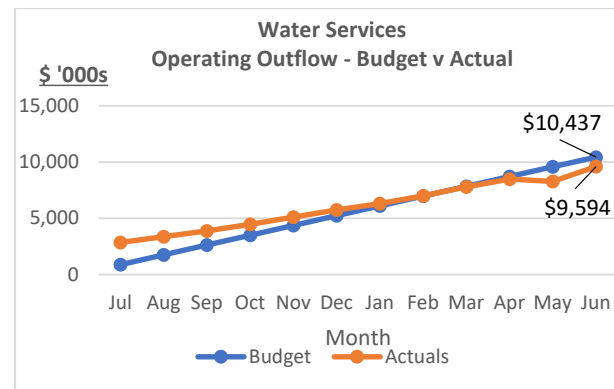
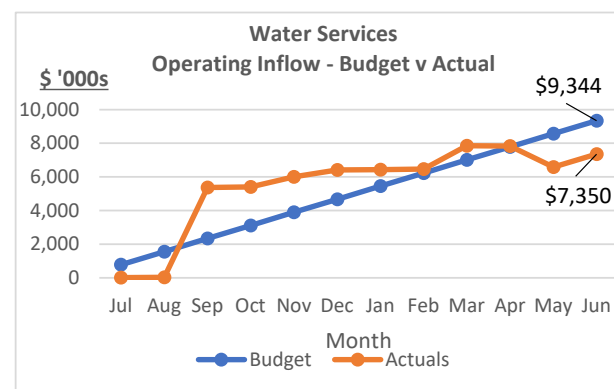
PART B: 4 Year Delivery Program and 1 Year Operational Plan



Under the 4-year Delivery Plan, the Water, Wastewater and Sewerage Section relates to: providing a safe drinking water and reliable sewerage network for our urban communities. The Director of Infrastructure directly oversees the delivery of these outcomes

4 Year Delivery Program 2023-2026	Deliver, Partner, Advocate	Performance Measure	Responsible Officer	Year				Comments	Status
				1	2	3	4		
Theme 1 – Goal 2 - Protect, enhance and sustain the natural environment									
1.3 - Integrated Water Cycle Management									
Review and update the Drinking Water Management System. (S DI)	Deliver	(DP 1.3.2) Investigate and address water pressure issues across the region	B: MWS P: O:	✓	✓	✓	✓	MRC are currently receiving quotes for the design of a water booster pumping station for Barham. to review and approve ready for the design phase to commence.	●
Review and update the Sewer Strategy / Management Plan (S DI)	Deliver	(DP 1.3.3) Review and update sewer plant and network operations as required. Ongoing investigations	B: MWS P: O:	✓	✓	✓	✓	3 x funding letters of offer from NSW DPIE have been signed by CEO Terry Dodds and sent to DPIE for assessment on MRC water security	●

PART C: Financial Outcomes



PART D: Project Status

PART E: Business as Usual



Monthly Operational Report – June 2023

Water Services

Water Meter Connections	Received YTD	Completed YTD	Received March 23	Completed March 23	Pending / To be Completed
Installation/ Connect water meters (filtered and/or raw)	106	103	14	11	3
NEW applications water	8	8	1	1	0

Liquid Trade Waste applications	Received YTD	Completed YTD	Received March 23	Completed March 23	Pending / To be Completed
New Applications	25	25	3	3	0
Referrals (Planning/Building)	7	7			
Re-inspections on existing businesses	20	20			

PART F: Service Metrics

Escalated Customer Service Reconciliations to CEO level

Date	Customer Compliant	Action Undertaken	
			● ● ●

Risk Management

Date Updated	Risk Details	Existing Controls/Challenges	Required Actions	
16/7/21	Contamination of water supply	Former Council Critical Control Points.	Task - Develop a Water Quality Management Plan. At Final Draft Stage. Task - Develop backflow prevention register and testing process. Backflow devices are being installed on standpipes	● ● ●
16/7/21	Use of unfit for purpose re-claimed water on public spaces	Stormwater Planning now considers an alternative water supply and not a waste product.	Project - Full independent review to be undertaken of effluent re-use schemes Task - Ensure rigorous agreements with the user groups are implemented Task - Review processes and ensure all legislative requirements are met and approval is obtained under Section 60 of the Local Government Act	●
2017	Major sewerage infrastructure blockage, overflow or failure		Project - Install CCTV recording of sewer system Task - Continue refinement of Liquid Trade Waste System Task - Develop and implement water quality management plan	● ● ●
1/2/21	Public Accessing the water tower at the Barham Recreation Reserve	Fencing around the site.	Security Fencing has been installed around reservoir Task - Cage to be placed around the bottom of the stairs to prevent access Task – Secure gaps between ground and bottom of fence in Northwest corner of reserve	● ● ●

PART G: The Business of Improving the Business (Special events, achievements of note, celebrations, Recognition of Team Members (Living the values), The X Factor.)

Welcome Hayden Metcalfe to the Water Services team who will be undertaking Certificate three in Water Industry Operations.

Congratulations to Blake Keech will be the acting Assistant Supervisor for May and June and congratulations to Glen Paterson who will be the acting Supervisor Water & Wastewater.

PART H: Executive Summary (High Risk, Significant Change, Challenges, Emerging Trends or Significant Highlights)

Council completed components of a proposed upgrade to Barham's water infrastructure that will significantly increase water pressure for the town and improve the level of service for many residents in Barham.

Water Services is in the process of implementing of Waste ID to manage Liquid Trade Waste in accordance with EPA requirements this is a significant change to the way Council previously managed LTW.



Our ref: R90/1033-16 Out-35962

27 June 2023

Mr Ashley Albury
A/ Deputy Secretary, Local Government
Office of Local Government

By email: olg@olg.nsw.gov.au

Dear Mr Albury

Qualified audit opinion and Rural Fire Service (RFS) mobile assets

I write to express serious concern and disappointment at the letter sent by the Office of Local Government (OLG) to councils late last week regarding qualified audit opinions issued by the NSW Auditor General.

As you would be aware, many councils have taken the principled and professional decision not to recognise RFS mobile assets (the 'red fleet') in their financial statements as councils have no control over the acquisition, deployment or disposal of these assets.

Councils were disappointed, but not deterred by the Auditor General's qualified opinions in 2022/23. Feedback from our members indicates they will not change their position and we anticipate many more councils will receive qualified positions next year unless the NSW Government reverses the nonsensical position of councils being responsible for State red fleet assets.

In the opinion of Local Government NSW (LGNSW) and many councils, the Auditor General is not correct in her assessment that councils are non-compliant with the Australian Accounting Standards if they decided not to record these assets.

The position of LGNSW and councils is supported by:

- The State Government's own Local Government Accounting Code of Practice and Financial Reporting, which provides for councils to determine whether or not they record the RFS assets as council assets based on their professional opinion.
- A 7 June 2022 letter from the Secretary of the Department of Planning and Environment to the Auditor General which makes clear that 'councils need to assess whether they control any rural firefighting equipment in accordance with Australian Accounting Standards'.
- An independent expert's 2018 report by GAAP Consulting commissioned by the OLG and only recently released after a successful GIPA request, which found that 'councils have no substantive rights for the control of fire-fighting equipment – vesting by itself does not confer control'. The expert report went on to recommend that:

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- *Fire-fighting equipment recognised by some councils should be derecognised.*
- *Fire-fighting equipment vested in councils should be recognised at cost in the RFS's financial statements.¹*

These positions are further supported by the opinions of accounting professionals in councils right across NSW who have reasonably determined that RFS mobile assets should be recorded in the financial statements of the RFS.

LGNSW is perplexed as to why the NSW Government is now taking such a hard line in insisting that the assets be recognised as local government property. It is logical that RFS assets be treated consistently and in the same way as assets of other emergency service agencies such as the State Emergency Service (SES) and Fire & Rescue NSW, with ownership vested in the respective agencies.

It is the clear position of LGNSW that councils should not record RFS mobile assets in their financial statements and LGNSW will continue to recommend that councils continue to consider their own position on this matter.

It is especially disappointing that contrary to its previous position the OLG is now requesting so many councils across NSW to divert already strained council resources to provide OLG with further information on strategies to respond to the nonsensical position that RFS mobile assets are not assets of the RFS. This diversion of resources will distract councils from their core work for the community and will not provide any public benefit.

Councils across NSW rely on the support of the OLG. I strongly urge the OLG to reconsider its current position on this matter and rightly recognise that RFS mobile assets should be recognised as assets of the RFS for accounting purposes – in line with the independent expert advice OLG commissioned on this matter in 2018.

For further information, please contact LGNSW Director Advocacy, Damian Thomas on 02 9242 4063 or at damian.thomas@lgnsw.org.au.

Yours sincerely



Scott Phillips
Chief Executive

Copy to: All General Managers and Chief Financial Officers of councils in NSW

¹ Colin Parker, Principal and Former Member of the Australian Accounting Standards Board, GAAP Consulting, 'Review of accounting for 'red truck' assets and other fire-fighting equipment in NSW', April 2018. The report is listed as a final draft, and notes that the Office of Local Government asked that the draft report first be considered by NSW Government before any consultation with the local government sector. This local government consultation on the report never occurred and the report was not shared publicly until it was successfully released under a Government Information (Public Access) Act request in 2022.

Review of accounting for ‘red truck’ assets and other fire-fighting equipment in NSW

An independent expert’s report

by

Colin Parker, principal, *GAAP Consulting*

Team leader – advisory and litigation support services

Former member of the Australian Accounting Standards Board

April 2018



About the author – Colin Parker, principal, *GAAP Consulting*

I have had over 40 years' experience in financial reporting, auditing and ethics policy and implementation, including as director – accounting and auditing with CPA Australia, member of the Australian Accounting Standards Board, chairman of the Audit Advisory Committee to the board of CA ANZ, and as an adviser to the IPA on all aspects of professional standards.

I lead *GAAP Consulting*'s advisory and litigation team and have been involved in more than 40 litigation briefs as either an independent or consulting expert.

I have a public profile on emerging accounting and auditing issues, having given more than 300 talks, speeches and seminars in Australia and overseas (Singapore, Hong Kong, United Kingdom, Kuala Lumpur, Fiji and Dubai).

I have written many technical articles for CPA Australia and other bodies, numbering well over 200. I made contributions on contemporary issues to *Acuity* and the *Public Accountant*.

I am co-author of *Understanding and Implementing the Reduced Disclosure Regime* (two editions), co-authored *Australian GAAP* (nine editions). I was technical editor of the accounting bodies' *The Accounting and Auditing Handbook 1992-2001 (Volumes 1 & 2)* (10 editions).

I am editor of the monthly newsletter *GAAP Alert* and tweet and post on contemporary issues. I am also editor of the *GAAP Consulting* publications *Special GAAP Report* and *NFP Risks and Compliance* newsletter and a major contributor to the *Report Fraud and NOCLAR* newsletter.

About *GAAP Consulting*

On 1 July 2003, I founded *GAAP Consulting* with a vision and a motto. The motto was easy: *Excellence in financial reporting*. The vision was to give the best, independent advice on all matters to do with financial reporting, auditing and ethics.

GAAP Consulting provides independent financial reporting, auditing, ethics, and risk management solutions to reduce clients' risks. A description of my services, clients and information products is available at www.gaap.com.au. The expanding arch in the logo represents the client's journey from uncertainty to a sure solution through the use of my consulting services and products.

My core values are independence and integrity, and with my motto are reflected in the mnemonic:

T Trust
R Respect
I Innovate
E Energise
D Deliver

and **PROVEN** approach.



As principal of *GAAP Consulting*, I provide expert advice on GAAP and GAAS, quality-assurance reviews, representation expertise, tailored training courses, and litigation support to meet client needs.

Where appropriate, *GAAP Consulting* uses the services of a network of independent colleagues (subcontractors) to assist with engagements. My colleagues are *all partner-equivalents*.

The *GAAP Consulting* network members and their areas of expertise are:

- Colin Parker (financial reporting, audit, ethics, and risk management)
- Carmen Ridley (financial reporting and a current member of the AASB))
- Stephen LaGreca (financial reporting, audit, and risk management)
- Sonya Sinclair (audit, risk management, and financial reporting)
- Jim Dixon (public and not-for-profit sectors)
- Andrew Parker (marketing and event management), and
- Stephen Downes (client communications).

I also use the services of Stephen Newman, corporate lawyer, Hope Earle, when matters have a legal aspect.

My business model is premised on using only known names and very experienced practitioners in financial reporting, ethics and auditing. Collectively, a unique blend of skills and experience is provided to meet clients' needs.

As a boutique consultancy, *GAAP Consulting* has an impressive list of clients in the private and public sectors to which a wide variety of GAAP, GAAS and training services are provided. My clients include legal firms, regulators, accounting firms, listed entities, and public sector and not-for-profit entities.

About this report

This report has been prepared on the basis of the information sources cited and a brief discussion with Stephen O'Malley, executive director, finance and executive services, chief financial officer, NSW Rural Fire Service. The New South Wales Office of Local Government (OLG) and Treasury provided preliminary input for an earlier draft.

Apart from the preceding, I have yet to hold interviews with key stakeholders, including relevant councils. The OLG has requested that my draft report first be considered by Treasury, the RFS and the auditor-general before any consultation with the sector.

The report has been subject to internal consultation with my quality-assurance reviewer Stephen La Greca and a blind review by Carmen Ridley.

The opinions expressed in this report are my own.

I trust that the report will be a helpful discussion document for all major stakeholders. I welcome feedback to progress its finalisation.

33.1.1

 GAAP Consulting



Colin Parker

Principal and team leader – advisory and litigation services

Former member of AASB

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11 April 2018

DRAFT

Executive summary

Introduction

1. Fire-fighting equipment provided by the Rural Fire Service (RFS) to local councils in New South Wales has been a vexed issue for many years. Who controls the assets – the RFS or the councils? This has not an easy question for stakeholders to answer due to factors such as:

- The legislative requirements and obligations of the RFS and councils, including the vesting of fire-fighting equipment with councils
- The choice of accounting under Office of Local Government (OLG) accounting code for local councils and their auditors to consider
- Long standing practices of the RFS and councils
- The effect of RFS service standards mandated for fire-fighting equipment (and its use) and rural fire district service agreements between the RFS and the councils
- The differing perceptions of control for red-fleet vehicles vis-a-vis associated land and buildings by the councils, and
- The lack of specific accounting standards addressing the control of an asset.

2. Under s119(1) of the *Rural Fires Act 1997*, fire-fighting equipment is defined as: *fire-fighting apparatus, buildings, water storage towers or lookout towers*. Fire-fighting apparatus is defined separately as: *all vehicles, equipment and other things used for or in connection with the prevention or suppression of fire or the protection of life or property in case of fire*.

3. There has been inconsistent treatment, as councils have been given the choice (in the OLG accounting code) to recognise or not to recognise fire-fighting equipment assets, but with the intention that this decision would be made in accordance with accounting standards, including the application of materiality. The RFS has not recognised fire-fighting equipment as an asset in its financial statements on the basis that these assets are vested with the councils as stated in the RFS's accounting policy note to the financial statements.

4. With the extension of the auditor-general's mandate to cover local government, she is seeking to ensure an appropriate treatment.

5. Stakeholders' positions vary. The NSW Audit Office, NSW Treasury, and RFS are of the view that councils should recognise fire-fighting equipment in their financial statements *primarily* based on the fire-fighting equipment *vesting* in the councils under the Act.

6. On the other hand, many councils believe that they do not *control* fire-fighting equipment and, therefore, should not recognise them in their financial statements. Furthermore, they believe that fire-fighting equipment should be recognised by the RFS.

7. Stakeholders have provided various arguments and opinions to support their positions, including references to accounting standards and other authoritative pronouncements that they considered relevant. These are summarised in the appendix *Facts and stakeholder views on fire-fighting assets* – where appropriate, I have commented on them. Readers of this report, may wish to familiarise themselves with the appendix before considering the body of my report.

8. A related issue is the control of land and buildings provided by the RFS. They are also fire-fighting equipment as defined. I understand that land and buildings are viewed generally as *controlled* by the relevant council and recorded in councils' financial statements. But are they controlled by the councils?

9. The principle of control should apply to all fire-fighting equipment. RFS-sourced land and buildings, these should be subject to the same control considerations as the red-fleet vehicles. There are likely to be further implications for councils where council land has been used as a contribution to infrastructure. These need to be determined by each council in accordance with their own facts and circumstances, applying the test of materiality. I understand that white vehicles are recognised by the RFS as not vested to councils and are held at RFS districts for RFS use only. Accordingly, this issue is not considered further.

Scope

10. The OLG requested a review of the present arrangements of *how these assets, including red-fleet vehicles*, should be recognised with particular reference to which entity controls them (and should therefore recognise them in financial statements) to improve consistency in financial reporting in accordance with AASB standards.

11. Specifically, the OLG requested consideration of issues about legal versus operational control, future economic benefits of the assets, control of assets' movements, expertise to maintain assets and insurance.

Relevant accounting pronouncements

12. Based on my review of *Facts and stakeholder views on fire-fighting assets* (appendix), and consideration of these in the context of accounting standards and the *Framework for the Preparation and Presentation and Financial Statements*, the issues in contention cannot be resolved by reference to a specific accounting standard. Accordingly, the GAAP hierarchy under AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors* is the starting point for deliberations as to the appropriate accounting for red-fleet vehicles and related issues.

13. In the framework, an asset is defined as '[a] resource: *controlled* [my emphasis added] by an entity as a result of past events; (a) and from which future economic benefits are (b) expected to flow to the entity'. The framework also addresses the concepts of 'faithful representation', 'substance over form', and 'service potential'. 'Control' is defined in SAC 1 *Definition of the Reporting Entity*. These definitions and concepts are helpful in determining who controls fire-fighting equipment (including the red-vehicle fleet).

14. I have also considered the requirements of following accounting standards, and applied them in my deliberations and in forming my opinion:

- AASB 101 *Presentation of Financial Statements*
- AASB 116 *Property, Plant and Equipment*
- AASB 138 *Intangible Assets*
- AASB 117 *Leases*
- AASB 16 *Leases*
- AASB 15 *Revenue from Contracts with Customers*, and

- AASB 10 *Consolidated Financial Statements*.

15. The assets in question meet the definition of ‘property, plant and equipment’ in AASB 116 *Property, Plant and Equipment*. AASB 116 does not set requirements or provide guidance to support the argument that legal ownership is necessary for asset recognition nor an indicator of it.

16. AASB 138 *Intangible Assets* provides guidance on control of an asset – power to obtain the future economic benefits flowing from the underlying resource and to restrict the access of others to those benefits. Also, an enforceable legal right, it is not a necessary condition for intangible asset recognition as there may be other means of exercising control.

17. AASB 117 *Leases* contains a notion of ownership for classification between operating and financing leases. If arguments were mounted based on the principles in AASB 117, it is likely that the conclusion reached would be risks and rewards incidental to ownership of an asset (red-fleet vehicles and related infrastructure) would be retained by RFS.

18. AASB 16 *Leases* applies from 1 January 2019 and employs the principle of ‘a right to control the identified asset’. The notion of ownership of an asset is irrelevant under this model.

19. AASB 15 *Revenue from contracts with customers* applies from 1 January 2019 for not-for-profit entities. It uses control (not ownership) to describe when a good/service (an asset) is transferred to a customer – i.e., when the customer obtains control of it. In this context, control includes the ability to prevent others from directing the use of, and obtaining the benefits from, an asset.

20. AASB 10 *Consolidated Financial Statements* with its principle of ‘control of investee’ (an asset, for the purpose of this report) is a further authoritative source to be considered to the issue of who controls specifically the red-fleet vehicles and land and buildings.

21. In the absence of a specific accounting standard addressing the issues in contention, I have used the GAAP hierarchy and applied *collectively* the principles in AASB 116, AASB 138, AASB 117, AASB 10 and the recently issued standards AASB 16 and AASB 15 to help form my opinions.

22. These authoritative pronouncements strongly indicate that the fire-fighting equipment should be based on control rather than legal vesting (and related assessments of risks and rewards of ownership).

23. The issue also arises as to whether fire-fighting equipment is material in the context of the financial statements of councils concerned and the RFS. This assessment will need to be made by all parties. It may be that the fire-fighting equipment is immaterial to councils but material to the RFS.

In my opinion

24. The service potential of an asset is specific to an entity in meeting its objectives. An asset cannot be controlled by two entities. The fire-fighting equipment in question benefits both the councils and the RFS in helping them to comply with their legislative requirements.
25. The RFS has the substantive responsibilities for the prevention, mitigation and suppression of bush and other fires in local-government areas of New South Wales and controls fire-fighting equipment to meet its statutory objectives. It is the reason for the RFS's existence.
26. On the other hand, councils have their own unique responsibilities under the Local Government Act 1993 such as prescribed functions (s.21) and service functions, including the provision of goods, services and facilities and carrying out of activities (s.24), public land, environmental-upgrade agreements, and regulatory functions. The councils also have what I would consider as secondary or ancillary obligations under *Rural Fires Act 1997* to those of the RFS.
27. Through its service standards and rural fire district service agreements, the RFS has decision-making authority over fire-fighting equipment under the Act. The RFS exercises this authority through them, including the functions of zone managers and rural fire brigades. Many of the decisions are delegated by the RFS commissioner.
28. Furthermore, control of fire-fighting equipment by the RFS is evident by procurement (and replacement and retirement) decisions, service standards for care and maintenance, access, and deployment within the district and elsewhere. These are substantive rights of RFS. The RFS also has a protective right that prevents councils from selling or disposing of the assets without the written consent of the RFS commissioner. There are instances noted by some councils where the 'delegates' of the RFS restrict council access to fire-fighting equipment.
29. The councils have no substantive rights for the control of fire-fighting equipment – vesting by itself does not confer control.
30. As red-fleet vehicles are not controlled by the councils; also, any land and buildings provided by the RFS, as fire-fighting equipment, for its use are also likely not controlled by councils.

My recommendations

31. Fire-fighting equipment recognised by some councils should be derecognised. If the error is considered material, it should be disclosed as such under AASB 108 *Accounting Policies, Changes in Estimates and Errors*.
32. Fire-fighting equipment vested in councils whether recognised or unrecognised under options in the code should be recognised at cost in the RFS's financial statements. This should be accounted and disclosed as an error under AASB 108 *Accounting Policies, Changes in Estimates and Errors* if the error is determined to be material.
33. Given the diversity of opinion between two group of stakeholders over a long period, an argument could be made that rather than an error, it is a change in accounting policy resulting for consideration of recently issued accounting standards (i.e., AASB 10, AASB 15, AASB

16) that provide more definitive guidance on the control. Accordingly, it would be not treated as error.

34. Under AASB 108, 'an entity shall change an accounting policy only if the change: ... (b) results in the financial statements providing reliable and more relevant information about the effects of transactions, other events or conditions on the entity's financial position, financial performance or cash flows' (AASB 108.14).

35. AASB 108 also identifies two circumstances that are not changes in accounting policies: (a) the application of an accounting policy for transactions, other events or conditions that differ in substance from those previously occurring and (b) the application of a new accounting policy for transactions, other events or conditions that did not occur previously or were immaterial' (AASB 108.16). For an argument of a change in accounting policy to be sustained the 'differ in substance test' would need to be argued.

36. As a change in accounting policy, the derecognition of fire-fighting equipment by those councils that had previously recognised such assets and their recognition by the RFS would present more reliable and relevant information to the users of their financial statements and be in line with the entities' objectives.

37. My preference is for an error correction as the appropriate treatment.

38. Turning specifically to RFS-sourced land and buildings, these should be subject to the same control considerations as the red-fleet vehicles. There are likely to be further implications for councils where council land has been used as a contribution to infrastructure. These need to be determined by each council in accordance with their own facts and circumstances, applying the test of materiality.

My brief

Scope of engagement

1. The New South Wales Office of Local Government (OLG) has engaged Colin Parker, principal, *GAAP Consulting* to:
 - ‘[U]ndertake a review of current arrangements to assess, identify and make recommendations on the appropriate recognition of Rural Fire Services (RFS) assets, including and how they should be treated for accounting purposes to create better clarity and consistency across the local-government sector’.
 - ‘In conducting the review and making a report and recommendations, the focus should be on:
 - a desktop review of legislation, policies, guidelines and reports
 - identification and consideration of all key issues
 - interviews with key stakeholders, including relevant councils
 - identifying all possible options for recognising RFS assets
 - forming an opinion about whether the best option would be for fire-fighting apparatus (assets) to be recorded in RFS’s or councils’ financial statements (note: land and buildings are generally controlled by the council and already recorded in councils’ financial statements)
 - consequential impacts for local government of each option considered in the context of financial reporting, and
 - any other matter considered relevant for OLG to be aware of in the course of conducting the work’.
2. The deliverables identified were:
 - ‘a report setting out the findings and recommendations of an evidenced-based review of current arrangements, including desktop research and interviews with key stakeholders, and proposed recommendation for the appropriate recognition of RFS assets, and
 - any consequential impacts for local government.’

The issue – who controls fire-fighting equipment?

3. Fire-fighting equipment provided by RFS to local councils is a vexed issue. Who controls the asset, the RFS or the councils?
4. Currently, the land and buildings provided by RFS are viewed *generally* as controlled by the council and recorded in councils’ financial statements, the accounting treatment of other assets (particularly, the so called red-fleet vehicles) being the focal point of concern.
5. Some councils are concerned about who controls RFS assets, including red-fleet vehicles, and the consequential financial-reporting effects of ‘ownership’.
6. Furthermore, there has been inconsistent treatment between the RFS, a state-government entity, and some councils. Councils are given the choice (in the OLG accounting code) to recognise or not to recognise the assets as determined by accounting standards.
7. As the auditor-general’s mandate has been extended to cover local governments, the auditor-general is seeking to ensure an appropriate treatment. The auditor-general’s office

recently formed a view that it believed that RFS assets, including red-fleet vehicles, are controlled by councils. This position was informed by a separate view provided by the NSW Treasury to the auditor-general.

8. The OLG requires a review of how *RFS assets, including the red-fleet vehicles*, should be recognised, with particular reference to which organisation controls them (and should therefore record them in their financial statements) for the purposes of informing greater consistency in financial reporting under the Australian Accounting Standards Board standards.

9. Relevant sources of legal and other relevant obligations include: *Rural Fires Act 1997* (the Act); *Local Government Act 1993*; *OLG Code of Accounting Practice and Financial Reporting*; and Australian Accounting Standards.

10. The *Local Government Code of Accounting Practice and Financial Reporting* (Update No. 25, June 2017) stated: ‘Councils have the option to continue to recognise or not to recognise Rural Fire Services assets in their accounts until such time as the control issue is agreed upon with the Rural Fire Service’.

Key issues identified in the request for tender

11. The Request for Tender identified the following key issues:

Legal vs operational control – As red-fleet vehicles are legally vested in the council, the RFS does not record them in its financial statements. Many councils also do not record them in their financial statements because they are effectively managed, used and maintained on a day-to-day basis by the RFS via *Rural Fire District Service Agreements* under s12A of the Act. These set out arrangements for maintenance, use, access and delegation of hazard reduction activities.

Future economic benefits of the assets – RFS assets benefit both councils and the RFS in helping them to comply with their legislative requirements. For the purposes of *The Framework for Preparation and Presentation of Financial Statements* for not-for-profit entities in the public sector, economic benefit of an asset equates to its service potential.

Control of movement of assets – Even though S119(2) of the Act vests the assets in the relevant council, S119(3) prevents the council from selling or disposing of the assets without written consent from the RFS commissioner.

Expertise to maintain assets – Under s119(5) of the Act, it is the relevant council’s responsibility to take care and maintain the assets, based on standards set by the commissioner, but councils lack expertise to do so and transfer this obligation to the RFS through the agreement.

Insurance – While RFS assets are vested in councils, they may agree to an arrangement whereby the RFS acquires insurance coverage in its name. The RFS pays the premium from the Rural Fire Fighting Fund (RFFF) and is nominated as an insured party under the policy.’

My accounting opinion

Relevant accounting pronouncements

Application of GAAP hierarchy in the absence of a specific accounting standard

12. Based on my review of *Facts and stakeholder views on fire-fighting assets* (appendix), and consideration of these in the context of accounting standards and the *Framework for the Preparation and Presentation and Financial Statements*, I am of the opinion that the issues in contention cannot be resolved by reference to a specific accounting standard.

13. Accordingly, I have formed my views in accordance with AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*. Relevant paragraphs are:

‘10 In the absence of an Australian Accounting Standard that specifically applies to a transaction, other event or condition, management shall use its judgement in developing and applying an accounting policy that results in information that is: (a) relevant to the economic decision-making needs of users; and (b) reliable, in that the financial statements: (i) represent faithfully the financial position, financial performance and cash flows of the entity; (ii) reflect the economic substance of transactions, other events and conditions, and not merely the legal form; (iii) are neutral, i.e. free from bias; (iv) are prudent; and (v) are complete in all material respects.

11 In making the judgement described in paragraph 10, management shall refer to, and consider the applicability of, the following sources in descending order: (a) the requirements in Australian Accounting Standards dealing with similar and related issues; and (b) the definitions, recognition criteria and measurement concepts for assets, liabilities, income and expenses in the Framework.

12 In making the judgement described in paragraph 10, management may also consider the most recent pronouncements of other standard-setting bodies that use a similar conceptual framework to develop accounting standards, other accounting literature and accepted industry practices, to the extent that these do not conflict with the sources in paragraph 11.’

14. I note that the various stakeholders did not use the GAAP hierarchy as a starting point for their deliberations. Instead, they selected specific accounting standards and/or the framework to support their contentions.

15. I have made my assessment based on the ‘11(a) requirements in Australian Accounting Standards dealing with similar and related issues’. Specifically, I considered the requirements of the following accounting standards and applied them *collectively* in my deliberations and in forming my opinion:

- AASB 101 *Presentation of Financial Statements*
- AASB 116 *Property, Plant and Equipment*
- AASB 138 *Intangible Assets*
- AASB 117 *Leases*
- AASB 16 *Leases*
- AASB 15 *Revenue from Contracts with Customers*, and
- AASB 10 *Consolidated Financial Statements*.

16. The standards cited above include those that date back to when Australia transitioned to international standards in 2005-2006 (AASB 116, AASB 117 and AASB 138), AASB 10 (operative from 1 January 2013) and recently issued standards (AASB 15 operative from 1 January this year and AASB 16 operative from 1 January next).

17. I have also considered the reference in my paragraph 13 above to 11(b) in relation to the definition of an asset.

18. In my view, these pronouncements collectively and substantively support the accounting principle that control of an asset takes precedent over ownership (vesting). Providing a weighting or ranking of asset and ownership is neither required nor necessary.

Framework for The Preparation and Presentation of Financial Statements

19. *The Framework for The Preparation and Presentation of Financial Statements* sets out the concepts that underlie the preparation and presentation of financial statements for external users which includes '1(d) assist preparers of financial statements in applying Australian Accounting Standards and in dealing with topics that have yet to form the subject of an Australian Accounting Standard'.

20. The framework, and accounting standards, use the term 'future economic benefits', which the Australian Accounting Standard Board explains in a not-for-profit context like this:

'Aus49.1 In respect of not-for-profit entities in the public or private sector, in pursuing their objectives, goods and services are provided that have the capacity to satisfy human wants and needs. Assets provide a means for entities to achieve their objectives. Future economic benefits or service potential is the essence of assets. Future economic benefits are synonymous with the notion of service potential and is used in this Framework as a reference also to service potential. Future economic benefits can be described as the scarce capacity to provide benefits to the entities that use them and is common to all assets irrespective of their physical or other form.'

21. The framework defines an asset as 'A resource: controlled by an entity as a result of past events; (a) and from which future economic benefits are (b) expected to flow to the entity' (F.49(a)). I note that the definition refers to control, not ownership of a resource. The resource is controlled by an *entity* and not *entities* (i.e. multiple entities cannot control the same asset with the exception of joint control under AASB 11 *Joint Arrangements*). So, the service potential of fire-fighting equipment would primarily flow to one entity.

22. The framework describes when an asset is recognised: '[W]hen it is probable that the future economic benefits will flow to the entity and the asset has a cost or value that can be measured reliably' (F.89).

23. 'Control' is defined in SAC 1 *Definition of the Reporting Entity* as:

'[T]he capacity of an entity to dominate decision-making, directly or indirectly, in relation to the financial and operating policies of another entity so as to enable that other entity to operate with it in achieving the objectives of the controlling entity' (SAC 1.6)

24. The framework does not contain a definition of 'control of assets', although the withdrawn Statement of Accounting Concept SAC 4 *Definition and Recognition of the Elements of Financial Statements* contained such a definition. Some stakeholders cited it to support the contention that the councils did not control the red-fleet vehicles. The absence of such a definition is not a concern because other definitions and principles in individual standards can be applied to address the issue by analogy. This can often be achieved by substituting the term 'entity' with 'asset'.

25. The following statements regarding 'substance' and 'legal rights' in the framework are also particularly relevant:

- ‘In assessing whether an item meets the definition of an asset, liability or equity, attention needs to be given to its underlying substance and economic reality and not merely its legal form (Framework .51)’, and
- ‘In determining the existence of an asset, the right of ownership is not essential’ and ‘Although the capacity of an entity to control benefits is usually the result of legal rights, an item may nonetheless satisfy the definition of an asset even when there is no legal control’ (Framework .57).

AASB 101 Presentation of Financial Statements

26. AASB 101 is relevant as it requires consideration of ‘material’, ‘purpose of financial reporting’ and ‘fair presentation’:

- The definition of material: ‘Material Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor’ (AASB 101.7).
- Purpose of financial statements: ‘The objective of financial statements is to provide information about the financial position, financial performance and cash flows of an entity that is useful to a wide range of users in making economic decisions. Financial statements also show the results of the management’s stewardship of the resources entrusted to it’ (AASB 101.9).
- Fair presentation: ‘Financial statements shall present fairly the financial position, financial performance and cash flows of an entity. Fair presentation requires the faithful representation of the effects of transactions, other events and conditions in accordance with the definitions and recognition criteria for assets, liabilities, income and expenses set out in the Framework. The application of Australian Accounting Standards, with additional disclosure when necessary, is presumed to result in financial statements that achieve a fair presentation’ (AASB 101.15).

AASB 116 Property, Plant and Equipment – no notion of legal ownership

27. The objective of AASB 116 *Property, Plant and Equipment* includes the following statement:

‘[To] prescribe the accounting treatment for property, plant and equipment so that users of the financial statements can discern information about an entity’s investment in its property, plant and equipment and the changes in such investment. The principal issues in accounting for property, plant and equipment are the recognition of the assets, the determination of their carrying amounts and the depreciation charges and impairment losses to be recognised in relation to them’. (AASB 116.1)

28. AASB 116 defines ‘property, plant and equipment’ as tangible items that: ‘(a) are held for use in the production or supply of goods or services, for rental to others, or for administrative purposes’, and ‘(b) are expected to be used during more than one period’. The

red-fleet vehicles (also the ‘white fleet’), and associated land and buildings fall within this definition; and must therefore be accounted for under this standard.

- 29.** In relation to recognition, ‘the cost of an item of property, plant and equipment shall be recognised as an asset if, and only if: (a) it is probable that future economic benefits associated with the item will flow to the entity; and (b) the cost of the item can be measured reliably’ (AASB 116.8).
- 30.** AASB 116 does not define or describe ‘future economic benefits’ but the framework extracts are helpful in this regard.
- 31.** In reference to cost, AASB 116 requires that ‘for not-for-profit entities, where an asset is acquired at no cost, or for a nominal cost, the cost is its fair value as at the date of acquisition’ (AASB 116. Aus15.1).
- 32.** If the fire-fighting equipment (and associated land and buildings) provided by RFS were an asset of the council, they would have to be fair-valued at acquisition date (and they would be carried at fair value going forward due to OLG’s direction). It is likely that the RFS as the provider of such assets to council would have fair-value information, particularly of the red-fleet vehicles as the procurer of such assets.
- 33.** AASB 116 does not contain any reference to a definition of control nor discussion of ownership for purpose of asset recognition.
- 34.** In my opinion, there is nothing in AASB 116 which supports an argument that legal ownership is a ‘strong indication of control’ (Treasury view) and ‘[a]ssets are vested in the Council as per Rural Fire Services Act 1997, giving Council legal ownership’ (NSW Audit Office). This finding is also borne out my consideration of other accounting standards – some dating back to the transition to IFRS in 2005-2006 others being more recent.

AASB 138 *Intangible Assets* –guidance on ‘control’

- 35.** AASB 138 *Intangible Assets* is helpful as it contains commentary about ‘control of an asset’. It should be noted that AASB 138 contains higher asset-recognition tests than AASB 116 due to the nature of intangible assets and expenditures that give rise to assets, and the difficulty with recognition and measurement. Accordingly, this distinction needs to be borne in mind when applying AASB 138 to the present situation.
- 36.** The objective of AASB 138 is:
- ‘[To] prescribe the accounting treatment for intangible assets that are not dealt with specifically in another Standard. This Standard requires an entity to recognise an intangible asset if, and only if, specified criteria are met. The Standard also specifies how to measure the carrying amount of intangible assets and requires specified disclosures about intangible assets.’
- 37.** In relation to *control*, AASB 138 states:
- ‘13. An entity controls an asset if the entity has the power to obtain the future economic benefits flowing from the underlying resource and to restrict the access of others to those benefits. The capacity of an entity to control the future economic benefits from an intangible asset would

normally stem from legal rights that are enforceable in a court of law. In the absence of legal rights, it is more difficult to demonstrate control. However, legal enforceability of a right is not a necessary condition for control because an entity may be able to control the future economic benefits in some other way.

14 Market and technical knowledge may give rise to future economic benefits. An entity controls those benefits if, for example, the knowledge is protected by legal rights such as copyrights, a restraint of trade agreement (where permitted) or by a legal duty on employees to maintain confidentiality.

16 An entity may have a portfolio of customers or a market share and expect that, because of its efforts in building customer relationships and loyalty, the customers will continue to trade with the entity. However, in the absence of legal rights to protect, or other ways to control, the relationships with customers or the loyalty of the customers to the entity, the entity usually has insufficient control over the expected economic benefits from customer relationships and loyalty for such items (e.g. portfolio of customers, market shares, customer relationships and customer loyalty) to meet the definition of intangible assets. In the absence of legal rights to protect customer relationships, exchange transactions for the same or similar non-contractual customer relationships (other than as part of a business combination) provide evidence that the entity is nonetheless able to control the expected future economic benefits flowing from the customer relationships. Because such exchange transactions also provide evidence that the customer relationships are separable, those customer relationships meet the definition of an intangible asset.’

38. In summary, the principle espoused here is that an entity controls an asset if it has the *power* to obtain future economic benefits flowing from the underlying resource and to *restrict* the access of others to them. The enforceable legal rights (‘normally stem from legal rights’) are relevant, having regard to the nature of the asset. However, an enforceable legal right is not a necessary condition for intangible-asset recognition.

39. In my opinion, AASB 138 provides a lens through which the current issues should be viewed – ‘control of asset’ in terms of power, restricted access and that ownership alone does not equate to control. AASB 138, as a piece of authoritative literature, supports the argument for control rather than vesting (legal ownership) of assets leads to an asset’s recognition in financial statements.

AASB 117 Leases – title not a deciding factor

40. AASB 117 *Leases* can be of assistance in deliberations as it has an ownership notion. The relevant paragraphs are:

4 A finance lease is defined as ‘is a lease that transfers substantially all the risks and rewards incidental to ownership of an asset. Title may or may not eventually be transferred’.

7 The classification of leases adopted in this Standard is based on the extent to which risks and rewards incidental to ownership of a leased asset lie with the lessor or the lessee. Risks include the possibilities of losses from idle capacity or technological obsolescence and of variations in return because of changing economic conditions. Rewards may be represented by the expectation of profitable operation over the asset’s economic life and of gain from appreciation in value or realisation of a residual value.

41. Identification of a finance lease results in the recognition of lease asset and liability in financial statements of the lessee. Whereas, an operating lease is disclosed as a commitment of the lessee.

42. I note that determination of risks and rewards is framed in a for-profit context to which I would overlay with the term ‘service potential’ in the current context.

43. I make the following comments about current circumstances:

1. Classification does not depend on the title passing, which, in my opinion, weakens the argument that vesting of the assets to the councils under the Act is a *significant factor* in determining asset recognition.
2. The risks and rewards incidental to ownership substantially rest with the RFS to achieve its objectives under the Act. Both the RFS and, to a far lesser degree, the councils benefit from fire-fighting equipment to meet their responsibilities under the Act. The councils have effectively outsourced their responsibilities to the RFS through rural district service agreements. Under these agreements, the red-fleet vehicles are effectively managed, used and maintained on a day-to-day basis by the RFS for the RFS.
3. The RFS has set extensive service standards on fire-fighting equipment and its use by volunteers which, in my opinion, gives the service decision-making powers over that equipment and its service potential.
4. The councils’ only partially share any gain on disposal.

44. In my opinion, applying an ownership test based on risks and rewards to the red-fleet vehicles would see the risks and rewards (service potential) being substantially enjoyed by the RFS to meet its obligations under the Act.

45. I also note that the framework uses a finance lease as an example of substance over legal form:

‘... in the case of finance leases, the substance and economic reality are that the lessee acquires the economic benefits of the use of the leased asset for the major part of its useful life in return for entering into an obligation to pay for that right an amount approximating to the fair value of the asset and the related finance charge. Hence, the finance lease gives rise to items that satisfy the definition of an asset and a liability and are recognised as such in the lessee’s balance sheet.’ (Framework .51)

46. In current circumstances, the legal form would focus on the vesting provisions of the Act. Whereas, in my opinion, the substance would take into account all facts and circumstances including:

- The responsibilities of the RFS and its commissioner and those of the councils under the Act and their respective relativities
- The service standards set by the RFS for use of the fire-fighting equipment
- The rural fire district service agreements, and
- Which entity substantially receives the benefit of service potential for the existence and use of the fire-fighting equipment to meet its objectives.

47. I note that *AASB 117 Leases* is to be replaced by *AASB 16 Leases* from 1 January 2019. *AASB 16* employs the principle of ‘a right to control the identified asset for a period of time in exchange for consideration’. The notion of ownership of an asset under *AASB 1176* is

superseded. AASB 16, the most recently issued standard, requires that asset assessments be based on control of the asset.

AASB 15 Revenue from Contracts with Customers – further contemporary evident of control

48. I note that the recently issued AASB 15 *Revenue from Contracts with Customer* also uses the concept of control in its requirements regarding satisfaction of performance obligations:

‘31 An entity shall recognise revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service (i.e. an asset) to a customer. An asset is transferred when (or as) the customer obtains control of that asset.

33 Control of an asset refers to the ability to direct the use of, and obtain substantially all of the remaining benefits from, the asset. Control includes the ability to prevent other entities from directing the use of, and obtaining the benefits from, an asset.’

49. We can see that AASB 15 as another example of the principle of control and provides another consistent explanation of its meaning (for example, the ability to direct and obtain substantially all the asset’s benefits and to prevent others from the assets’ use).

AASB 10 Consolidated Financial Statements – analogous circumstances application

50. AASB 10 *Consolidated Financial Statements* is a relatively recent accounting standard compared with AASB 116, AASB 138, and AASB 117. It contains a level of detail of how control should be determined that is not found in the other standards I have cited. In this regard, it is helpful in further understanding the term ‘control’ and its use by analogy.

51. AASB 10 embodies the concept of control rather ownership of an investee (an asset). It defines the principle of control and establishes control as the basis for consolidation of an investee.

‘An investor controls an investee when it has all of the following: *power* over the investee’s exposure or rights to variable returns from its involvement with the investee, and the ability to use its power over the investee to affect the amount of the investor’s returns’ (AASB10.7).’

52. Again, I would use the notion of *service potential* as a substitute for *returns* to apply control in the current circumstances.

53. Power (rights) gives the entity the current ability to direct relevant activities (that significantly affect service potential) (AASB10.10).

54. AASB 10 identified considerations for the determination of control (I have substituted ‘asset’ for ‘investee’ to assist with its application by analogy):

‘(a) the purpose and design of the asset; (b) what the relevant activities are and how decisions about those activities are made; (c) whether the rights of the investor give it the current ability to direct the relevant activities; whether the investor is exposed, or has rights, to variable returns from its involvement with the asset; and (e) whether the investor has the ability to use its power over the asset to affect the amount of the investor’s returns’ (AASB 10.B3).

55. Understanding what constitutes ‘relevant activities’ is important in understanding ‘power’ over the ‘asset’:

‘B9 To have power over an investee, an investor must have existing rights that give it the current ability to direct the relevant activities. For the purpose of assessing power, only substantive rights and rights that are not protective shall be considered.’

56. In the current circumstances, these powers are reflected in those assigned to the RFS commissioner under the Act. They include the setting of service standards and entering into rural fire district service agreements with councils. The powers of the RFS and its commissioner are summarised in the appendix as well as aspects of the service standards issued by the RFS.

57. Relevant activities and direction of relevant activities are linked to control:

‘B11 For many investees, a range of operating and financing activities significantly affect their returns. Examples of activities that, depending on the circumstances, can be relevant activities include, but are not limited to: (a) selling and purchasing of goods or services; (b) managing financial assets during their life (including upon default); (c) selecting, acquiring or disposing of assets; (d) researching and developing new products or processes; and (e) determining a funding structure or obtaining funding.’

‘B12 Examples of decisions about relevant activities include but are not limited to: (a) establishing operating and capital decisions of the investee, including budgets; and (b) appointing and remunerating an investee’s key management personnel or service providers and terminating their services or employment.’

58. In my opinion, examples in B11 (b), (c), (d) and in B12 (a) and (b) are relevant activities of the RFS in relation to the red-fleet vehicles, and land and buildings. They are indicative of power under the three-step control-determination rules in AASB 10.

59. Specifically in relation to B11 and the current circumstances:

- Managing assets – maintenance criteria are specified in the RFS service standards
- Selecting, acquiring or disposing of assets – while councils are involved in the bid process for new fire-fighting equipment, the final decision is made by the RFS with, for example, the type of red-fleet vehicles to be acquired specified in RFS service standards
- Researching and developing new products or processes – this is a responsibility of the RFS as central procurer of fire-fighting equipment as are the processes and improvements determined by the RFS through its service standards, and
- Funding – through RRRF which is a restricted asset of RFS.

60. Specifically in relation to B12 and the current circumstances:

- Establishing operating and capital decisions for the fire-fighting equipment – these are set by the Act, and RFS service standards and not by councils, and
- Appointing service providers (volunteers) and terminating their services – these are set by an RFS service standard.

61. Also, AASB 10 addresses the circumstance where two or more investors each have existing rights that give them the unilateral ability to direct different relevant activities. In such a circumstance, the investor who has the current ability to direct activities that most significantly affect the returns of the investee has power over the investee (AASB 10.13).

62. In the current circumstances, councils have rights in terms of the vesting of fire-equipment with them and their use in meeting the council's responsibilities under the Act. In my opinion, though, they do not have a unilateral ability as they are constrained by the RFS commissioner's powers under the Act, including the setting of service standards, entering into rural fire district service agreements with councils, and restrictions on the disposal of fire-fighting equipment. In my opinion, the RFS has the substantive ability to affect the service potential of the fire-fighting equipment through the RFS commissioner's powers under the Act.

63. AASB 11 *Joint Arrangements* defines the term joint control – the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control. In my opinion, joint control does not exist in the current circumstances for the reason stated in the preceding paragraph.

64. In my opinion, in considering the requirements in Australian accounting standards in dealing with similar and related issues under the GAAP hierarchy, AASB 10 is suitable to apply in making a judgement about an appropriate accounting policy along with the principles in AASB 116, AASB 138, AASB 117, AASB 16 and AASB 15.

Themes from authoritative literature

65. From my review of the above, the following principles are evident:

- Assets (and their inherent service potential) are the means for an entity to achieve its objectives by their use
- Focus should be on the underlying substance and economic reality and not merely its legal form
- Control of an asset is the power to obtain the future economic benefits flowing from the resource and to restrict the access of others to those benefits
- Only one entity can control an asset, but the service potential of the asset may be enjoyed by others. In such circumstances, control rests with the entity that substantially enjoys the asset's service potential
- An enforceable legal right is not a necessary condition for control of the asset; there may be other means of exercising control, and
- In the more recent standards, the control-based model for recognition is more evident than a legal ownership/risk and reward model.

Control of the fire-fighting equipment

Service potential

66. Fire-fighting equipment (that is, fire-fighting apparatus – all vehicles, equipment and other things used for or in connection with the prevention or suppression of fire or the protection of life and property in case of fire as well as buildings, water-storage and lookout

towers) is an asset. The service potential is the ability to prevent, mitigate and suppress bush and other fires. Buildings and other infrastructure facilitate this ability.

67. Under accounting standards, fire-fighting equipment must be an asset of either the RFS or local councils as the definition of an asset is entity specific.

68. The RFS and individual local councils have ‘fire-fighting’ responsibilities under the Act in which fire-fighting equipment is used. The responsibilities of the RFS are extensive as described under the Act and include:

- a) ‘for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and
- b) for the co-ordination of bush firefighting and bush fire prevention throughout the State.’

69. In comparison, councils’ fire-fighting responsibilities are somewhat limited – they have a duty to prevent the occurrence of bush fires on any land, highway, road and street that is vested in or is under their control. RFS enters rural fire district service agreements with councils to undertake these responsibilities on their behalf.

Rural fire district service agreements

70. It is understood that there may be some differences in the various agreements between the councils and the RFS.

71. Based on a review of a service agreement and some councils’ comments on the broad nature of their agreements, the responsibilities of the RFS and a local council can be summarised as:

The RFS:

- Is responsible for the day-to-day management of RFS in the district, including deployment
- Can provide additional equipment to meet its responsibilities under the agreement
- Is responsible for maintenance of district equipment to the standards set by the RFS
- Maintains a register of district equipment, and
- Procurement decisions are made by the RFS with disputes settled by the Minister.

Councils:

- As legal owners have agreed that the RFS can use the district equipment
- Provide certain information to assist the RFS with its tasks in the district, and
- Engages in the procurement process.

72. The recitals and detail of these agreements tell us about the nature of the relationships between the RFS and councils. In essence, the councils’ responsibilities under the Act have been contracted to the RFS. The RFS has control of district equipment and premises. It is the RFS that enjoys the assets’ service potential.

Asset acquisition and control of their use

73. The NSW Rural Fire Fighting Fund (RFFF) holds all contributions required to meet the costs of co-ordinating bush firefighting and prevention throughout the state and to provision its rural fire services.

74. The fund is maintained by Treasury and used to acquire and build red-fleet vehicles, other assets and to fund RFS activities. RFS has control over the account based on an annual budget approved by the Minister. RFFF is funded by contributions from insurance companies (73.7 per cent), councils (11.7 per cent) and Treasury (14.6 per cent). The councils are entitled to share in the proceeds of disposal of assets (11.7 per cent).

75. The RFS zone manager makes decisions about capital improvements and new assets. While councils may be consulted as part of the decision-making process, they take no part in decisions. Fire-fighting equipment is procured or built, under the direction of the RFS and in accordance the relevant RFS service standards.

76. Under the Act (s119(2)) assets vest in the council for which they have been purchased or constructed. Section 119(3) prevents the council from selling or disposing of the assets without written consent from the RFS commissioner. This is a protective right of the RFS.

77. Under S119(5) of the Act, the councils have the responsibility to take care of and maintain these specialised assets. The Act authorises the RFS commissioner to set maintenance standards for the assets. The councils transfer their maintenance obligations to the RFS through the Rural Fire District Service Agreements.

78. A rural fire brigade (RFB) is generally constituted by the council, the commissioner having the power to constitute an RFB if the council fails to do so. The commissioner controls and directs the functions of the RFB. An RFB is mainly composed of volunteers, and its activities are supervised and co-ordinated by a fire control officer. The FCO is an RFS employee and reports direct to the commissioner.

79. The commissioner may, with the concurrence of the council, use any of the equipment to deal with incidents outside the district area.

80. From the information provided, councils do not have access to red-fleet vehicles and buildings. However, I am informed that this may vary from region-to-region with some councils have limited access to limited use of the red-fleet.

81. The RFS insures plant and equipment, and councils meet the outgoing of buildings and other infrastructure assets.

82. The Minister for Police and Emergency Services has powers regarding disputes between the RFS and councils on matters such as contribution.

Infrastructure provided by the RFS

83. While accounting treatment of red-fleet vehicles has been the focus for many, the appropriate accounting of land and buildings provided by the RFS also needs to be explicitly addressed as required by my brief. Given that the same accounting considerations arise for both red-fleet vehicles and the land and buildings provided by RFS, it puzzles me that stakeholders have failed to canvass appropriate accounting for the latter.

- 84.** Land and buildings *provided by the RFS* have generally been regarded as owned and/or controlled by the councils and recorded in their financial statements. Arguments for the continued recognition of land and buildings have not been advanced.
- 85.** From the information provided, it appears that the recognition of land and buildings is, in part, justified on the basis of councils' responsibility for their maintenance and insurance. In other aspects, they seem similar to red-fleet vehicles. Maintenance and insurance of buildings are obligations. They are not rights to control assets for their service potential to meet councils' objectives.
- 86.** The underlying accounting for fire-fighting equipment, whether red-fleet vehicles or land and buildings, should be subject to the application of the same accounting principles as previously outlined.
- 87.** In my opinion, as red-fleet vehicles are not controlled by the councils, land and buildings provided by the RFS in association with them are also *likely* not controlled by the councils. The latter need to be further investigated.
- 88.** Where councils have provided land and buildings to the RFS, they will need to give consideration to requirements of AASB 117 *Leases* and AASB 1004 *Contributions* and also the new standard AASB 16 *Leases*.

Specific issues

- 89.** The following issues were identified for consideration as part of this review and I provide my opinions on them.
- 90. *Legal vs operational control:*** Accounting issues need to be considered in the context of control over the asset's service potential to contribute to the objectives of the entity. Legal ownership (vesting) is not the crucial determinant for control as explained in my review of the accounting standards and framework.
- 91. *Future economic benefits of the asset:*** The service potential of an asset is specific to the entity and its objectives. An asset cannot be controlled by two entities. The fire-fighting equipment benefits both the councils and the RFS in helping them to comply with their legislative requirements. The RFS has the substantive responsibilities for the prevention, mitigation and suppression of bush and other fires in local government areas and other parts of the State, and controls fire-fighting equipment to meet its statutory objectives.
- 92. *Control (of movement) of assets:*** The RFS has decision-making authority over fire-fighting equipment under the Act and rural fire district service agreements. The RFS exercises this authority through them, including the functions of zone managers and rural fire brigades.
- 93.** Control of fire-fighting equipment is evident by procurement (and replacement and retirement) decisions, service standards for their care and maintenance, access restrictions, and deployment within the district and elsewhere in the state. These are substantive rights of the RFS. The RFS also has a protective right in that councils are prevented from selling or disposing of the assets without written consent from the RFS commissioner (s.119(3)).

Councils have no substantive rights for the control of fire-fighting equipment – vesting does not confer control.

94. Maintenance of assets (including expertise): As the decision-making authority, the RFS is exposed to the risks of poor fire-fighting equipment, with the exception of the exterior of some infrastructure assets within the district. While the relevant council has responsibility under the Act for care and maintenance of the vested assets, the standards of care and maintenance are set by the RFS commissioner under the Act (s119(5)). The councils have outsourced this obligation to the RFS through the rural fire district service agreements. Fire-fighting equipment, with exception of some infrastructure assets, is specialised, and expertise for its maintenance lies with the RFS and not councils. The RFS has set service standards for maintenance.

95. Insurance: As the decision-making authority, the RFS is exposed to the risks of loss of fire-fighting equipment with the exception of the exterior of some infrastructure assets that are insured by councils, and the RFS has insured against its risks.

Conclusion

96. Users of not-for-profit financial statements are concerned with the ability of an entity to achieve its objectives, both financial and non-financial. Financial statements should show the results of the stewardship of management for the resources entrusted to it.

97. The current accounting for fire-fighting equipment fails the information needs of the RFS's and councils' financial-statement users as the equipment has failed to be recognised by the entity that controls its potential to meet its objectives.

98. In my opinion, fire-fighting equipment is controlled by the RFS as determined by application of accounting standards and the framework according to the facts and circumstances described.

99. Recognition of fire-fighting equipment by the RFS in its financial statements, and derecognition by the councils from theirs, also satisfies the definition of an asset and qualitative characteristics of financial statements, including faithful representation and substance over form.

100. Fire-fighting equipment recognised by some councils should be derecognised and this should be accounted and disclosed as an error under AASB 108 *Accounting Policies, Changes in Estimates and Errors*.

101. Fire-fighting equipment vested in councils, whether recognised or unrecognised, under options in the code should be recognised in the RFS's financial statements. This should be accounted and disclosed as an error under AASB 108 *Accounting Policies, Changes in Estimates and Errors*.

102. Alternatively, an argument could be made that rather than an error, it is a change in accounting policy resulting for consideration of recently issued accounting standards (i.e., AASB 10, AASB 15, AASB 16) that provide more definitive guidance on the control. However, in my opinion the long-standing authoritative pronouncements (framework, SAC 1,

AASB 116, AASB 138, and AASB 117) were sufficient to conclude that decisions should be made on the basis of control rather than ownership. Some may not share this view.

DRAFT

Appendix: Facts and stakeholder views on fire-fighting assets

Introduction

1. Stakeholders have provided the Office of Local Government (OLG) with various arguments, opinions, and documents to support their positions on accounting for red-fleet assets in particular. The OLG has provided these for my consideration. Extracts from them have been included in this appendix along with salient matters from my discussions with certain stakeholders.
2. I have also included my views on several issues raised that link to the body of my report. However, I have not commented on individual arguments for and against recognition in the financial statements of councils or the RFS; these have been addressed in the body of my report.
3. The RFS is the lead combat agency for bush fires. It works closely with other agencies to respond to emergencies, including structure fires, motor-vehicle accidents and storms that occur within the rural fire districts.
4. The RFS website contains the following description of responsibilities:
 - ‘The NSW RFS has fire management responsibilities for over 95 percent of the landmass of the State and therefore the Service is spread across the length and breadth of NSW. A total of 47 districts are grouped into four regions.
 - ‘In each District NSW RFS staff members assist volunteers and brigades to prepare for and respond to operational incidents.
 - ‘A Fire Control Centre forms the administrative and operational base of the rural fire district or zone.
 - ‘The coordination and management of local brigade responses to fire and other incidents – including natural disasters, motor vehicle accidents and other civil emergencies – is undertaken through the Fire Control Centre.’

NSW Rural Fire Services (RFS)

Responsibilities of RFS and Councils

5. The Rural Fires Act 1997 (the Act) established the Rural Fire Service (RFS) to co-ordinate bush firefighting and prevention throughout the state and to provide rural fire services for New South Wales.
6. The objects of the *Rural Fires Act 1997* are to provide:
 - a) ‘for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and
 - b) for the co-ordination of bush firefighting and bush fire prevention throughout the State, and

- c) for the protection of persons from injury or death, and property from damage, arising from fires, and c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and
- d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1999.’ (s.3)

7. The following sections of the Act are noteworthy on control of fire-fighting equipment, and in particular the powers of the commissioner, the service standards, and the requirements of councils:

Functions

- The RFS consists of the commissioner and other staff of the service and volunteer rural fire fighters (s.8).
- The functions of the RFS include ‘to provide rural fire services for New South Wales’ with such services being defined to include ‘services for the prevention, mitigation and suppression of fires in rural fire districts’ (s9).
- The commissioner is, in the exercise of his or her functions, subject to the control and direction of the minister (s11).
- The functions of the commissioner include: ‘The Commissioner is responsible for managing and controlling the activities of the Service and has such other functions as are conferred or imposed on the Commissioner by or under this or any other Act’ (s12).

Service standards

- In relation to service standards ‘[the] Commissioner may from time to time issue written policy statements to members of the Service for or with respect to procedures to be followed in connection with the operation, management and control of the Service’ (s13).

Brigades

- A local authority may form a rural fire brigade, and the commissioner may form one if the local authority refuses or fails to do so within the period prescribed by the regulations after being requested to do so by the commissioner (s.15).
- In relation to the area of operations and officers of groups of rural fire brigades: the fire control officer who forms a group of rural fire brigades is to determine the territory in which the group is to operate, and the officers of the rural fire brigades forming a group of rural fire brigades are those persons selected, in accordance with the service standards, to be officers for the group by the members of the rural fire brigades forming the group. A person selected to be an officer holds office for the period specified in the service standards (s.19).
- The functions of officers of rural fire brigades are conferred or imposed on the officer by or under this or any other Act. Functions may be conferred under the Act by the service standards (s.21).
- The general powers of rural fire brigade officers and others are described. Also, ‘Any function that may be exercised, or action that may be taken, by an officer of a rural fire

brigade or group of rural fire brigades because of this section may be exercised or taken by the Commissioner' (s.22).

- Responsibilities of fire control officers and local authorities are: 'A fire control officer is, subject to any direction of the Commissioner, responsible for the control and co-ordination of the activities of the Service in the rural fire district for which he or she is appointed as fire control officer', and '[the] local authority for the rural fire district for which a fire control officer is appointed must provide facilities and accommodation to enable the fire control officer to exercise his or her functions' (s.37)'.
 - The commissioner may authorise officers and members of rural fire brigades to exercise certain functions (s.39).
 - The commissioner is to take charge of bush fire-fighting operations and bushfire prevention measures and to take such measures as the commissioner considers necessary to control or suppress any bushfire in any part of the state (with four circumstances identified). The commissioner may delegate the functions to individuals described (s.44).
 - The commissioner may give such directions as he or she considers necessary to fire control officers, deputy fire control officers, officers of rural fire brigades, local authorities, officers or members of Fire and Rescue NSW, members of the NSW Police Force and other persons in connection with the prevention, control or suppression of any bushfire in the area or locality in which the commissioner has taken charge or is taking measures under this division (s.45).
8. Under s63, local councils have the duty to prevent the occurrence of bush fires on any land, highway, road and street that is vested in, or is under the control of, that council.
9. Under s119(1) of the Act, fire-fighting equipment is defined as: *fire-fighting apparatus, buildings, water storage towers or lookout towers*. Fire-fighting apparatus is defined as: *all vehicles, equipment and other things used for or in connection with the prevention or suppression of fire or the protection of life or property in case of fire*.
10. This section also requires:
- All fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council (s119(2)).
 - A council must not sell or otherwise dispose of any fire fighting equipment without the written consent of the Commissioner (s119(2)).
 - A council must take care of and maintain in the condition required by the Service Standards any fire fighting equipment vested in it under this section (s119(5)).
 - The Commissioner may, with the concurrence of the council in which fire fighting equipment is vested under this section, use any of the equipment not reasonably required by the council to deal with incidents in the area of the council to deal with incidents outside the area (s119(6)).

Service standards

11. The RFS sets service standards that are available on its website. They number more than 80 and include the following, which I have grouped under headings.

Delegations and the like

- SS 1.3.1 *Delegations and Authorisations (including supplementary delegations-unincorporated area of NSW)* – The statutory powers created by the Rural Fires Act 1997 (the Act) are vested in the Commissioner, Local Authorities, Fire Control Officers and Officers of Brigades. This Service Standard identifies the Delegations (s 14 of the Act) and Authorisations (s 39 of the Act) of the Commissioner with respect to the NSW RFS. It also includes Delegations (s 44 of the Act) of the Commissioner with respect to co-ordinated bush firefighting.
- SS 2.1.1 *Formation and Disbandment of Brigades and Groups of Brigades* – The NSW RFS is committed to providing a fire service which has relevance to local communities and recognises that local situations can change, and there is a need to periodically review the placement of Brigades.
- SS 2.1.4 *Appointment of Field and Group Officers* – The Rural Fires Act 1997 provides for the appointment of Brigade Officers in accordance with the Service Standards.
- SS 1.3.4 *Rural Fire District Service Agreements* – The majority of Local Authorities which have responsibilities for Rural Fire Districts have entered into Rural Fire District Service Agreements (RFDSAs) with the NSW RFS under section 12A of the Rural Fires Act 1997. In accordance with these RFDSAs, the Commissioner assumes responsibility for the exercise of functions imposed upon those Local Authorities by the Act.

Equipment

- SS 1.1.16 *Fundraising Activities (Provision of Goods and Services)* – Members of the Service engage in a range of fund raising activities in order to assist rural fire brigades and groups of rural fire brigades to acquire additional equipment and facilities, to assist in the payment of running costs and to otherwise enhance the service they provide to the community.
- SS 5.1.4 *Fire Fighting Appliance Construction Standards* – This Service Standard ensures that the NSW RFS provides safe, cost effective, standardised, fit for purpose fire fighting appliances across a range of categories.
- SS 5.1.6 *Secondhand Appliance Transfer Program* – The NSW RFS is continuing the program to modernise, standardise and maintain the fire appliance fleet and has a secondhand appliance transfer program that provides for appliances to be transferred between Districts at certain nominated stages.
- SS 5.1.9 *Breathing Apparatus* – This service standard defines the proper acquisition, use, training and maintenance associated with breathing apparatus in the NSW RFS.
- SS 5.3.1 *Equipment Maintenance* – To ensure the safety and effectiveness of rural firefighting and related activities, all equipment and related facilities need to be maintained in a serviceable condition.

- S 5.4.1 *Asset Disposal* – The NSW RFS is committed to the proper management of surplus or deficient physical assets that might otherwise reduce efficient, effective and safe service delivery. One of the key elements of asset management is the timely, appropriate and cost effective disposal of assets in a frame work that ensures probity, honesty and conformity to Government Policy.

Staffing

- SS 1.1.7 Code of Conduct and Ethics – It establishes standards of behaviour expected of all members of the NSW RFS.
- SS 1.1.2 Discipline –Sets out the procedure to be followed when disciplinary action is taken against a volunteer member of the NSW Rural Fire Service (NSW RFS).
- SS 6.1.3 Training in the NSW RFS – Members of the NSW RFS are required to have the relevant competency to carry out the functions for which they have volunteered or for which they have been employed.

12. The existence of these service standards and the nature of their subject matter need to be considered as to whether they indicate control of service-potential assets by the RFS.

RFS Annual Report 2016-2017

13. The RFS Annual report 2016-2017 provided some relevant contextual information which has reproduced below.

14. Commissioner's Report stated:

'The year has also seen the continued investment in building new, or refurbishing brigade stations and fire control centres across the state.'

'With a total of 6315 tankers, air and marine craft and other vehicles, we continue to assess and improve the effectiveness of the Service's fleet, making modifications, refurbishments and purchasing new as required.'

15. One noteworthy information was: There was 72,233 volunteers and 878 salaried staff; and 'In total across the reporting period, our members attended over 24,500 incidents, including bush and grass fires, motor vehicle accidents, hazard reduction activities and support for other agencies'.

16. The financial statements describe its accounting policy for rural fire-fighting equipment in note 1 as:

'The ownership of all fire fighting equipment purchased by the Rural Fire Fighting Fund is vested in the relevant local government council. The cost of such equipment is therefore expensed by the Service in the year of purchase.

The exception to this is fire fighting equipment purchased for the State Mitigation Service which is recorded on the Service's asset register'.

17. Note 10 Restricted Assets described cash held as part of RFFF \$139,532,000 (2016 \$104,406,000 as: 'The Service holds funds that form the NSW Rural Fire Fighting Fund which is a special deposits account established under section 102 of the *Rural Fires Act 1997*.'

Funds in the Rural Fire Fighting Fund can only be expended for the purposes defined in the Act.’

Rural fire district service agreements

18. I am informed that councils *generally* enter a rural fire district service agreement with the RFS to undertake these responsibilities on behalf of the council. For completeness, it should be ascertained how many councils have these agreements and those that do not. In relation to the latter, how the assets in question are accounted.

19. The Act (s12A) specifies arrangements for entry into *rural fire district service agreements*:

- (1) Without limiting section 12, the Commissioner may enter into a rural fire district service agreement (a service agreement) with any local authority or authorities responsible for a rural fire district or districts.
- (2) Without limitation, a service agreement:
 - (a) may specify functions imposed on the local authority by or under this Act that are to be exercised by the Commissioner during a period (if any) specified in the agreement, and
 - (b) may specify any obligations to be imposed on the local authority as a consequence of the Commissioner agreeing to exercise those functions, and
 - (c) may set performance targets for the exercise of those functions, and
 - (d) may provide for the evaluation and review of results in relation to those targets.
- (3) The Commissioner and the local authorities must, as far as practicable, exercise the functions and carry out the obligations in accordance with the service agreement.
- (4) The Commissioner is to report the results of the performance under a service agreement during a financial year to the local authority or authorities concerned within 3 months after the end of that year.

20. I note that this section gives the commissioner various powers over the services to be provided.

21. In my opinion, the existence and specifics of these agreements support the argument that the RFS has control of the assets in question.

22. I have considered one such agreement – made with Tweed Shire council. General comments made by some councils about their agreements, as described elsewhere in this appendix, are consistent with the extracts below.

Example of a rural fire district service agreement (Tweed Shire Council)

23. Under the Rural Fire Services Act 1997, the commissioner may enter a rural fire district service agreement with any local authority(ies) responsible for a rural fire district(s) (s.12A).

24. I have been provided with the agreement between Tweed Shire Council and the commissioner and have summarised key issues.

25. As noted later, other councils report a common approach to agreements.

26. The agreement began on 1 July 2010 and continues until terminated under clause 14 (cl.3).

27. The recitals include:

- Parties entered into agreement under section 12A of the Rural Fire Services Act 1997 (NSW)
- Commissioner agreed to exercise all the functions imposed on Council under the Act, other than those specified in clause 4.2
- Commissioner agreed to undertake all the day-to-day management of the rural fire services operating in the District on behalf of the Council
- Council has agreed to provide certain administrative accounting and maintenance services to the Commissioner and RFS
- The Council has agreed to allow Commissioner and RFS to use the District Equipment and Premises
- The Council and the Commissioner have agreed to establish a liaison committee, and
- The Council has agreed to delegate certain functions powers duties to members of the RFS.

28. District equipment is defined as ‘Fire Fighting Apparatus and the other vehicles and equipment: owned by the State of NSW; owned by the Council; or vested in the Council and used by members of Rural Fire Service operating in the District’.

29. Premises are defined as ‘Land and buildings or parts of land and buildings specified in schedule 1.’ Nine brigade stations, one other station and one control station are identified.

30. The following details are also noteworthy.

Functions and management responsibilities are:

- The Commissioner exercises the Council’s functions and manages the district (cl. 4) in consideration of \$1 (cl.4.2). The functions include the day-to-day management of RFS in the District (cl.4.2). Certain functions are excluded (cl.4.2).
- The Council provides certain information to the RFS to help RFS to discharge its functions (cl.4.3).
- The Commissioner may, but is not obliged to, utilise or provide additional equipment or personnel in addition to the District Equipment and members of the RFS operating in the District (cl.4.4).

District equipment requirements are:

- Council to make available and allow the use of the District Equipment to Commissioner and RFS (cl.5.1).
- Commissioner agrees to maintain the District Equipment on behalf of the Council in accordance with applicable service standards (cl.5.1). The service standards are those issued by the Commissioner under s.13 of the Act (cl.5.2).
- The RFS will maintain a register of District Equipment with a copy provided to Council every six months (cl.5.3).

Land and buildings requirements are:

- Council agrees to allow the Commissioner and RFS to occupy and use the Premises, or other land and buildings as may be agreed (cl.6.1). Council grants a licence to enter and use (cl.6.2). Commissioner has a personal right of occupation on the terms specific in this licence; but no tenancy, estate, or interest in the land on which the Premises are situated (cl.6.3). Legal right of possession and control over the Premises and land on which they are situated remain vested in the Council (cl.6.4).
- The responsibilities of Council are: not to interfere with the Commissioner’s use; pay rates, taxes etc; maintain premises in good repair (as described in cl.6.7); and insure buildings and have the designated public risk insurance coverage (cl.6.5).
- The Commissioner must not occupy or use the Premises other than the provision of fire-fighting services and for related incidental purposes; not assign the licence or grant a sub-

licence; carryout minor repairs (as described in cl.6.8); comply with all relevant laws regarding the Commissioner's use of property; and not alter the premises without the consent of Council (that shall not unreasonably be withheld) (cl.6.6). There are specific provisions regarding access Tweed Fire Control Centre (cl.6.7).

Finance requirements are:

- Annually the Council makes a bid of estimated probable expenditure on District for next financial year to the Commissioner. Following consultation with the Council, the Commissioner submits a probable allocation of expenditure and a probable contribution by the Council to the Rural Fire Fighting Fund. If the Council and Commissioner disagree on these, a determination on the contribution is made by the Minister (cl.8.1 to 8.3).
- The Commissioner, following consultation with Council, provides a four-year budget forecast expenditure, updated annually. Consultation with Council includes: Council's capacity to contribute to the fund; RFS and government policies for replacement of District Equipment, District's requirements by reference to Standard of Fire Cover and other policies; and standards of fire stations and other facilities. The Commissioner provides a draft 10-year capital work program undated annually (cl.8.4 to 8.6).
- The Council can provide funds for the delivery of rural fire services in the District in addition to statutory contribution. The Commissioner must manage those funds in accordance with the directions of the Council (cl.8.7).
- The Commissioner (and at his/her sole discretion) has unrestricted to and may expend monies received by the Council from the fund for delivery of rural fire services in the District. The Commissioner may also expend additional monies (cl.8.8).
- Funding for repairs and maintenance is a reimbursement basis (cl.8.9).

Insurance and related requirements are:

- Effect and keep current the following: property damage and public liability insurance for the property; compulsory third party and comprehensive insurance for motor vehicles that form part of District Equipment, except where agreed otherwise by the Council and the Commissioner; property damage and public liability insurance, third party and comprehensive insurance, for all Premises and District Equipment controlled, occupied, or managed by the Commissioner or RFS (cl.10.1).

In summary, the RFS:

- Is responsible for the day-to-day management of the RFS in the district, including deployment
- Can provide additional equipment to meet its responsibilities under the agreement
- Is responsible for maintenance of district equipment to the standards set by the RFS
- Maintains a register of district equipment, and
- Procurement decisions are made by the RFS with disputes settled by the Minister.

In summary, the council:

- As the legal owner has agreed that the RFS can use the district equipment
- Provides certain information to assist the RFS with its tasks in the district, and
- Engages in the procurement process.

31. The recitals and details reveal the nature of the relationship between the RFS and the council. In essence, the council's responsibilities under the Act have been contracted out to the RFS. The RFS has control of equipment and premises. It is the RFS that enjoys the service potential of these assets.

32. As the legal owner, the council has granted the RFS the right to occupy and use the premises (10 fire stations and one control centre). Outgoings and insurance are met by the council as are major repairs.

33. Where the land and building, constitute fire-fighting equipment provided by RFS, my comments on the accounting for red-fleet vehicles are likely to be equally relevant for their appropriate accounting.

34. Where the land and building were not provided by the RFS, further information is required about how these premises were acquired and whether on council land; and the implications assessed under AASB 117 and soon to be operative standards – AASB 16 and AASB 1058.

Rural Fire Fighting Fund

35. The NSW Rural Fire Fighting Fund (RFFF) holds all contributions required to meet the costs of co-ordinating bush firefighting and prevention throughout the state and to provide rural fire services for New South Wales (s.102)

36. A special RFFF deposit account is maintained by Treasury and used to acquire and build red-fleet vehicles, other assets and to fund RFS activities.

37. To assist the minister in preparing and adopting the rural fire brigade funding target for a financial year, the commissioner must prepare and give to the minister a written report and recommendations about rural fire brigade expenditure for the year and the estimated expenditure for each rural fire district and each relevant council (s.105).

38. The RFS has control over this account based on an annual budget approved by the minister.

39. As per the provisions of the Act, RFFF is funded by contributions from insurance companies (73.7 per cent), councils (11.7 per cent) and Treasury (14.6 per cent). These are recognised as income by the RFS.

40. The assets acquired or built using the RFFF are of two types:
- White-fleet vehicles, which are operational and commercial and are not designed to fight fires. These assets do not benefit councils and are used state-wide and recorded in RFS financial statements.
 - Red-fleet vehicles, which are firefighting assets bought or constructed for the benefit of a particular council. As per s119 of the Act: *All firefighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed.*

41. Fire-fighting equipment is procured or built and overseen by the RFS.

Arguments advanced that councils control the fire-fighting equipment

NSW Treasury and Rural Fire Service

42. NSW Treasury and RFS formed the view that '[w]hile the arrangements are finely balanced, Treasury has concluded RFS's treatment of not recognising the fire-fighting assets was appropriate' (letter dated 29 September 2017 to the acting chief executive of the OLG).

43. Treasury cited AASB 116 *Property, Plant and Equipment* (para 7) and AASB *Conceptual Framework* (paras. 49 and 89); and Rural Fire Services Act 1997 in forming its view.

44. Treasury's observations were:

1. Legal ownership sits with the Local Authorities (LA), a strong indication of control
2. RFS permission for disposal is only seen as a protective right
3. It is difficult to ascertain future economic benefits for a NFP. These FF assets allow RFS to comply with their governing legislation/ mandate in Rural Fires Act 1997 and to undertake various Statutory obligations imposed on Councils under the Act, for and on behalf of Councils. There are also potential benefits for Councils.
4. Use/control of assets – SLAs appear to give RFS unrestricted access to the assets. This however is predicated on the LA having the right to grant that access
5. Maintenance of the assets – Councils appear to take responsibility for maintenance
6. Insurance – for FF assets, this is paid and organised centrally by RFS to TMF (paid from the RFFF) for and on behalf of all Councils who have the insurable interest. RFS has no insurable Interest.'

45. The conclusion reached was:

'We acknowledge the ownership of assets is a matter of judgement. However, based on the above our view is that RFS should continue to not recognise the FF assets that have been vested to the Councils, as they receive little future economic benefit, are bound to the service level agreement as agreed with the Councils and do not have control to move the assets to other Councils without permission. This treatment would then be consistent with other assets that are used by RFS, namely land and buildings.

NSW Audit Office

Internal position paper

46. The audit office has produced an internal position paper titled *NSW Rural Fire Service Accounting treatment of Rural Fire Services Assets*.

47. The issue addressed was 'Since Red Fleet vehicles are vested in the council, RFS do not record these in their financial statements. Many councils also do not record the Assets'.

48. Control and other considerations were described:

- 'Even though S119(2) of the Act vests the Assets in the council for whom these have been purchased or constructed, S119(3) prevents the council from selling or disposing of the Assets without written consent from the RFS Commissioner.
- As per the *Framework for the Preparation and Presentation of Financial Statements*, for a not-for-profit entity in the public sector, future economic benefits from an asset is synonymous with the notion of its service potential. These Assets allow RFS to comply with their governing legislation and fulfil their mandate as per the Act. At the same time these Assets help fulfil council's duty under the Act, to prevent the occurrence of bush fires on land

- controlled by the council. Economic benefits from the Assets are therefore enjoyed by both the council and RFS.
- Under S12A of the Act, the RFS Commissioner may enter into a Rural Fire District Service Agreement (Agreement) with any council responsible for a rural fire district. These Agreements are contractual licences that set out the understanding between the parties as to maintenance, use and access to firefighting equipment and premises.
 - Under S63 of the Act, land owners have the responsibility of preventing the occurrence of bush fire. To comply with the requirements of the Act, councils are obliged to perform hazard reduction activities. Councils do not possess firefighting and hazard reduction expertise and therefore delegate the conduct of this activity to RFS through an Agreement under which the council provides RFS access to council Assets. Under the Agreement, the council agrees to make available to and allow the RFS Commissioner to use the Assets which are owned by, vested in or under the control of the council.
 - A Rural Fire Brigade (RFB) is generally constituted by the council. The Commissioner has the power to constitute a RFB if the council fails to do so. A RFB can be disbanded by the person or body who constituted it. A RFB is mainly comprised of volunteers and its activities are supervised and co-ordinated by a Fire Control Officer (FCO), who is an RFS employee and reports directly to the RFS Commissioner. The Commissioner controls and directs the functions of the RFB. Under S38 of the Act, a council is obliged to provide facilities and accommodation to enable the FCO to perform his or her functions. Such facilities and accommodation should be of a standard approved by the Commissioner.
 - As per S119(5) of the Act, it is council's responsibility to take care and maintain the Assets. The Act authorises the RFS Commissioner to set maintenance standards for the Assets. The Council lacks expertise to maintain such specialised nature Assets. Being the owner of the Assets, the councils transfers their maintenance obligation to RFS through the Agreement. RFFF is funded through an annual RFS budget, which includes planned maintenance expenditure for firefighting equipment held RFS districts. Councils contribute (11.7%) annually to these budgets which includes the maintenance component. Hence, any subsequent maintenance expenditure incurred by the council is reimbursed by RFS using these funds.
 - Like planned maintenance expenditure, the expected insurance cost for the Assets is included in the RFS annual budget. Council, by way of its contribution (11.7%) to the RFFF, contributes to such insurance expenditure. While councils own the Assets, for administrative reasons, Treasury Managed Fund (TMF) and councils have agreed to an arrangement whereby RFS is permitted to acquire insurance coverage for the Assets in its own name. RFS pays the insurance premium from the RFFF and is nominated as an insured party under the insurance policy. RFS does not derive any insurable benefit under the insurance policy. In the event of a loss of an Asset (vested in the council), the insurance proceeds are used to reacquire or build a similar Asset, which then again vests in the same council. The arrangement between RFS and a council does not constitute a lease arrangement, since RFS is not paying any consideration to the council for the use of council's assets.
 - The Agreement does not satisfy the conditions of a Joint Arrangement under the Australian Accounting Standards (AASB 11).'

49. There are appendices to the position paper *Appendix 1 – Illustration of the overall arrangement* and *Appendix 2 – Indicators of control*. The latter contains an assessment of control from the perspectives of the RFS and councils, applying:

- Legal ownership
- Future economic benefits and/or service potential
- Daily access and use
- Control of movement
- Maintenance, and

- Insurance.

50. The NSW Audit Office reached the following conclusion:
 ‘Vesting provisions under the Act, substantiated by an Agreement whereby the council allows RFS to use these assets for and on behalf of the council, supports the conclusion that these assets are controlled by the council. In addition, council’s responsibility of maintaining these assets and receiving the benefit of an insurance claim (in the event of a loss), further corroborates this conclusion.’

Audit Office final management letter for 30 June 2017

51. Tamworth Regional Council has provided the following extract from the Audit Office’s management letter dated 30 June last year in its submission to the OLG on the 2017-2018 draft code:

‘As at the 30 June 2017, the Council has exercised the option available under the Local Government Code of Accounting Practice and Financial Reporting not to recognise certain rural fire service assets. RFS assets, specifically the red vehicles, are vested in Council. Combined with other indicators there is a presumption that they are controlled by Council and should be recognised in the Council’s financial statements. This is supported by an analysis of Rural Fire Services Act 1997 and service agreements between the councils and RFS.’

‘The following are indicators of ‘control’ by the Council:

- Assets are vested in the Council as per Rural Fire Services Act 1997, giving Council legal ownership
- As the land owner, Council has the responsibility of fire mitigation and safety works under Rural Fire Services Act 1997
- The service agreement allows the RFS use of the assets for fire mitigation and safety works within the Council’s area
- Council is responsible for maintaining the assets but has transferred this responsibility to RFS through the service agreement
- In the event of loss of an asset, the insurance proceeds are used to reacquire or build a similar asset, which is again vested in the Council.’

Arguments advanced that councils do not control the fire-fighting equipment

Albury City

Introduction

52. Albury City has prepared a *Position statement on the recognition of Rural Fire Service assets*. Excerpts reproduced below reveal the council’s view that equipment is not a council asset but land and buildings are.

Background

53. ‘Rural Fire districts and Rural Fire Brigades are established generally in line with local council areas. Albury City shares a fire zone and Rural Fire District Service Agreement with Greater Hume Shire Council. Greater Hume Shire Council provides the majority of administrative support required under the service agreement. Albury City maintains

buildings within its Local Government Area boundary and services RFS Vehicles through its maintenance depot upon request. Albury City charges the RFS for vehicle servicing costs.'

54. 'Rural Fire Services costs are shared between Albury City and Greater Hume Shire, with Greater Hume Shire paying 80% of the cost and Albury City 20%. The basis of this allocation is tied to the number of fire services identified in each Council area, Greater Hume Shire 19 and Albury City 5.'

55. 'Albury City accounts for land and buildings used by the RFS situated within the Albury City boundary, however does not account for Rural Fire Service plant or other equipment'.

Application of accounting literature

56. The following points are made with reference to the framework.

1. 'An asset is defined as a resource that is controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity (49).
2. Attention needs to be given to its underlying substance and economic reality and not merely its legal form (51).
3. In respect of not-for-profit entities, economic benefit is synonymous with service provision or enabling them to meet their objectives to beneficiaries (54).
4. The right of ownership is not essential to the determination of control (57)'.

57. Reference was also made to AASB 116 *Property, Plant and Equipment*:
'[R]equires that an asset can only be recognised if it is probable that future economic benefits associated with the item will flow to the entity.'

58. Reference was also made to SAC 4 *Definition and Recognition of the Elements of Financial Statements* and definition of a 'control of an asset' ('the capacity of the entity to benefit from the asset in the pursuit of the entity's objectives and to deny or regulate the access of others to that benefit'). I note that SAC 4 has been withdrawn.

Facts and circumstances

59. Albury City's statement notes that the Act provides for:

- 'All firefighting equipment acquired from the fund is to be vested in the council of the area (S119)
- A council must not dispose of such equipment without the written consent of the Commissioner, and
- Albury City and Greater Hume Shire are entitled to a share of 11.7% of the disposal proceeds.'

60. The agreement between Albury City and the commissioner includes a basic section on district equipment (section 5):

- 'Council will allow the RFS to use the equipment which is owned by, vested in or under the control of the Council
- The Commissioner agrees to maintain the equipment on behalf of the council, and
- The RFS will maintain and supply to Council a register of the equipment.'

61. The statement further reads:

'This can be compared to a very detailed section on Land and Buildings (section 6) which specifically states that the legal right to possession and control over the premises and land

remains vested in Council and the RFS only has right of occupation. In addition: council must maintain the premises in good repair; council must pay all utility costs associated with the premises; and Council must pay all insurances associated with the building and public risk’.

62. In relation to land and buildings, it states:
 ‘The Rural Fire Service Agreement clearly identifies that Council retains full legal right to possession and control over premises occupied by the RFS. Councils are required to maintain buildings, pay all utility costs associated with the building and pay all insurances on the buildings and public risk associated with the use of the building [...] This is similar to a lease agreement, and as such Council retains control of the building and is required to hold the land and associated building as an asset’.
63. In relation to equipment:
- ‘Section 119(3) of the Rural Fires Act 1997 (NSW) stipulates that Council must not sell or otherwise dispose of any firefighting equipment ... without the consent of the Commissioner. Section 119 (4) requires any funds received from sale must be credited to the RFS fund’
 - ‘The RFS Zone manager makes all decisions about capital improvements and new assets, while Council may be consulted in these decisions it takes no part in the final decision’
 - ‘The RFS insures all plant and equipment’, and
 - ‘In practice the RFS makes all decisions to switch fleet and equipment to other fire districts as it feels necessary. Council has no access to and is not permitted to use of any plant and equipment held by the RFS.’

Conclusion

64. The statement concluded:
 ‘It is clear that the AASB Accounting Standards require a standard higher than ownership when accounting for assets. Entities may own an asset, but unless they have control of that asset and can clearly identify future economic benefits flowing to the entity from that asset, then it cannot be included in the entities assets schedule.’
- ‘Council has taken the view that it has no control over the purchase, use or sale of any RFS equipment. As such the requirements SAC 4 have not been met and RFS equipment should not be included as assets in Councils accounts.’
- ‘Albury City retains effective control of associated Land and Buildings, but that the RFS retains control of plant and equipment. Accordingly, Albury City’s practice is to recognise associated Land and Buildings in its asset schedules, but not Plant and Equipment.’
- ‘It is also considered that in regard to the objectives of financial reporting, councils obligation and commitment to the rural fire fighting function is fully and accurately reflected in the statutory contribution expense made and the net cost of other relevant facilities provided under the local agreement.’

Bellingen Shire Council

65. Bellingen Shire Council prepared a *Position Statement Rural Fire Service Assets Treatment* (November 2017). It is very similar to other councils’ positions, and therefore the commonalities not repeated.
66. The following extracts are, however, noteworthy.

‘For Bellingen, RFS assets total approximately \$7.6M, with an annual depreciation expense of \$0.5M per year. Bellingen Shire Council has taken the approach to *not* recognise any RFS assets on their books.’

‘Under Bellingen Shire Council’s Service Level Agreement with the RFS, the following conditions are in place:

- Council has agreed to allow the RFS and the Commissioner to use the district equipment
- Council has agreed to allow the RFS and the Commissioner to use the premises (per schedule 1 in agreement)
- The Commissioner agrees to maintain the equipment on behalf of the Council
- The RFS will maintain and supply to Council a register of the equipment
- With reference to the financing arrangements, the Commissioner will, by the 28 February each year, submit to Council: a probable allocation of expenditures for the district for the next financial year; and a probable contribution by the Council to the fund, and
- In the event the Commissioner and the Council cannot agree upon the contribution of the Council to the Fund within 28 days of the Commissioner delivering the probable allocation by Council, the Minister (Police and Emergency Services) will make a determination on behalf of the parties.’

‘Further to the above, the following observations can be made about the RFS fleet and buildings:

- All RFS vehicles are managed through State Fleet NSW. Council has no control of the type of fleet purchased. Vehicles are insured and registered through State Fleet.
- Council has no control over the vehicles allocated to their RFS district: Council does not have keys or usage of these assets. Vehicles allocated to the district can be used throughout the State without Council consultation or permission.
- Council does not hold keys to the buildings, make decisions about the use of them, has no access to use of, nor earn any income from RFS buildings.’

67. The statement concluded:

1. ‘The Accounting Standards require a standard higher than ownership when accounting for assets. Entities may own an asset, but unless they have control of that asset and can clearly identify future economic benefits flowing to the entity from that asset, then it cannot be included in the entities assets schedule.
2. Whilst the RFS Act refers to assets being ‘vested’ in Council, there is no mention of the Council having ‘ownership’ of these assets.
3. As per the RFS Act, Council does not receive the proceeds from the sale of the assets. You cannot have control of an asset without also having control of the proceeds.
4. Council do not insure or register the fleet assets, nor do Council hold keys or have access to any of these vehicles. Fleet are used throughout the state without the permission or knowledge of Council. This fails the very basic of asset control tests.
5. Council does not hold keys to the buildings, make decisions about the use of them, has no access to use of, nor earn any income from RFS buildings.
6. RFS (not Councils) receive future economic benefit from firefighting equipment assets in terms of both net cash flows and service provision.
7. Whilst Council has a detailed Rural Fire District Service Agreement, this appears to be an “on paper arrangement only” and does not represent what is happening in practice.
8. RFS make all the decisions about capital improvements and new assets. While Council is consulted, it has no final decision.
9. Should there be any disagreement as to Councils contribution to the fund, the Minister for Police and Emergency Services has the final say.’

68. And finally:

‘It is clear that even the most basic of control tests have not been met, the evidence is also compelling that the RFS receives the flow of future economic benefits, not Council. Based on the evidence, Council, in complying with the Accounting Standards, has no choice but to not recognise the RFS Assets.’

Clarence Valley

Background

69. Clarence Valley Council wrote a *Position Statement on the Recognition of Rural Fire Service Assets* dated 3 October 2017. The council stated:

‘Clarence Valley Council maintains buildings within its Local Government Area boundary whilst plant and other equipment is fully owned and maintained by RFS. Clarence Valley Council accounts for land and buildings used by the RFS situated within the Clarence Valley Council boundary.’

Application of accounting literature

70. Clarence Valley Council used the same accounting references as Albury City. They are not repeated.

Facts and circumstances

71. Cogent extracts from the statement include:

‘The Rural Fire District Service Agreement (RFS 2) between Clarence Valley Council and the Commissioner includes a basic section on District equipment (section 5) and section on Land and Buildings (section 6)’. (The descriptions are the same as Albury City and not repeated.)

‘The RFS is funded directly by the State; both operating and capital acquisitions are made directly by RFS Officers. Council has no input into the operations or capital acquisitions of the RFS. The Fire Services Act provides that The NSW Rural Fire Service has the function to provide rural fire services for New South Wales (9(1) (a)). It is considered therefore that it is the Rural Fire Service and not councils that receive future economic benefit from firefighting equipment assets in terms of both net cash flows and service provision.’

Conclusion

72. Clarence Valley Council has reached the same conclusion as Albury City. It is not repeated.

Tamworth Regional Council

73. Tamworth Regional Council prepared a *Position statement on the recognition of Rural Fire Service assets*. It is very similar to other councils’ positions and is therefore not repeated.

OLG conversations with councils about the Rural Fire Service’s assets

74. The OLG spoke to four councils (28 August 2017) on three issues. Did they recognise land and buildings? Did they write off the trucks in financial statements? Was this arrangement covered by an agreement with the RFS or a district or council?

75. The responses were:

Narrandera Shire Council (Hiscox):

'Recognise building and land only – not the red fleet. They don't believe they should recognise the fleet as it does not meet the 8 criteria of control as per the standards. They are covered by a zone agreement which would need to be updated as there are former councils on it. They will provide us with a copy.'

Leeton (Stewart):

'Recognise buildings only (they own the land). They do not believe they control the red fleet under the definition of the Standards, they have absolutely no control over the red fleet. They were even told by RFS that they did not have to insure them anymore and that RFS would. When the assets are sold the money goes to RFS and they replace the old with the new.'

Cowra (Scott):

'Recognise all assets including the red fleet – they wanted to change the policy but were told that they couldn't – once they have them in the books they had to stay. In their opinion they do not control the red fleet. They depreciate the fleet on the same basis as heavy vehicles. These vehicles turn over quite regularly and are quite expensive. RFS have the final say over these assets.'

Email from Cowra (Stuart) to OLG (Love) dated 29 August 2017. 'Following up on our conversation yesterday regarding RFS assets here is a bit of additional information:

- Bushfire sheds are located on land owned or controlled by Council
- Bushfire sheds are included on council insurance schedule
- Council is generally responsible for maintaining the shed although some reimbursement does come from RFS
- RFS trucks are not under the control of council and can be required to attend fires or other emergencies at other NSW & interstate locations at the direction of RFS
- RFS trucks are not registered by council
- RFS are not insured by council
- RFS trucks are not maintained by council
- RFS truck maintenance & fuel costs are paid by council (due to the ridiculous funding arrangement) but reimbursed by RFS.'

Tweed (Chorlton):

'Recognise the buildings and land – not the red fleet. Does not believe that Council has control of the fleet. Believes the legislation needs to be changed to take out the [vesting] and should be the same as SES. [Agreed] that vested does not mean that councils have control.'

Narrandera Shire Council (Hiscox) email from to Crowe Horwarth (Lucas) headed *Assessment of the RFS Red Fleet as a council asset* and dated 22 September 2017. The email stated: 'Council has considered the following in determining that the RFS Red Fleet should not be booked as an asset on council's balance sheet.

- The items in the Red Fleet are specified and procured in a timeframe determined by the RFS in accordance with the RFS budget. Sale of items is determined by the RFS and proceeds of sale flow to the RFS
- Future economic benefits derived from the Red Fleet accrue to the RFS as the Red Fleet is used to address RFS objectives and service delivery exclusively
- Council has no access to the Red Fleet for any of its purposes
- The RFS determine where the Red Fleet is deployed within the shire and may task the fleet outside the shire

- Council maintain the Red Fleet under direction from the RFS and within a budget set by the RFS
- Council maintains brigade stations under councils building maintenance program and insures the buildings under council's policy
- The RFS has directed council not to insure the Red Fleet under council's motor vehicle cover.'

City of Parramatta (Matthew Walker) exchanged a series of emails with Audit NSW (Celia Withers) headed Rural Fire Assets and dated 23 and 24 September 2017. Relevant extracts from the City of Parramatta correspondence are:

- Extract from section 119(3) of the Rural Fire Services Act 1997 (NSW): 'A council must not sell or otherwise dispose of any firefighting equipment purchased or constructed wholly or partly from money to the credit of the Fund without the written consent of the Commissioner [...] This would indicate that Council does not have control of the assets as it does not possess the right to dispose of assets without consent of the RFS.'
- Extract from section 119(5) of the Rural Fire Services Act 1997 (NSW): 'A council must take care of and maintain in the condition required by the Service Standards any firefighting equipment vested in it under this section.'
- 'In operation this is done in accordance within a service agreement with the Local Rural Fire Service Command. This maintenance is included in the annual budget prepared by the Local Rural Fire Command which is submitted to the central Rural Fire Service for approval and includes requests for Capital items to be funded by the Rural Fire Service. Access to Rural Fire Service buildings and equipment is restricted to the personnel (including volunteers) of the local rural fire area command and this indicates that Council cannot just access the assets for utilisation in the course of its daily operations.'
- 'Further highlighting issues with determination of control and the difference of crown land assets under council's care and control, where the access is not restricted nor is an annual budget prepared by another entity for services to be provided.'

Council comments on the draft *Code of Accounting Practice*

76. The OLG sought comments on the draft *Code of Accounting Practice* and some councils responded. The following comments and extracts are cited to help further understanding of the councils' views.

77. *Armidale Regional Council's* Mr Peter Dennis, CEO, stated in a submission to OLG dated 2 February 2018 that:

- AASB 116 *Property, Plant and Equipment* defines 'assets' and 'control of assets' and is the basis for Council's arguments on these terms. (I note that AASB 116 no longer defines these terms).
- 'With regards to Rural Fire Services assets (buildings, plant and equipment), Council is unable to determine there is a future economic benefit, an ability to gain control over the assets, or demonstrate there is a transaction that will give rise to control in future.'
- 'The Council's preferred position is that Rural Fire Services operates and is funded as NSW Fire Brigade and State Emergency Service. Where all that council is required [to do is] to make a financial contribution annually.'
- 'In applying AASB 116, Council should make no reference to Rural Fire Service assets, or recognition in the asset register. In addition, all reference to Rural Fire Service should be removed from the Code.'

78. *Cessnock Council's* Mr Robert Maginnity, director of corporate and community services, provided the following comments:

- 'I agree RFS assets should be recognised, but it should be with the RFS who have control of those assets. This is particularly so for the vehicle fleet. Council has no control of the purchase, disposal or usage of such asset, so to mandate recognition flies firmly in the face of not only common sense, but also the fundamental accounting concept of control.'
- 'RFS assets should only be accounted for by a council if in accordance with the accounting standards they determine that they have control of those assets and can clearly identify future economic benefits flowing to the council from those assets. Due to differing arrangements that are in place at the local level across the State, this may need to be assessed by each council on a case by case basis.'

79. *Finance Network Executive and Local Government Professionals Australia, NSW*, stated (undated):

'It is the view of the Finance Network Executive and Local Government Professionals Australia, NSW, that Rural Fire Service assets should only be accounted for by a council, if in accordance with the accounting standards, they determine that they have control of those assets and can clearly identify future economic benefits flowing to the Council from those assets.'

80. *Mid North Coast Regional Organisation of Councils (MIDROC)* made a submission to the OLG dated 30 January 2018. The submission contained background information and cited what MIDROC considers to be relevant accounting literature. They are not repeated here; these matters have been previously described.

81. MIDROC provided the following summary of a service-level agreement:

'Under councils Service Level Agreement with the RFS, the following conditions are in place:

- Council has agreed to allow the RFS and the Commissioner to use the district equipment;
- Council has agreed to allow the RFS and the Commissioner to use the premises (per schedule 1 in agreement);
- The Commissioner agrees to maintain the equipment on behalf of the Council; and
- The RFS will maintain and supply to Council a register of the equipment.
- With reference to the financing arrangements, the Commissioner will, by the 28 February each year, submit to Council: a probable allocation of expenditures for the district for the next financial year and a probable contribution by the Council to the fund. In the event the Commissioner and the Council cannot agree upon the contribution of the Council to the Fund within 28 days of the Commissioner delivering the probable allocation by Council, the Minister (Police and Emergency Services) will make a determination on behalf of the parties.'

The following observations were made about the RFS fleet and buildings:

- 'All RFS vehicles are managed through State Fleet NSW – Council has no control of the type of fleet purchased; and vehicles are insured and registered through State Fleet.
- Councils have no control over the vehicles allocated to their RFS district – Council does not have keys or usage of these assets; and vehicles allocated to the district can be used throughout the State without Council consultation or permission.
- Councils do not hold keys to the buildings, make decisions about the use of them, has no access to use of, nor earn any income from RFS buildings.'

82. MIDROC summarised its findings as follows:

- 'The Accounting Standards require a standard higher than ownership when accounting for assets. Entities may own an asset, but unless they have control of that asset and can clearly identify future economic benefits flowing to the entity from that asset, then it cannot be included in the entities assets schedule.'

- Whilst the RFS Act refers to assets being “vested” in councils, there is no mention of the councils having “ownership” of these assets.
 - As per the RFS Act, councils do not receive the proceeds from the sale of the assets. You cannot have control of an asset without also having control of the proceeds.
 - Councils do not insure or register the fleet assets, nor do councils hold keys or have access to any of these vehicles. Fleet are used throughout the state without the permission or knowledge of councils. This fails the [most] basic of asset control tests.
 - Councils do not hold keys to the buildings, make decisions about the use of them, has no access to use of, nor earn any income from RFS buildings.
 - The RFS (not councils) receive future economic benefits from firefighting equipment assets in terms of both net cash flows and service provision.
 - Whilst councils have detailed Rural Fire District Service Agreement, this appears to be an “on paper arrangement only” and does not represent what is happening in practice.
 - RFS make all the decisions about capital improvements and new assets. While councils are consulted, it has no final decision.
 - Should there be any disagreement as member council contributions to the fund, the Minister for Police and Emergency Services has the final say.’
- 83. MIDROC concluded:**
‘It is clear that even the most basic of control tests have not been met, the evidence is also compelling that the RFS receives the flow of future economic benefits, not councils.’
- 84. Tamworth Shire Council, Mr Rick Sanderson, stated in a submission dated 2 February 2018:**
‘Council considers that the only valid point (sic a reference Audit Office final management letter of June 2017) in this is legal ownership and ignores other significant elements of the accounting concept of control. Council’s position on this issue is attached showing that we strongly believe that controls lies with RFS (Appendix A).’
- 85. Temora Shire Council, G C Lavelle, general manager, stated (2 February 2018):**
‘In the Council’s view Rural Fire Service assets should only be accounted for by a Council, if in accordance with the accounting standards, they determine that they have control of those assets and can clearly identify future economic benefits flowing to the council from those assets. Temora Shire Council does not have control over the purchase sale, or usage of the Rural Fire Services Assets. We do believe we should recognise these assets in our financial statements.’
- 86. Tweed Shire Council’s, Mr Brian Unwin, senior accountant, wrote:**
‘[The reasons] for local government not reporting RFS assets include, but are not limited to:
- Councils are unable to dispose of or restrict access to these assets – there is no control
 - Councils are unable to effectively maintain an asset register for these assets – they have no access to the asset inventories and must rely on accurate and timely information being provided to them by RFS
 - As Councils have no authority over the RFS they can’t compel the RFS to provide this information
 - It is unlikely that RFS will inform Councils when transfers of mobile assets occur between LGAs
 - As RFS purchase these assets, acquisitions must be shown on Councils’ income statements as non-cash contributions
 - As RFS receives the cash for the disposal of these assets, Councils must disclose a loss on disposal when this occurs.

Whether or not legislation vests the legal ownership of these assets to local government, RFS clearly has control of these assets and should be fulfilling its reporting obligations.’

DRAFT

MURRAY RIVER COUNCIL
COUNCIL POLICY

DRAFT
RELATED
PARTY
DISCLOSURES
POLICY

POL-110.V#2



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1. INTRODUCTION

All Councils in New South Wales (NSW) must produce annual financial statements that comply with Australian Accounting Standards. The Australian Accounting Standards Board (AASB) has determined that AASB 124 will apply to government entities, including local government.

~~From 1 July 2016~~, Council is required to disclose Related Party Relationships (RPR) and Related Party Transactions (RPT), as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements, in accordance with the Accounting Standard AASB 124 – Related Party Disclosures.

Murray River Council (the 'Council') recognises that RPT can present potential or actual conflicts of interest and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that KMP act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that KMP of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with Council in the annual financial statements.

2. PURPOSE

The purpose of this Related Party Disclosures Policy (the 'Policy') is to:

- ▶ Define the parameters for RPT and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124; and
- ▶ Ensure that Council's related party relationships are disclosed, irrespective of whether there have been transactions between them.

3. SCOPE

This Policy shall be applied by Council and its auditors in:

- ▶ Identifying related parties and relevant transactions – RPT and ordinary citizens' transactions concerning KMP, their close family members and entities controlled or jointly controlled by any of them;
- ▶ Identifying outstanding balances, including commitments, between Council and its related parties;
- ▶ Establishing systems to capture and record the RPT and information about those transactions;
- ▶ Identifying the circumstances in which disclosure of the items in Clauses 1 and 2 are required; and
- ▶ Determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124.

This Policy applies to all Council Officials of Murray River Council.

4. LEGISLATION

- ▶ Local Government Act 1993
- ▶ Local Government (General) Regulation 2021
- ▶ Corporations Act 2001
- ▶ Government Information (Public Access) Act 2009
- ▶ Privacy and Personal Information Protection Act, 1998

5. POLICY STATEMENT

Council is committed to responsible corporate governance, including compliance with laws and regulations governing RPT.

RPR are a normal feature of commerce and business. Entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of the organisation through the presence of control, joint control or significant influence.

A RPR could influence the normal business operations of Council even if RPT do not occur. The mere existence of the relationship may be sufficient to affect the transactions of Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another.

For these reasons, knowledge of Council's transactions and outstanding balances may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

AASB 124 provides that Council must disclose all material and significant RPT and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

When assessing whether such transactions are significant, the following factors will be taken into consideration:

- ▶ Significance in terms of size;
- ▶ Was it carried out on non-market terms?;
- ▶ Is it outside normal day-to-day Council operations?;
- ▶ Was it subject to Council approval?;
- ▶ Did it provide a financial benefit not available to the general public?; and/or
- ▶ Was the transaction likely to influence decisions of users of the Annual Financial Statements?

To enable Council to comply with AASB 124, Council's KMP are required to declare full details of any related parties and RPT. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

5.1 RELATED PARTY

A related party is a person or entity that is related to the entity that is preparing its financial statements.

For the purposes of this Policy, related parties of Council are:

- ▶ Entities related to Council;
- ▶ Key Management Personnel (KMP) of Council;
- ▶ Close family members of Key Management Personnel (KMP);
- ▶ Possible close family members of Key Management Personnel (KMP); and
- ▶ Entities or persons that are controlled or jointly controlled by Key Management Personnel (KMP), or their close family members, or their possible close family members.

5.1.1. Entities related to Council

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity, Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.

Council's Contracts Register, Legal Register for Leases and Licenses and the Schedule of Debts Written Off will be reviewed to identify RPT and related parties. This information will be included in the RPR which will include all joint arrangements and updated on a regular basis.

5.1.2 Key Management Personnel (KMP)

AASB 124 defines KMP as:

those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any Director (whether Executive or otherwise) of the entity.

KMP for Council are considered to include:

- ▶ Councillors (including the Mayor);
- ▶ Chief Executive Officer;
- ▶ Senior Executive Officers/Directors
- ▶ Public Officer; and
- ▶ Responsible Accounting Officer.

Also a person or entity is a related party of Council if any of the following apply:

- ▶ they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- ▶ they are an associate or belong to a joint venture of which Council is part of;
- ▶ they and Council are joint ventures of the same third party;
- ▶ they are part of a joint venture of a third party and council is an associate of the third party;
- ▶ they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- ▶ they are controlled or jointly controlled by close members of the family of a person;
- ▶ they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- ▶ they or any member of a group of which they are a part, provide KMP services to Council.

5.1.3 Close family members of Key Management Personnel (KMP)

Close family members of KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.

The definition of close members of the family of a person for the purpose of the AASB 124 is broader than the definition of "related" in relation to a person for the purpose of a register of interests under the Regulation.

Definitely a close family member

- ▶ Your spouse/domestic partner;
- ▶ Your children;
- ▶ Your dependants;
- ▶ Children of your spouse/domestic partner; and
- ▶ Dependants of your spouse/domestic partner.

Maybe a close family member

(if they could be expected to influence, or be influenced by, you in their dealings with Council)

- ▶ Your brothers and sisters;
- ▶ Your aunts, uncles and cousins;
- ▶ Your parents and grandparents;
- ▶ Your nieces and nephews; and
- ▶ Any other member of your family.

Entities that are controlled or jointly controlled by KMP or their close family members may include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

5.2 RELATED PARTY TRANSACTIONS (RPT)

Related Party Transactions (RPT) are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- ▶ purchase or sale of goods (finished or unfinished);
- ▶ purchase or sale of property and other assets;
- ▶ rendering or receiving services;
- ▶ leases;
- ▶ transfers of research and development;
- ▶ transfers under licence agreements;
- ▶ transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- ▶ provision of guarantees or collateral;
- ▶ commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- ▶ quotations and/or tenders;
- ▶ settlements of liabilities on behalf of Council or by Council on behalf of the related party ;
- ▶ expense recognised during the period in respect of bad debts; and
- ▶ provision for doubtful debts relating to outstanding balances.

5.3 AASB 124 DISCLOSURE REQUIREMENTS

5.3.1 Council disclosures

AASB 124 provides that Council must disclose all material and significant RPT of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of RPT on the Annual Financial Statements.

Having regard to the following details:

- ▶ the nature of the Related Party Relationship (RPR)
- ▶ relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments; and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement.
 - details of any guarantee given or received;
 - provision for doubtful debts related to the amount of outstanding balances; and
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are ordinary citizen transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties which occur within normal employee, customer or supplier relationships and at arm's length are not material or significant.

These shall be excluded from detailed disclosures; they will be disclosed in the financial statements by general description. Disclosures that RPT were made on terms equivalent to an arms-length transaction can only be made if such terms can be substantiated.

5.3.2 Related Party and Key Management Personnel (KMP) disclosures

The types of disclosure that are required are as follows:

- ▶ Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
- ▶ Key Management Personnel Compensation (KMPC) (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:
 - Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within 12 months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees
 - Post-employment benefits such as pensions, other retirement benefits, post- employment life insurance and post-employment medical care
 - Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within 12 months after the end of the period, profit sharing, bonuses and deferred compensation
 - Termination benefits.
- ▶ Where RPT have occurred:
 - The nature of the RPR
 - Information about the transactions, outstanding balances and commitments, including terms and conditions.
- ▶ Separate disclosure for each category of the related party.
- ▶ For the types of transactions to be disclosed refer to RPT section in this Policy.

KMP declarations must be made annually by 30 June by using the Related Party Transaction (RPT) Disclosures by Key Management Personnel (KMP) Form (refer Appendix A).

Note: these Related Party Transaction (RPT) Notification requirements are in addition to the notifications Key Management Personnel (KMP) are required to make to comply with the pecuniary interests and conflicts of interest obligations in the Local Government Act 1993 and Code of Conduct.

A Related Party Transaction (RPT), as opposed to the Register of Pecuniary Interests, the related party and relationship must be disclosed for both the Key Management Personnel (KMP) and their close family member even if the same related party entity is held jointly or in common by them.

The New South Wales Auditor General Office may audit related party information as part of the annual external audit.

5.3.3 Notifications by Key Management Personnel (KMP)

In order to comply with the AASB 124, Council has adopted a Policy that requires all members of its KMP to periodically provide notifications to the Responsible Accounting Officer of any existing or potential RPT between Council and any of their related parties during a financial year, and any changes to previously notified RPR and transactions relevant to the subject financial year.

KMP must complete the Related Party Relationships Notification by Key Management Personnel (KMP) Form (refer Appendix C), notifying any existing or potential RPR between Council and any related parties of the KMP to the Responsible Accounting Officer by no later than the following periods during a financial year:

- ▶ 30 days after the commencement of the application of this Policy;
- ▶ 30 days after a KMP commences their term or employment with Council; and
- ▶ 30 June annually.

During the financial year, KMP must proactively notify of any new or potential RPR that the person knows of or any changes to previously notified RPR to the Responsible Accounting Officer by no later than 30 days after the person knows of the transaction or change.

At least 30 days before a specified notification period, the Responsible Accounting Officer will provide KMP with a Related Party Transaction Notification Form and a Privacy Collection Notice (refer Appendix B).

These notification requirements are in addition to the notifications a KMP must make to comply with Sections 451 and 459 of the Act that relate to material personal interests and conflicts of interest and Council's Code of Conduct Policy (POL101, 102 and 103).

The Responsible Accounting Officer is responsible for identifying information against each notified RPT in Council's business systems for the purpose of recording the RPT and associated information in the Register of Related Party Transactions (RPT).

To ensure all RPT are captured and recorded, the Responsible Accounting Officer is responsible for reviewing, if required, other sources of information held by Council including, without limitation:

- ▶ a register of interests of KMP and of persons related to KMP;
- ▶ minutes of Council and committee meetings; and
- ▶ Council's Contracts Register.

5.3.4 Exclusions

The notification requirements do not apply to:

- ▶ RPT that are ordinary citizen transactions not assessed as being material; and
- ▶ for Councillors, expenses incurred and facilities provided to a Councillor during the financial year, under Council's Councillor Expenses & Facilities Policy (POL103), the particulars of which are contained in Council's Annual Report pursuant to the Regulation, Part 8.

5.3.5 Ordinary citizen transactions

RPT excluded from disclosure requirements on the basis of ordinary citizen transactions are:

- ▶ Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance;
- ▶ Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- ▶ Are not material or significant.

5.3.6 Materiality

Materiality thresholds will be reviewed annually as part of the audit process.

The following matters must be considered in determining the materiality and significance of any RPT:

- ▶ Significance of transaction in terms of size;
- ▶ Whether the transaction was carried out on non-market terms;
- ▶ Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- ▶ Whether the transaction is disclosed to regulatory or supervisory authorities;
- ▶ Whether the transaction has been reported to senior management; and
- ▶ Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Disclosures that RPT were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

5.4 REGISTER OF RELATED PARTY TRANSACTIONS (RPT)

The Responsible Accounting Officer is responsible for maintaining and keeping up to date a Register of Related Party Transactions that captures and records the information for each existing or potential RPT (including ordinary citizen transactions assessed as being material in nature) during a financial year.

The contents of the Register of Related Party Transactions must detail for each RPT:

- ▶ the description of the RPT;
- ▶ the name of the related party;
- ▶ the nature of the related party's relationship with Council;
- ▶ whether the notified RPT is existing or potential;
- ▶ a description of the transactional documents the subject of the RPT; and
- ▶ the information specified in the section on Council disclosures.

5.5 PROCESS

The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any RPT.

The preferred method of reporting is for KMP to provide details of related parties and RPT to the Responsible Accounting Officer. The information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised Register of Related Party Transactions (refer Appendix D) and will also be located in Council's document management system.

Should a KMP have any uncertainty as to whether a transaction may constitute a RPT they should contact the Responsible Accounting Officer who will, in consultation with the Director Corporate Services, make a determination.

If a KMP suspects that a transaction may constitute a Related Party disclosure to the Responsible Accounting Officer for consideration and determination.

5.6 PRIVACY AND ACCESS TO INFORMATION

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligations and shall be disclosed where required for compliance or legal reasons only.

Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by KMP or contained in a Register of Related Party Transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

The following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a Register of Related Party Transactions for the purposes specified in this Policy:

- ▶ the Chief Executive Officer (CEO);
- ▶ the Responsible Accounting Officer;
- ▶ Director Corporate Services;
- ▶ ~~Professional Conduct Coordinator; Public Officer~~
- ▶ an Auditor of Council (including an Auditor from the NSW Auditor General's Office); and
- ▶ Other Council Officers, as delegated by the CEO.

Such persons may access, use and disclose information (including personal information) in a related party disclosure or contained in a Register of Related Party Transactions for the following purposes:

- ▶ to assess and verify a notified related party transaction;
- ▶ to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- ▶ to comply with the disclosure requirements of AASB 124;
- ▶ to verify compliance with the disclosure requirements of AASB 124.

An individual may access their personal information provided by a KMP in a related party disclosure or contained in a Register of Related Party Transactions in accordance with Council's Privacy Management Plan (POL-206) or at the discretion of the CEO.

5.6.1 Government Information (Public Access) Act (GIPA Act) applications

Disclosures, Notifications and the Register of Related Party Transactions are not available for public access under the Government Information (Public Access) Act 2009 (the 'GIPA Act'). Documents and/or information gathered under the execution of this Policy will not be released on the grounds that it comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of the GIPA Act.

A GIPA application seeking access to and release of transactional information and documentation the subject of a RPT with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under the GIPA Act.

6. ROLES AND RESPONSIBILITIES

Position	Responsibility
Councillors	<ul style="list-style-type: none"> ▶ Provision of information as required in this Policy; ▶ Ongoing responsibility to advise Council immediately of any RPT.
Chief Executive Officer (CEO)	<ul style="list-style-type: none"> ▶ Provision of information as required in this Policy; ▶ Ongoing responsibility to advise Council immediately of any RPT.
Directors	<ul style="list-style-type: none"> ▶ Provision of information as required in this Policy; ▶ Ongoing responsibility to advise Council immediately of any RPT.
Managers	<ul style="list-style-type: none"> ▶ Provision of information as required in this Policy; ▶ Ongoing responsibility to advise Council immediately of any RPT.
Responsible Accounting Officer	<ul style="list-style-type: none"> ▶ Make the necessary disclosures in Council's annual financial statements of any RPT. ▶ Coordinate information gathering of related party relationships and maintain the <u>Related Party Disclosure Register</u>.

7. EVALUATION AND REVIEW

It is the responsibility of the Director Corporate Services to monitor the adequacy of this Policy and recommend appropriate changes.

A review of KMP and their related parties will be completed on formal adoption of this Policy and then at intervals not exceeding 12 months.

This Policy will also be reviewed when any of the following occur:

- ▶ a change of Councillors, CEO or other KMP;
- ▶ corporate restructure;
- ▶ the related legislation/documents are amended or replaced;
- ▶ as a result of changes to the Office of Local Government (OLG) Local Government Code of Accounting Practice and Financial Reporting;
- ▶ changes to AASB 124; and
- ▶ other circumstances as determined from time to time by a resolution of the Council.

8. NON-COMPLIANCE

Failure to disclose RPT will be deemed a breach of this Policy and will be followed by disciplinary action. If applicable, criminal proceedings will be brought against the offender.

9. TRAINING AND COMMUNICATION

This Policy will be provided to KMP in the initial awareness raising and data collection and as part of Councillor inductions.

Internal training on supporting this Policy will be scheduled as required.

10. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMSExternal:

- ▶ AASB 124 – Related Party Disclosures (July 2015)
- ▶ OLG - Local Government Code of Accounting Practice and Financial Reporting

Internal:

- ▶ MRC Policy - Code of Conduct (POL100)
- ▶ MRC Policy - Privacy Management Plan (POL206)
- ▶ MRC Policy - Councillor Expenses & Facilities Policy (POL103)
- ▶ MRC Form - Related Party Transaction (RPT) Disclosures by Key Management Personnel (KMP) Form (Appendix A)
- ▶ MRC Form - Privacy Collection Notice (Appendix B)
- ▶ MRC Form Related Party Relationships Notification by Key Management Personnel (KMP) Form (Appendix c)
- ▶ MRC Register - Related Party Transactions Register
- ▶ MRC Register – Contract Register
- ▶ MRC Register – Legal Documents
- ▶ MRC Document – Annual Report

Definitions:

Term	Definition
Act	Local Government Act 1993. (NSW)
AASB	Australian Accounting Standards Board
AASB 10	AASB 10 – Consolidated Financial Statements – details the criteria for determining whether Council has significant influence over an entity.
AASB 11	AASB 11 – Joint Arrangements – details the criteria for determining whether Council has significant influence over an entity.
AASB 124	AASB 124 – Related Party Disclosures Standard – under Section 334 of the Corporations Act 2001.
AASB 128	AASB 128 – Investments in Associates and Joint Ventures – details the criteria for determining whether Council has significant influence over an entity.
Close members of the family of a person	Those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include: <ul style="list-style-type: none"> ▶ that person's children and spouse or domestic partner; ▶ children of that person's spouse or domestic partner; and ▶ dependents of that person or person's spouse or domestic partner.

RELATED PARTY DISCLOSURES POLICY

POL-110.V#2

Control or Joint Control	<p>A person or entity is deemed to have control if they have:</p> <ul style="list-style-type: none"> ▸ power over the entity; ▸ exposure, or rights, to variable returns from involvement with the entity; and ▸ the ability to use power over the entity to affect the amount of returns. <p>To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p>
Council Official	Includes Councillors, Council employees, administrators, contractors and consultants, Council Committee members and delegates of Council.
Entity	Can include a body corporate, a partnership or a trust, incorporated association or unincorporated group or body.
Financial Benefit	<p>Includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.</p> <p>Examples (not limited) of “giving a financial benefit” to a related party include the following:</p> <ul style="list-style-type: none"> ▸ Giving or providing the related party finance or property ▸ Buying an asset from or selling an asset to the related party ▸ Leasing an asset from or to the related party ▸ Supplying services to or receiving services from the related party ▸ Issuing securities or granting an option to the related party ▸ Taking up or releasing an obligation of the related party.
Key Management Personnel (KMP)	Those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any Director (whether Executive or otherwise) of the entity.
Material (materiality)	<p>The assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity’s financial statements.</p> <p>For the purpose of this Policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materially.</p>
Ordinary Citizen Transaction	A transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.
Possible (possibly) close members of the family of a person	<p>Those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:</p> <ul style="list-style-type: none"> ▸ that person’s brothers’ and sisters’ ▸ aunts’, uncles’ and cousins’ of that person’s spouse or domestic partner ▸ dependents of those persons’ or that person’s spouse or domestic partner as stated in dot point 2 above ▸ that person’s or that person’s spouse or domestic partners’, parents’ and grandparents’.
Regulation	The Local Government (General) Regulation 2021

RELATED PARTY DISCLOSURES POLICY

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Related Party (RP)	Any person or entity that is related to the entity that is preparing its financial statements (referred to in this Policy as the 'reporting entity').
Related Party Transaction (RPT)	A transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.
RPR	Related Party Relationships
Significant (significance)	Likely to influence the decisions that users of the Council's financial statements make, having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

11. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	16 April 2019 to DRAFT	VF/19/526	1100419
2	Reviewed and updated to reflect the current adopted format for policies and changes to position descriptions	DRAFT	VF/19/526	TBA

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review in before 2027

NOTE:

This is a controlled document. If you are reading a printed copy please check that you have the latest version by checking it on Council's Electronic Document system. Printed or downloaded versions of this document are uncontrolled.

DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.



RELATED PARTY DISCLOSURES POLICY

POL-110.V#2

Appendix A:

Related Party Transactions Disclosure Form

Linked to Related Party Disclosures Policy – POL-110

Note: This document is confidential and only accessible to the Council Officials nominated in the Related Party Disclosure Policy

Name: _____

Position: _____

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please complete the table below for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family:

1. has previously entered into and which will continue in the _____ financial year;

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship



Related Party Transactions Disclosure Form

2. has entered into, or is reasonably likely to enter into, in the _____ financial year.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

Key Management Personnel (KMP) Compensation (remuneration) in total and for each of the following categories

Type of Remuneration	Short-term Employee Benefits	Post-Employment Benefits	Other Long-Term Benefits	Termination Benefits

(Add more rows for any of the sections if required)



RELATED PARTY DISCLOSURES POLICY

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Related Party Transactions Disclosure Form

Notification	
I _____, (Full name) _____ (Position)	
notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the _____ financial year.	
I make this notification after reading the Privacy Collection Notice provided by Murray River Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.	
I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.	
Signature of named Key Management Person:	Dated:

DRAFT



RELATED PARTY DISCLOSURES POLICY

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Appendix B:



PRIVACY COLLECTION NOTICE

Linked to Related Party Disclosures Policy – POL-110

RELATED PARTY TRANSACTION DISCLOSURES BY KEY MANAGEMENT PERSONNEL (KMP)

Purpose of Collection, Use and Disclosure

Effective for annual periods beginning on or after 1 July 2016, in order to comply with Australian Accounting Standard AASB 124 Related Party Disclosures, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its General Purpose financial statements, in order to comply with Australian Accounting Standard AASB 124 Related Party Disclosures.

Related parties include Council's key management personnel, their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, the AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

Notifications by Key Management Personnel

In order to comply with the AASB 124, Council has adopted a policy that requires all members of its key management personnel (KMPs) to periodically provide notifications, to Council's Responsible Accounting Officer, of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each key management person (a *KMP*) must provide a Related Party Transactions Notification, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Chief Executive Officer by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council; and
- 30 June.

Also, during a financial year, Key Management Personnel (KMP) must proactively notify of any new or potential Related Party Transactions (RPT) that the person knows of, or any changes to previously notified related party relationships or transactions, relevant to the subject financial year by providing, to the Responsible Accounting Officer, additional Related Party Transactions Notifications by no later than 30 days after the person knows of the transaction or change.

Note, these related party transaction notification requirements are in addition to the notifications Key Management Personnel (KMP) must make to comply with Section 451 and 459 of the [Local Government Act 1993](#) that relate to material personal interests and conflicts of interest and Council's Code of Conduct.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

Who are Key Management Personnel (KMP)?

Key Management Personnel (KMP) are persons having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly.

For Council, KMPs include:

- Councillors (including the Mayor)
- Chief Executive Officer (CEO)
- Senior Executive Officers / Directors
- Public Officer; and
- Responsible Accounting Officer

Who are Close Family Members of Key Management Personnel (KMP) ?

Close family members of Key Management Personnel (KMP) are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.

The definition of close members of the family of a person for the purpose of the AASB 124 is broader than the definition of "related" in relation to a person for the purpose of a register of interests under the Local Government (General) Regulation 2005 (the Regulation).

PRIVACY COLLECTION NOTICE

Definitely a close family member

- Your spouse/domestic partner
- Your children
- Your dependants
- Children of your spouse/domestic partner
- Dependants of your spouse/domestic partner

Maybe a close family member

(if they could be expected to influence, or be influenced by, you in their dealings with Council)

- Your brothers and sisters,
- Your aunts, uncles and cousins,
- Your parents and grandparents,
- Your nieces and nephews,
- Any other member of your family

What is an entity that I, or my close family member, control or jointly control ?

Entities that are Controlled or Jointly Controlled by Key Management Personnel (KMP) or their close family members may include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

Control

You control an entity if you have:

- Power over the entity;
- Exposure, or rights, to variable returns from your involvement with the entity; and
- The ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights. Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.
Fred will need to include the company on his related party transaction notification.

Joint control

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board. Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.
Fred will need to include the company on his related party transaction notification and the entity's related party relationship with Fred and Stan.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer for a confidential discussion.



RELATED PARTY DISCLOSURES POLICY

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Related Party Relationships Disclosure Form

Disclosure	
I _____, (Full name)	
_____ (Position)	
<p>notify that, to the best of my knowledge, information and belief, as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the _____ financial year.</p> <p>I make this notification after reading the Related Party Disclosures Policy provided by Murray River Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.</p> <p>I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.</p>	
Signature of named Key Management Person:	Date:



RELATED PARTY DISCLOSURES POLICY

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Appendix D:



Related Party Register

Linked to Related Party Disclosures Policy – POL-110

Name	Relationship	Nature of Transactions	Terms and Conditions	Reference - Supporting Evidence



Related Party Register

1

Name	Relationship	Nature of Transactions	Terms and Conditions	Reference - Supporting Evidence

Version: 2023.4
(23 June 2023)

MODEL CONTAMINATED LAND POLICY

PREPARED BY:

Riverina and Murray Joint Organisation
Riverina Eastern Regional Organisation of Councils
Far North West Joint Organisation
Dubbo Regional Council





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1. PURPOSE

THE PURPOSE OF THIS POLICY IS TO ESTABLISH A FRAMEWORK THAT OUTLINES HOW COUNCIL WILL ACT IN GOOD FAITH WITH THE *CONTAMINATED LAND PLANNING GUIDELINES* WHEN CONSIDERING THE POTENTIAL OF SITE CONTAMINATION IN ITS LAND-USE PLANNING AND DEVELOPMENT CONTROL DECISION-MAKING PROCESSES.

2. OBJECTIVES

This policy aims to:

- enable Council to consider the likelihood of land contamination as early as possible in land-use planning and development control processes
- avoid any inappropriate restrictions on land use
- ensure a proposed change in land use or any development will not increase the risk of harm to human health and the environment
- ensure any contaminant is remediated to a level that complies with relevant contamination criteria as required by regulation, thereby ensuring the land is suitable for its intended use
- enable Council to provide accurate and timely information and advice to inform and support decision-making in land-use planning and development control processes
- enable the community to be informed of Council's requirements regarding the management of contaminated land
- enable Council to exercise its land-use planning and development control functions with a reasonable standard of care and diligence.

3. SCOPE

This policy provides information to internal and external stakeholders, interested parties and the broader community on Council's position on managing land contamination.

This policy applies to all land within the [CouncilName] local government area.

This policy is predicated on the requirements of Chapter 4 ('Remediation of Land') of the *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*,¹ as elaborated in its contaminated land planning guidelines.²

This policy is applicable to staff involved in Council land-use planning and development control functions, as well as in waste management and in managing public land and Council assets.

This policy is also applicable to:

- a principal certifying authority
- consultants (for example, strategic and statutory planning, contaminated land practitioners, underground petroleum storage systems practitioners)
- property developers
- landowners and/or managers
- members of the public.

¹ The content of Chapter 4 of the *Resilience and Hazards SEPP* was formerly the *State Environmental Planning Policy No. 55 – Remediation of Land* (guidelines for which can be found in *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land*, <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/managing-contaminated-land-guidelines-remediation.pdf>).

² These guidelines, referred to in the *Resilience and Hazards SEPP*, are those found in Schedule 6(3) of the *Environmental Planning and Assessment Act 1979*.

4. DEFINITIONS

Term	Definition
Abbreviations	
ARA (appropriate regulatory authority)	Under section 6(3) of the <i>POEO Act</i> , Council is declared as the ARA for matters under the <i>UPSS Regulation</i> .
PCA (principal certifying authority)	A certifier can be either a council or a registered certifier. A registered certifier is also known as a principal certifying authority. Certifiers have statutory obligations and functions under the <i>Building and Development Certifiers Act 2018</i> , the <i>EP&A Act</i> and other legislation, including the <i>Building and Development Certifiers Regulation 2020</i> . This includes issuing construction and occupation certificates under Part 6 of the <i>EP&A Act</i> .
UPSS (underground petroleum storage system)	A system of tanks, pipes, valves and other equipment that is designed to either contain petroleum or to control its passage into, out of, through or within the system. The system includes any structure through which petroleum routinely passes from one part of the system to another.
Legislation	
<i>Contaminated Land Management Act 1997 (CLM Act)</i>	Establishes a process for the EPA to identify, investigate and (where appropriate) order the remediation of land if the EPA considers the land to be significantly contaminated.
<i>Contaminated Land Planning Guidelines</i>	Under Schedule 6 section 3 of the <i>EP&A Act</i> , the Minister can notify the publication of planning guidelines related to contaminated land under the <i>Resilience and Hazards SEPP</i> for purposes of Schedule 6 section 2 ('good faith' provisions) of the <i>EP&A Act</i> .
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>	The principal legislation of the NSW planning system that governs land-use planning and development control functions in NSW.
<i>Protection of the Environment Operations Act 1997 (POEO Act)</i>	Establishes a framework to protect, control and investigate pollution.
<i>Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019 (UPSS Regulation)</i>	Establishes a framework for the design, installation, operation, maintenance and decommissioning of an underground petroleum storage system. Also designates Council as the 'appropriate regulatory authority' to administer the requirements of the <i>UPSS Regulation</i> .
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Exempt and Complying Development Codes SEPP)</i>	Establishes the rules and standards for exempt and complying development.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>	Outlines a planning framework for the remediation of contaminated land. Formerly known as SEPP55 – Remediation of Land.

Term	Definition
Processes	
Category 1 remediation work	Remediation work that requires the consent of Council under the <i>Resilience and Hazards SEPP</i> .
Category 2 remediation work	Remediation work not requiring the consent of Council under the <i>Resilience and Hazards SEPP</i> .
Detailed site investigation	<p>An investigation to define the extent and degree of contamination, to assess the potential risk posed by contaminants to health and the environment, and to obtain sufficient information for developing a remediation action plan if required.</p> <p>Reporting requirements for a detailed site investigation are as outlined in the <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (amended 2013) and in relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.</p>
Independent review	An evaluation by an independent expert, with the appropriate competencies and qualifications, of the work of a primary consultant for all types of contaminated sites.
Initial evaluation	A process undertaken by Council to consider the potential for land to be contaminated, and the impacts of that contamination on the suitability of the land for proposed uses, when determining development applications or when preparing environmental planning instruments.
Preliminary site investigation	<p>An investigation to identify any past or present potentially contaminating activities; provide a preliminary assessment of site contamination; and, if required, provide a basis for a detailed investigation.</p> <p>Reporting requirements for a preliminary site investigation are as outlined in the <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (amended 2013) and in relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.</p>
Remediation	The remediation of contaminated land is the (i) preparation of an environmental management plan (if required); (ii) removal, dispersal, destruction, reduction, mitigation or containment of the land contamination; and (iii) elimination or reduction of any hazard arising from the land contamination (including by preventing the entry of persons or animals on the land).
Remediation action plan	<p>A plan that sets out remediation goals and that documents the proposed process for remediating a site.</p> <p>Reporting requirements for a remediation action plan are outlined in the relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.</p>
Validation	<p>The process of determining whether the objectives for remediation and any conditions of development consent have been achieved.</p> <p>A report on the validation is to detail the site work undertaken and demonstrate compliance with the remedial action plan for the site, and compliance with the contaminated land planning guidelines and all other applicable regulatory requirements. Reporting requirements for validation are elaborated in the relevant guidelines made by the EPA regarding reports to be prepared by contaminated land consultants.</p>

Term	Definition
Terms	
Authorised officer	Authorised officers have regulatory powers and functions under environment protection legislation, as prescribed in Council's delegations of authority.
Complying development certificate	A certificate indicating approval for straightforward residential, commercial and industrial development, generally for building works larger than exempt development.
Contaminated land	Contaminated land is typically land that have been used for industrial or agricultural activities, or individual sites that store chemicals, such as service stations and dry cleaners. <i>Also see - Appendix 2</i>
Contamination	The presence in or under the land of a substance above the concentration at which the substance is normally present in or under that land at the same locality, being a presence that poses a risk of harm to human health or any other aspect of the environment (section 5 of the <i>CLM Act</i>). <i>Also see - 'pollution incident'</i>
Development control plan	Provides detailed planning and design guidelines to support the planning controls in the local environmental plan developed by Council.
Environmental management plan	An environmental management plan for contaminated land documents the mitigation measures and/or monitoring requirements where full clean-up of a site is not feasible or where the onsite containment of contamination is proposed.
EPA guidelines	Guidelines made or approved by the EPA in relation to managing site contamination.
Investigation area	Land declared to be an investigation area by a declaration in force under Part 3 Division 2 of the <i>CLM Act</i> .
Local environment plan	A plan that guides planning decisions for Council through zoning and development controls. Amendments to the local environment plan are through planning proposals.
Newbury test	The Newbury test states that a condition of consent must be imposed for a planning purpose (not an ulterior one); must fairly and reasonably relate to the development that is the subject of the development application; and must not be so unreasonable that no planning authority would have imposed it.
Planning proposal	Council may draft a planning proposal to amend a local environment plan and submit it to the department for Gateway determination.
Pollution incident	An incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises. <i>Also see - 'contamination'</i>

Term	Definition
Terms	
Section 10 planning certificates	<p>Formerly section 149 planning certificates.</p> <p>Section 10 planning certificates provides information regarding the development potential of a parcel of land. There are two types of planning certificates – section 10.7(2) and section 10.7(5).</p> <p>These certificates show the zoning of the property, its relevant state, regional and local planning controls and other property constraints such as land contamination, level of flooding and bushfire prone land.</p> <p>Section 10.7(5) certificates also include advice from ‘other authorities’ and certain information that Council holds on a property that is relevant to the land but is not disclosed in a section 10.7(2) certificate.</p>
Sensitive receptor	<p>Receiving environment or sensitive receiver. This is either a use of land for residential, educational, recreational or childcare purposes, or for the purposes of a hospital, or land identified as sensitive environmental land.</p>

5. REFERENCES

The following Council policies and procedures are relevant to this policy:

- [Asbestos management policy]
- [Compliance and enforcement policy]
- [Soil and water management policy]
- [Engineering guidelines and technical specifications]
- [Inspection and monitoring procedures]
- [Tree preservation order process]
- [Flood mapping]
- [Add additional relevant policies and procedures]

The following legislation and standards are referenced in this policy:

LEGISLATION

- o *Building and Development Certifiers Act 2018*
- o *Building and Development Certifiers Regulation 2020*
- o *Contaminated Land Management Act 1997*
- o *Conveyancing Act 1919*
- o *Environmental Planning and Assessment Act 1979*
- o *Environmental Planning and Assessment Regulation 2021*
- o *Environmentally Hazardous Chemicals Act 1985*
- o *Government Information (Public Access) Act 2009*
- o *Home Building Act 1989*
- o *Local Government Act 1993*
- o *Local Planning Directions*
- o *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended)
- o *Protection of the Environment Operations Act 1997*
- o *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- o *Protection of the Environment Operations (Waste) Regulation 2014*
- o *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- o *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4 ('Remediation of Land')
- o *Water Management Act 2000*
- o *Workplace Health and Safety Act 2011*
- o *Workplace Health and Safety Regulation 2017*

GUIDELINES

- o *Guide to Complying Development* (2022)
- o *Guide to Writing Conditions of Consent* (2021)
- o *Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* (2020)
- o *Guidelines for the Vertical Mixing of Soil on Former Broad-Acre Agricultural Land* (2003)
- o *Noise Policy for Industry*
- o *Interim Construction Noise Guideline*
- o *Liquid Trade Waste Management Guidelines* (DPIE, 2021)
- o *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land* (1998) (and its revised form, the *Contaminated Land Planning Guidelines*, when released)
- o *Managing Urban Stormwater: Soils and Construction* (4th ed., LANDCOM, March 2004)
- o *Waste Classification Guidelines* (2014)
- o Statutory guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997*
- o Non-statutory guidance documents made by the NSW EPA

STANDARDS

- o *Australian Standard AS 1940-2017: Storage and Handling of Flammable and Combustible Liquids*
- o *Australian Standard AS 4897-2008: The Design, Installation and Operation of Underground Petroleum Storage Systems*
- o *Australian Standard AS 4976-2008: The Removal and Disposal of Underground Petroleum Storage Tanks.*

Best practice resources are available to assist Council in implementing this policy. These resources are listed in Appendix 1.

6. CONTENT

6.1. Policy statement

1. Council acknowledges that land contamination poses a risk of harm to human health and the environment.

6.2. Responsibilities

1. Council will act in good faith with the *Contaminated Land Planning Guidelines* by ensuring due care and diligence in considering land contamination in Council's land-use planning and development control functions.
2. Council will identify, evaluate and manage contaminated land so as to not increase the risk of harm to human health and the environment:
 - a. when preparing or making a planning instrument (including a planning proposal) and a development control plan (Part 3 of the EP&A Act)
 - b. when considering the potential for land contamination in development assessment and consent processes (Part 4 of the EP&A Act) and in environmental impact assessment processes (Part 5.1 of the EP&A Act)
 - c. in building and subdivision certification processes (Part 6 of the EP&A Act)
 - d. when managing public land and assets, including land managed or under the control of Council
 - e. when managing waste, including contaminants in soil.
3. Council will not approve a development application or lodge a planning proposal unless it is satisfied, based on information available to it under this policy, that that land is suitable, or can be made suitable, for its proposed use.
4. Council will consider the potential of land contamination in a process to furnish the contaminated land information that is required on planning certificates (section 10.7 of the EP&A Act).
5. With respect to sites with operational or abandoned underground petroleum storage systems, Council acknowledges that it is the ARA under the *UPSS Regulation*.
6. Council also acknowledges the regulation of underground petroleum storage systems sites is also under various other legislation administered by state departments and agencies, including SafeWork NSW and NSW Fair Trading.

6.3. Information management

1. Council will maintain and update a contaminated land site register so as to comply with section 59(2) of the *CLM Act* in furnishing contaminated land information on planning certificates under section 10.7 of the *EP&A Act*.
2. The contaminated land site register will include information on actual and potential land contamination to inform its land-use planning and development control functions in alignment with the *Contaminated Land Planning Guidelines*.
3. The list of sites in the contaminated land site register will be compiled, maintained and updated in good faith in the interests of responsible land-use planning and development control and is to be used as a first point of reference by Council.
4. Information on actual or potential land contamination contained in Council's contaminated land site register is to be supplied to the public only by either:
 - a. issuing a section 10.7 planning certificate under the *EP&A Act*
 - b. a Council officer with delegation to approve the release of reports identified in Appendix 3 that have been provided to Council
 - c. providing access to information and documents in accordance with *Local Government Act 1993* and *Government Information (Public Access) Act 2009*.

CONTAMINATED LAND SITE REGISTER

5. Council's contaminated land site register should contain accurate and reliable information for individual parcels of land on:
 - a. land-use history and zoning so as to flag the potential for land contamination for a parcel of land if Council reasonably suspects historical land use or zoning may indicate a use of land involving a potential land use or activity listed in Appendix 2
 - b. artefacts received by Council in relation to
 - i. reports on the assessment of site contamination listed in Appendix 3
 - ii. site audit statements
 - iii. EPA notifications under section 59(1) of the *CLM Act*
 - iv. notifications for category 2 remediation works
 - v. notifications of completion of category 1 and category 2 remediation works
 - c. any land-use restrictions on the land relating to possible contamination, such as notices issued by the EPA or other regulatory bodies.

6. CONTENT (CONT.)

6. If an EPA notification under section 59(1) of the *CLM Act* lists reports on the assessment of site contamination, Council will request copies of these reports to be included in its contaminated land site register.
7. Council will either modify an existing record or create a new record in its contaminated land site register if it approves a new or significant modification (as defined by the *UPSS Regulation*) to an existing underground petroleum storage system.
8. Information contained in this register is to be used by Council in
 - a. furnishing contaminated land information required on section 10.7 planning certificates under the *EP&A Act*
 - b. determining the suitability of land for its proposed use
 - c. determining conditions of development consent so as to not increase the risk of harm, to human health and the environment, of an approved use of land.
9. Council will consider the potential for contamination of adjacent land in any process prescribed in section 6.3(8).
10. Council will update records in the contaminated land site register with:
 - a. information provided to it in relation to the (actual or potential) contamination status of land, including notifications, notices and orders, and reports on the assessment of site contamination
 - b. information obtained from Council's inspection and monitoring of contaminated sites and from the inspection of sites operating underground petroleum storage systems
 - c. information directly obtained by Council in land-use planning and development control processes from
 - i. EPA online databases, in relation to sites subject to an investigation order and/or regulation under the *CLM Act*
 - ii. SafeWork NSW, in relation to underground petroleum storage systems licensed under Schedule 11 of the *Workplace Health and Safety Regulation 2017*
 - iii. NSW Fair Trading, in relation to registered retail fuel service stations
 - iv. other sources of information used as input into an assessment of historical land use.
11. In lieu of a contaminated land site register, Council should identify and assess historical use of land using information identified in section 6.3(10)(c) in any process prescribed by section 6.3(8).

SECTION 10.7 PLANNING CERTIFICATE

12. Council will furnish contaminated land information required on section 10.7(2) planning certificates including:
 - a. whether any adopted Council policy restricts the development of land subject to the planning certificate if Council knows or reasonably suspects land contamination
 - b. information prescribed by section 59(2) of the *CLM Act*
 - c. whether the land was or remains the subject of a preliminary investigation order under section 10(1)(a)–(b) of the *CLM Act*
 - d. whether the land is a remediation site
 - e. information on the potential of contamination of the land subject to the planning certificate due to its historical or current use. This information may be furnished using the annotations provided in Appendix 4 of this policy.
13. Council may furnish additional contaminated land information on section 10.7(5) planning certificates, including:
 - a. report(s) possessed by Council and identified in Appendix 3 relating to the assessment or regulation of site contamination of that land or adjacent land
 - b. a statement that the site has been assessed and/or remediated
 - c. a statement that any person relying on the certificate is advised to consider these artefacts and to seek Council's advice regarding further development of the site.

6.4. Council land-use planning function

1. Council will consider land contamination in land-use planning processes in accordance with processes, procedures and standards prescribed by the *Contaminated Land Planning Guidelines*.
2. Council will consider the potential for land to be contaminated when there is a proposed change in the permissible uses of that land.
3. Council will not include land in a zone that would permit a change of use of that land from the existing use unless:
 - a. Council has considered whether the land is contaminated
 - b. if the land is contaminated, Council is satisfied that the land is suitable in its contaminated state or can be made suitable for its proposed use after remediation, for all purposes for which land in the zone concerned is permitted to be used

6. CONTENT (CONT.)

- c. if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, Council will impose conditions in development consent and approvals under Parts 4 and 5 of the *EP&A Act* to ensure the land is suitable for its proposed use through remediation prior to or during development works.

INITIAL EVALUATION

- 4. Council will undertake an initial evaluation to investigate the potential for land contamination when preparing or making a planning instrument, development control plan or planning proposal (rezoning proposal) under Part 3 of the *EP&A Act*, using the potential land uses and activities listed in Appendix 2 as a guide in this evaluation.

PRELIMINARY SITE INVESTIGATION

- 5. In alignment with *Local Planning Directions 4.4* ('Remediation of Contaminated Land'), Council will prepare and submit a preliminary site investigation report with a planning proposal if that proposal seeks to rezone land to a proposed use that is a sensitive receptor (as defined by this policy), and there is no knowledge (or incomplete knowledge) as to whether that and adjacent land involve a land use or activity listed in Appendix 2.
- 6. The preliminary site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The proponent is responsible for engaging a suitably qualified consultant to undertake this investigation.
- 7. Council will require a preliminary site investigation to be provided if it reasonably suspects, from an initial evaluation, that land may be contaminated because of the land's history (or historical zoning), condition or other information known to Council.
- 8. If the risk of contamination of land subject to a land-use planning process makes the land unsuitable for its proposed use, and it is not feasible to make the land suitable (that is, remediate the land) for its proposed use, Council will either:
 - a. restrict the range of permissible uses of that land in planning instruments
 - b. elect not to proceed with the planning proposal to rezone that land.
- 9. If the preliminary site investigation identifies that the land can be made suitable for its proposed use through remediation, Council will include provisions in its local environment plan or development control plan that ensure the potential for contamination and the suitability of land for any proposed use is further addressed prior to the development of that land.

6.5. Council development control function

6.5.1. Development assessment

- 1. In alignment with section 4.15(1)(c) of the *EP&A Act*, Council shall consider land contamination in subdivision and development applications, particularly when a change in land use is proposed. This is to ensure that contaminated land:
 - a. is suitable for its proposed use in its contaminated state
 - b. can be made suitable for its proposed use through remediation
 - c. presents no increased risk of harm to human health and the environment.
- 2. Council will undertake an initial evaluation to identify and consider the possibility of all forms of potential contamination based on an assessment of the historical or current use of that or adjacent land, particularly if the historical or current use is a use or activity listed in Appendix 2, and the proposed use is a sensitive receptor.
- 3. If the initial evaluation identifies a potential for land contamination then, in alignment with section 4.6(4) of the *Resilience and Hazards SEPP*, Council will initiate an assessment of site contamination (as prescribed in section 6.5.4 of this policy) to ascertain the nature and extent of contamination.

6.5.2. Exempt and complying development

- 1. Development must not be carried out on land designated as 'significantly contaminated land' within the meaning of the *CLM Act* for complying development specified for Codes identified in section 1.19 under Part 1 of the *Exempt and Complying Development Codes SEPP*.
- 2. During development work on land subject to a complying development certificate, if land contamination is detected or reasonably suspected, Council requires that:
 - a. all development work immediately cease
 - b. Council and the EPA be notified of the potential contamination
 - c. the notification be sent by the PCA or by the person who issued the complying development certificate.
- 3. Exempt development must not be carried out on land designated as 'significantly contaminated land' within the meaning of the *CLM Act*.

6. CONTENT (CONT.)

6.5.3. Development consent

1. Council will, under section 4.17 of the *EP&A Act*, impose conditions in development consent to ensure there is no increased risk of harm to human health and the environment associated with:
 - a. development works (including complying development) on land that is known to be or is potentially contaminated
 - b. onsite management of contaminants in soil, including
 - i. soil used as infill at a development site (that is, virgin excavated natural material)
 - ii. soil that may contain asbestos
 - iii. contaminated soil from remediation works
 - c. offsite management of contaminants in soil, including waste material generated during remediation for offsite processing (a waste classification report³ must be provided prior to transporting waste material offsite)
 - d. the detection of contamination on land that is subject to a complying development certificate
 - e. the ongoing operation of an approved use of land that involves a land use or activity listed in Appendix 2.
2. Standard conditions prescribed by Council in development consent related to contaminated land are those either:
 - a. contained in the *Council Guidance on Implementing the Contaminated Land Policy* document
 - b. developed by the NSW Department of Planning and Environment and located in the NSW Planning Portal (voluntary contaminated land conditions)
 - c. developed by Council in accordance with the NSW Department of Planning and Environment's *Guide to Writing Conditions of Consent* and which align with the 'Newbury Test'.
3. Council can impose a condition of development consent that requires the applicant to:
 - a. prepare a report on the assessment of site contamination, and to submit this report to Council prior to issuance of a subdivision works or construction certificate
 - b. submit a validation report to Council prepared by a certified consultant prior to commencing development works, confirming the land has been made suitable through remediation for its proposed use, and whether any ongoing monitoring is required to manage residual site contamination

- c. prior to lodging a construction certificate, provide Council with the design specifications for a new or significantly modified underground petroleum storage system that was prepared by a 'duly qualified person' (within the meaning of the *UPSS Regulation*)
- d. prior to lodging an occupation certificate, provide Council with
 - i. works as executed plans related to the installation of new or significantly modified underground petroleum storage systems by a 'duly qualified person'
 - ii. a copy of the fuel system operation plan that has been prepared in accordance with the *UPSS Regulation*
- e. engage an accredited site auditor to review an assessment of site contamination and reports thereon, including a validation report. This is most appropriate for high-risk sites involving a change in land use to a sensitive receptor.

6.5.4. Assessment of site contamination

1. Council will require:
 - a. investigations on the nature and extent of land contamination to be undertaken by appropriately qualified contaminated land consultants
 - b. reports on these investigations to be prepared, or reviewed and approved by, an appropriately qualified and certified consultant in accordance with relevant guidelines made by the NSW EPA.

PRELIMINARY SITE INVESTIGATION

2. If the initial evaluation identifies a potential for land contamination, then, in alignment with section 4.6(4) of the *Resilience and Hazards SEPP*, Council will require a preliminary site investigation to be submitted with a subdivision works or development application to carry out development where the land concerned is:
 - a. land that is within an investigation area (within the meaning of the *CLM Act*)
 - b. land on which development for a purpose listed in Appendix 2 is currently being, or is known to have been, carried out
 - c. to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose listed in Appendix 2 has been carried out
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

³ <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/20p2233-consultants-reporting-on-contaminated-land-guidelines.pdf>

6. CONTENT (CONT.)

3. Council will also require a preliminary site investigation when:
 - a. Council reasonably suspects the land is contaminated because of its historical use (or zone), its condition or other information known to Council
 - b. the land has been investigated and/or remediated, but there is insufficient information available to Council on the nature and extent of contamination and/or remediation works undertaken, or the circumstances have changed
 - c. there are restrictions on, or conditions attached to, the use of the land by a regulatory or planning authority that are or may be related to contamination, but there is insufficient information available to Council on the nature and extent of contamination
 - d. Council records show that the land is associated with pollution incidents or the illegal dumping of waste
 - e. the land is adjacent to land historically or currently being used for a purpose listed in Appendix 2, and Council reasonably suspects it is likely that this use may have contaminated the land subject to the preliminary site investigation
4. The preliminary site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The applicant is responsible for engaging a suitably qualified consultant to undertake this investigation.
8. A report on the detailed site investigation must include a statement as to whether the land is suitable for its proposed use or if remediation is necessary to make the land suitable for its proposed use. If remediation is required, the report must list the feasible remediation options available.

REMEDIATION ACTION PLAN

9. A remediation action plan is to be provided to Council if the report on the preliminary or detailed site investigation states that the land is not suitable for its proposed use but can be made suitable through remediation.
10. Prior to determining a subdivision or development application, Council must be satisfied that remedial measures have been or will be undertaken in accordance with the remediation action plan lodged with Council.
11. A remediation action plan must identify, upon completion of remediation works, the need for ongoing land management due to residual contamination. This plan may also include an outline of the environmental management plan.

VALIDATION REPORT

12. A validation report must be lodged with Council after remediation works have been completed.
13. Where applicable, Council will include a condition of development consent requiring this report to be provided to Council prior to issuance of the subdivision works or construction certificate.

DETAILED SITE INVESTIGATION

5. Council will require a detailed site investigation to be undertaken when either:
 - a. the results of the preliminary site investigation state the potential for or existence of contamination that may not be suitable for the proposed use of the land
 - b. Council is not satisfied with the content and/or completeness of the preliminary site investigation.
6. Council may request the preliminary and detailed site investigations to be combined when the land is known to be contaminated.
7. The detailed site investigation is to be carried out in accordance with the requirements of relevant guidelines made or approved by the NSW EPA in alignment with the requirements of the *CLM Act*. The applicant is responsible for engaging a suitably qualified consultant to undertake this investigation.

REMEDIATION WORKS

14. Remediation work that is ordinarily category 2 remediation work but which is ancillary to designated development that requires development consent under Part 4 of the *EP&A Act* and an environmental impact statement under Part 5 of the *EP&A Act* may, as an applicant chooses, either:
 - a. be made part of the subject of the development application for the designated development instead of being made the subject of a separate development application
 - b. be treated as category 2 remediation work, which does not require the consent of Council.
15. All remediation work must be consistent with the *Contaminated Land Planning Guidelines* and carried out in accordance with guidelines made or approved by NSW EPA as required by the *CLM Act*.
16. Council requirements regarding site management of remediation works are outlined in Appendix 5 and are required to be included in a remediation action plan.

6. CONTENT (CONT.)

17. Council must be notified within 30 days of the completion of remediation works, in alignment with section 4.14(2) of the *Resilience and Hazards SEPP*. This notice is required to include:
- information prescribed in section 4.15 of the *Resilience and Hazards SEPP*
 - a validation report.

CATEGORY 1 REMEDIATION WORKS

18. Remediation work that requires development consent is category 1 remediation work. Category 1 remediation work is remediation work that is either:
- identified in section 4.8(a)–(f) of the *Resilience and Hazards SEPP*
 - not being work to which section 4.11(b) of the *Resilience and Hazards SEPP* applies
 - not carried out in accordance with the site management provisions outlined in Appendix 5.

CATEGORY 2 REMEDIATION WORK

19. Remediation work that does not require development consent is category 2 remediation work. Section 4.11 of the *Resilience and Hazards SEPP* defines what constitutes category 2 remediation work.
20. Council must be notified of the intent to undertake category 2 remediation work at least 30 days before commencement. This notification is to include the information identified in section 4.13(3) of the *Resilience and Hazards SEPP*.
21. Council also requires the following information to be lodged 14 days before commencing these works:
- a copy of the preliminary site investigation report, detailed site investigation report and remediation action plan for these works
 - a copy of the soil and water management plan, where applicable (that is, for the management of flooding and of contaminants in soil)
 - the contact details of the contractor responsible for remediation works and of the party responsible for ensuring compliance of remediation work with all relevant regulatory requirements.
22. A validation report is to be submitted to Council upon the completion of category 2 remediation works.
23. For category 2 remediation works associated with underground petroleum storage systems, Council requires:
- if a storage system is to be decommissioned, that the person responsible for the storage system notify Council no later than 30 days before the storage system is decommissioned or removed, and that the notification include both

- a report on the assessment of site contamination, which is likely to be a report on the preliminary site investigation
 - a remediation action plan
- if a storage system is decommissioned, that the person responsible for the storage system either
 - submit a site report (preliminary site investigation report) to Council no later than 60 days after the system is decommissioned
 - submit the site report and a validation report to Council if remediation of the site is required, and submit these 60 days after the completion of the remediation works
 - if a storage system is to be modified and involves the removal or replacement of an underground petroleum storage tank, that the person responsible
 - not commission the modified underground petroleum storage system unless the reports prescribed by this clause are submitted to Council
 - submit an updated fuel system operation plan to Council
 - prepare, in accordance with guidelines made by the NSW EPA, the reports prescribed by this clause.

SITE AUDIT

24. Specific circumstances that may trigger an independent review ('audit') of information pertaining to an assessment of site contamination (including reports thereon) include when Council either:
- reasonably suspects that information provided by the applicant is incorrect or incomplete
 - needs to verify that information provided by the applicant adheres to appropriate standards, procedures and guidelines
 - does not have the capacity to technically review reports on the assessment of site contamination.
25. A statutory site audit is required only when there is a requirement to demonstrate compliance with:
- a requirement under the *CLM Act*
 - an approved voluntary management proposal
 - a requirement imposed by at least one of the following
 - the *CLM Act*
 - the *Resilience and Hazards SEPP*
 - the *EP&A Act* (that is, development consent or any other approval under this Act)
 - any other requirement imposed by or under a relevant Act.

6. CONTENT (CONT.)

26. Independent review ('audit') can be undertaken by a consultant with the necessary competencies and qualifications.
27. A statutory site audit must be undertaken by a site auditor accredited under the relevant provisions of the *CLM Act*.
28. For statutory site audits (within the meaning of the *CLM Act*), Council must be provided:
 - a. the site audit statement that outlines the conclusions of a site audit
 - b. the site audit report that summarises the information reviewed by the accredited site auditor.
29. Requirements of site auditors are prescribed in the relevant guidelines made by the NSW EPA on the site auditor scheme under the *CLM Act*.
30. Costs associated with an independent review or the site audit process are with the applicant.

ENVIRONMENTAL MANAGEMENT PLAN

31. An environmental management plan is required when either:
 - a. residual contamination on land requires ongoing management to manage the risk of harm to human health and the environment, especially when onsite containment of contamination is proposed or is in place
 - b. there are restrictions on the use of the land due to contamination.
32. An environmental management plan is to consider:
 - a. suitable management systems (active or passive)
 - b. potential for intrusive works, including any works arising from the maintenance of service infrastructure or exempt and complying development works
 - c. ecologically sustainable development
 - d. management of offsite contamination.
33. Council can, under section 4.17 of the *EP&A Act*, include a condition of development consent that requires an applicant to prepare and submit to Council an environmental management plan.
34. An environmental management plan is to be prepared in accordance with the requirements prescribed by the NSW EPA *Practice Note: Preparing Environmental Management Plans for Contaminated Land*.
35. An environmental management plan is to be prepared by an appropriately qualified contaminated land consultant and can be reviewed by an accredited site auditor. Environmental management plans prepared to comply with the *CLM Act* must be prepared, or reviewed and approved by, a contaminated land consultant who is certified under a certification scheme recognised by the NSW EPA.

36. Notations indicating that land is subject to an environmental management plan are required in:
 - a. section 10.7(2) and 10.7(5) planning certificates under the *EP&A Act*
 - b. covenants registered on a land title under section 88B of the *Conveyancing Act 1919*.
37. Provisions of environmental management plans must be legally enforceable. Council can rely on section 4.17 of the *EP&A Act* to include, as a condition of development consent, that an ongoing environmental management plan be prepared and may also consider orders under section 124 of the *Local Government Act 1993*.

6.5.5 Maintaining compliance with development consent

CONTAMINATED LAND

1. Council may monitor sites subject to an environmental management plan in accordance with any role or responsibility prescribed to it under that plan.
2. Council may monitor sites subject to remediation works to confirm that those works are undertaken in accordance with the site management provisions in Appendix 5.

UNDERGROUND PETROLEUM STORAGE SYSTEM

3. Council authorised officers may inspect and monitor these sites to ensure that the operation of underground petroleum storage systems maintains compliance with development consent and does not present an increased risk of harm to human health or the environment through site contamination (for example, through leaks and spills). The following are excluded:
 - a. sites with operational or abandoned underground petroleum storage systems licensed under Schedule 1 of the *POEO Act*
 - b. Council-owned or managed sites with operational or abandoned underground petroleum storage systems for which the NSW EPA is the ARA.
4. The inspection and monitoring of underground petroleum storage systems will focus on:
 - a. retail fuel service stations
 - b. fuel depots
 - c. multipurpose premises with retail fuel service (for example, general stores and post offices).

6. CONTENT (CONT.)

5. Council monitoring of these sites will be proportionate to the risk of harm posed by the underground petroleum storage system, which is to be determined by Council as a function of:
 - a. the age of underground petroleum storage tanks
 - b. existence of an onsite fuel system operation plan
 - c. evidence of loss monitoring
 - d. evidence of leak detection
 - e. proximity to a sensitive receptor, which would also include both
 - i. irrigation channels for agricultural use
 - ii. the use of groundwater for potable water use.
6. Council may determine and/or amend the potential risk of harm for an individual underground petroleum storage system site using information obtained from any of the following:
 - a. an annual inspection
 - b. an inspection at a frequency commensurate with the determined risk of the site
 - c. an assessment of responses provided to the Council's survey of underground petroleum storage system sites by the person responsible for the underground petroleum storage system
 - d. a formal notification received by Council under Part 5.7 of the *POEO Act* in relation to a potential leak in the underground petroleum storage system
 - e. any other notification sent to Council regarding the operation or decommissioning of the underground petroleum storage system
 - f. notifications under sections 91 and 96 of the *POEO Act* in relation to clean-up and prevention notices, respectively
 - g. the finding of an abandoned underground petroleum storage tank on public or private land.
7. Artefacts generated from Council's inspection and monitoring of underground petroleum storage systems are to be kept in Council's electronic document and records management system and linked to Council's contaminated land site register and/or to Council's database of underground petroleum storage systems.

6.6. Duty to notify

1. Where Council considers that contamination on a site triggers the duty to report contamination under clause 60 of the *CLM Act*, and it is not clear whether or not the polluter or site owner has reported the contamination, Council may notify the EPA.
2. Where the land is under Council management and/or control, or Council is the polluter of land, Council will notify the EPA in accordance with clause 60 of the *CLM Act*.

6.7. Public land

1. Community or public land (or part thereof) under Council's control or management that is known to be contaminated will be managed so as to not increase the risk of harm to human health and the environment.⁴

6.8. Use of consultants

1. Contaminated land investigations will be undertaken by, and reports on these investigations are to be prepared, or reviewed and approved by, an appropriately qualified and certified consultant in accordance with relevant guidelines made by the NSW EPA.
2. The design and installation of underground petroleum storage systems will be undertaken by duly qualified persons within the meaning of the *UPSS Regulation*.

⁴ <https://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/procedures-for-land-managers>

7. DOCUMENTATION

This policy is supported by a range of capacity resources, documents, forms and templates that are either included or referred to in:

- **Appendix 1** – ‘Best Practice Resources on Managing Contaminated Land’ (including the *Council Guidance on Implementing the Contaminated Land Policy*) to assist and inform Council’s navigation of the contaminated land regulatory landscape
- **Appendix 2** – ‘Potential Land Uses and Activities That May Cause Site Contamination’
- **Appendix 3** – ‘Artefacts Generated in the Process of Managing Contaminated Land’
- **Appendix 4** – ‘Annotations for Section 10.7 Planning Certificates on Contaminated Land’
- **Appendix 5** – ‘Site Management Provisions for Remediation Works’.

8. AUTHORISATION

Owner	Directorate	Input Directorate – Team Name
	Responsible Officer	Insert Officer Position
Authorisation	Insert ‘Approved Executive’ or ‘Adopted Council’ Include date approved/adopted	
Review Date	Insert date four years from last issue date, or earlier if required	
Register	Indicate if this policy is included in the public policy and procedure register.	
Record of Amendments	Insert date	Provide brief description of the change.
	Insert date	Provide brief description of the change.

APPENDIX 1 Best practice resources on managing contaminated land

The resources listed in Table A1.1 below are based on *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land (SEPP55 Guidelines)*, guidelines made or approved by the EPA and on resources developed by the EPA and other NSW councils. They have been updated, where applicable, to reflect changes in the regulatory landscape.

The resources are also provided for processes ancillary to managing contaminated land, including underground petroleum storage systems, onsite and offsite

management of contaminants (including waste material) in soil, and the selection of consultants, among other processes.

A draft revision of the *SEPP55 Guidelines* (that is, the *Contaminated Land Planning Guidelines*) was released by the NSW Department of Planning and Environment in 2018 but has yet to be finalised at the time of finalising the model policy. As already noted, the Contaminated Land Framework includes (where appropriate) elements of the draft guidelines.

Table A1.1: Best practice resources available to Council on managing contaminated land and underground petroleum storage systems

RESOURCE	AUTHOR	DESCRIPTION
<i>Assessment of Site Contamination Reports</i>	RAMJO-REROC, Ballina and Bathurst CRCB projects	A resource to assist Council to ascertain the completeness of the report and to assist in the interpretation and use of its content. Also includes checklists to provide Council with a degree of confidence and certainty on the report.
<i>Managing Offsite Transport of Soil</i>	Ballina, RAMJO-REROC and FNWJO CRCB projects	A resource outlining best practices in the offsite management of soil, including soil that includes waste materials generated during remediation, for offsite processing.
<i>Managing Asbestos in Development Control Processes</i>	FNWJO CRCB project	A resource for Council on managing asbestos in its operations. It is complementary to the Council <i>Asbestos Management Policy</i> .
<i>A Guide to Selecting a Consultant</i>	RAMJO-REROC and Ballina CRCB projects	An important resource for Council to identify the required competencies and qualifications of consultants for specific stages of the assessment of site contamination, in the design and installation of underground petroleum storage systems, and in managing asbestos.
<i>A Guide to Retail Service Station Owners on Managing UPSS Systems</i>	NSW EPA (updated by RAMJO-REROC and FNWJO CRCB projects)	A quick reference guide on the obligations of owners, operators and site managers of UPSS infrastructure. This guide is a retired NSW EPA resource that has since been updated by RAMJO and its collaborators.
<i>UPSS and Council ARA Responsibilities</i>	RAMJO-REROC CRCB project	A quick reference guide for Council on their responsibilities as the ARA regarding UPSS systems.
<i>Decommissioning an Underground Petroleum Storage Tank or System</i>	NSW EPA	A fact sheet for Council on the process to decommission an underground petroleum storage system.
Statutory guidelines made or approved by the EPA	NSW EPA	The NSW EPA has made or approved a range of statutory guidelines dealing with different types of contamination. These guidelines are to be considered by accredited site auditors, contaminated land consultants, and those with a duty to report contamination to the NSW EPA.
Non-statutory guidelines made or approved by the EPA	NSW EPA	The NSW EPA has made or approved a range of non-statutory guidance documents dealing with different types of contamination. These guidance documents are to be considered by accredited site auditors, contaminated land consultants, and those with a duty to report to the EPA.

Note: RAMJO = Riverina and Murray Joint Organisation; REROC = Riverina Eastern Regional Organisation of Councils; CRCB = Council Regional Capacity Building; FNWJO = Far North West Joint Organisation.

APPENDIX 2 Potential land uses and activities that may cause site contamination

Information provided in this appendix is taken from the Department of Planning and Environment's draft *Contaminated Land Planning Guidelines*. This information relates to activities that may cause contamination, as well as industries and associated chemicals that may cause contamination. The coverage of activities, industries and associated chemicals are largely the same when compared to the corresponding table in the *SEPP55 Guidelines*. Differences are presented in *italics*.

The information in these tables is to be used as a guide by Council in an initial evaluation of the potential for site contamination. However, a conclusive find as to whether land is 'contaminated' or 'not contaminated' can only be determined after a preliminary site investigation or a detailed site investigation.

Table A2.1: Activities that may cause site contamination

Acid and alkali plant and formulation	Iron and steel work
Agricultural and horticultural activities	Landfill sites
Airports	Metal treatment
Asbestos production and disposal	Mining and extractive industries
Battery manufacture and recycling	Oil production and storage
Breweries and distilleries	Paint formulation and manufacture
Chemical manufacture and formulation	Pesticide manufacture, formulation and use
<i>Council depots</i>	Power stations
Defence works	Printing shops
Drum reconditioning works	Railway yards
Dry-cleaning	<i>Research institutions (laboratories)</i>
Electrical manufacturing (transformers, capacitors)	Scrap yards
Electroplating and heat treatment premises	Service stations and fuel storage facilities (depots)
Engine works	Sheep and cattle dips
Explosives industry	Smelting and refining
<i>Firefighting training and the use of firefighting foams</i>	Tanning and associated trades
Foundries	<i>Waste processing, storage and treatment</i>
Fuel storage	Water and sewerage treatment plants
Gas works	Wood preservation
<i>Hospitals</i>	

Source: Table 1 in Appendix 1 of the Department of Planning and Environment's draft *Contaminated Land Planning Guidelines*. The use of *italics* indicates an activity not identified in these guidelines but is known to cause site contamination.

Table A2.2: Industries and associated chemicals that may cause contamination

INDUSTRY OR ACTIVITY	MAIN CHEMICAL GROUP	ASSOCIATED CHEMICALS
Agricultural and horticultural activities		See – ‘chemical manufacture and use’ (‘fertiliser’, ‘fungicides’, ‘herbicides’ and ‘pesticides’).
Airports	Hydrocarbons	Aviation fuels (total petroleum hydrocarbons, kerosene), PFAS
	Metals	Particularly lead, aluminium, magnesium, chromium, chlorinated solvents
Asbestos production and disposal	Asbestos	Asbestos (bonded and fibrous). Be aware of assessments in areas of naturally occurring asbestos. ¹
Battery manufacture and recycling	Acids	Sulfuric acid
	Metals	Lead, manganese, zinc, cadmium, nickel, cobalt, mercury, silver, antimony
Breweries and distilleries	Alcohol	Ethanol, methanol, esters
Chemical manufacture and use	Acid and alkali	Mercury; chlorine (chloralkali process); sulfuric, hydrochloric and nitric acids; sodium and calcium hydroxides
	Adhesives and resins	Polyvinyl acetate, phenols, formaldehyde, acrylates, phthalates
	Drum reconditioning works	Chemicals, paints, resins, tars, adhesives, oils, fuels, solvents, drum residues
	Dyes	Chromium, titanium, cobalt, sulfur organic compounds, nitrogen organic compounds, sulfates, solvents
	Explosives	Acetone, nitric acid, ammonium nitrate, pentachlorophenol, ammonia, sulfuric acid, nitroglycerine, calcium cyanamide, lead, ethylene glycol, methanol, copper, aluminium, bis(2-ethylhexyl) adipate, dibutyl phthalate, sodium hydroxide, mercury, silver
	Fertiliser	Calcium phosphate, calcium sulfate, nitrates, ammonium sulfate, carbonates, potassium, copper, magnesium, molybdenum, boron, cadmium, arsenic
	Flocculants	Aluminium
	Foam production	Urethane, formaldehyde, styrene
Fungicides	Carbamates, copper sulfate, copper chloride, sulfur, chromium, zinc	

¹ <https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>

INDUSTRY OR ACTIVITY	MAIN CHEMICAL GROUP	ASSOCIATED CHEMICALS
Chemical manufacture and use (cont.)	Herbicides	Ammonium thiocyanate, carbamates, organochlorines, organophosphates, arsenic, mercury, triazines
	Paints	<p><u>Heavy metals</u> – arsenic, barium, cadmium, chromium, cobalt, lead, manganese, mercury, selenium, zinc, titanium.</p> <p><u>Solvents</u> – toluene oils, either natural (for example, pine oil) or synthetic, hydrocarbon</p>
	Pesticides	<p><u>Active ingredients</u> – arsenic, lead, organochlorines, organophosphates, sodium tetraborate, carbamates, sulfur, synthetic pyrethroids.</p> <p><u>Solvents</u> – xylenes, kerosene, methyl isobutyl ketone, amyl acetate, a wide range of chlorinated solvents</p>
	Pharmaceutical	<p><u>Solvents</u> – acetone, cyclohexane, methylene chloride, ethyl acetate, butyl acetate, methanol, ethanol, isopropanol, butanol, pyridine methyl ethyl ketone, methyl isobutyl ketone, tetrahydrofuran</p>
	Photography	Hydroquinone, sodium carbonate, sodium sulfite, potassium bromide, monomethyl para-aminophenol sulfate, ferricyanide, chromium, silver, thiocyanate, ammonium compounds, sulfur compounds, phosphate, phenylene diamine, ethyl alcohol, thiosulfates, formaldehyde
	Plastics	Sulfates, carbonates, cadmium, solvents, acrylates, phthalates, styrene
	Rubber	Carbon black
	Soaps, detergents	<p><u>General</u> – potassium compounds, phosphates, ammonia, alcohols, esters, sodium hydroxide, surfactants (sodium lauryl sulfate), silicate compounds.</p> <p><u>Acids</u> – sulfuric acid and stearic acid</p> <p><u>Oils</u> – palm, coconut, pine, tea tree</p>
	Solvents	<p><u>General</u> – ammonia</p> <p><u>Hydrocarbons</u> – for example, BTEX</p> <p><u>Chlorinated organics</u> – for example, tetrachloroethene (perchloroethylene) trichloroethene, trichloroethane, dichloroethane, carbon tetrachloride, methylene chloride</p>

INDUSTRY OR ACTIVITY	MAIN CHEMICAL GROUP	ASSOCIATED CHEMICALS
<i>Council depots</i>		Hydrocarbons, PAH, asbestos, heavy metals, pesticides, herbicides, PFAS
Defence works		Hydrocarbons, PFAS, asbestos See also – ‘chemical manufacture and use’ (‘explosives’), ‘foundries’, ‘engine works’, ‘service stations and fuel storage facilities (depots)’
Dry-cleaning	Chlorinated solvents	Tetrachloroethene (perchloroethylene), trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, white spirit (mixed hydrocarbons)
Electrical manufacturing	Solvents, metals	PCBs (transformers and capacitors), solvents, tin, lead, copper, mercury
Engine works	Hydrocarbons, metals, solvents, acids, alkalis, refrigerants	Refrigerants – chlorofluorocarbons, hydro chlorofluorocarbons, hydrofluorocarbons
	Antifreeze	Particularly aluminium, manganese, iron, copper, nickel, chromium, zinc, cadmium, lead, and oxides, chlorides, fluorides and sulfates of these metals
Foundries	Metals	Particularly aluminium, manganese, iron, copper, nickel, chromium zinc, cadmium, lead, and oxides, chlorides, fluorides and sulfates of these metals
<i>Firefighting training and the use of firefighting foam</i>	PFAS	Hydrocarbons, solvents, chlorinated solvents, inorganics
Gas works	Inorganics	Asbestos, ammonia, cyanide, nitrate, sulfide, thiocyanate, aluminium, antimony, arsenic, barium, cadmium, chromium, copper, iron, lead, manganese, mercury, nickel, selenium, silver, vanadium, zinc
	Organics	BTEX, phenolics, PAHs and coke
<i>Hospitals</i>	Waste	Asbestos, various
	Radioactive material	Diagnostic and therapeutic isotopes
Iron and steel work	Organics, metals	BTEX; phenolics; PAHs; metals and oxides of iron, nickel, copper, chromium, magnesium, manganese and graphite
Landfill sites	Gases, metals, organics	Methane, carbon dioxide, ammonia, sulfides, heavy metals, organic acids, hydrocarbons, asbestos
Marinas	Antifouling paints	Copper, tributyltin. See also – ‘engine works’, ‘metal treatments’ (‘electroplating’ metals)

INDUSTRY OR ACTIVITY	MAIN CHEMICAL GROUP	ASSOCIATED CHEMICALS
Metal treatment	Electroplating	<p><u>Metals</u> – nickel, chromium, zinc, aluminium, copper, lead, cadmium, tin.</p> <p><u>Acids</u> – sulfuric, hydrochloric, nitric and phosphoric acids.</p> <p><u>General</u> – sodium hydroxide, 1,1,1-trichloroethane, tetrachloroethylene, toluene, ethylene glycol, cyanide compounds</p>
	Liquid carburising baths	Sodium, cyanide, barium, chloride, potassium chloride, sodium chloride, sodium carbonate, sodium cyanate
Mining and extractive industries		<p>Arsenic, mercury and cyanides. <i>See also</i> – ‘chemical manufacture and use’ (‘explosives’).</p> <p>Aluminium, arsenic, copper, chromium, cobalt, lead, manganese, nickel, selenium, zinc and radio radionuclides.</p> <p>The list of heavy metals should be decided according to the composition of the deposit and known impurities. Consideration should be given to chemicals associated with any mineral processing that also occurred on the mine site.</p> <p>PFAS chemicals associated with firefighting equipment to protect mining infrastructure</p>
Oil production and storage		<i>See</i> – ‘service stations and fuel storage facilities (depots)’
Paint formulation and manufacture		<i>See</i> – ‘chemical manufacture and use’ (‘paints’)
Pesticide manufacture, formulation and use		<i>See</i> – ‘chemical manufacture and use’ (‘pesticides’)
Power stations		Asbestos, PCBs, fly ash metals, water treatment chemicals
Printing shops		<p>Acids, alkalis, solvents, chromium, trichloroethene, methyl ethyl ketone.</p> <p><i>See also</i> – ‘chemical manufacture and use’ (‘photography’)</p>
Railway yards		Hydrocarbons, asbestos, arsenic, phenolics (creosote), heavy metals, nitrates, ammonia
<i>Research Institutions (laboratories)</i>		Various, depending on the nature of work being carried out. A case-specific evaluation is required.
Scrap yards		Hydrocarbons, metals, solvents, asbestos

INDUSTRY OR ACTIVITY	MAIN CHEMICAL GROUP	ASSOCIATED CHEMICALS
Service stations and fuel storage facilities (depots)	Petroleum hydrocarbons, PAHs and lead	Aromatic hydrocarbons, BTEX, naphthalene, PAHs, phenols, lead
Sheep and cattle dips		Arsenic, organochlorines, organophosphates, carbamates, synthetic pyrethroids
Smelting and refining		Metals, fluorides, chlorides and oxides of copper, tin, silver, selenium lead, and aluminium
Tanning and associated trades	Various	<u>Metals</u> – chromium, manganese, aluminium <u>General</u> – ammonium sulfate, ammonia, ammonium nitrate, arsenic phenolics, formaldehyde, sulfide, tannic acid
Water and sewerage treatment plants	Metals and chemicals used in water treatment and wastewater and biosolids treatment	Aluminium, arsenic, cadmium, chromium, cobalt, lead, nickel, fluoride, lime, zinc
<i>Waste processing, storage and treatment</i>	Fire retardants, plastics	Polybrominated diphenyl ethers, PFAS, plasticisers
Wood preservation	Metals	Chromium, copper, arsenic, naphthalene, ammonia, pentachlorophenol, dibenzofuran, anthracene, biphenyl, ammonium sulfate, quinoline, boron, creosote, organochlorine pesticides

Note: PFAS = per- and polyfluoroalkyl substances; BTEX = benzene, toluene, ethylbenzene, xylene; PAH = polycyclic aromatic hydrocarbons; PCB = polychlorinated biphenyl.

Source: Table 2 in Appendix 1 of the Department of Planning and Environment's draft *Contaminated Land Planning Guidelines*. The use of *italics* indicates an activity not identified in these guidelines but is known to cause site contamination.

APPENDIX 3 Potential land uses and activities that may cause site contamination

Table A3.1 lists artefacts either prepared by or for Council in a process to consider and assess site contamination. These artefacts should be retained in Council's electronic document and records management system and also linked to the respective record in Council's contaminated land site register.

These artefacts can also be provided with section 10.7 planning certificates under the *EP&A Act*.

Table A3.1: Artefacts generated in a process to assess site contamination

PROCESS	ARTEFACT	PREPARED BY	DESCRIPTION
Initial evaluation	Checklist	Council	To guide Council's consideration of the potential for site contamination.
Preliminary site investigation	Report on the preliminary site investigation	Consultant	Reports the possibility of potential contamination based on historical land use. It includes the development of the conceptual site model.
	Checklist	Council	Confirms whether the requirements of the investigation have been met.
Detailed site investigation	Report on the detailed site investigation	Consultant	Defines the extent and degree of contamination and assesses potential risks posed to health and the environment by contaminants. The investigation is also used to obtain sufficient information for the development of a remediation action plan if required.
	Checklist	Council	Confirms whether the requirements of the investigation have been met.
Remediation	Remediation action plan	Consultant	A plan that sets out remediation objectives and documents the proposed remediation process.
	Validation report	Consultant	Reports on whether the objectives for remediation and any conditions of development consent have been achieved.
Site audit	Site audit report	Consultant	A summary of information reviewed by the accredited site auditor.
	Site audit statement	Consultant	An outline of the conclusions of a site audit.
Environmental management plan		Consultant	Outlines the mitigation measures and/or monitoring requirements where the full clean-up of a site is not feasible or where onsite containment of contamination has been proposed.

Table A3.2 lists key artefacts generated in a process to regulate contaminated land and underground petroleum storage systems.

These artefacts may also be included on section 10.7 planning certificates under the *EP&A Act*.

These artefacts should be retained in Council's electronic document and records management system, and also linked to the respective record in Council's contaminated land site register.

Table A3.2: Artefacts generated in a process to regulate contaminated land and underground petroleum storage systems

PROCESS	ARTEFACT	PREPARED BY
EPA notices and orders under the <i>CLM Act</i>	Preliminary investigation order	EPA
	Significant contaminated land notice	EPA
	Management order	EPA
	Voluntary management proposal	Landowner, or person managing an activity that caused the site contamination
	Environmental management plan	EPA/landowner
	Revocation of orders under the <i>CLM Act</i>	EPA
Pollution prevention	Waste classification report	Person responsible for remediation
	UPSS inspection form	Council
	Contaminated land investigation form	Council
	<i>POEO Act</i> section 91 clean-up notice	Council/EPA
	<i>POEO Act</i> section 96 prevention notice	Council/EPA
	Leak notification under the <i>POEO Act</i> Part 5.7	Council / UPSS operator
	Fuel system operation plan	Council / UPSS operator
	Loss monitoring reports	Council / UPSS operator
	Leak detection reports	Council / UPSS operator
Decommissioning of a UPSS (category 2 remediation works)	Development application	
	Notifications (leak notification)	UPSS owner
	Validation report	Consultant
Information management	<i>POEO Act</i> section 192 and 193 requests for information	Council
	Survey of UPSS operators	Council
Compliance	Penalty infringement notices	Council

Note: UPSS = underground petroleum storage system.

APPENDIX 4 Annotations for section 10.7 planning certificates on contaminated land

Council is required to include contaminated land information on section 10.7 planning certificates. This requirement is anchored in:

- the *EP&A Act*
 - o section 10.7(2), as elaborated by the *Environmental Planning and Assessment Regulation 2021*
 - o section 10.7(5), in relation to advice on other matters affecting the land
 - o section 10.7(6), in relation to furnishing of contaminated land information in good faith with Schedule 6 of the *EP&A Act*
- section 10(1) in schedule 2 of the *Environmental Planning and Assessment Regulation 2021* in relation to whether an adopted Council policy restricts the development of land because of site contamination

- the *CLM Act*
 - o section 10(1)(a)–(b), in relation to preliminary investigation orders issued by the EPA for the land
 - o section 44, in relation to the EPA's repeal or revoking of orders and notices issued under section 10 of the *CLM Act*
 - o section 59(2), in relation to matters that are to be included in section 10.7 planning certificates.

The information required to be included on a planning certificate is outlined in Table A4.1. Council must note that information prescribed under section 59(2) of the *CLM Act* pertains to land that 'is' subject – not 'was' subject – to the prescribed regulatory processes. However, Council can elect to include this historical information on planning certificates in accordance with its *Contaminated Land Policy*.

Table A4.1: Contaminated land information required on section 10.7 planning certificates

PLANNING CERTIFICATE	CONTAMINATED LAND INFORMATION
Section 10.7(2)	A statement that Council has adopted a policy to restrict the development of land because of the actual or potential likelihood of that land being contaminated. See Table A4.2 for annotations that Council can use.
	At the date of issue of the planning certificate, a statement that the land to which the planning certificate relates is: <ul style="list-style-type: none"> • significantly contaminated land within the meaning of the <i>CLM Act</i>, including whether only part or all of the land is significantly contaminated • subject to a management order under the <i>CLM Act</i> • the subject of an approved voluntary management proposal under the <i>CLM Act</i> • subject to an ongoing maintenance order under the <i>CLM Act</i> • the subject of a site audit statement under the <i>CLM Act</i>.
	Council may elect to include information on the potential of site contamination because the historical use of that land is known or reasonably suspected by Council to be an activity identified in Appendix 2. See Table A4.2 for annotations that Council can use.
Section 10.7(5)	Information provided on section 10.7(2) planning certificates and additional information Council may elect to disclose pertaining to the actual or potential contamination of the land. See Table A4.2 for annotations that Council can use.

Table A4.2: Annotations for additional information on section 10.7 planning certificates for land that is or may be contaminated

SITUATION	ANNOTATION
<p>Council has identified that the land:</p> <ul style="list-style-type: none"> has a previous land-use history that could have involved the use of contaminants on the site (for example, the land may have been used for an activity listed in Appendix 2) is known to be contaminated but has not been remediated. 	<p>‘Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that have previously been used for certain purposes.</p> <p>Consideration of Council’s adopted policy and the application of provisions under relevant State legislation is warranted.’</p>
<p>Council has identified that the land is known to contain contaminants but that it has been remediated for a particular use or range of uses, and some contamination remains on the site (for example, encapsulated).</p>	<p>‘Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that are considered to be contaminated or on lands that have been remediated for a specific use.</p> <p>Consideration of Council’s adopted policy and the application of provisions under relevant State legislation is warranted.’</p>
<p>Council records do not contain a clear site history without significant gaps in information, and Council cannot determine whether the land is contaminated and, therefore, the extent to which Council’s policy should apply.</p>	<p>‘Council has adopted by resolution a policy on contaminated land that may restrict the development of the land.</p> <p>This policy is implemented when zoning or land-use changes are proposed on lands that have previously been used for certain purposes. Council records do not have sufficient information about the previous use of this land to determine whether the land is contaminated.</p> <p>Consideration of Council’s adopted policy and the application or provisions under relevant state legislation is warranted.’</p>

Note: The information in this table applies where Council has adopted a policy to restrict the development of land because of the actual or potential likelihood of that land being contaminated.

APPENDIX 5 Site management provisions for remediation works

Council can impose site management provisions for proposed remediation works. Council will request that these provisions be included in a remediation action plan that is to be lodged to Council prior to commencing these works. Council will require remediation works to be carried out in accordance with the remediation action plan.

The site management provisions listed in Table A5.1 are taken from the *Resilience and Hazards SEPP* and amended to reflect best practice site management, as included in the draft *Contaminated Land Planning Guidelines* and in other Council contaminated land policies.

Remediation work must comply with the requirements of the:

- *CLM Act*
- *Contaminated Land Planning Guidelines*
- *Resilience and Hazards SEPP*
- *POEO Act*.

Council will also require the validation report to be lodged with Council within 60 days of the completion of remediation works and, where applicable, prior to the issuance of a subdivision or construction certificate.

Table A5.1: Site management provisions to be included in a remediation action plan

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Air quality	<p>Emissions of dust, odour and fumes from a remediation site are to be appropriately controlled and in accordance with relevant regulations and guidelines made or approved by the EPA.</p> <p>These may include but are not limited to:</p> <ul style="list-style-type: none"> • ensuring no onsite burning of material • maintaining equipment in a functional manner to minimise exhaust emissions • covering vehicles transporting soil (including contaminated soil) and/or infill onsite or offsite • establishing dust suppression and control measures to minimise windborne emissions of dust, having regard to site-specific wind conditions • monitoring and managing odours, including the use of a hydrocarbon mitigating agent on the impacted areas and materials • covering stockpiles of contaminated soil that remain onsite for more than 24 hours (see 'stockpiles' for additional provisions) • regularly monitoring air quality throughout remediation work.
Bunding	<p>Any areas used for remediation or the stockpiling of construction materials or contaminated soils shall be controlled to contain surface water run-off and run-on and be designed and constructed so as to prevent the leaching of contaminants into the subsurface or groundwater.</p> <p>Locate stockpiles and construction materials away from drainage lines and provide bunding of disturbed areas and excavations to prevent run-off to waterways or stormwater where necessary.</p> <p>All surface water discharges from the banded areas to Council's stormwater system shall not contain detectable levels of the contaminants of concern and must comply with the relevant EPA and ANZECC standards for water quality.</p> <p>Any discharge must satisfy the provisions of the <i>POEO Act</i>.</p>

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Capping or containment of contaminated soil	<p>Capping of contaminated soil should occur only after alternative remediation works have been investigated, particularly in urban zoning or areas identified as future growth in Council's local environment plan or development control plan.</p> <p>Contaminated soil is only permitted to be capped if it does not prevent any permitted use of the land and if it can be demonstrated that there will be no ongoing impacts on human or environmental health.</p> <p>Capping of contaminated soil that exceeds zoning permissible levels is classified as category 1 remediation work and may only be permitted with development consent.</p> <p>The soil investigation levels for urban redevelopment in NSW are contained in <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> (as amended).</p> <p>Where the proposed remediation involves the onsite containment of contaminated material, the need for a continuing monitoring program should be assessed by both the applicant's consultants and Council. To ensure that future owners of the site are aware of the contaminated material and any ongoing maintenance and monitoring, Council may impose a consent condition on any subsequent development application for the subject site, requiring a covenant to be registered on the title of the land that gives notice of the existence of onsite containment of the contaminated soil. The covenant may also bind the owners or any future owners to the responsibility of ongoing monitoring and maintenance (as described in an environmental management plan) and any future remediation works required.</p> <p>Records of any maintenance undertaken on the site shall be kept for future reference and provided to Council annually.</p> <p>The cost of preparing the covenant is borne by the applicant.</p>
Consultants	<p>Ensure consultants (or contractors) undertaking the remediation works have the required competencies and qualifications.</p> <p>Remediation work requiring validation by a site auditor (that is, a statutory site audit) must use a site auditor accredited under Part 4 of the <i>CLM Act</i>.</p> <p>Validation of remediation work that is not a statutory site audit is to be undertaken by a consultant with the necessary competencies and qualifications.</p>
Consultation	<p>Written notification to adjoining owners and occupants is to occur at least two days prior to commencing remediation works.</p> <p>This notification is to include:</p> <ul style="list-style-type: none"> • the estimated length of remediation work • the hours of remediation work • the contact details of the site manager. <p>Signage visible from the road and adjacent to site access is to display the site manager and remediation contractor contact details for the duration of the works.</p>

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Decommissioning of underground petroleum storage systems	<p>The removal of all UPSSs is to be undertaken in accordance with the:</p> <ul style="list-style-type: none"> • <i>UPSS Regulations</i> • SafeWork NSW requirements • <i>Australian Standard AS 4976-2008: The Removal and Disposal of Underground Petroleum Storage Tanks.</i> <p>Decommissioning of an underground petroleum storage tank or system must be undertaken by a duly qualified person who holds a demolition licence from SafeWork NSW and is competent and experienced in the task.</p> <p>Following the removal of an underground petroleum storage tank or system, the site area, which includes bowser lines and fuel lines, shall be assessed, remediated if need be and validated in accordance with the requirements above and with guidelines made or approved by the NSW EPA.</p> <p>All documents must be submitted to Council, including (but not limited to) a validation report (or tank pit validation) prepared in accordance with relevant guidelines made or approved by the EPA.</p>
Erosion and sediment control	<p>An erosion and sediment control plan (ESCP) is to be prepared and submitted to Council for approval prior to commencing remediation works.</p> <p>The ESCP is to be developed with regard to the requirements detailed in Council's <i>Soil and Water Management Policy</i> and Council's <i>Engineering Guidelines and Technical Specifications</i> and must include leachate collection and disposal.</p> <p>Sediment control structures shall be provided to prevent sediment from entering drainage systems, particularly where surfaces are exposed or where soil is stockpiled.</p> <p>All erosion and sediment control measures must be maintained in a functional condition throughout the remediation works.</p> <p>Vehicles are to be cleaned prior to leaving the site.</p> <p>Also see – 'soil and water management' for related provisions.</p>
Hazardous material	<p>Hazardous and industrial wastes arising from the remediation work shall be removed and disposed of in accordance with the requirements of the NSW EPA and SafeWork NSW, together with the:</p> <ul style="list-style-type: none"> • <i>Workplace Health and Safety Act 2011</i> • <i>Workplace Health and Safety Regulation 2017</i> • <i>CLM Act</i> and subordinate regulations • <i>Environmentally Hazardous Chemicals Act 1985</i> and subordinate regulations. <p>Under the <i>POEO Act</i>, the transportation of Schedule 1 hazardous waste is a scheduled activity and thereby required by the EPA to be carried out by a transporter licensed by the NSW EPA.</p> <p>Also see – 'waste' for additional related site management provisions.</p>
Health and safety	<p>All works associated with remediation works must comply with workplace health and safety legislation and other applicable SafeWork NSW requirements.</p> <p>This requires:</p> <ul style="list-style-type: none"> • the preparation of a health and safety plan • site fencing, public safety warning signs and security surveillance (where applicable) to be established for the remediation site.

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Hours of work	<p>All remediation work (including the delivery and removal of materials or equipment) shall be limited to the following hours of work (unless through an alternative mutual agreement in writing with Council):</p> <ul style="list-style-type: none"> • Monday to Saturday – 7.00 am to 5.00 pm • Sunday and Public Holidays – no remediation work is permitted <p>Note: The hours of work listed above are in accordance with the <i>Exempt and Complying Development Codes SEPP</i>.</p>
Importation of infill	<p>All fill imported to the site shall be validated as virgin excavated natural material as defined in the <i>POEO Act</i> to ensure that it is:</p> <ul style="list-style-type: none"> • suitable for the proposed land use from a contamination perspective • compatible with the existing soil characteristics for site drainage purposes. <p>Council may, in certain instances, require the details of the appropriate validation of imported fill material to be submitted with any application for the future development of the site. Hence, all fill imported onto a site is to be validated by one or both of the following methods during remediation works:</p> <ul style="list-style-type: none"> • Imported fill should be accompanied by documentation from the supplier that certifies that the material is not contaminated, based upon analyses of the material or the known past history of the site where the material is obtained. • Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA <i>Sampling Design Guidelines</i> to ensure that the material is not contaminated. <p>Fill should be imported and exported in accordance with the provision of a virgin excavated natural material exemption or an NSW resource recovery order and exemption.</p> <p>Fill is permitted for use provided that it:</p> <ul style="list-style-type: none"> • is not itself contaminated, particularly with waste material (including asbestos) • is weed and pest free • is compatible with the existing soil characteristics so as not to adversely affect site drainage.
Landscaping and rehabilitation	<p>The remediation work site must be stabilised to ensure that no offsite impacts occur on the site after completion. This requires:</p> <ul style="list-style-type: none"> • the preparation of a landscaping plan • landscaping of the site in accordance with the landscape plan • the progressive stabilisation and revegetation of disturbed areas in accordance with the landscape plan. <p>There shall be no removal or disturbance to trees or native understorey without prior written consent obtained through Council's tree preservation order process.</p> <p>All trees that will be retained on the site must be suitably protected from damage during remediation works. This includes the provision of protective fencing to protect the root zone of these trees. The fencing must extend, at a minimum, to the drip line of each tree.</p> <p>No stockpiling, storage, excavation, vehicle parking or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of remediation works.</p> <p>All exposed areas shall be progressively stabilised and revegetated upon the completion of remediation works.</p>

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Noise and vibrations	<p>Any noise and vibrations from the site shall be limited by complying with the NSW EPA's <i>Noise Policy for Industry</i> (2017) and the <i>Interim Construction Noise Guideline</i>.</p> <p>All equipment and machinery shall be operated in an efficient manner to minimise noise from the site on adjoining properties, including (when necessary) ensuring that plant equipment noise is suppressed.</p> <p>The use of any plant or machinery shall not, on any premises, cause vibrations in excess of the relevant NSW EPA guidelines and Australian Standards.</p>
Rodents and vermin	<p>Rodents and vermin are to be adequately controlled and disposed of in an environmentally appropriate manner.</p>
Site access and vehicle use	<p>Vehicle access to the site shall be designated to prevent the tracking of sediment onto public roadways and footpaths. Soil, earth, mud or similar material must be removed from the roadway by sweeping, shovelling or a means other than washing on a daily basis or as required by an appropriate authority. Soil residue from vehicle wheels shall be collected and disposed of in an appropriate manner.</p> <p>All vehicles are to:</p> <ul style="list-style-type: none"> • enter and exit the site in a forward motion • comply with all road rules, including vehicle weight limits • minimise the use of local roads by using state roads where available • be cleaned pre-work and post-work to prevent the movement of weed seeds • have all loads securely covered or sealed to prevent the release of any dust, fumes, soil or liquid emissions during transportation • conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work (see 'hours of work').
Site security and lighting	<p>The site shall be secured to ensure against all unauthorised access by using appropriate fencing.</p> <p>It is recommended that security lighting be used to deter unauthorised access. If security lighting is used, it shall be shielded to protect the amenity of adjoining landowners.</p>
Soil and water management	<p>All remediation works shall be conducted in accordance with a site-specific soil and water management plan prepared in accordance with the requirements of LANDCOM's <i>Managing Urban Stormwater: Soils and Construction</i>.¹</p> <p>The plan should aim to segregate and manage both contaminated and non-contaminated areas in a manner that minimises the potential dispersal of contaminants and any cross-contamination of contaminated and non-contaminated materials. In some cases, standard erosion and sediment control requirements will be inadequate for managing contaminated soils and water.</p> <p>Where remediation work involves the excavation of soil, the person responsible for the remediation work shall consult Council's flood mapping. Where works are proposed to be undertaken within an area identified by Council as having the potential to be impacted by flood waters (that is, inundation), such works shall be undertaken in alignment with the responsive actions for such potential site inundation as described in the site-specific soil and water management plan.</p> <p>A copy of the remediation action plan and the soil and water management plan shall be kept onsite and made available to Council officers on request.</p> <p>Soil and water management measures for remediation work in relation to stockpiles, site access, excavation pump-out, landscaping and rehabilitation, and bunding are discussed elsewhere in this table.</p> <p>See – 'erosion and sediment control' for related provisions.</p>

¹ <https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition>

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Stockpiles	<p>No stockpiles of soil or other materials shall be placed on public land (for example, footpaths, reserves or nature strips).</p> <p>All stockpiles shall be placed away from drainage lines, gutters or stormwater pits or inlets. All stockpiles of soil or other material shall be maintained to prevent dust, odours or seepage. All stockpiles of contaminated soils shall be secured to prevent dust, odour or seepage if being stored for more than 24 hours.</p> <p>Stockpiling of contaminated materials requires special measures to manage the generation of leachate, run-off, vapours, odours and airborne particulates.</p> <p>Store any temporary stockpiles of contaminated soil in a secure area.</p>
Unexpected finds during remediation works	<p>Council is required to be notified of any new information that comes to light during remediation works that has the potential to alter previous conclusions regarding site contamination.</p>
Validation report	<p>The validation report is to be prepared in accordance with relevant guidelines made by the NSW EPA.</p> <p>A copy of the validation report is to be provided to Council within 60 days of completing the remediation works and prior to commencing development works at the site.</p> <p>The validation report is to:</p> <ul style="list-style-type: none"> • contain a copy of any reports or records taken during remediation or following the completion of validation works • contain a validation statement detailing that all works have been undertaken and completed satisfactorily and in accordance with relevant guidelines made or approved by the EPA • demonstrate that the objectives of the remediation action plan have been achieved, any conditions of development consent have been complied with and whether any further remediation work or restrictions on land use are required • provide evidence confirming that all NSW EPA, SafeWork NSW and other regulatory authorities' license conditions, approvals and/or regulatory requirements have been met, including in respect of managing contaminated soil and other waste material generated by the remediation works • identify the need for continued monitoring in situations where clean-up is not feasible or onsite containment has occurred • state the suitability of the site for its current or proposed use. <p>Successful validation is the statistical confirmation that the remediated site complies with the clean-up criteria set for the site.</p> <p>The full cost of the validation is borne by the applicant.</p>
Vertical mixing (on agricultural land)	<p><i>The Guidelines for the Vertical Mixing of Soil on Former Broad-Acre Agricultural Land</i> relates to the remediation of large agriculture properties with low-level but broad-spread contamination.</p> <p>The relevant NSW EPA guidelines are not designed or suitable for use in the remediation of contamination, including lead contamination, on small allotments. Therefore, Council will not support remediation action plans relying on this methodology, and an alternative remediation methodology shall be used for small allotments.</p>

(CONT.)

PARAMETER	PROVISION TO BE INCLUDED IN A REMEDIATION ACTION PLAN
Waste	<p>If contaminated soil and other waste material generated by the remediation works are to be treated and managed onsite, the treatment and management of each is to be in accordance with relevant guidelines made or approved by the EPA.</p> <p>If contaminated soil and other waste material generated by the remediation works are to be removed from the site, then this must be in accordance with the POEO Act and its waste regulation. This includes:</p> <ul style="list-style-type: none"> • the preparation of a waste management plan • that the waste classification process complies with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and is undertaken by an appropriately qualified consultant • record-keeping for waste going to a licensed landfill or a resource recovery facility regarding <ul style="list-style-type: none"> o how the waste is to be treated and transported o evidence that the landfill is licensed to accept this waste • the requirement that transport of the waste to or from a site must be by a licensed waste transport contractor. <p>Any enquiries associated with the offsite disposal of waste from a contaminated site should be referred to the EPA helpline (phone 131 555).</p> <p>If contaminated soil or other waste generated by the remediation works is to be transported to Council's landfill or waste management facility:</p> <ul style="list-style-type: none"> • Council's Waste Management Facility only accepts waste in accordance with its Environment Protection Licence (number XXXX). • Section L5 Waste requires that waste be general solid waste. Analysis of the contaminated soil is to be undertaken to verify that the waste is general solid waste. • All documentation is to be provided to Council's Waste Management Team and approved prior to the waste entering the landfill. <p>See – 'hazardous material' for related site management provisions.</p>
Water quality: dewatering – excavation and groundwater pump-out	<p>Only clean and unpolluted waters are to be discharged to Council's stormwater system or any watercourse. Any discharge must satisfy the provisions of the <i>POEO Act</i>.</p> <p>Prior to any dewatering commencing, a dewatering management plan shall be submitted to Council.</p> <p>All pump-out water must be analysed for concentrations of suspended solids, pH and any contaminants of concern. The analytical results must comply with the relevant NSW EPA and ANZECC standards for the quality of water discharged to stormwater. If necessary, the water shall be treated prior to discharge.</p> <p>If the water quality does not comply with the identified criteria, then it cannot be discharged to stormwater. Alternative arrangements for the disposal of water shall be provided, if necessary (for example, offsite disposal by a licensed liquid waste transporter for treatment or disposal at an appropriate waste treatment or processing facility).</p> <p>Dewatering may require a licence from the NSW Office of Water.</p>
Water quality: groundwater	<p>Any contamination assessment, carried out in accordance with the requirements of the relevant guidelines made or approved by NSW EPA in accordance with the <i>CLM Act</i>, shall address the potential for contamination of groundwater at the site.</p> <p>Any work below the water table may require a licence from the NSW Office of Water. Such works include bores for water supply, testing and monitoring, and any dewatering or extraction.</p> <p>If the groundwater at the site is found to be contaminated, then Council, the NSW Office of Water and the NSW EPA are to be notified.</p>

Note: ANZECC = Australian and New Zealand Environment and Conservation Council; UPSS = underground petroleum storage system; ESCP = erosion and sediment control plan.

MURRAY RIVER COUNCIL

**CONTAMINATED LAND
MANAGEMENT POLICY**
POL403.V1

ADOPTED: 27 June 2017



murray river
council

Policy Document

Murray River Council Contaminated Land Management Policy



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- Coolamon Shire Council
- Corowa Shire Council
- Former Deniliquin Council (Edward River Council)
- Griffith City Council
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Policy

1. ABOUT THIS POLICY

This policy, known as the Murray River Council Contaminated Land Management Policy, outlines requirements relating to the use and/or development of land that is or may be contaminated.

This policy has been developed under the provisions of the *Contaminated Land Management Act*¹ (CLM Act), its associated State Environmental Planning Policy No. 55 – Remediation of land² and the Managing Land Contamination – Planning Guidelines³ in regards to the principles of:

- i. Ensuring that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- ii. Avoiding inappropriate restrictions on land use; and
- iii. Providing information to support decision making and to inform the community.

1.1 LAND TO WHICH POLICY APPLIES

All land in the Murray River Local Government Area (LGA).

1.2 DATE ADOPTED BY COUNCIL

This policy was adopted by Council at the Moulamein Bowling Club on Tuesday 27 June 2017.

Terms and definitions

Terms and definitions are set out in Appendix 1.

1.3 PURPOSE

This policy provides a framework for the management of contaminated or potentially contaminated land in the Murray River LGA. The policy identifies how the management of contaminated land is integrated into Council's planning and development processes.

¹ *Contaminated Land Management Act 1997*

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N>

² State Environmental Planning Policy No. 55 – Remediation of Land

http://www5.austlii.edu.au/au/legis/nsw/consol_reg/seppn55ol537/

³ Managing Land Contamination – Planning Guidelines

http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

1.4 OBJECTIVES

The integration of contaminated land management into the local planning and development control process will enable Council to:

- Ensure that the Council exercises its functions in relation to the development of contaminated land with a reasonable standard of care and diligence and that decisions are made in good faith;
- Ensure that the likelihood of land contamination is considered as early as possible in the planning and development control process;
- Ensure that planning and development decisions take into account available information relating to the likelihood of land contamination;
- Link decisions about the development of land with the information available about contamination possibilities;
- Ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment;
- Avoid inappropriate restrictions on the development of contaminated land;
- Ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits;
- Facilitate the provision of consistent and reliable information to the public about land contamination;
- Ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned;
- Ensure that the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets;
- Adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination; and
- Exercise statutory planning functions with a standard of care.

1.5 POLICY APPLICATION

This policy applies to the following planning functions of Council:

- The preparation and amendment of Local Environmental Plans
- The preparation, approval and amendment of Development Control Plans
- The preparation and adoption of Plans of Management for Community Land
- The determination of Development Applications
- The modification of Development Consents;
- The determination of activities pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979*; and
- The storage and sharing of contaminated land information through Section 149 planning certificates.

1.6 GUIDELINES

This policy has been developed from the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and in conjunction with the *Contaminated Land Management Act 1997* (CLM Act), Murray Local Environmental Plan 2011 and Wakool Local Environmental Plan 2013.

Effective management of contaminated land in land-use planning is necessary in managing the risk of harm potentially posed by land contamination to human health and the environment.

In the context of land contamination, councils are the planning and consent authorities and are thereby expected to act in “good faith” and in accordance with the requirements of the NSW CLM Act. “Good faith” provisions also extend to the subordinate State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55), and its Planning Guidelines.

Councils have responsibilities under the *Environmental Planning and Assessment Act 1979*⁴ (EP&A Act) in regard to the early identification of contaminated sites, the consideration of land contamination issues in planning functions, data and information management regarding land contamination, and to inform the public on contamination matters (e.g. Section 149 Planning Certificates).

Under the CLM Act, the NSW Environmental Protection Authority (EPA) regulates contaminated sites where the contamination is significant enough to warrant regulation. Contaminated sites that are not regulated by the EPA are managed by local councils through land-use planning processes.

1.7 CHANGE MANAGEMENT

This policy will require management and review every 5 years or as legislation and regulations are updated. Any change must be made in accordance with the relevant legislation and regulations applicable at the time, and/or any regulatory changes.

2. OBLIGATIONS

2.1 DUTY TO REPORT

The CLM Act requires persons to notify the EPA if they become aware that their activities have contaminated land so as to present an unacceptable risk to human health or the environment.

The Act also requires landowners to notify the EPA if they become aware that their land has been contaminated so as to present an unacceptable risk of harm to human health or the environment. This requirement applies whether the contamination occurred before or during the current owner’s tenure of the land and the notification must be made as soon as practicable after becoming aware of the risk (See Appendix 2 – Activities that may cause contamination).

To assess the requirement to notify the site to the EPA, the land owner and/or persons who have caused the contamination should consult Guidelines on the Duty to Report Contamination under the CLM Act.⁵

Section 60 of the CLM Act imposes a duty on owners of land, and persons who have contaminated land, to immediately notify the EPA as soon as practicable after becoming aware of the contamination that does, or may, pose a significant risk to human or environmental health.

According to the Guidelines on the Duty to Report Contamination under the CLM Act, a person is taken to be aware of the contamination if it is considered that they are aware or should have reasonably become aware of the contamination. Factors taken into account in determining when a person should reasonably have become aware of the contamination are;

- i. The persons’ abilities, including their experience, qualifications and training

- ii. Whether the person could reasonably have sought advice that would have made them aware of the contamination
- iii. The circumstances of the contamination.

2.2 CONSULTANTS

Contaminated land consultant certification schemes have been developed to ensure any consultants dealing with contaminated sites have the necessary competencies to carry out the work. The certification schemes recognised by the EPA under the Consultants and Site Auditor Scheme are detailed on the EPA website⁶.

Where reports are required to be submitted to the EPA and/or Council they must comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a practitioner certified under an EPA recognised scheme. This requirement includes reports associated with a:

- Preliminary investigation order
- Management order
- Voluntary management proposal
- Ongoing maintenance order
- Duty to report contamination

Where required to be submitted to Council, reports must be prepared in accordance with the current relevant guidelines approved under the CLM Act and in accordance with SEPP 55. Council may require the following to be submitted:

- Preliminary investigation
- Detailed investigation
- A Remediation Action Plan
- Validation, monitoring and remediation reporting

The front cover of a submitted report must include the details of the consultant's certification. For a CLA Specialist CEnvP this involves affixing the CEnvP logo and for SCPA the certified practitioner is to affix their seal.

Any requirements for reporting undertaken after 1 July 2017 must be prepared, or reviewed and approved, by a certified consultant.

⁴ Environmental Planning and Assessment Act 1979
<http://www.legislation.nsw.gov.au/viewtop/inforce/act+203+1979+first+0+N>

⁵ Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act*
<http://www.epa.nsw.gov.au/clm/150164-land-contamination.htm>

⁶ EPA Consultants and the Site Auditor Scheme
<http://www.epa.nsw.gov.au/clm/selectaclmcons.htm>

3. COUNCIL RECORDS AND INFORMATION MANAGEMENT

Council has a responsibility to provide information regarding land use history, land contamination and remediation.

The SEPP 55 Guidelines emphasises the importance of local government information systems in ensuring that adequate information is available to Council staff and the community in relation to both actual and potential land contamination.

Council also has a statutory responsibility to include certain information regarding land contamination on planning certificates issued under Section 149(2) and Section 149(5) of the EP&A Act.

Council's records regarding contaminated land are dynamic and will change over time as land is investigated, remediated and validated, and as new sites of potential contamination are identified. Existing records in relation to contaminated land should be kept on individual property files for each parcel of land. To assist Council in the management of information the following is (without limitation) recorded for individual parcels of land (where available / known):

- a) Site contamination reports submitted to Council (i.e. Preliminary Investigation, Detailed Investigation, Remedial Action Plans Validation and Monitoring Reports);
- b) Site Audit Statements received;
- c) EPA declarations and orders issued under the CLM Act (Including voluntary management proposals approved by the EPA);
- d) Development Applications for Category 1 remediation works;
- e) Prior notification to Council of Category 2 remediation works;
- f) Notification of completion of Category 1 and Category 2 remediation works;
- g) Information regarding previous or current land uses which are likely to have resulted in land contamination; and
- h) Written complaints to Council about contamination.

Notations may be made on Council's property information system in relation to investigations and remediation work carried out for individual properties. This will assist staff to identify land which has been fully remediated or remediated for specific land uses. Some properties listed on the information system may be subject to legal notices under legislation administered by the EPA. The public should also consult with the EPA for up-to-date information on any such land in the local government area.

4. PLANNING (SECTION 149) CERTIFICATES

Under Section 149 of the EP&A Act a person may request from Council a planning certificate that contains advice on land contamination matters about a property from Council. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on Section 149(2) planning certificates are as set out in Section 59(2) of the CLM Act and will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 149(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Council may also elect to provide additional information on Section 149(5) certificates regarding the contamination status of a property.

Procedure

1. ABOUT THIS PROCEDURE

The procedure applies to a planning process in which there is a need to consider a potential or known contaminated site in the development application or a planning proposal process. It is premised on SEPP 55 Planning Guidelines and sets out steps to ensure decisions are made in good faith, adequately manage harm, and to ensure that the land is appropriate for its intended use.

A separate procedure exists for the management of data and information relating to potential or to known contaminated land, including managing notifications from the NSW EPA, Site Assessment Statements, consultant reports, historical land use information, etc. (See Appendix 12).

2. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR PLANNING PROPOSALS

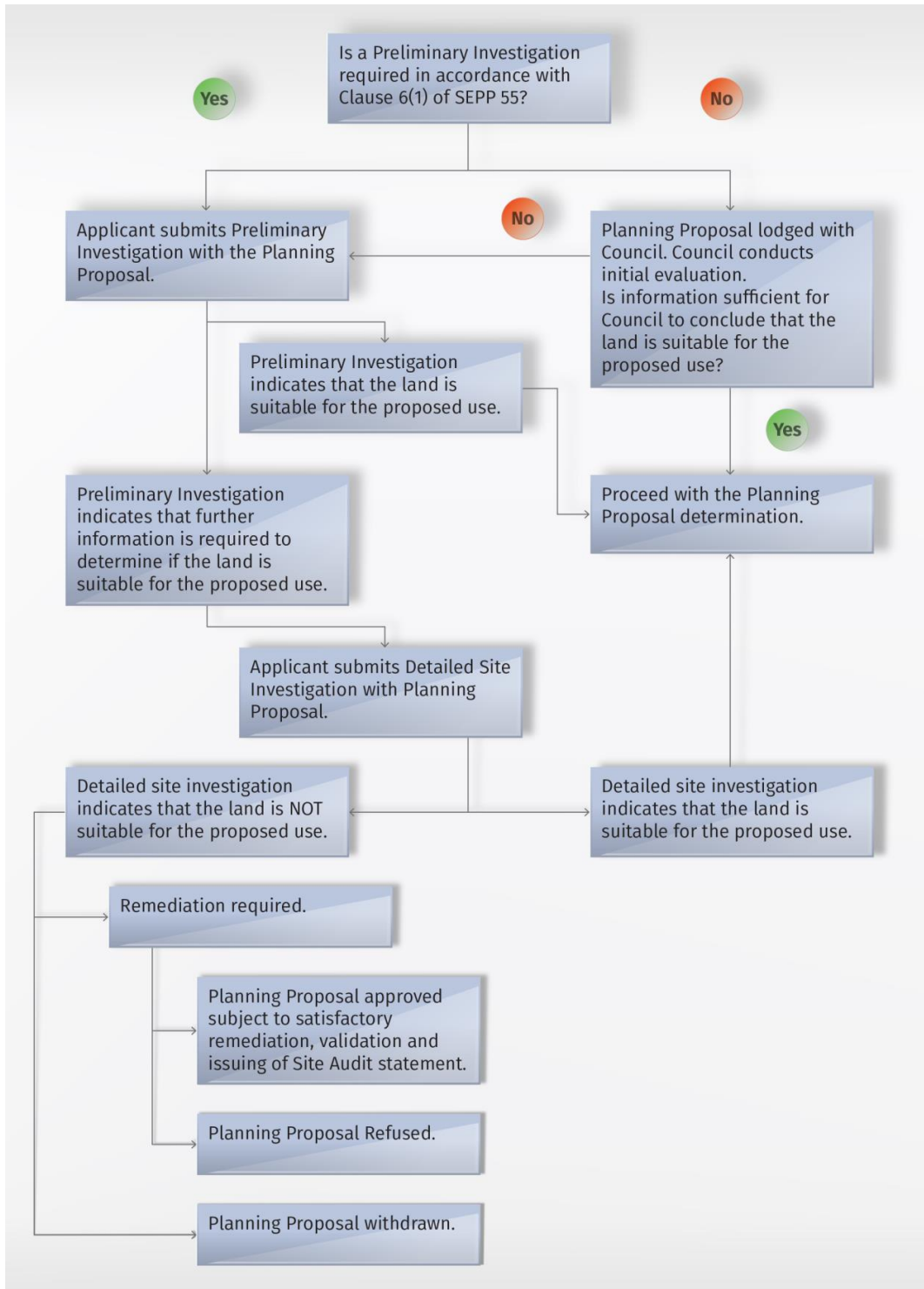
All land subject to a planning proposal must be considered as to whether the issue of contamination is relevant. If it is, investigations may be required to determine the level of contamination present on the land and identify any remediation works necessary to support the proposed zoning or land use.

An initial evaluation is an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation as a part of the preparation and finalisation of the planning proposal and whether a site investigation is required to be carried out.

The preliminary investigation is to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

The detailed site investigation is to be undertaken by an experienced and certified consultant at the cost of the applicant, and shall be undertaken in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

Figure 1: Preliminary Investigation process for planning proposals



2.1 INITIAL EVALUATION

An initial evaluation is to comprise an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or to determine the matter and whether a site investigation process is required.

The initial evaluation will be based on readily available factual information and should be carried out regardless of the nature of the proposed use or the current use. This information may include:

- the current zoning and permissible land uses;
- records from previous zoning;
- historical land uses;
- aerial photographs (including historical aerials);
- development and building applications; and
- property files and information provided by the applicant or other information available to Council.

Council may also carry out a site inspection of the land as part of the initial evaluation process.

As part of the initial investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site.

If Council is satisfied that the initial evaluation concludes that contamination is not an issue, then Council will not require any further investigation.

If, after an initial evaluation, there is nothing to suggest that the land might be contaminated, or that further enquiry is warranted, Council and the proponent may proceed without further reference to this policy. However; if there are indications that:

- the land is or may be contaminated; or
- there is insufficient information on which to make a decision;

a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines.

Insufficient information on which to a make a decision exists if there are significant gaps in historical information for a site, or if land uses are not described in sufficient detail to identify the presence or absence of possible contaminating land uses during periods in which such uses could be lawfully carried out.

The circumstances in which a site investigation process is required also include those specified in clause 6 of SEPP 55 – Remediation of Land. In accordance with this clause, Council will require a preliminary investigation to be submitted with zoning and rezoning applications where the land concerned is:

- Land that is within an investigation area;
- Land on which a potentially contaminating land use is being, or is known to have been carried out;

- Land on which it is proposed to carry out development for residential, educational, recreational, child care purposes or for a hospital;
- Where there is no knowledge or incomplete knowledge as to whether potentially contaminating development has been carried out on the land; and
- Where it would have been lawful to carry out such development on the land during any period in respect of which there is no knowledge or incomplete knowledge.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

2.2 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal.

When undertaking a preliminary investigation landowners should consider that the information gained should be in accordance with the Guidelines on the Duty to Report Contamination under the CLM Act and may include:

- Description of activities that have occurred on the site
- Any large gaps in history that might hide a use
- Reliability of sources
- Historical permissible uses that may have occurred on site where there is a gap in land history
- Does that site pose a significant threat to human health or the environment?
- Does information conform to the relevant EPA guidelines?

As part of the preliminary investigation, applicants may request Council search its records to determine previous approved developments at the site.

Council will require further investigation (preliminary investigation) to be conducted and results submitted with planning proposals where it is found through the initial evaluation that the land concerned is:

- Land that is or that has been notified to the EPA under Section 60, or is regulated by the EPA under any other section, of the CLM Act;
- Land on which activities referred to in Appendix 2 are being undertaken, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

Where an initial evaluation by Council identified that the land was previously used for agricultural or horticultural purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agriculture then the application may proceed. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants (including pesticide use) then further investigation may be required.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of its history, condition, or other factual information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or whether these circumstances have changed;
- The land use changes to a more sensitive land use (i.e. residential, recreational, school or hospital);
- There are restrictions on, or conditions attached to, the use of the site by regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of waste; or
- The site is adjoining land that has been associated with activities that may cause contamination listed in Appendix 2 and it is likely that this may have contaminated the subject site.

The preliminary site contamination investigation must be reported in accordance with the requirements of the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. The applicant is responsible for engaging a suitably certified, qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant and the works involved.

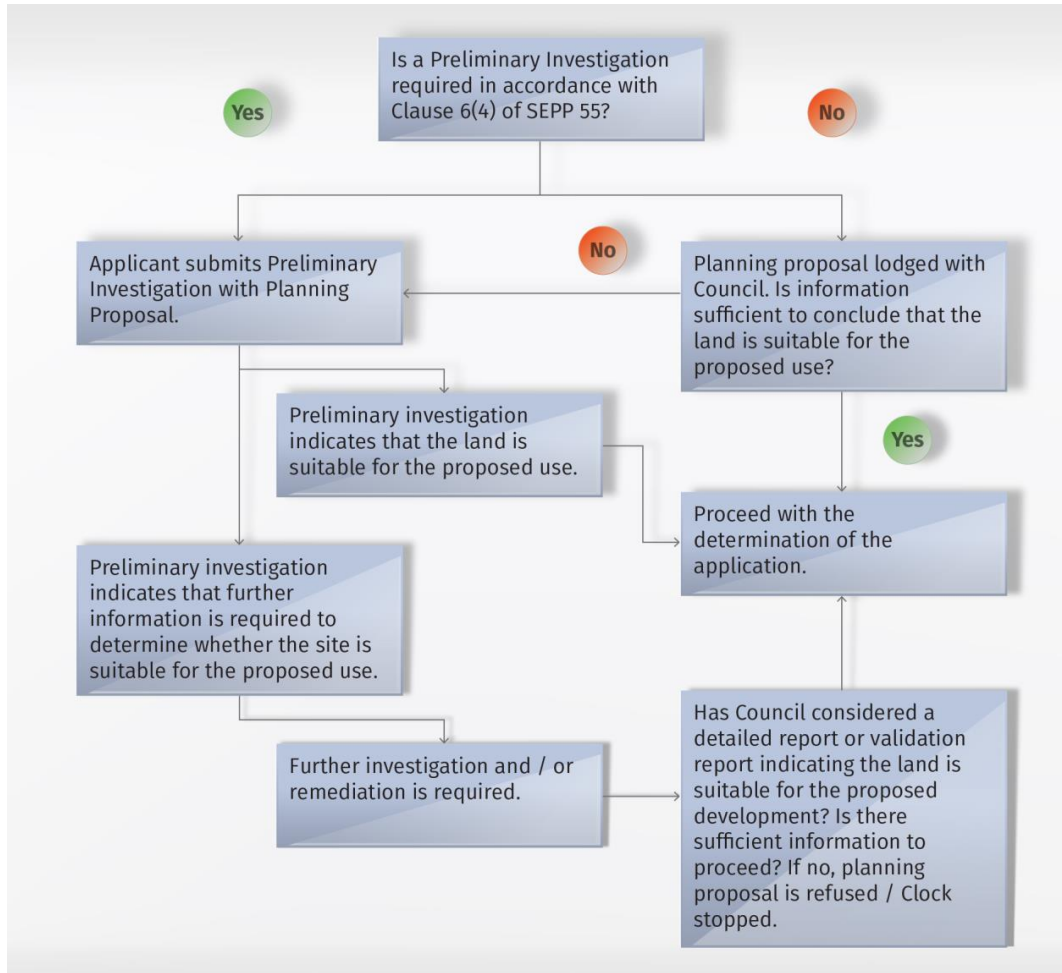
If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Site Investigation for steps on undertaking this process.

2.3 DETAILED INVESTIGATION

If the result of the preliminary investigation demonstrates the potential for, or existence of, contamination that may preclude the land from being suitable for the proposed zone or use, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g., where it is known that the land is contaminated or that the land has been used for a potentially contaminating activity).

Figure 2: Consideration of planning proposals



The detailed site contamination investigation is to be undertaken in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act, by a suitably certified, qualified and experienced consultant at the cost of the applicant. The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- Obtain sufficient information for the development of a Remedial Action Plan (if necessary).

The detailed site contamination investigation must state whether the site is suitable for the proposed use, and for all other purposes permissible in the zone if it can be made suitable through remediation.

If remediation is required, the report should also list the feasible remediation options available to make the site suitable for any purpose permitted within that zone. If a feasible option is available, the planning proposal can proceed with certain provisions.

If site contamination investigations show that the site is contaminated, but there are feasible remediation options, the landowner may enter into a Voluntary Planning Agreement (VPA) or Council may impose a Deferred Commencement condition, to ensure that remediation is addressed prior to the redevelopment of the land.

Section 4 outlines the process for remediation and validation prior to development in accordance with the approved planning proposal.

If the detailed site investigation shows that the site is contaminated, but there are no options to remediate, Council may not allow the planning proposal to proceed.

In the event that a detailed site investigation report is required to be assessed by Council, Council may hire an independent third party consultant to assess the investigations on Council's behalf, at the applicant's expense.

See Appendix 7: Council procedure for Detailed Site Investigation for steps on undertaking this process.

3. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR DEVELOPMENT APPLICATIONS

3.1 GENERAL

Section 79C of the EP&A Act requires Council to consider the suitability of the site for the proposed development when assessing development applications. This includes any risk from contamination to public health and/or the environment.

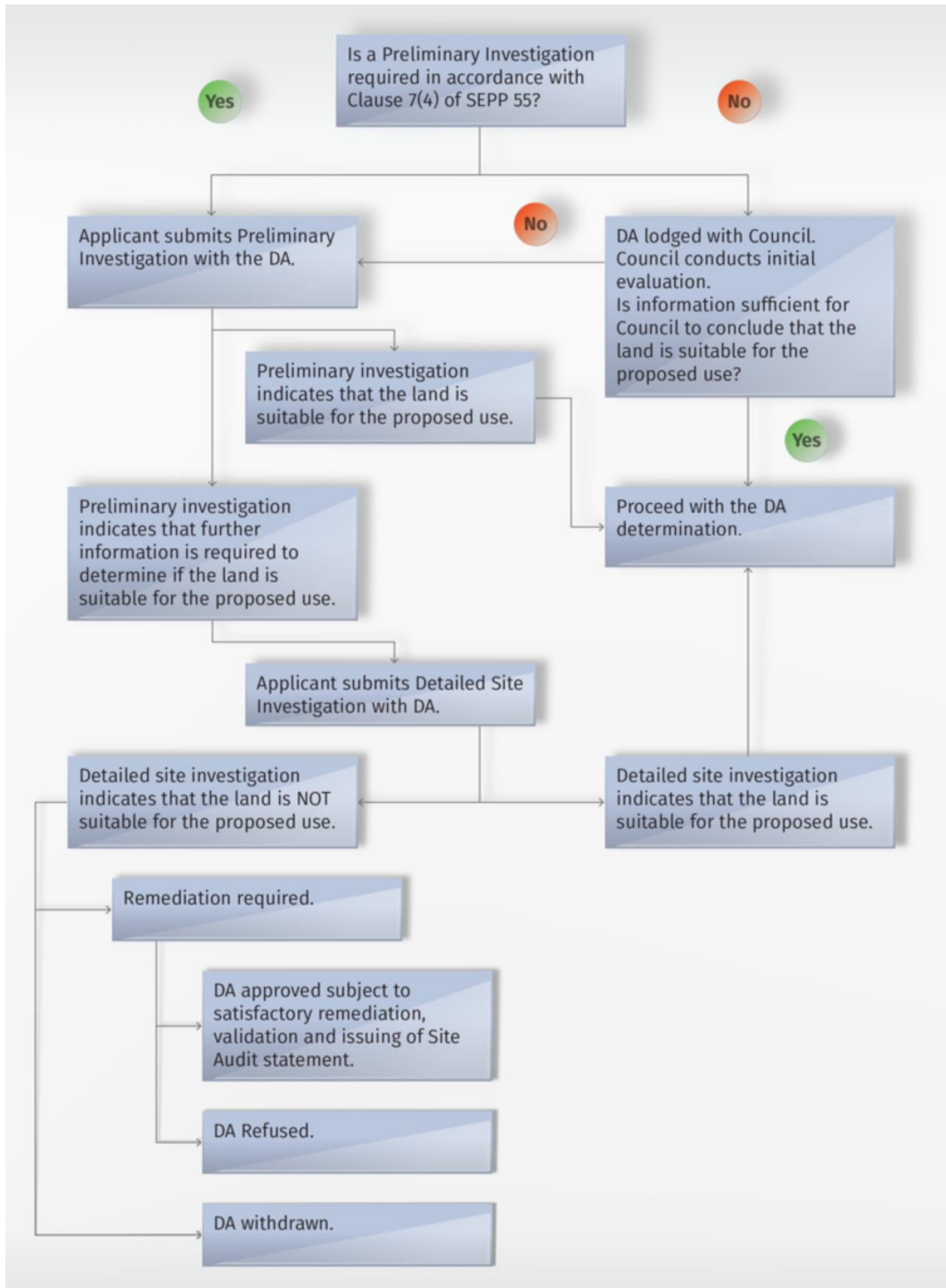
Council will not grant consent to the development of any land unless there has been consideration of whether the land is contaminated, and;

- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes of the proposed development; and
- If the land requires remediation to be made suitable for any purpose for which the development is proposed, Council is satisfied that the land will be remediated before the land is used for that purpose.

Upon lodging a development application for a change of use, the applicant can also become liable for the clean-up of any contamination on the site prior to their proposal being authorised. This is because when a change of use is approved, it can result in an increased risk of harm, even if the contamination itself does not change.

The following sections outline situations when Council will require site contamination information to be submitted with applications.

Figure 3: Preliminary Investigation process for development applications



3.2 INITIAL EVALUATION

Council will conduct an initial evaluation as part of the assessment process for a development application to determine if contamination is likely to be an issue and whether sufficient information is available to make a decision in good faith.

The initial evaluation will be based on readily available, factual information provided by the applicant and any other available information (e.g. previous contamination investigations, previous zoning and land use and restrictions relating to contamination issued by the EPA). For that purpose, the contamination may be within a building/structure or other structure on the land, rather than only within the soil of that land.

Where an initial evaluation by Council identified that the land was previously used for agriculture or horticulture purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agricultural then the application may proceed. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants (including pesticide use) then further investigation may be required.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

3.3 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Council will require further investigation where it is found through the initial evaluation that the land concerned is:

- Land that is within an investigation area, under Div. 2 of Part 3 of the CLM Act, that has been notified as such by the EPA;
- Land on which activities referred to in Appendix 2 are being, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being carried out, and if the proposed development involves residential, educational, recreation, child care or hospital purposes.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of the land's history, condition, or other information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or where these circumstances have changed;
- The land use has changed to a more sensitive land use (i.e. residential, recreational, school or hospital);

- There are restrictions on, or conditions attached to the use of the site by a regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of wastes; or
- The adjoining land has been associated with activities that may cause contamination listed in Appendix 2 and is likely that this may have contaminated the subject site.

The preliminary investigation shall be carried out in accordance with the requirements of the *NSW EPA Guidelines for Consultants Reporting on Contaminated Sites*. The applicant is responsible for engaging a certified contaminated land consultant to undertake the preliminary investigation and is responsible for all costs borne in engaging the consultant.

As part of the preliminary investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site, at the cost of the Applicant.

If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Investigation for steps for undertaking this process.

3.4 DETAILED INVESTIGATION

If the results of the preliminary investigation demonstrate the potential for, or existence of, contamination which may preclude the land from being suitable for the application, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g. where it is known that the land is contaminated or that the land has been used for an activity that could cause contamination).

The lodgement of a development application may trigger the management and/or remediation of any significant contamination on the site prior to the development being authorised. The detailed site contamination investigation must be undertaken by a suitably certified, qualified and experienced consultant (at the cost of the applicant) in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

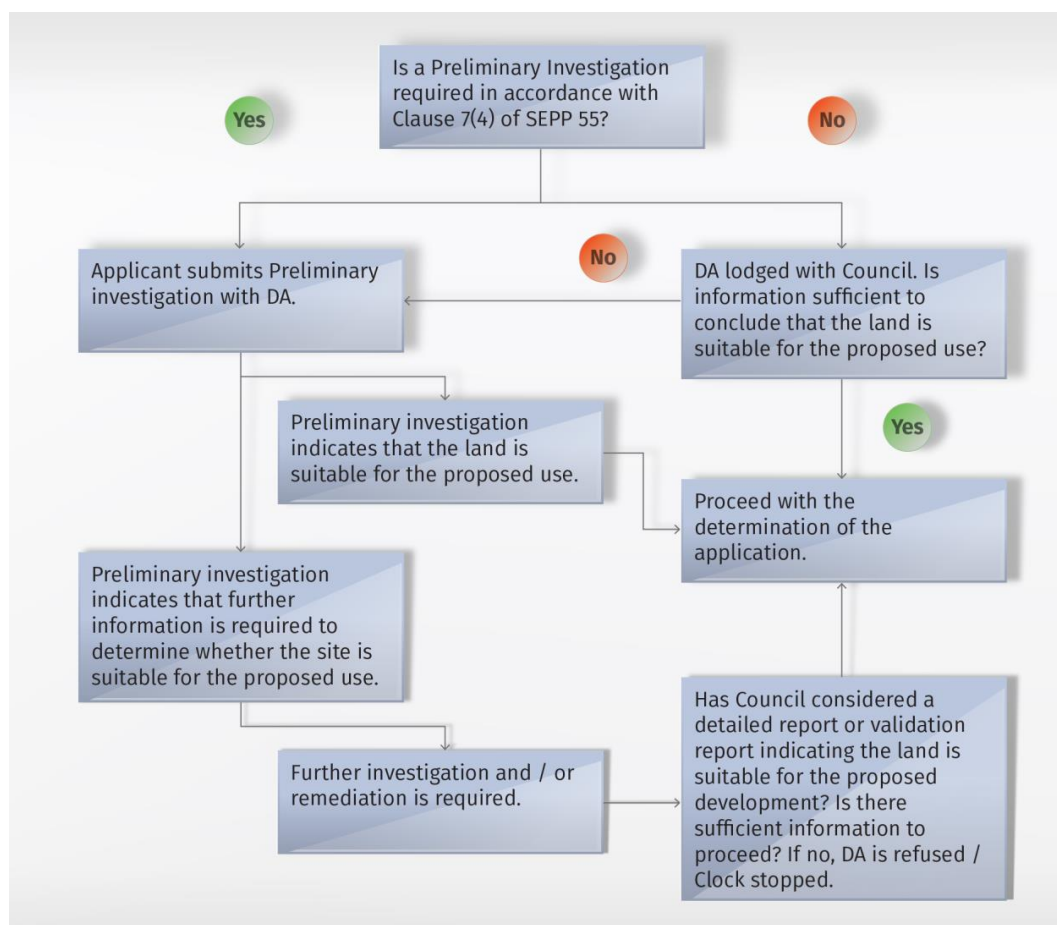
The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- If necessary, obtain sufficient information for the development of a Remedial Action Plan.

The detailed site contamination investigation must state whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if remediation is necessary. If remediation is required, a remediation action plan must be prepared for Council outlining the feasible remediation options available to make the site suitable for the proposed use.

If the detailed site contamination investigation states (and Council is satisfied) that the site is suitable for the proposed use, then Council may determine the development application through Council's usual procedures.

Figure 4: Consideration of development applications



If the results of the detailed site contamination investigation demonstrate the existence of contamination that may preclude the land from being suitable for the proposed use, the applicant may choose to either withdraw the application or to remediate the land. Council's response will then depend on whether the remediation work constitutes Category 1 or Category 2 remediation work. A detailed explanation of what constitutes Category 1 remediation or Category 2 remediation is provided in Section 4.5 and 4.6 respectively.

If the remediation proposed is Category 1 remediation work (i.e. remediation work that requires development consent), Council may:

- Require the applicant to amend the application (if already submitted) to include a remediation proposal; or
- Require a new development application for the remediation to be submitted before the application is considered for the final use of the site.

If the proposed remediation is Category 2 remediation work (i.e. remediation work that does not require consent), Council may;

- Impose conditions on the development consent for the use, requiring the site to be remediated and validated either before other work commences or before occupation of the site; or
- Issue deferred commencement consent for the use of the site, and require the site to be remediated and validated before other work commences.

If the investigation finds that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate:

- The application may be withdrawn and a new development application lodged for a use that is suitable for the land without remediation; or
- The application should be refused.

See Appendix 7: Council procedure for Detailed Investigation for steps outlining this process.

4. REMEDIATION PROCESSES

4.1 REMEDIATION

A Remedial Action Plan (RAP) is documentation describing remedial actions that should be prepared for all remediation proposals. A formal RAP must be developed by an experienced and certified consultant, at the Applicants expense, and must be submitted to Council for all Category 1 remediation work (i.e. remediation work that required development consent). The RAP must also contain an environmental management plan and workplace health and safety plan for the remediation works and must be submitted to Council prior to DA approval.

The objectives for the RAP are to:

- Set remediation objectives;
- Determine the most appropriate remedial strategy; and
- Identify necessary approvals that need to be obtained from any other regulatory authorities.

Remedial Action Plans must be consistent with the SEPP 55 Planning Guidelines and all remediation must be carried out in accordance with the EPA guidelines made under the CLM Act. The applicant is responsible for engaging an experienced and certified consultant to prepare the RAP and for all associated costs, including any remediation works as well as site audit costs if requested by Council.

The previous Figure 3 outlines the relationships between the Planning System and the CLM Act, and the role of Council in the process of site remediation.

See Appendix 8: Council procedure for Remediation for steps for undertaking this process.

4.2 VALIDATION AND MONITORING REPORT

The objective of the validation and monitoring report is to demonstrate that the objectives of the RAP have been achieved and that any conditions of development consent in regard to contaminated land have been complied with.

Council will require a validation and monitoring report to be submitted by the applicant after remediation works have been completed, and prior to the commencement of any development works. Council will place a condition on the development consent requiring the submission and approval of a validation and monitoring report prior to the issue of a Construction Certificate, or if a construction certificate is not required, prior to occupying the site, or within a specified timeframe as stipulated in conditions of consent. The validation report will be required to be submitted to the satisfaction of Council.

Alternatively, Council may issue a deferred commencement or staged consent for the proposed use or development, requiring that remediation and validation is undertaken prior to any other work commencing.

Ideally the same certified consultant should undertake the site investigation, remediation and validation of the site. The Validation Report must confirm that the remediated site complies with the clean-up criteria set for the site in the RAP and be prepared in accordance with the *EPA Guidelines for Consultants Reporting on Contaminated Sites*.

Council may require independent review of the remediation and validation by an EPA accredited auditor.

4.3 VOLUNTARY REMEDIATION

Section 60 of the CLM Act places a duty on the owner and the polluter of contaminated land to report contamination to the EPA.

Owners of land that has been identified as being contaminated or potentially contaminated may wish to voluntarily undertake investigation and/or remediation at any time, regardless of whether they intend to carry out development, or apply for a planning proposal regarding that land.

Investigation by the owner must be undertaken in accordance with the relevant EPA guidelines by an experienced and certified consultant. Remediation must be carried out according to the NSW legislation and the process outlined in this Policy. Requirements for remediation are provided below in Section 4.4.

Council will consider the results of any investigation or remediation prior to providing a Section 149 planning certificate for the property.

See Appendix 9: Council procedure for Voluntary Remediation for steps for undertaking this process.

4.4 REQUIREMENTS FOR REMEDIATION

In some situations remediation work itself has the potential for environmental impact and the planning process must ensure that these impacts are adequately identified and mitigated. Remediation work is classified as either Category 1 remediation work (i.e. remediation that requires development consent), or Category 2 remediation work (i.e. remediation work where no consent is required however the work must still be carried out in accordance with the requirements of SEPP 55).

All remediation work must be carried out by an experienced and certified consultant in conjunction with a Remedial Action Plan. Council's procedure for considering site remediation proposal is shown in Figure 3.

4.5 CATEGORY 1 REMEDIATION WORK

Development consent is generally only required for remediation work where there is potential for significant environmental impacts from the work.

Remediation work that requires development consent is known as Category 1 remediation work. Category 1 work includes any work that is:

- Designated development; or
- Carried out on land that is declared to be critical habitat (for threatened species); or
- Likely to have a significant impact on critical habitat or a threatened species, population or ecological community; or
- Development for which another State Environmental Planning Policy or a regional environmental plan requires development consent; or
- In an area or zone to which any of the following classifications apply under an environment planning instrument:
 - A. Coastal protection;
 - B. Conservation or heritage conservation;
 - C. Habitat area, habitat protection area, habitat or wildlife corridor;
 - D. Environment protection;
 - E. Escarpment, escarpment protection or escarpment preservation;
 - F. Floodway;
 - G. Littoral rainforest;
 - H. Nature reserve;
 - I. Scenic area or scenic protection;
 - J. Wetland; or
- On any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated.

All category 1 remediation work must be carried out in accordance with:

- The contaminated land planning guidelines;
- The guidelines published under the CLM Act; and
- A Remedial Action Plan prepared in accordance with the contaminated land planning guidelines and approved by the consent authority.

All other remediation work may be carried out without development consent and is known as Category 2 remediation work.

Note: under Clause 9(f) of SEPP 55, Council can nominate Category 1 remediation works. It's not a good idea to nominate everything, but if there is a concern, e.g. removal of USTs/UPSS not being undertaken correctly or shallow groundwater, adjacent to a waterway etc., then the Council is able to nominate these works as Category 1.

4.6 CATEGORY 2 REMEDIATION WORK

Category 2 remediation works is all remediation work that is not defined as Category 1 remediation work. Category 2 remediation work does not require development consent.

- Part 5 of the EP&A Act applies where development consent is not required under a planning instrument but where approval from a public authority is required. Each determining authority will consider the potential significance of any environment impacts from the proposed remediation.
- If the remediation is likely to significantly impact the environment, an Environmental Impact Statement (EIS) would be required.
- If consent is not required under SEPP 55 (e.g. Category 2 remediation works), it is unlikely that the remediation works will significantly impact the environment and therefore an EIS would not be required, however this would be determined on a case-by case basis.

Under Part 5 of the EP&A Act, Category 2 remediation works must take full account of all matters likely to impact the environment.

SEPP 55 requires that Council must be notified at least 30 days before Category 2 remediation works commence. Prior notice of Category 2 remediation works must also address the information in Appendix 3 – Requirements for Category 2 Remediation Works.

All Category 2 remediation work shall be validated by a site auditor accredited by the EPA under Part 4 of the CLM Act. Council requires a copy of the Validation and Monitoring Report and Site Audit Statement detailing the suitability of the site within 90 days of completion of remediation works and prior to the commencement of building construction works. Council will not consider any subsequent development applications for the site until it is satisfied that the site is suitable for the proposed use.

See Appendix 9: Council procedure for Remediation for steps for undertaking Category 1 and Category 2 remediation works.

4.7 SITE AUDITING

A site audit is an independent review of any or all stages of the site investigation process, conducted in accordance with the CLM Act. A site audit may review a preliminary investigation, a detailed investigation, a Remedial Action Plan, or validation report.

A site audit will lead to the provision of a certificate called a Site Audit Statement. An auditor may be engaged for several purposes including identifying land use suitability, determining the nature and extent of contamination or to determine the appropriateness of an investigation or plan. A Site Audit Statement must be prepared by an EPA accredited site auditor in accordance with the legislation.

Council may request a site audit to be undertaken at any stage during the contamination investigation or remediation works if Council:

- Believes on reasonable grounds that information, including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete;
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines; or
- Does not have the internal resources to undertake a technical review.

If Council requires a site audit, the cost shall be borne by the applicant.

A site auditor can comment on, or verify information provided by the applicant:

- to determine if the contaminated land consultant complied with all appropriate standards, procedures and relevant EPA guidelines;
- to determine if further investigations or remediation is required before the land is suitable or determine any specified use or range of uses.
- to determine if the proposed remediation is adequate and, if undertaken, will render the site suitable for the proposed use.
- to determine if there is any acceptable off-site migration of contaminants, particularly via ground water; or
- to determine if the contamination conditions at the site are suitable for in-ground absorption of stormwater.

Before issuing a Site Audit Statement, the site auditor must prepare a Site Audit Report. This report is a requirement of the EPA. It contains the key information and the basis of consideration that leads to the issue of the Site Audit Statement. The EPA Guideline for the NSW Site Auditor Scheme provides guidelines on the content of the statement and audit report.

See Appendix 10: Council procedure for Site Auditing for undertaking process steps.

5. PLANNING (SECTION 149) CERTIFICATES

Under Section 149 of the EP&A Act a person may request from Council a planning certificate that contains advice on land contamination matters about a property. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on section 149(2) planning certificates are as set out in section 59(2) of the CLM Act and will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 149(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Additional information regarding the contamination status of the site can be placed on the Section 149(5) section of the planning certificate including Site Audit Statements and Environmental Management Plans. The requirements and responsibilities of any ongoing management should be detailed in the Environmental Management Plan.

See Appendix 11: Section 149 Certificates procedure for undertaking this process steps.

APPENDIX 1: TERMS AND DEFINITIONS

Category 1 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i>	Remediation work that requires development consent. Defined in Section 4.5 of this document.
Category 2 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i>	Remediation work that does not require development consent under SEPP 55. Defined in Section 4.6 of this document.
CLM Act	<i>Contaminated Land Management Act 1997</i>
Contaminated Land <i>As defined in the SEPP 55 guidelines.</i>	Land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.
Contamination <i>As defined in the CLM Act.</i>	The presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality being a presence that represents a risk of harm to human health or any other aspect of the environment.
Detailed Investigation <i>As defined in the SEPP 55 guidelines.</i>	An investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Independent review <i>As defined in the SEPP 55 guidelines.</i>	An evaluation by an independent expert required by a planning authority of any information submitted by an applicant conducted at the applicant's expense.
Initial evaluation <i>As defined in the SEPP 55 guidelines.</i>	An assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made.
Investigation Order <i>As defined in the SEPP 55 guidelines.</i>	An order by the EPA under the <i>Contaminated Land Management Act 1997</i> to investigate contamination at a site of within an area.
Notice of completion <i>As defined in the SEPP 55 guidelines.</i>	A notice to Council in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land that remediation work has been completed.
Notification of remediation <i>As defined in the SEPP 55</i>	Prior notice of Category 2 remediation work given to Council in accordance with the State Environmental Planning Policy No. 55

<i>guidelines.</i>	– Remediation of Land.
Planning authority <i>As defined in the SEPP 55 guidelines.</i>	A public authority or other person responsible for exercising a planning function.
Preliminary Investigation <i>As defined in the SEPP 55 guidelines.</i>	An investigation to identify any past or present potential contaminating activities and to provide a preliminary assessment of any site contamination. The preliminary investigation typically contains detailed appraisal of the site history and a report based on visual site inspection and assessment.
Remedial Action Plan <i>As defined in the SEPP 55 guidelines.</i>	A plan that sets remediation goals and documents that outline the process required to remediate a site.
Remediation Order <i>As defined in the SEPP 55 guidelines.</i>	A direction from the EPA under the <i>Contaminated Land Management Act 1997</i> to remediate.
Remediation Site <i>As defined in the SEPP 55 guidelines.</i>	A site declared by the EPA under the Contaminated Land Management Act 1997 as posing a significant risk of harm.
Remediation Work <i>As defined in the SEPP 55 guidelines.</i>	Work in, on or under contaminated land, being work that: Removes the cause of contamination of the land; or Disperses, destroys, reduces, mitigates or contains the contamination of the land; or Eliminates or reduces any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on that land).
SEPP 55	State Environmental Planning Policy 55 – Remediation of Land
Site Audit <i>As defined in the CLM Act.</i>	<i>A review</i> That relates to management of the actual or possible contamination of land; and That is conducted for the purpose of determining any one or more of the following matters The nature and extent of any contamination of the land The nature and extent of any management of actual or possible contamination of the land Whether the land is suitable for any specified use or range of uses What management remains necessary before the land is suitable for any specified use or range of uses The suitability and appropriateness of a plan of management,

	long-term management plan or a voluntary management proposal.
Site Auditor <i>As defined in the SEPP 55 guidelines.</i>	A person accredited by the EPA under the <i>Contaminated Land Management Act 1997</i> to conduct site audits.
Site Auditor Statement <i>As defined in the SEPP 55 guidelines.</i>	A certificate issued by a site auditor for what use the land is suitable. OR A site audit statement prepared by a site auditor in accordance with the <i>Contaminated Land Management Act 1997</i> .
Site Audit Report <i>As defined in the SEPP 55 guidelines.</i>	A report containing the key information and the basis of consideration which leads to the issue of a site audit statement. OR A site audit report prepared by a site auditor in accordance with the <i>Contaminated Land Management Act 1997</i> .
Site History <i>As defined in the SEPP 55 guidelines.</i>	A land use history of a site that identifies activities or land uses that may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.
Site Investigation Process <i>As defined in the SEPP 55 guidelines.</i>	The process of investigating land that may be, or is, contaminated, for the purpose of providing information to a planning authority.
Validation <i>As defined in the SEPP 55 guidelines.</i>	The process of determining whether the objectives for remediation and any development consent conditions have been achieved.

APPENDIX 2: ACTIVITIES THAT MAY CAUSE CONTAMINATION

Activities that may cause contamination, as listed by the Planning Guidelines SEPP 55 – Remediation of Land, are listed below. This should be used as a guide only. A conclusive contaminated or non contaminated status can only be determined after a site history investigation and sampling analysis (where required).

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation
- clandestine laboratories and hydroponic plantings*

Source: Department of Urban Affairs and Planning & Environment Protection Authority. 1998. Managing Land Contamination Planning Guidelines. Table 1.

* Not currently listed in SEPP 55 Guidelines Remediation of land.

APPENDIX 3: REQUIREMENTS FOR CATEGORY 2 REMEDIATION

An applicant undertaking Category 2 remediation work must comply with the following requirements in order to maintain the amenity of adjoining owners, to prevent a risk to human health and to protect the environment.

The following detail should also be included in the development of a Remedial Action Plan in accordance with Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*.

1. Hours of Work

All remediation work (including the delivery/removal of materials or equipment) shall be limited to the following hours of work (unless through an alternative mutual agreement in writing with Council) to:

- Monday to Saturday - 7.00am to 5.00pm
- Sunday and Public Holidays – no remediation work is permitted

Note: The hours of work listed above are in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008⁷.

2. Noise and Vibrations

Any noise and vibrations from the site must be limited by:

- Complying with the NSW EPA's Industrial Noise Policy where applicable;
- Ensuring that all machinery and equipment is operated in an efficient manner to minimise noise from the site on adjoining properties;
- Ensuring that the use of any plant and/or machinery does not cause vibrations in excess of legislation and Australian Standards, on any premises.

3. Erosion and Sediment Control Plans

An Erosion and Sediment Control Plan (ESCP) must be prepared and submitted to Council for approval prior to remediation works commencing onsite. The ESCP must be developed with regard to the requirements detailed in Council's Soil and Water Management Policy (or similar) and Council's Engineering Guidelines and Technical Specifications (or similar).

Sediment control structures must be provided to prevent sediment entering drainage systems particularly where surfaces are exposed or where soil is stockpiled.

All erosion and sediment control measures must be maintained in a functional condition throughout the remediation works.

4. Stockpiles

⁷ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
<http://www.legislation.nsw.gov.au/inforce/17c080b8-4ec2-e8af-a364-e7cf43a568a2/2008-572.pdf>

No stockpiles of soil or other materials shall be placed on public land (i.e. footpaths, reserves or nature strips). All stockpiles must be placed away from drainage lines, gutters or stormwater pits or inlets. All stockpiles of soil or other material must be maintained to prevent dust, odours or seepage. All stockpiles of contaminated soils must be secured to prevent dust, odour or seepage if being stored for more than 24 hours.

5. Bunding

Any areas used for remediation or the stockpiling of construction materials or contaminated soils must be controlled to contain surface water runoff and run-on and be designed and constructed so as to prevent the leaching of contaminants into the subsurface/groundwater. Stockpiles and construction materials must be located away from drainage lines, whilst bunding of disturbed areas and excavations must occur to prevent runoff to waterways or stormwater where necessary. Ensure stabilisation as soon as possible. All surface water discharges from the area to Council's stormwater system must not contain detectable levels of contaminants.

6. Site Access and Vehicle Use

Vehicle access to the site must be designated to prevent the tracking of sediment onto public roadways and footpaths. Soil, earth, mud or similar material must be removed from the roadway by sweeping, shovelling, or a means other than washing on a daily basis or as required by an appropriate authority. Soil residue from vehicle wheels must be collected and disposed of in an appropriate manner.

All vehicles are to:

- Enter and exit the site in a forward motion;
- Comply with all road rules, including vehicle weight limits;
- Minimise the use of Local Roads by utilising State Roads where available;
- Be cleaned pre and post works to prevent the movement of weed seeds;
- Securely cover or seal all loads to prevent the release of any dust, fumes, soil or liquid emissions during transportation;
- Conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work outlined in Section 1;

Note. Applicants may consult Council prior to selecting the most suitable transport route.

7. Air Quality

Emissions of dust, odour and fumes from the site must be appropriately controlled as per the EPA regulations and guidelines. These may include but are not limited to:

- Using water sprays to suppress dust;
- Establishing dust screens around work zones, the perimeter or the development site and any material handling areas;
- Securely covering loads entering/exiting the site;
- Covering stockpiles of contaminated soil that remain on site for more than 24 hours;
- Keeping excavation surfaces and stockpiles moist.

8. Groundwater and Surface Water

Contaminated water must be disposed of offsite at an appropriate waste treatment processing facility. Alternatively, a Trade Waste Agreement may be approved by Council to discharge wastewater to sewer. In some cases, when water parameters meet EPA and Australian and New Zealand Guidelines (ANZECC), Council may allow wastewater to be discharged to stormwater (a volume limit may be specified).

9. Existing Vegetation

There must be no removal or disturbance to trees or native understorey without the prior written consent through Council's Removal and Pruning of Vegetation process (or similar). All trees that will be retained on the site must be suitably protected from damage during remediation works. This includes provision of protective fencing to protect the root zone of these trees. The fencing must extend to a minimum of the drip line of each tree. No stockpiling, storage, excavation, vehicle parking, or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of remediation works.

All exposed areas must be progressively stabilised and revegetated on the completion of remediation works. It is recommended that all revegetation works comply with the National Standards for the Practice of Ecological Restoration in Australia.

With the exception of bio-certification areas, the impact of any works on threatened species, populations or ecological communities or their habitat are required to be considered in order to meet the requirements of the *Threatened Species Conservation Act 1995*.

10. Capping of Contaminated Soil

Capping of contaminated soil must only occur after alternative remediation works have been investigated, particularly in urban zoning or areas identified as future growth in former Murray and Wakool's LEP/DCP.

Contaminated soil is only permitted to be capped if it does not prevent any permitted use of the land and it can be demonstrated that there will be no ongoing impacts on human or environment health. Capping of contaminated soil that exceeds zoning permissible levels, is classified as Category 1 Remediation Work and may only be permitted in accordance with a Development Consent approved by Council.

Where site capping is carried out on a site and further maintenance is required, Council will require the placement of a covenant on the title of the land. The covenant will advise of any maintenance works required to be carried out. Records of any maintenance undertaken on the site must be kept for future reference and provided to Council on an annual basis. The cost of the preparation of a covenant is borne by the applicant.

11. Contaminated Soil Disposal

Disposal of contaminated soil must be in accordance with the Protection of the Environment Operations Act 1997 and Regulations and any EPA guidelines relevant at the time (such as the NSW EPA publication NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (2004)).

Any enquires associated with the off-site disposal of waste from a contaminated site must be referred to the NSW EPA helpline (phone 131 555). If contaminated soil or other waste is transported to or from a site, a licensed waste transport contractor must be used.

The Moama Waste Management Facility only accepts waste in accordance with its Environment Protection Licence (EPL) (number 7395). All other Waste Management Facilities in Murray River Council are not required to be licenced as they do not exceed the licenced thresholds listed under the POEO Act. The EPL for the Moama Facility requires that all waste accepted be classified as 'General Solid Waste'. Analysis of the contaminated soil must be undertaken to verify that the waste is 'General Solid Waste'. All documentation must be provided to Council's Waste Management Team and approved prior to the waste entering the landfill.

12. Work Health and Safety

It is the employer's responsibility to ensure that all site remediation works comply with the Work Health and Safety legislation and other applicable SafeWork NSW (previously known as NSW WorkCover) requirements.

13. Importation of Fill

All fill imported to the site must be validated as Virgin Excavated Natural Material (VENM/ENM) as defined in the *Protection of the Environment Operations Act 1997* (POEO Act) to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Council may in certain instances require details of the appropriate validation of imported fill material to be submitted with any application for the future development of the site.

Fill is permitted for use provided that:

- It itself is not contaminated;
- It is weed and pest free;
- It is compatible with the existing soil characteristic so as not to adversely affect site drainage.

14. Site Security and Lighting

The site must be secured to ensure against all unauthorised access by using appropriate fencing.

It is recommended that security lighting be used to deter unauthorised access. If security lighting is used it must be shielded to protect the amenity of adjoining landowners.

15. Rodents and Vermin

Rodents and vermin must be adequately controlled and disposed of in an environmentally appropriate manner.

16. Consultation

Written notification to adjoining owners/occupants must occur at least two days prior to the commencement of remediation works. Notification must include:

- Estimated length of works;
- Contact details of Site Manager;

Signage visible from the road and adjacent to site access is to display the Site Manager and Remediation Contractor contact details for the duration of the works.

17. Removal of Underground Petroleum Storage Systems (UPSS)

The removal of all UPSS must be completed in accordance with the:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014)⁸;
- Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)⁹;
- SafeWork NSW requirements;
- Australian Standard/s including AS 2601 – 1991 Demolition of Structures and AS 1940 – 2004 Storage and Handling of Flammable and Combustible Liquids.

Following the removal of underground storage systems containing fuel, the site area, which includes bowser lines and fuel lines, must be assessed, remediated if need be, and validated in accordance with the requirements above. All documents must be submitted to Council, including but not limited to a tank pit validation prepared in accordance with the POEO regulations.

18. Hazardous Materials

Hazardous and/or intractable wastes arising from the remediation work must be removed and disposed of in accordance with the requirements of the NSW EPA and SafeWork NSW (previously known as WorkCover), together with the relevant regulations, namely:

- NSW Work Health and Safety Act 2011;
- NSW Work Health and Safety Regulation 2011;
- Contaminated Land Management Act and Regulations; and
- Environmentally Hazardous Chemicals Act 1985 and Regulations.

Under the *Protection of the Environment Operations Act 1997* the transportation of Schedule 1 Hazardous Waste is a scheduled activity and must be carried out by a transporter licensed by the NSW EPA.

19. Site clean-up/rehabilitation

The remediation work site must be stabilised to ensure that no offsite impacts occur on the site post completion.

20. Site Validation

All Category 2 remediation work must be validated by a site auditor accredited by the NSW EPA under Part 4 of the CLM Act. Council requires a copy of the Validation and Monitoring Report and Site Audit Statement detailing the suitability of the site within 90 days of completion and prior to the commencement of building construction works. The validation report is to:

- Contain a copy of any reports or records taken during remediation or following completion of validation works;
- Contain a validation statement detailing all works have been undertaken and completed satisfactorily;
- Demonstrate that the objectives of any relevant Remedial Action Plan (RAP) have been achieved, any conditions of development consent have been complied with or whether any further remediation work or restrictions on land use are required;
- Provide evidence confirming that all NSW EPA, SafeWork NSW and other regulatory authorities license conditions and approvals have been met;
- Identify the need for continued monitoring in situations where clean-up is not feasible or on-site containment has occurred;
- State the suitability of the site for its current or proposed use.

Successful validation is the statistical confirmation that the remediated site complies with the clean-up criteria set for the site.

The site auditor must:

- Be currently accredited by the NSW EPA;
- Comply with all relevant publications of the NSW EPA;
- Not have a conflict of interest or a pecuniary interest, within the meaning of Section 54 of the *Contaminated Land Management Act 1997*.

The full cost of the validation will be borne by the applicant and not Council.

⁸ Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014
<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+565+2014+cd+0+N>

⁹ NB: Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) has been withdrawn by AIP.

Category 2 Remediation Works Checklist

Requirement	Completed
Remediation works are not classified as designated development under the <i>Environmental Planning and Assessment Act 1979</i> or any other planning instrument (i.e. not Category 1 remediation works).	
Remediation works are not proposed on land that is: Identified as critical habitat under the <i>Threatened Species Conservation Act 1995</i> ; or Likely to have a significant impact on threatened species, populations, ecological communities or their habitats; or In an area or zone classified under an Environmental Planning Instrument as conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environment protection, floodway, nature reserve, scenic area or scenic protection, or wetland; or Requiring consent under another State Environmental Planning Policy.	
Remediation work is consistent with the <i>Requirements for Category 2 Remediation of Contamination Land</i> , or you have received written confirmation from Council.	
Details of category 2 remediation work has been submitted 30 days prior to commencement, unless otherwise exempt.	
Written notification to adjoining owners/occupants has occurred at least two days prior to the commencement of remediation works detailing the estimated length of the works and contact details of the Site Manager.	
Have provided written correspondence to Council and members of the public who raised written concerns relating to the remediation works within 2 working days of commencement.	
Signage is visible from the road and adjacent to site access; displaying the Site Manager and Remediation Contractor contact details.	
Have provided notice of completion of remediation work within 30 days after the completion of the works to Council and any other consent authority in accordance with Clauses 17 and 18 of SEPP 55.	
Have provided independent verification within 90 days of remediation works being completed.	
If applicable, have notified Council of maintenance required in order for a covenant to be placed on the title.	
Have a mechanism in place to provide Council details of maintenance completed annually.	

APPENDIX 4: CONDITIONS OF CONSENT

The following conditions have been created for use with development applications involving contaminated land. Not all conditions will be relevant to every development application and they will be used as appropriate and where relevant to a particular application. Amendments may also be made, where appropriate, to reflect legislative or other changes. These amendments can be made at the discretion of Council. Additional conditions not listed below may also be required, and will be included at the Council's discretion.

Conditions that must be fulfilled prior to the release of the Construction Certificate

1. The proponent must prepare and implement a Landscape Plan for the development prepared by a suitably qualified person to the satisfaction of Council. A Landscape Plan must be submitted and approved by Council prior to the release of the Construction Certificate.

This Landscape Plan is to;

- detail proposed landscaping within the road reserves of the new internal road network.
- detail proposed landscaping and fencing for within the widened road reserve.
- detail the proposed landscaping/native vegetation plantings within the drainage/open space corridor and the staging of this reserve.
- provide for a combined walking/cycling path through the drainage corridor and public open space network.
- detail proposed infrastructure to be erected within the reserve such as; barbecue, shelters, benches etc.
- provide details of proposed plants relating to size, numbers, planting regime, location and similar.
- Identification and accurate mapping of all trees suitable for retention based on health and condition.
- Report detailing species, health, condition and hazard rating of trees identified as suitable for retention.
- Trees identified for retention to be clearly tagged on site to allow for assessment by Council officers.
- Methods of tree protection during engineering works for trees identified to be retained.

Reason: To ensure the development is satisfactorily landscaped.

2. Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site must be submitted to Council for consideration and approval. The EMP must be prepared by a suitably qualified, experienced and certified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP must:
 - a) Address all environmental aspects of the development's construction and operational phases; and
 - b) Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s); and
 - c) Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP must include but is not limited to the following:

- i. Soil and water management
- ii. Air Quality

- iii. Water Quality
- iv. Dust suppression
- v. Litter control
- vi. Noise control
- vii. Waste management
- viii. Dangerous/hazardous goods storage
- ix. Emergency response and spill contingency.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land and ensure that the land is suitable to be used for the proposed purpose.

Conditions that must be fulfilled prior to the commencement of any works

- 3. Prior to commencement of any works on site, appropriate fencing must be installed around the proposed remediation area, which must be removed following completion of remediation works.

Reason: To preserve the environmental health and amenity of the area.

- 4. Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control measures must be in accordance with Council's adopted Erosion and Sediment Control Policy and the NSW Department of Environment and Conservation "Erosion and Sediment Control – A Resource Guide for Local Councils".

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures and must provide for:

- a) The diversion of uncontaminated run-off around cleared or disturbed areas.
- b) The erection of a silt fence to prevent debris escaping into drainage systems or waterways.
- c) The prevention of tracking of sediment by vehicles onto roads.
- d) Covering of vehicles entering/exiting the site with material.
- e) The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- f) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Reason: To minimise erosion of the site and prevent deposition of silt within the waterways, creeks and wetlands.

- 5. All measures specified in the NSW Department of Environment and Conservation "Erosion and Sediment Control – A Resource Guide for Local Councils" to minimise the effects of soil erosion and pollution must be installed and then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained.

Reason: To minimise erosion of the site and prevent deposition of silt within the waterways, creeks and wetlands.

6. Dust suppression techniques must be employed during all works to reduce any potential nuisances to surrounding properties.

Reason: To minimise environmental and amenity impacts in respect to construction of the development.

General Conditions

7. The recommendations contained in (insert section) of the document entitled (insert title) prepared by (insert author) dated (insert date) and supplied to Council (insert date) are adopted as conditions of Consent subject to the following additional requirements.

a)(Insert Issues applicable to particular application)

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land and ensure that the land is suitable to be used for the proposed purpose.

8. Site remediation works (as may be required) must be carried out generally in accordance with the approved contamination report and remedial action plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority (NSW EPA) Guidelines. On completion of the site remediation works, the following documentation must be submitted to Council:
- a) Written notification that the site remediation works have been completed must be submitted within 30 days of the works being completed; and
 - b) The report must certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan and relevant NSW Environment Protection Authority requirements.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land and ensure that the land is suitable to be used for the proposed purpose.

9. All remediation work must, in addition to complying with any requirement under the *Environmental Planning and Assessment Act 1979* or any other legislation, be carried out in accordance with:
- a) the contaminated land planning guidelines; and
 - b) the guidelines (if any) in force under the *Contaminated Land Management Act 1997*.

In addition, a notice of completion of remediation work on any land must be given to Council. The notice must be given within 30 days after the completion of the work.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land and ensure that the land is suitable to be used for the proposed purpose.

10. Upon the completion of any remediation works stated in the Remedial Action Plan, the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be prepared in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998. This Report must be to the satisfaction of Council.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land

and ensure that the land is suitable to be used for the proposed purpose.

11. The relevant aspects of the approved EMP must be implemented during the relevant phase(s) of the development:

a) Employment of Environmental Consultant

An experienced and certified environmental consultant must be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved EMP as identified at each phase of the development (e.g. prior to commencement of works, construction and post-construction / ongoing operations of the development). Details of the environmental consultant, including contact details, employed to oversee the development must be submitted to Council with the 'Notification of Commencement' 7 days before any works are to commence on site.

b) Ongoing Reporting

Operational matters of the development, Compliance Certificates or other written document must be obtained from a qualified environmental consultant certifying that the aspects of the approved EMP are complied with. The Compliance Certificate or other written documentation must be submitted to Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land.

12. All waste generated on site during the project must be classified in accordance with NSW EPA Waste Classification Guidelines and transported to and disposed of appropriately within a designated and approved land fill that may lawfully accept the waste.

Reason: To preserve the environmental health and amenity of the area.

Prior to the release of the Subdivision Certificate / Occupation Certificate

13. Prior to the release of the **Subdivision Certificate/Occupation Certificate**, the applicant must submit to Council a copy of an 88B Instrument prepared in accordance with the *Conveyancing Act 1919*, with the application for a **Subdivision Certificate/ Occupation Certificate** for Council's endorsement. The 88B Instrument must be registered on the title of **Lot xx DP xx** and must contain the following (or similar) wording:

- a) The land is classified as contaminated land as past uses of the land may have contaminated, or contributed to the contamination, of the land; and
- b) Remediation works have been partial and localised only; and
- c) Contaminants may remain in both the soil and groundwater; and
- d) Further investigation and remediation may be required prior to any particular use of the land being undertaken or approved.

Reason: To ensure a 88B Instrument is created which outlines relevant information regarding contamination of the land.

14. Upon the completion of the approved remediation works stated in the approved Remediation Action Plan and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be conducted in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998.

Reason: To comply with State Environmental Planning Policy No 55—Remediation of Land and ensure that the land is suitable to be used for the proposed purpose.

Advice to Applicant

The subject land has been contaminated from past land use or development. Accordingly, the Applicant is advised to make contact with the NSW SafeWork Authority for advice regarding minimising harm to workers during operations.

Reason: To advise Applicants that the subject site has previously been contaminated.

Any soil or debris that may need to be removed from the site may only be deposited at licensed landfill sites able to receive potentially contaminated wastes. Reference should be made to Murray River Council's Contaminated Land Management Policy.

Reason: To advise Applicants of requirements for disposal of contaminated materials.

APPENDIX 5: COUNCIL PROCEDURE FOR INITIAL EVALUATION

Process: Initial Evaluation

Exceptions: If an application is sent directly to the NSW Department of Planning and Environment as the land is deemed to be contaminated, and that the contamination is significant enough to be declared Significantly Contaminated under the CLM Act.

Trigger: An application is submitted to Council by an applicant for a given site.

Checklist process:

Step	Process	Yes	No
1	Does the application include a statement that the land (or neighbouring land) is, or is likely to be contaminated?	Go to Step 1A.	Initiate Preliminary site investigation process – Appendix 6.
1A	Did the application include a Site Audit Statement or Remedial Action Plan?	Go to site auditing or to Remediation process. - Appendix 8 and 10 respectively.	Go to Step 2.
2	Is the application requiring a change in land use to residential, educational, recreational, child care or hospital?	Need to be mindful of this when deciding as to whether a preliminary site investigation is required before proceeding.	Go to Step 3.
3	Is the site; under consideration (or neighbouring sites) included in the Register as 'significantly contaminated' or 'remediated land'? Listed on the EPA's notifications list i.e. sites which are awaiting assessment?	Go to Step 3A.	Go to Step 4.
3A	Does the Site Audit Statement or Remedial Action Plan place limitations on the use of the land?	Initiate preliminary site investigation process – Appendix 6.	Go to Step 4.
4	Is the site under consideration (or neighbouring sites) included in the register as potentially contaminated land?	Go to Step 4A.	Go to Step 5.

4A	Determine previous land use history and contamination potential. Is contamination possible?	Initiate preliminary site investigation – Appendix 6.	Go to Step 5.
5	Has the site under consideration been subject to either a preliminary or detailed site contamination investigations in the past?	Go to Step 5A.	Go to Step 6.
5A	Locate and review Site Audit Statement and the Validation and Monitoring Report. Do restrictions and/or conditions on the land use require further investigation?	Initiate preliminary site investigation – Appendix 6.	Go to Step 6.
6	Is the application outlining no change in land use, but the existing land use involves an activity listed in Appendix 2 of the Policy?	Go to Step 6A.	Go to Step 7.
6A	Is the previous/existing land use related to industrial/commercial or to intensive broadacre?	Consider if a preliminary site investigation is warranted before proceeding.	Go to Step 7.
7	<p>Does information on current zoning and permissible land uses (e.g. restrictions and/or conditions on land use relating to land contamination contained in the LEP, DCP etc.), or records from previous zonings, development and building applications, property files and information provided by the applicant <u>suggest land contamination may be an issue for this or in neighbouring sites?</u></p> <p>Does the Local Environment Plan or Development Control Plan place restrictions or conditions for the development of the site?</p> <p>Is an identified historical land use for the land (or neighbouring land) listed in Appendix 2 of the Policy?</p> <p>Is an identified historical land use (or neighbouring land) related to agriculture or intensive horticulture? (excludes broadacre</p>	Yes or maybe to one or more – Initiate preliminary site investigation - Appendix 6.	No to all. Proceed with normal planning assessment process. Process finalised.

horticulture).		
Is or has the site (or neighbouring land) been subject to land use restrictions related to contamination?		
Is or has the site (or neighbouring land) been subject to conditions on its use?		
Is or has the site (or neighbouring land) been subject to remediation action?		
Is or has the site (or neighbouring land) been subject to pollution incidents and/or illegal dumping of waste?		
Did a site inspection identify any land contamination issues?		

Key decision for check list:

Initial Evaluation Report (as a file note) concludes that:

1. Reasonable efforts have been made to come to a conclusion that there is no risk in the development application relating to land contamination, hence the assessment of the Development Application continues business-as-usual; or
2. There is insufficient information to determine whether the land under consideration in the development application is not contaminated land, in that the land concerned is either:
 - Land that is within an investigation area that has been notified as such by the EPA;
 - Land on which activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, especially in regards to agriculture and intensive horticulture activities; or
 - Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

If 1): proceed with normal business process in the assessment of the development application.

If 2): notify the applicant in writing that a Preliminary Site Investigation is required.

APPENDIX 6: COUNCIL PROCEDURE FOR PRELIMINARY SITE INVESTIGATION

Process: Preliminary Site Investigation

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as a consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Initial Evaluation could not conclude that the land under consideration in the application or proposal is not contaminated land.

Activity: Request the applicant to engage a certified contaminated land consultant to undertake a preliminary site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. Request that the outcomes of this investigation are included in a revised application or proposal. (Note: this activity can be undertaken in conjunction with the Detailed Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application or proposal includes a Preliminary Site Investigation Report.	Go to Step 2.	Go to Step 1A.
1A	Request the applicant provide the Preliminary Site Investigation Report.	Go to Step 2.	Undertake Step 1A before proceeding.
2	Review the Preliminary Site Investigation Report and determine whether a Detailed Site Investigation is required.	Go to Step 3.	Undertake Step 2A before proceeding.
3	Preliminary Site Investigation Report (as a file note with the report) demonstrates the potential for, or existence of, contamination, which may preclude the land of being suitable for the proposed use.	Go to Detailed Site Investigation – Appendix 7.	Go to Step 4.
4	Is there a requirement for conditions of consent (refer to Appendix 4).	Go to step 5.	Process the application or proposal. Process finalised.
5	Process application or proposal with Conditions of Consent.	Process finalised.	Step 5 needs to be undertaken before process can be finalised.

APPENDIX 7: COUNCIL PROCEDURE FOR DETAILED SITE INVESTIGATION

Process: Detailed Site Investigation

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as the consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Preliminary Site Investigation Report identifies the potential for, or existence of, contamination which may preclude the land of being suitable for the proposed use.

Activity: Request the applicant to engage a certified contaminated land consultant to undertake a detailed site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reports for Contaminated Sites. Request that the outcomes of this investigation are included in a revised development application or proposal. (Note: this activity can be undertaken in conjunction with the Preliminary Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application or proposal includes a Detailed Site Investigation Report.	Go to Step 3.	Go to Step 2.
2	Request the applicant provide a Detailed Site Investigation Report	Go to Step 3.	Undertake Step 2 before proceeding.
3	Does the Detailed Site Investigation Report include a statement that the site is contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 4.	Go to Step 3A.
3A	Request the applicant submit a revised Detailed Site Investigation Report to include a statement on the suitability.	Go to Step 3B.	Cannot proceed until Step 3A is undertaken.
3B	Revised Detailed Site Investigation report received.	Go to Step 4.	Cannot proceed until revised detailed site investigation report is received.
4	The Detailed Site Investigation Report includes a statement on whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if it can be made suitable through remediation.	Go to Step 5.	Go to Step 4A.
4A	Request a statement on whether the site is suitable for the proposed use and for all other	Go to Step 5.	Undertake Step 4A before proceeding.

	purposes permissible in the zone, or if it can be made suitable through remediation.		
5	Does the Detailed Site Investigation Report include a statement that the site is potentially contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 5A.	Go to Step 6.
5A	Notify NSW EPA immediately.	Proceed with EPA directions.	No other action can be undertaken until Step 5A has occurred.
6	Does the Detailed Site Investigation Report conclude that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate?	Go to Step 6A.	Go to Step 7.
6A	The application or proposal may be modified to a use that is suitable for the land without remediation (e.g. relating to a development application outlining no change in land use), provided a new application or proposal is not required, or the application or proposal can be withdrawn, or the application or proposal can be refused by Council. Application modified for consent.	Go to Step 7.	Go to Step 6B.
6B	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 6D.
6C	Close the assessment of the application or proposal.	Process finalised.	Undertake Step 6C to finalise process.
6D	Application or proposal refused by Council.	Go to Step 6E.	Application or proposal is required to be modified, withdrawn or refused for process to be finalised.
6E	Consider if the site should be included on the Contaminated Lands site register and include on register if required.	Process finalised.	Undertake Step 6E to finalise process.

7	Does the Detailed Site Investigation Report include a statement that the site is <u>contaminated</u> , which may preclude the land from being suitable for the proposed use?	Go to Step 8.	Go to Step 9.
8	Has the applicant indicated its intent to withdraw the application or proposal?	Go to Step 6C.	Go to Step 9.
9	Is Council satisfied that the site is suitable for the proposed use and for all other purposes permissible in the zone?	Go to Step 10A.	Go to Step 9.
9A	Are conditions of consent required?	Go to Step 9B.	Go to Step 10.
9B	Include conditions of consent (see Appendix 4 of the Policy).	Process finalised.	Process can't be finalised until Step 9B is undertaken.
10	Council to develop restrictions and/or conditions for the land, including any restrictions relating to the intended land use or conditions on the remediation and also provision of a Validation and Monitoring Report prior to commencement of development work (e.g. construction certificate).	Go to Step 11.	Undertake Step 10 before proceeding.
11	Does the Detailed Site Investigation Report include a list of feasible remediation options available to remediate the site in order to make it suitable for the proposed use?	Go to Remediation – Appendix 8.	Go to Step 11A.
11A	Seek this information from the applicant.	Go to Remediation – Appendix 8.	Process cannot proceed until Step 11A has been undertaken.

Note: Subsequent to finding that the Detailed Site Investigation Report includes a statement that the site is contaminated and that the contamination is significant enough to warrant regulation, Council must notify the NSW EPA who may then declare the land as a 'Remediation Site' thereby subjecting the land to remediation works and processes under the Management Order issued by the EPA.

APPENDIX 8: COUNCIL PROCEDURE FOR REMEDIATION

Process: Managing requirements of Council, the applicant and other parties relating to remediation of land and its congruence with SEPP 55 Planning Guidelines, and that remediation works will be undertaken in accordance with the relevant EPA Guidelines under the *Contaminated Land Management Act 1997*.

Exceptions:

- Category 1 remediation works with consent from the Department of Planning and Environment.
- Category 2 remediation works subject to a Remediation Order by the EPA without consent. Under this scenario the EPA declares that the land is a Remediation Site and a Remediation Order is issued by the EPA.
- A site that is under voluntary remediation (i.e. Voluntary Remediation Plan) with the EPA declaring the site as a Remediation Site (See Section 4.3, Voluntary Remediation) and where the EPA does not require the specific works to be undertaken under the EP&A Act.

Trigger:

- Land covered by a development application requiring remediation to make the land suitable for the proposed use and for all other purposes permissible in the zone.
- Receipt of a notification regarding proposed Category 2 remediation works without consent.

Checklist process:

Step	Process	Yes	No
1	Is the remediation work likely to have a potential for significant environmental impacts from the remediation works?	Go to Step 1A	Go to Step 1B
1A	Remediation works would be considered as Category 1 remediation works with Council consent (go to sub-section Category 1 Remediation Works With Council Consent).	Proceed to subsection Category 1 Remediation Works with Council Consent.	N/A
1B	Considered as Category 2 remediation works without consent (go to sub-section Category 2 Remediation Works Without Consent).	Proceed to subsection Category 2 Remediation Works Without Consent.	N/A

Notes: Category 1 remediation work includes any work that is:

1. Designated development as listed in Schedule 3 under the Environmental Planning and Assessment Regulation (2000), and requires the applicant to prepare an Environmental Impact Statement.
2. Carried out on land that is considered as critical habitat under Part 3 of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994* (for threatened species).
3. Likely to have a significant impact on critical habitat or a threatened species, population or ecological community under Schedules 1, 1A and 2 of the *Threatened Species Conservation Act 1995*.
4. Carried out on land zones E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways."
5. Development for which another SEPP requires development consent.
6. In an area or zone to which are classified for coastal protection, conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environmental protection, floodway, nature reserve, scenic area or scenic protection, wetland, or any land in a manner that does not comply with the Policy made under the contaminated land planning guidelines by Council.
7. Any other works as nominated by Council under s.9(f) of SEPP 55 – Remediation of Land.
8. Council should notify NSW EPA that it considers remediation works associated with a planning proposal or development application to be Category 1 remediation works.

Category 1 Remediation Work Subject to Management Order with Consent of Department of Planning and Environment.

Notes:

1. Similar process to Category 1 Remediation Works with Council Consent except that Department of Planning and Environment manage the assessment steps and Council receives notifications at certain stages in the process.
2. A Remediation Action Plan must be prepared by the applicant and subsequently approved by the Department of Planning and Environment (as the consenting authority).
3. Department of Planning and Environment may require an Environmental Impact Statement (EIS) if the remediation is likely to significantly affect the environment.
4. A Remediation Action Plan, planning proposal or development application and an EIS is required to be submitted by the applicant to the Department of Planning and Environment.
5. Management Order is issued by the EPA.
6. Post-remediation: Validation and Monitoring Report and Site Audit Statement sent to the Department of Planning and Environment (under SEPP 55) and to the EPA (under the Remediation Order).

Notes: Applies to both Category 1 and Category 2 remediation:

As the remediation of contaminated sites often involves the disturbance of soil, Aboriginal Cultural Heritage also must be considered. The Office of Environment and Heritage (OEH) has a statutory role under the *National Parks and Wildlife Act 1974* (NPW Act) in the protection and preservation of Aboriginal sites. It is an offence to do any of the following things without exemption or defence provided for under the NPW Act and penalties apply:

- Knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- Harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence).

It is in the interest of the group undertaking remediation to ensure that all reasonable precautions are taken to prevent the occurrence of damage to Aboriginal objects.

Those undertaking remediation works need to exercise proper Due Diligence in accordance with the Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW ("the Code") in determining whether intended actions will harm Aboriginal objects (known and unknown). They should be aware that if any Aboriginal objects are harmed during works they may be liable to prosecution under the 'strict liability' offence of the NWP Act unless they can demonstrate they have followed the Code. OEH will not approve or certify compliance with due diligence requirements carried out under this or any other code. This is the responsibility of the company or individual doing the activity. The code is available from the OEH website.¹⁰

¹⁰ Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW
www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf

Category 1 Remediation Work with Council Consent

Step	Process	Yes	No
1.	Does the Category 1 remediation work include any work that is designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation?	Determine whether the applicant is required to submit an Environmental Impact Statement before proceeding.	Go to step 2.
2	If the remediation work is Category 1 remediation work, has the applicant submitted a Remedial Action Plan?	Go to 2A.	Remedial Action Plan required before proceeding.
2A	Is Council satisfied that the site can be remediated?	Go to Step 3.	Go to Step 2B.
2B	Request applicant provides a revised Remedial Action Plan or if unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 3.	Undertake Step 2B before proceeding.
3	Are the proposed clean-up criteria appropriate for the future use of the site, considering possible human health and environmental impacts?	Go to Step 4.	Go to Step 3B.
3B	Has the applicant provided a suitable revised Remedial Action Plan and Council is satisfied the land can be remediated for the intended land use. If unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 4.	Undertake Step 3B before proceeding.
4	Are the proposed plans for remediation work acceptable in that they include an operational plan, work, health and safety management plan, site environmental management plan, community relations plan and contingency plan and outline all necessary approvals required from regulatory authorities?	Go to Step 5.	Go to Step 4A.
4A	Request applicant provides revised Remedial work plans. Is council satisfied with the revised remedial work plans? Unsure – Decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 5.	Undertake Step 4A before proceeding.

5	Is a Site Auditor required to review the Remediation Action Plan?	Inform the applicant that Council intends to engage a Site Auditor, and that the cost of this auditor is with the applicant. Go to Step 6.	Go to Step 7.
6	Request the applicant to submit a satisfactory Remedial Action Plan. Process should be stopped until a satisfactory RAP is submitted.	Go to Step 7.	Undertake Step 6 before proceeding.
7	Does Council need to impose conditions on the development consent in relation to: Requiring the submission of a Validation and Monitoring Report after completion of the remediation work, but before commencement of the development work (i.e. before issuance of a construction certificate). Any other conditions and/or restrictions on the remediation work, including any condition of consent set out in appendix 3 of the Policy?	Go to Step 7A. Go to Step 7B.	Go to Step 8.
7A	Prepare conditions of consent to reflect provision of a Validation and Monitoring Report upon completion of remediation works.	Go to Step 8.	Undertake step 7A before proceeding.
7B	Prepare conditions of consent to reflect identified conditions of consent relevant to the remediation works and ongoing management of the land under consideration in regards to occupational health and safety, site environmental management (including ongoing site monitoring) and any other identified matter.	Go to Step 8.	Undertake Step 8A before proceeding.
8	Any objections received on the advertised planning proposal or development application (including the Remedial Action Plan)?	Go to Step 8A.	Go to Step 9.
8A	Is the planning proposal or development consent a designated development?	Go to Step 8B.	Go to Step 9.
8B	These objections must be sent to the Department of Planning and Environment for comment.	Go to Step 9.	Undertake step 8B before proceeding.
8C	Planning proposal or development consent is not designated development, Council is to	Go to Step 9.	Undertake step 8C.

	review objections and make a determination on these		
9	Determine the development application, including any comments on objections received from the Department of Planning and Environment (if designated development).	Go to Step 10.	Undertake step 9 before proceeding.
10	Inform the applicant of determination.	Go to Step 11.	Undertake step 10 before proceeding.
11	Upon completion of the remediation works, and before a construction or occupation certificate is issued, has a notification from the applicant that includes the Validation and Monitoring Report been submitted to Council within 30 days of completion of the remediation works or as specified in the Development consent? (Note: sometimes submission for the validation report within 30 days of completion of remedial works and prior to construction certificate is not feasible. Some flexibility is required here.	Go to Step 12.	Go to Step 11A.
11A	Request the notification and Validation and Monitoring Report to be submitted to Council.	Go to Step 12.	Undertake step 11A before proceeding.
12	Does the Validation and Monitoring Report include: A statement that the land under consideration has been remediated in accordance with the approved Remedial Action Plan to make it suitable for its intended use or other purpose in that zone?	Go to Step 13.	Go to Step 12A.
12A	If the site was remediated in accordance with requirements, then request the report is modified to include such a statement, or; If the report identified that full remediation was not feasible or onsite containment of contamination is proposed, then ensure that a detailed ongoing monitoring strategy/program and site environmental management plan is provided.	Go to Step 13.	Undertake step 12A before proceeding.
13	Does the Validation and Monitoring Report include: A statement confirming that all licences,	Go to Step 13A.	Go to Step 13C.

	approvals and development consents have been complied with?		
13A	Did the Validation and Monitoring Report include any documentary evidence?	Go to Step 14.	Go to Step 13B.
13B	Request that the report is modified to include such documentary evidence.	Go to Step 14.	Undertake step 13B before proceeding.
13C	Request that the report is modified to include such a statement and documentary evidence.	Go to Step 14.	Undertake step 13C before proceeding.
14	Does the Validation and Monitoring Report include: A Site Audit Statement and Site Audit Summary Report?	Go to Step 15.	Go to Step 14A.
14A	Request that the Site Audit Statement and Site Audit Summary Report is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Is Council satisfied with the Validation and Monitoring Report and the Site Audit Statement?	Process finalised.	Undertake step 15A
15A	Seek a Site Auditor to review with a view to verify information contained in the Validation and Monitoring Report (See Appendix 10 Site Auditing).	Go to Step 15.	Cannot proceed until Step 15A is undertaken.

Note: Site auditor will provide a report that will confirm the above questions and thereby dictate whether the process continues or if another iteration on the Remedial Action Plan is required. If no Remediation Action Plan is sought (or is not needed), then the remediation must be tested against standards endorsed by the EPA.

Include the relevant information in section 149(2) planning certificates, covenants on the title or annual reporting and other information made available under section 149(5).

Category 2 Remediation Work Without Consent

Notes:

1. Category 2 remediation work is all remediation work that is not defined as Category 1 remediation work.
2. Category 2 remediation work does not require consent.
3. Council is required to be notified of any proposed category 2 remediation work at least 30 days before the works commence.
4. This notification is also required to address information contained in Appendix 3 Requirements for Category 2 Remediation Works.
5. Remediation Action Plans are not mandatory for Category 2 works without consent, but Council can deem the risk of contamination to be of the level requiring a Remediation Action Plan to be developed by the applicant.
6. A copy of the Validation and Monitoring Report and a Site Audit Statement from an EPA accredited auditor must be forwarded to Council within 30 days of the completion of the remediation works. Council will not consider any subsequent development applications for the site until it is satisfied that the site is suitable for the proposed use.
7. This section does not consider Category 2 Remediation Work Subject to a Remediation Order by the EPA – without consent, nor Category 2 remediation works relating to underground petroleum storage systems (even though Appendix 3 of the Policy includes UPSSs in the 'requirements for category 2 remediation works'). The UPSS regulatory framework is proposed to be changed in 2017 resulting in more responsibility given to local government.

Step	Process	Yes	No
1	For Category 2 remedial works, was Council notified at least 30 days before commencement of the works?	Go to Step 3.	Go to step 2.
2	Contact applicant to remind them of the notification requirement.	Go to Step 3.	Process cannot proceed until Step 2 is complete.
3	Did the notification include a proposal for the remediation works that addressed information contained in Appendix 3 of the Policy in relation to 'Requirements for Category 2 Remediation Works', and the dates in which	Go to Step 4.	Go to Step 3A.

	this work is to be undertaken?		
3A	Obtain this information from the applicant.	Go to Step 4.	Process cannot proceed until Step 3A is undertaken.
4	Did the notification seek any approvals from Council (e.g. dissolved hydrocarbon impact from open excavations to be taken to landfill or discharged to the sewer under consent conditions)?	Go to Step 4A.	Go to Step 5.
4A	Consult with relevant internal operational area.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Did the notification require any approvals from other regulatory bodies (e.g. leaching [i.e. discharge] of toxic material to stormwater or sewer).	Go to step 5A.	Go to Step 6.
5A	Request evidence of approval.	Go to Step 6.	Undertake Step 5A before proceeding.
6	Did the notification provide contact details?	Go to Step 6A.	Go to Step 7.
6A	Consult with relevant internal operational area.	Go to Step 7.	Undertake Step 6A before proceeding.
7	Has a remedial works plan been submitted with the notification?	Go to Step 8.	Go to Step 7A.
7A	Ask and receive the Remedial Works Plan from the applicant.	Go to Step 8.	Cannot proceed until Step 7A is undertaken.
8	Does the Remedial Works Plan state that it has been prepared in line with the SEPP55 Planning Guidelines, and that proposed remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act?	Go to Step 9.	Go to Step 8A.
8A	Seek the applicant or proponent to provide this confirmation in writing.	Go to Step 9.	Undertake step 8A before proceeding.
9	Has a site inspection been undertaken?	Go to Step 10.	Go to Step 9A.
9A	Arrange and undertake a site inspection.	Go to Step 10.	Undertake step 9A before proceeding.

10	Upon completion of the remedial works has the following been provided to Council? Within 30 days of completion of the remediation works, a notification that remediation work and validation has been completed.	Go to Step 11.	Go to Step 10A.
10A	Contact the proponent and request this information is submitted to Council	Go to Step 11.	Cannot proceed until Step 10A is undertaken.
11	Upon completion of the remedial works has the following been provided to Council? Validation and Monitoring Report	Go to Step 12.	Go to Step 11A.
11A	Contact the proponent and request the Validation and Monitoring Report is submitted to Council.	Go to Step 12.	Cannot proceed until Step 11A is undertaken.
12	Upon completion of the remedial works is Council satisfied that the category 2 remediation works have been carried out?	Go to Step 13.	Go to Step 12A.
12A	Issue a clean-up notice under the <i>Protection of the Environment Operations Act 1997</i> requiring that further works be undertaken, or that a site auditor is appointed to review works to date and make suggestions on what additional works are required.	Go to Step 13.	Cannot proceed until Step 12A is undertaken.
13	Is Council satisfied with the content of the Validation and Monitoring Report and the Site Audit Statement?	Go to Step 14.	Go to Step 13A.
13A	If Council is not satisfied with the content of the site audit statement it should be reported to the EPA.	Go to Step 14.	Cannot proceed until Step 13A is undertaken.
14	Did the Validation and Monitoring Report and/or Site Audit Statement include: A statement that the land under consideration has been remediated to make it suitable for its intended use or other purpose in that zone?	Go to Step 15.	Go to Step 14A.
14A	Request that this information is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Did the Validation and Monitoring Report and/or Site Audit Statement include:	Go to Step 15A.	Go to Step 16.

	Requirements relating to ongoing site management, including restrictions on use?		
15A	Include the relevant information in section 149(2) planning certificates, covenants on title or annual reporting and other information made available under section 149(5).	Go to Step 16.	Undertake step 15A.
16	Has a site inspection been undertaken?	Go to Step 17.	Undertake Step 16A.
16A	Undertake a site inspection.	Go to Step 17.	Cannot proceed until Step 16A is undertaken.
17	Council is satisfied with the remediation work.	Process finalised.	Process cannot be finalised until Council is satisfied with the remediation works.

Note: Some notifications on category 2 remediation works without consent list requests Council approvals. An example is the discharge of dissolved hydrocarbon impact to sewer or to take it to landfill to de-wet. As we have a Trade Waste Policy for the former Murray Shire area, Council has the capacity to grant this approval up to an extent; however, for material whose discharge to sewer or stormwater systems would pose a significant risk to human health or the environment, the approval must be sought from the relevant state agency (e.g. NSW DPI Water).

APPENDIX 9: COUNCIL PROCEDURE FOR VOLUNTARY MANAGEMENT PROPOSALS

Process: -To manage data and/or information regarding any voluntary management proposal approved by the EPA.

Exceptions: None identified.

Objective: To ensure the appropriate management of data and information from activities related to voluntary management proposals.

Trigger:

- Land owner informs Council of intent to remediate identified contaminated land.
- EPA notifies Council of a voluntary management proposal to remediate a contaminated site.
- EPA notifies Council of completion of remediation works associated with a voluntary management proposal.

Checklist process:

Step		Yes	No
1	Notification received from EPA in regards to a voluntary management proposal?	Go to Step 2.	Process not applicable.
2	Record information in Council's systems in accordance with agreed procedures.	Go to Step 3.	Undertake Step 3 before proceeding.
3	Is Council satisfied that a section 149(2) planning certificate can be issued for the site?	Go to Step 4.	Go to Step 5.
4	Prepare appropriate text for the section 149(2) planning certificate (See Appendix 11 Section 149 Certificates).	Process Completed.	Process not completed until Step 4 is undertaken.
5	Liaise with EPA for clarification.	Process completed.	Process not completed until Step 5 is undertaken.

Notes:

1. Duty to Notify: Anyone whose activities have caused land to be contaminated, and owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify NSW EPA as soon as practicable after becoming aware of the contamination when a site owner provides an undertaking to voluntarily remediate a site that initiates a process via a notification to the NSW EPA. This is a requirement under section 60(3) of the Contaminated Land Management Act and supported by the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act.
2. Management Orders: NSW EPA may order persons to manage significantly contaminated land in the following hierarchy: those responsible for the contamination, the landowner and the notional owner. Under worst-case scenarios this could see Council as the 'notional owner' of private land and thereby is responsible for remediation.
3. Voluntary Management Proposals: NSW EPA may approve a voluntary management proposal for the management of significantly contaminated land, with or without conditions. The voluntary management proposals subsumes the former voluntary investigation proposal and the voluntary remediation proposal.

APPENDIX 10: COUNCIL PROCEDURE FOR SITE AUDITING

Process: To ensure that Council has confidence in information regarding contamination or potential contamination of land and verification thereof.

Exceptions: None identified

Trigger: Council:

- Believes on reasonable grounds that information including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete.
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines.
- Does not have the internal resources to undertake a technical review.

Notes:

1. A Site Auditor is an individual accredited by the EPA under Part 4 of the CLM Act.
2. Site auditors review the work of contaminated site consultants. The CLM Act calls these reviews site audits and defines a site audit as an independent review.
3. Site auditors can prepare an independent review:
 - a. that relates to investigation or remediation carried out (whether under the CLM Act of otherwise) in respect of the actual or possible contamination of land; and
 - b. that is conducted for the purpose of determining any one or more of the following matters:
 - I. the nature and extent of any contamination of the land
 - II. the nature and extent of the investigation or remediation
 - III. whether the land is suitable for any specified use or range of uses
 - IV. what investigation or remediation remains necessary before land is suitable for any specified use or range of uses
 - V. the suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation proposal or a remediation proposal.
4. Costs for Site Audit services are borne by the applicant.

Checklist process:

Step	Process	Yes	No
1	Develop a terms of reference for the site audit.	Go to Step 2.	Undertake Step 1 before proceeding.
2	Package and provide all direct and background information required to be verified by the Site Auditor.	Go to Step 3.	Undertake Step 2 before proceeding.
3	After completion of the site audit, has the Site Audit Summary Report been provided with the Site Audit Statement?	Go to step 4.	Go to Step 3A.

3A	Seek Site Audit Summary Report from applicant.	Go to Step 4.	Undertake Step 3A before proceeding.
4	Is Council satisfied with the outcomes of the site audit?	Process completed.	Go to Step 5.
5	Liaise with site auditor to clarify findings or report to EPA for review.	Process Completed.	Process cannot be deemed completed until Step 5 (findings clarified or EPA reviewed) is undertaken.

APPENDIX 11: SECTION 149 CERTIFICATES PROCEDURE

Process: To ensure that accurate information regarding land contamination matters including Council policy to restrict the use of land is included in planning certificates issued under Section 149 of the EP&A Act.

Trigger: A request for information regarding a parcel of land that triggers a process under Section 149 of the EP&A Act.

Steps:

1. Identify parcel of land of interest.
2. Check Register (if applicable) for annotations regarding contaminated land management issues.
3. Generate certificate.
4. Confirm correctness of statements included in the certificate regarding contaminated land management matters.

Under Section 149 of EP&A Act, a person may request from Council a planning certificate containing advice on matters about the land that are prescribed in the EP&A Regulation including information regarding land contamination.

- (a) *Section 59(2) of the CLM Act provides that specific notations (as listed below) relating to contaminated land issues must be included on Section 149 certificates where:*
- (b) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued;*
- (c) *that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued;*
- (d) *that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued;*
- (e) *that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to an order at the date when the certificate is issued;*
- (f) *that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

In addition to detailing information relevant to the prescribed matters, all Section 149(2) certificates issued by Council will also contain one of the following notations relating to land contamination:

Where Council's contaminated land policy restricts the use of land which:

- has a previous land use history which could have involved use of contaminants on the site, for examples, land which may have been used for an activity listed in Appendix 2, or
- is known to be contaminated, but
- has not been remediated,

an appropriate notation may be:

‘Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands that have previously been used for certain purposes. Consideration of Council’s adopted policy and the application of provisions under relevant State legislation is warranted.’

Where council’s contaminated land policy restricts the use of land which:

- is known to contain contaminants, but
- has been remediated for a particular use or range of uses and some contamination remains on the site, for example encapsulated,

an appropriate notation might be:

‘Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. Consideration of Council’s adopted policy and the application of provisions under relevant State legislation is warranted.’

Where Council records do not contain a clear site history without significant gaps in information and council cannot determine whether or not the land is contaminated, and therefore the extent to which council’s policy should apply, council may decide to take a cautious approach. In such cases an appropriate notation might be:

‘Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Council records do not have sufficient information about previous use of this land to determine whether the land is contaminated. Consideration of Council’s adopted policy and the application or provisions under relevant state legislation is warranted.’

Council may make additional notations upon Section 149(2) or Section 149(5) certificates where specific information is obtained in relation to the use of land.

APPENDIX 12: PROCEDURE FOR STORING CONTAMINATED SITES INFORMATION

Former Murray Shire Procedure: Contaminated Land Procedure

Procedure

Following the principle of retaining contaminated land information on a single file, the property information or files should have a reference or link to the relevant contaminated land file. Any change in use or application against a property would need to be vetted against the contaminated land file if relevant. This will ensure that the contaminated land information is being considered as part of the assessment and determination.

Hard copy files and electronic property register

A hard copy contaminated land file affecting a subject site is received/created. The electronic Contaminated Land Register is updated and relevant information is linked to Council's electronic mapping system. The hard copy file also refers back to Council's Contaminated Land Register.

Former Wakool Shire Procedure

Procedure

- Open Electronic Contaminated Lands Register
- Record incident on Register
 - Include:
 - legal description of land – Lot / Sec / DP
 - property owners details
 - property assessment number
 - date of data entry
 - LEP land zoning
 - nature of contaminate (volume / type – if known)
 - level of risk to public health (low / med / high)
 - level of risk to environment (low / med / high)
- List associated compliance action/s
- Document details of Environmental Assessment Reports
- Record required remediation works (if applicable)
- Document evidence of any Certificate of Clearance (author / date)
- Store associated information on Council's Permanent Records System
- Advise Council's Technical Services department to include Contaminated Lands property identification to associated parcel on Council's Electronic Mapping System layer



CONTAMINATED LAND MANAGEMENT POLICY POL403.V1

DOCUMENT CONTROL

Version No.	Details	Date	Resolution No.
1	Initial Issue – <i>On 12 May 2016, the Premier of NSW, The Hon Mike Baird MP, made the Local Government (Council Amalgamations) Proclamation 2016 under the Local Government Act 1993, whereby Murray Shire Council and Wakool Shire Council were amalgamated to constitute the new area to be known as Murray River Council, effective immediately.</i>	27 June 2017	210617

*Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review in June 2022*



Contaminated Land Management Policy (POL403.V1)

Adopted: 27 June 2017

Managing Land Contamination

Planning Guidelines

SEPP 55–Remediation of Land

1998

Department of Urban Affairs and Planning • Environment Protection Authority

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Foreword


The New South Wales Government recognises that the management of contaminated land is a major issue for public agencies, industry and the community. We have brought forward a package of reforms to provide a comprehensive, consistent and whole-of-government approach to contamination and remediation. The *Contaminated Land Management Act 1997* will commence later this year. State Environmental Planning Policy No. 55—Remediation of Land has already commenced. The publication of these revised planning guidelines is an important part of the Government's reform package for contaminated land.

Managing Land Contamination: Planning Guidelines replaces *Planning Guidelines for Contaminated Land* which was published in 1995. The Guidelines have been substantially revised and updated to integrate them with the other parts of the Government's reform package. They contain expanded sections on planning functions, and information gathering and interpretation.


The new Guidelines have involved extensive consultations with the community and stakeholders during their preparation. We thank all who contributed their ideas and participated in the consultations and workshops. We are pleased that *Managing Land Contamination: Planning Guidelines* reflects those contributions.

Managing Land Contamination: Planning Guidelines will assist planning and consent authorities to undertake their responsibilities under the *Environmental Planning and Assessment Act 1979*. The Guidelines deal with the early identification of contaminated sites, rezoning and development applications, the recording and use of information, and the provision of information to the community. Planning and consent authorities should incorporate the Guidelines into their policy processes.

We are pleased to be associated with the publication of these Guidelines. They will serve as a strategic framework for managing contaminated land and will form a practical guide for those involved in the planning process and members of the community.



Craig Knowles MP
Minister for Urban Affairs and Planning
Minister for Housing



Pam Allan MP
Minister for the Environment

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SEPP 55—REMEDICATION OF LAND

follows **56**

1. Introduction

1.1 PURPOSE

In some situations, the use of land can result in its contamination by chemicals, posing a risk to human health or the environment and precluding later development of a site for particular uses. The purpose of these Guidelines is to establish 'best practice' for managing land contamination through the planning and development control process. The Guidelines explain what needs to be done to show that planning functions have been carried out in good faith. Obviously they cannot provide a definitive answer in all cases, so planning authorities will also need to exercise their judgement.

The Guidelines include:

- information to assist in the investigation of contamination possibilities
- a decision making process that responds to the information obtained from an investigation
- information on how planning and development control can cover the issues of contamination and remediation
- a suggested policy approach for planning authorities
- discussion of information management systems and notification and notation schemes, including the use of s. 149 planning certificate notations
- approaches to prevent contamination and reduce the environmental impact from remediation activities.

Though written primarily for planning authorities, in particular local councils, the Guidelines are also relevant to:

- developers, lenders, property insurers, property owners and consultants such as site auditors, valuers and remediators
- determining authorities for activities under Part 5 of the EP&A Act (that is, those activities not requiring consent but requiring an approval from a public authority)
- interested members of the community.

Note that for the purpose of the Guidelines the person or body seeking to develop land is known as 'the proponent'.

1.2 CONTEXT

The Guidelines replace those published in October 1995 and notified in the Government Gazette in December 1995. They were exhibited in draft form for public comment from 4 November to 16 December 1997. The details in these new Guidelines reflect current departmental views and address issues raised at a series of workshops with local councils in April 1996 and November 1997. It is intended to monitor their use and to review them if, and when, necessary.

1.3 KEY PRINCIPLES

The planning and development control process as provided for in the *Environmental Planning and Assessment Act 1979* (EP&A Act) plays an important role in the management of land contamination. The integration of land contamination management into the planning and development control process will:

- ensure that changes of land use will not increase the risk to health or the environment
- avoid inappropriate restrictions on land use
- provide information to support decision making and to inform the community.

A key message for planning authorities is the need to:

- consider the likelihood of land contamination as early as possible in the planning and development control process
- link decisions about the development of land with the information available about contamination possibilities
- adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination
- exercise statutory planning functions with a reasonable standard of care.

1.4 COMPLIANCE

Part 7A of the EP&A Act provides that planning authorities who act substantially in accordance with these Guidelines are taken to have acted in good faith. This means that before an authority can be found negligent of an act or omission related to a particular planning function, it must be shown that they did not substantially comply with the Guidelines.

The planning functions covered by this statutory protection are:

- a) the preparation or making of an environmental planning instrument
- b) the preparation or making of a development control plan
- c) the processing and determination of a development application
- d) the modification of a development consent
- e) the furnishing of advice in a planning certificate under s. 149 of the Act
- f) anything incidental or ancillary to the carrying out of any function listed in paragraphs (a)–(e).

The Guidelines offer guidance and recommend strategies for each of these functions. Any significant departure from the Guidelines should be justified by demonstrating that their overall aims and principles have been met.

Note that the EP&A (Amendment) Act 1997 transfers subdivision and building approvals from the Local Government Act to the EP&A Act from 1 July 1998. These approval processes are included in point (c) above, and the statutory protection applies.

1.5 STRUCTURE

The Guidelines reflect a logical progression through the planning and development control process and are structured as follows:

- what decisions need to be made
- what information is needed to make a decision
- how to get the necessary information
- how to interpret the information
- options available in making decisions
- recording information for the future (including the decisions made)
- releasing information to the public
- using information to prevent future contamination and harm.

1.6 WHAT HAS CHANGED SINCE THE 1995 GUIDELINES

The 1995 guidelines have been revised and updated for two main reasons. Firstly, although they were well received, the response from user groups, in particular the local councils, has indicated a need for further information on some aspects and a clarification of some issues. For example:

- there is now greater emphasis on *planning* functions, with more technical matters being left to NSW Environment Protection Authority (EPA) guidelines
- there is more detail on gathering and interpreting information for making planning decisions—the site investigation process
- the use of independent reviews has been clarified.

Secondly, the Guidelines have been updated in line with the *Contaminated Land Management Act 1997* (CLM Act) and State Environmental Planning Policy No. 55—Remediation of Land (SEPP 55). This includes a revision of the suggested wording of s. 149 planning certificates. The definition of contaminated soil treatment works in Schedule 3 of the Environmental Planning and Assessment Regulation 1994 (designated development) is being revised and is therefore no longer included as an appendix.

How the 1995 Guidelines Compare with the 1998 Guidelines

1995	1998
1. Purpose	1. Introduction
3. Rationale	2. What Needs to be Decided
2. Identification	3. What Information is Needed to Make a Decision
4. Planning	4. Making the Decision
	4.4 Control of Remediation Work
4.2 Support Systems	5. Recording and Use of Information
5. Remediation	<i>Deleted—refer to EPA and ANZECC guidelines</i>
6. Prevention	6. Preventing Contamination and Harm
Appendix A.Designated Development	<i>Deleted—under review</i>
Appendix B.Suggested Planning Implementation Process	<i>Incorporated into chapters 2–5</i>

2. What needs to be decided

2.1 INTRODUCTION

Land contamination is most often the result of past uses. It can arise from activities that took place on or adjacent to a site and be the result of improper chemical handling or disposal practices, or accidental spillages or leakages of chemicals during manufacturing or storage. Activities not directly related to the site may also cause contamination; for example, from diffuse sources such as polluted groundwater migrating under a site or dust settling out from industrial emissions.

When carrying out planning functions under the EP&A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. Decisions must then be made as to whether the land should be remediated, or its use of the land restricted, in order to reduce the risk.

Failure to consider the possibility of contamination at appropriate stages of the planning decision process may result in:

- inappropriate land use decisions
- increased risk to human health
- detrimental effects on the biophysical environment
- impacts on the safety of existing and new structures
- delay in realising developments
- substantial fall in the land value and the passing on of unanticipated development costs to other parties.

6 WHAT NEEDS TO BE DECIDED

2.2 WHAT DECISIONS NEED TO BE MADE

The decisions that a planning authority will need to make relate to the planning functions with which it is charged.

Planning function	Decisions to be made
Preparing and making a planning instrument	Is the land suitable or can it be made suitable for the rezoned use?
Preparing and making a development control plan (DCP)	Are appropriate issues covered in the DCP?
Processing and determining a development application	Is the land suitable, or can and will it be made suitable, for the proposed development?
Modifying a development consent	Will the land be suitable for the proposed use under the modified consent?

When an authority carries out a planning function, the history of land use needs to be considered as an indicator of potential contamination. **Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.** However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in these Guidelines should be followed. Table 1 on page 12 lists activities that may cause contamination.

Essentially, the Guidelines recommend that rezonings, development control plans and development applications (DAs) are backed up by information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used. Where remediation has already occurred but residual contamination is above the recommended thresholds, it may be necessary to restrict the land uses allowed. This approach may also be appropriate for cases where investigation shows that only some land uses would be suitable. In situations where the land is not suitable for the proposed use and cannot be rendered suitable for technical or practical reasons, the proposal should be refused.

Generally, the proponent or person(s) who will benefit from the granting of the approval must prove that the land is, or can be made, suitable for the proposed use. However, planning authorities are required to exercise their planning functions in good faith; in some cases this may require a detailed analysis by the planning authority, or an independent review, of the information provided by the proponent and [council] records to confirm the proponent's claims.

2.3 THE STRATEGIC CONTEXT: MAKING A COUNCIL POLICY

The general principle of the Guidelines is that planning authorities should adopt a cautionary approach when exercising a planning function. The object of this approach is to enable any land contamination issues to be identified and dealt with at an early stage in the planning process in order to prevent harm and reduce delays and costs.

Consideration of contamination at a strategic level provides an opportunity to consider contamination issues early, well in advance of statutory approvals for land use changes. An assessment of a planning authority's broad strategies and policies should be made, based on a general knowledge of past land uses and the potential for contamination. This then provides a context for future decision making.

To supplement these Guidelines, it is strongly recommended that each local council develop and adopt a formal policy for managing land contamination to provide a local context for decision making. The policy should be consistent with these Guidelines and either adopt or be based on them, with variations based on local conditions and procedures.

The preferred approach is to have a policy that applies to *all* land in the local government area because the consideration of contamination must be undertaken for all land use changes. State Environmental Planning Policy No. 55 requires the issue of contamination be considered whenever a planning authority considers a development or rezoning proposal where the new use may increase risk from contamination, if it is present (see Table 1). This means that the planning authority must routinely consider whether land is suitable for a proposed use in terms of the risk from contamination. However, **restrictions** on land use due to contamination will only apply to *certain* land and the council's policy needs to state the circumstances in which this applies.

While it is up to each council to determine the content and wording of an appropriate policy for its local government area, the policy might usefully include:

1. reference to the key principles outlined in section 1.3 of the Guidelines
2. a statement on the council's policy on the restriction of land use under particular circumstances. The following considerations may be relevant:
 - if the contamination status of land is unknown, no change in use should occur which may increase the risk of harm until the land has been investigated
 - if contamination causes an unacceptable risk of harm, the use of the land should be restricted to reduce the risk to acceptable levels
 - if remediation has reduced the risk to acceptable levels, no restriction on land use is necessary
3. a statement on the council's policy on the conduct of remediation work. The following considerations may be relevant, for either the whole local government area or for certain identified areas:

8 WHAT NEEDS TO BE DECIDED

- restrictions on the hours of operation of remediation work
 - restrictions on the routes to be used by vehicles associated with the remediation work
 - restrictions on parking
 - restrictions on the disposal of contaminated spoil removed from remediated land
4. a statement on the council's policy on the use of site audits in the planning decision process. The following considerations may be relevant:
- under what circumstances will council require a site audit or site audit statement under the CLM Act?
 - does the council have any requirements for how auditors should be appointed?
 - what does the council require from the auditor; for example, to review and provide comments on every report provided by the proponent, or to provide a summary report? Note that the EPA's *Guidelines for the NSW Auditor Scheme* (1998a) provides information about how an auditor is engaged
5. a statement on the council's policy on access to information on council records relevant to contamination. The following considerations may be relevant:
- if restrictions are placed on the use of the land, this information should be available to any enquirer
 - if no restrictions are placed on the use of the land, but information on contamination exists, this should be available to any enquirer
 - councils should access their records on contamination before answering enquiries
 - if a site audit statement exists, this must be noted on any s. 149(2) planning certificate and may be attached to a planning certificate under s. 149(5)
6. the notation system for s. 149 planning certificates, for example, the sort of information council may provide under s. 149(5). See section 5.3.3.

Note that council's policy on contaminated land may be contained within a number of documents, such as planning instruments that contain land use restrictions relevant to contamination and a development control plan or plans. However, it is also advisable to have a formal 'stand-alone' policy document that addresses the matters listed above.

Further discussion on these matters is contained in the following chapters.

3. What information is needed to make a decision

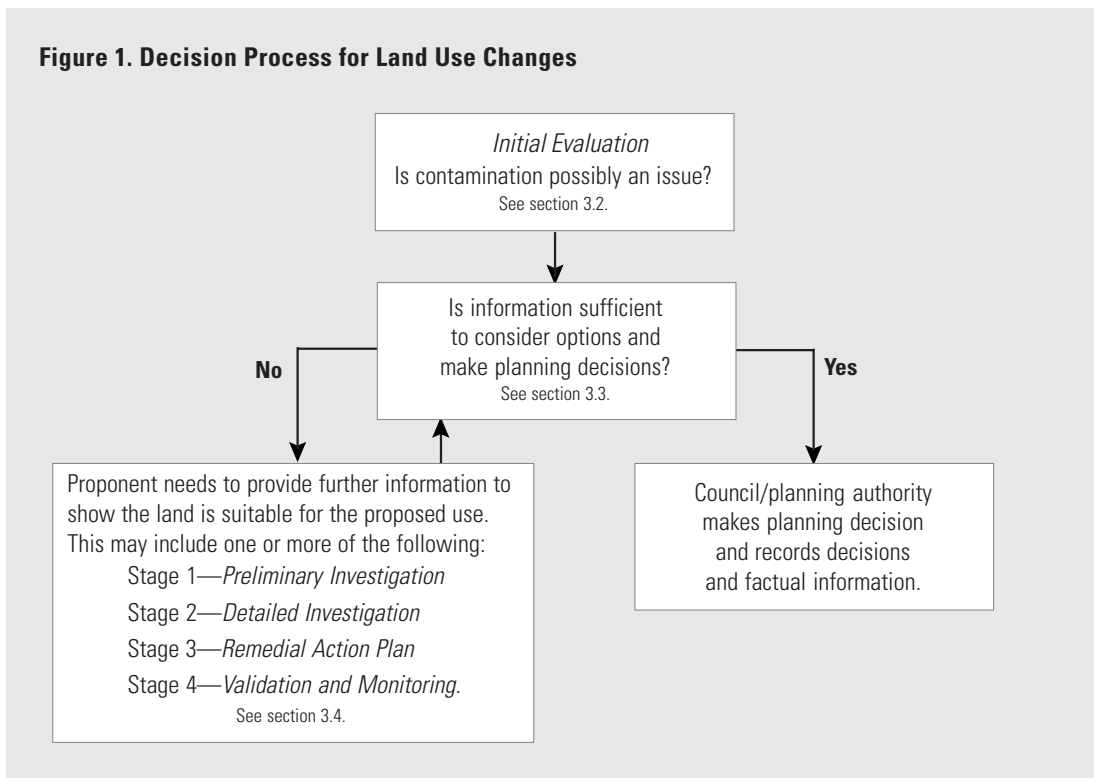
3.1 INTRODUCTION

This chapter focuses on the process for evaluating and assessing contamination issues.

Before carrying out a planning function, it is essential to consider whether the issue of contamination is relevant. If it is, investigations might be needed to provide information about the land to enable that function to be carrying out in good faith.

When defining the area to be investigated, all land subject to the planning decision must be considered. For example, a council's decision to accept a dedication of land for open space as part of a development proposal might need an investigation into its suitability, and because it involves a change of use even if no development is proposed on the land at the time.

For the purpose of these Guidelines, the process for making a decision on a change of land use is as shown in figure 1.



3.2 INITIAL EVALUATION BY THE PLANNING AUTHORITY

An initial evaluation is essential to determine whether contamination is an issue and whether sufficient information is available to carry out a planning function in good faith. The purpose of the initial evaluation is for the planning authority, before a planning function is exercised, to determine whether land contamination is relevant to the decision being made and whether further information is required from the proponent.

The initial evaluation can be based on **readily available factual information** and should be carried out **regardless of the nature of the proposed use or the current use**. Readily available information may include: current zoning and permissible uses, records from previous rezonings, development applications and building applications for the site, property files, information provided by the proponent such as a development application or rezoning request or an investigation, and the knowledge of council staff. Information provided by the owner or proponent should be checked against information held by the planning authority on the subject land and, if available, adjoining properties.

Further information may be gained by visiting the site. Site inspections can provide valuable information on previous land uses that may have resulted in land contamination, especially if the inspector already has information on the history of the site. However, it is recognised that a site inspection may not be feasible or practical in all cases and it is not suggested as a mandatory requirement.

3.2.1 Suggested Checklist for Initial Evaluation

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes. The following is a brief checklist for doing an initial evaluation.

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?
- Do existing records held by the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)
- Was the subject land at any time zoned for industrial, agricultural or defence purposes?
- Is the subject land currently used for an activity listed in Table 1?
- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation to any activity listed in Table 1?
- Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority?
- Does a site inspection conducted by the planning authority [optional] suggest that the site may have been associated with any activities listed in Table 1.
- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?

12 WHAT INFORMATION IS NEEDED TO MAKE A DECISION

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Source: ANZECC & NHMRC 1992 *The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites*. For information on chemicals commonly associated with these activities see Appendix A.

Note: It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

3.3 IS THE INFORMATION SUFFICIENT TO CONSIDER OPTIONS AND MAKE PLANNING DECISIONS?

3.3.1 Instances where No Further Information is Required

If, after carrying out an initial evaluation, none of the enquiries suggest that the land might be contaminated or that further enquiry is warranted, the planning process should proceed in the normal way.

The planning authority may not need more information to make a decision about previously investigated or remediated land if sufficient information has already been provided. However, proposals on such land should be carefully managed through the planning and development control process. The nature, distribution and levels of residues remaining on the land need to be considered when a planning authority makes a planning decision.

3.3.2 Instances where Further Information is Required

After carrying out an initial evaluation, if there are indications that contamination is, or may be, present and the planning authority has insufficient information on which to make a planning decision, the proponent should be asked to provide further information.

A planning authority may need to seek further information when:

- the subject site or land in the vicinity is, or may be, associated with activities listed in Table 1 but it is not known whether contamination exists
- the land was, or is, regulated by the EPA or other regulatory authority in relation to land contamination, and there is insufficient information available about the nature and extent of contamination
- the land has been investigated or remediated but there is insufficient information available about the nature and extent of contamination, or the circumstances have changed
- there are restrictions on, or conditions attached to, the use of the site by regulatory or planning authorities that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination
- council records have demonstrated that the land is associated with complaints about pollution or illegal dumping of wastes but it is not known whether contamination exists
- a use such as residential, educational, recreational, hospital or childcare is proposed on the land and records on the site history are unclear about whether the land has been used in the past for a purpose listed in Table 1.

A site history may be 'unclear' if there are significant gaps in historical information, or land uses are not described in sufficient detail to identify the presence or absence of uses listed in Table 1 during periods in which such uses were permissible under the zoning.

3.4 INFORMATION TO BE PROVIDED BY THE PROPONENT

If contamination is, or may be, present the proponent must investigate the site and provide the planning authority with the information it needs to carry out its planning functions. The appropriate level of investigation will depend on the circumstances and may involve one or more of the stages described below in the *site investigation process*.

3.4.1 A Summary of the Site Investigation Process

Stage 1—Preliminary Investigation. The main objectives of a preliminary investigation are to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation. A preliminary investigation is not necessary where contamination is not an issue.

Stage 2—Detailed Investigation. A detailed investigation is only necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was, formally used for an activity listed in Table 1 and a land use change is proposed that has the potential to increase the risk of exposure to contamination. A detailed investigation will also need to be conducted as part of a remediation proposal. The objectives of a detailed investigation are to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required.

Stage 3—Remedial Action Plan. The objective of an RAP, or plan of remediation, is to set objectives and document the process to remediate the site.

Stage 4—Validation and Monitoring. The objective of validation and monitoring is to demonstrate whether the objectives stated in the RAP and any conditions of development consent have been achieved. SEPP 55 requires a notice of completion for all remediation work. Validation is an important prerequisite of this notice.

It should be emphasised that not every site will require all four stages of investigation. An investigation may proceed directly to Stage 2 for example, if it is clear early on that the land has been used for an activity listed in Table 1 and the proposed change of use would increase the risk from contamination.

Proponents may also choose not to proceed with the proposal and terminate the site investigation process at any stage. If a proponent decides to proceed with the proposal and provide the necessary information for consideration by the planning authority, they should engage suitably qualified contaminated land professionals who are experienced in contaminated site assessment and management.

The following sections provide further guidance on what needs to be considered in the review of information and the issues that should be considered at each stage of the site investigation process.

3.5 EVALUATION OF THE INFORMATION PROVIDED BY THE PROPONENT

The EP&A Act and SEPP 55 require a planning authority to consider the suitability of land for a proposed development. Ultimately, a planning authority needs to be satisfied that a site is suitable for its proposed use or can and will be made suitable, based on what they know of the site. This will involve an evaluation or review of the information submitted by the proponent.

In some cases, the planning authority will have the technical expertise to conduct the appropriate evaluation internally. In other cases, it will be necessary for an independent expert to assist in the evaluation. In the 1995 Guidelines this was referred to as an *independent review*. An independent review is carried out by a third party such as another consultant who is qualified to deal with the type of land contamination in question and who is independent of both the proponent and the proponent's consultant.

3.5.1 What are Some of the Issues in the Site Investigation Process?

The following sub-sections outline some issues to consider when evaluating reports during various stages of the site investigation process. Some issues could be technically difficult and the assistance of an experienced consultant may be needed. Further assistance may also be sought from the EPA's *Guidelines for Consultants Reporting on Contaminated Sites* (1997b) and from Edwards et al (1994).

If a planning authority considers, or is advised by the proponent, their consultant or site auditor, that the subject site poses a significant risk to health or the environment, the EPA may be notified for possible action under the CLM Act. There is a legal duty on owners of land as well as persons whose activities have contaminated land to notify the EPA as soon as practicable after becoming aware that contamination poses a significant risk of harm to human health or the environment (see s. 60 of the CLM Act). The Contaminated Land Management (General) Regulation 1998 prescribes the format of the notification given to the EPA.

3.5.2 Stage 1—Preliminary Investigation

The preliminary investigation contains a detailed appraisal of the site's history and a report based on a visual site inspection and assessment. It is important that all relevant information about the site is assessed to determine the potential for site contamination.

Where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal. Through the assessment of sampling results, an assessment of contamination can be established.

16 WHAT INFORMATION IS NEEDED TO MAKE A DECISION

A preliminary investigation is an important step in deciding whether a more detailed investigation is needed. Where the results of a preliminary sampling program demonstrate the potential for, or the existence of contamination, a detailed investigation should be undertaken; not necessarily immediately after the preliminary investigation but before the new use commences. Where the preliminary investigation shows a history of non-contaminating activities at a site and, in the absence of other contrary evidence, there will be no need for further investigation.

Issues to consider

- Is the information about the site's history adequate:
 - are the descriptions of activities on the site detailed enough to identify a use listed in Table 1?
 - are there any big gaps in the history that might hide a use listed in Table 1?
 - are the sources reliable?
 - is the information verifiable?
- Does the information conform with the relevant EPA guidelines?
- If contamination or a contaminating activity, whether previous or existing, is confirmed should the proponent conduct a detailed investigation to further define the extent and degree of contamination?
- If the site history suggests that the site is unlikely to be contaminated but there are gaps in the history and Table 1 uses were permissible under the zoning during those periods, is limited site sampling needed to confirm the site is not contaminated? Consult a site auditor if necessary.
- Does this site pose a significant threat to human health or the environment? If so, refer to the CLM Act in relation to duty to notify the EPA.
- Is a site audit of the preliminary investigation necessary? See section 3.6.1.

If there is sufficient information to satisfy the planning authority that the site is suitable for the proposed use, the planning process should proceed in the normal way.

3.5.3 Stage 2—Detailed Investigation

A detailed investigation should provide information about the extent and degree of contamination. It should also include an assessment of the risk posed by the contaminants to health and the environment. Generally, the risk can be assessed by comparing the levels of residue on-site with appropriate predetermined thresholds such as the soil investigation levels specified in the EPA's guidelines (1998a). The risks can also be determined by a site-specific risk assessment undertaken by the proponent's consultant.

Issues to consider

- Is the sampling program that has been undertaken by the consultant adequate to identify hot spots of contamination on the site? Does it conform with the relevant EPA guidelines? Check the sampling program against the EPA's guidelines or consult a site auditor if necessary.
- Have appropriate thresholds and criteria been used for the assessment? Compare with appropriate criteria or consult a site auditor if necessary.

- Do the levels of contamination on the site need to be reduced in order for the site to be suitable for the proposed use? If so, progress to Stage 3—Site Remedial Action Plan.
- Does this site pose a significant threat to human health or the environment? If so, refer to the CLM Act in relation to duty to notify the EPA.
- Is a site audit of the detailed investigation necessary, or required under the CLM Act? See section 3.6.1.

3.5.4 Stage 3—Site Remedial Action Plan

An RAP, or plan of remediation, should be based on the information from investigations and on the proposed land use. The objectives of the remediation strategy and the recommended clean-up criteria should be clearly stated in the RAP. The RAP should demonstrate how the proponent or their consultant proposes to reduce risks to acceptable levels and achieve the clean-up objectives for the site.

It is important to note that the remediation of contaminated land is considered to be development and may require planning approval, even if the proposed land use does not require approval. If development consent is required, an RAP must be submitted with the development application for approval. Refer to SEPP No. 55—Remediation of Land for further information.

Issues to consider when an RAP is received

- Can the site be appropriately remediated? Consider the RAP and any statement by the proponent's consultant certifying that remediation is practical. If necessary, consult a site auditor.
- Are the proposed clean-up criteria appropriate for the future use of the site, considering possible human health and environmental impacts? Consult a site auditor if necessary, or check EPA guidelines.
- Are the proposed plans for remediation work acceptable? For example, do they include an occupational health and safety plan, site environmental management plan, community relations plan, contingency plan? For more information consult the section on RAPs in the EPA's guidelines (1997b).
- Is a site audit of the RAP necessary? See section 3.6.1.

3.5.5 Stage 4—Validation and Monitoring

Validation is an important part of the site investigation and remediation process. The purpose of validation is to confirm whether the predetermined clean-up objectives have been attained and whether any further remediation work or restrictions on land use are required. Ideally, validation should be conducted by the same consultant that conducted the rest of the site investigation and remediation process.

Validation must confirm statistically that the remediated site complies with the clean-up criteria set for the site. The consultant should follow the relevant EPA guidelines when validating the site.

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A report on the validation must assess the results of the post-remediation testing against the clean-up criteria stated in the RAP, or where there is no RAP, against standards endorsed by the EPA. Where the targets have not been achieved, reasons for such failure must be stated and additional site work should be proposed that will achieve the original objectives.

The validation report should also include information confirming that all licences, approvals and development consents have been complied with. In particular, documentary evidence should be provided to confirm that any contaminated soil that has been disposed of off-site or removed for re-use has been dealt with as specified by the relevant authority.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, the need for a continuing monitoring program should be assessed by both the proponent's consultant and the planning authority. If required, this monitoring program should include the proposed monitoring strategy, the parameters to be monitored, the monitoring locations, the frequency of monitoring and reporting requirements.

SEPP 55 requires that notice of completion of remediation be submitted to the local council, or the Minister for Urban Affairs and Planning if consent was given by him. Further details on the notification requirements are provided in section 4.4.2.

Issues to consider

- Is the monitoring program proposed by the proponent adequate? Does it conform with the relevant EPA guidelines?
- Has the proponent or the consultant provided a clear statement on the suitability of the proposed site use? Refer to the EPA's guidelines (1997b) for reporting requirements.
- Are there any ongoing site management requirements, for example, restrictions on use to be notified pursuant to s. 149(2), covenants on title or annual reporting and other information made available under s. 149(5)?
- Are there any other uncertainties?
- Is a site audit of the validation necessary? See section 3.6.1.

3.6 WHAT IS A SITE AUDIT?

A *site audit* is an independent review of any or all stages of the site investigation process, conducted in accordance with the CLM Act. A site audit may review a preliminary investigation, a detailed investigation, a remedial action plan, or a validation report.

A site audit will lead to the provision of a certificate called a *site audit statement*, stating for what use the land is suitable. Only site auditors accredited by the EPA can issue site audit statements.

Another document prepared by site auditors which could be of use to planning authorities is a *site audit summary report*. A site audit summary report is a requirement of the EPA. It contains the key information and the basis of consideration which leads to the issue of the site audit statement.

Site auditors are accredited by the EPA under the CLM Act. They are environmental professionals with demonstrated expertise and broad experience in the assessment and remediation of contaminated sites and have a good understanding of relevant NSW legislation, regulations and guidelines.

Site auditors can assist a planning authority by commenting on or verifying information provided by a proponent in relation to site assessment, remediation or validation—such as whether they have adhered to relevant standards, procedures and guidelines. Engaging a site auditor can also provide greater certainty about the information on which the planning authority is basing its decision, particularly where sensitive uses are proposed on land that may be contaminated and a statement about the suitability of the site is required.

Further information about the NSW site auditor scheme and the appointment, role and technical requirements of auditors are contained in the EPA's guideline (1998a).

3.6.1 When is a Site Audit Necessary?

As a general principle, a site audit is only necessary when the planning authority:

- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines
- does not have the internal resources to conduct its own technical review.

Any appropriately qualified contaminated land consultant may provide an independent review of another consultant's work. In some circumstances, these 'site audits' must be performed by a site auditor accredited by the EPA under the CLM Act. Section 47(2) of the CLM Act specifies when the involvement of a site auditor accredited by the EPA is mandatory.

Normally, it is unnecessary to have more than one site audit for the same stage of the site investigation process.

SEPP 55 does not require a mandatory site audit at any stage of the planning process for remediation work, although the CLM Act allows the SEPP to require a site audit.

If a planning authority considers that it needs a site audit in order to make its planning decision, the cost should be borne by the proponent and not the planning authority.

3.7 RECORD DECISIONS AND INFORMATION

A planning authority should keep its information up-to-date by recording all planning decisions or activities relating to a specific parcel of land. This information should then be used when carrying out subsequent planning functions, for example, when a council applies their contaminated land policy or issues a s. 149 planning certificate. The information that needs to be recorded is listed in more detail in section 5.2.

3.8 SUMMARY

The proponent is responsible for investigating contamination issues on the land and demonstrating to the planning authority that planning approval should be granted.

When approval is required, the planning authority must evaluate the information it already has and the information provided by the proponent before making a decision.

The planning authority should seek further information from the proponent if the information available is insufficient.

Planning decisions and factual information must be recorded for future use.

4. Making the decision

This chapter will help decision makers carry out planning functions in good faith under the EP&A Act in relation to land contamination. Decision making must be based on adequate and appropriate information. This can necessitate an investigation of land and an evaluation of the information from this investigation, as discussed in Chapter 3.

The possible planning responses listed in this chapter are based on the assumption that adequate information is available to make a decision. If this is not the case, refer to Chapter 3 before proceeding.

The planning functions discussed in this chapter are the subject of the statutory protection described in Part 7A of the EP&A Act (see section 1.4). These functions are:

- the preparation or making of an environmental planning instrument (rezoning)
- the preparation or making of a development control plan
- the processing and determination of a development application
- the modification of a development consent
- anything incidental or ancillary to these functions.

The function of giving advice in a certificate under s. 149 of the EP&A Act is also the subject of the statutory protection, but is covered separately in Chapter 5.

4.1 REZONING DECISIONS

SEPP 55 requires consideration of contamination issues when rezoning land.

If a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable.

If remediation is necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that this occurs. To assist in considering these matters, the SEPP requires consideration of a report on a *preliminary investigation* where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.

It must be emphasised that the level of investigation must be appropriate to the potential risk from contamination. An investigation is not necessary at the rezoning stage if there is no reason to suspect contamination. An investigation is necessary where:

- land is within a current investigation area under Part 3 of the CLM Act
- an activity referred to in Table 1 (see page 12) is being carried out on the land
- records show that such an activity has been carried out on the land
- there are incomplete records about the use of the land, and
 - it is proposed to be used for residential, educational, recreational or childcare purposes, or for the purposes of a hospital, and
 - during the periods not covered by those records it would, according to the uses permitted on the land, have been lawful to carry out an activity referred to in Table 1.

4.1.1 Spot Rezoning

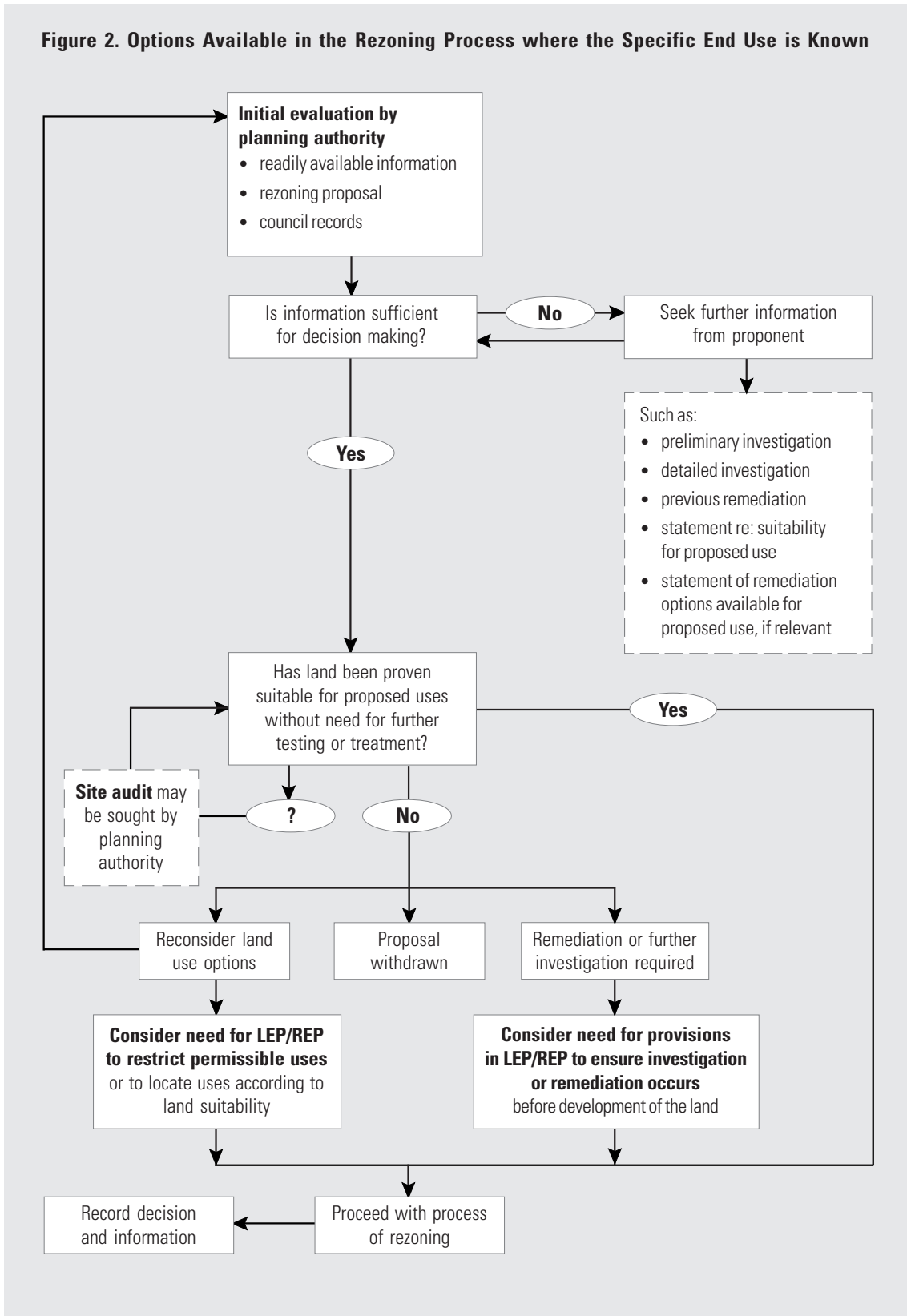
When a spot rezoning is requested there is usually a specific development or land use associated with the proposal. In such cases it would not be appropriate to proceed with the rezoning unless the land was proven suitable for that development or it could be demonstrated that the land can, and will be, remediated to make the land suitable. This would be particularly important if the land was proposed to be developed for residential, educational, recreational or childcare purposes, as the risk to health is higher under those uses than most other uses. Under these circumstances, the rezoning should be treated like a development application in considering contamination issues. It may even be necessary for a *detailed investigation* to be carried out at the rezoning stage.

4.1.2 Generalised Rezoning

Rezoning that cover a large area, for example, more than one property, usually describe proposed land uses very generally both in type and location. This makes it difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed use(s) in terms of contamination at the rezoning stage. In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. However, if the rezoning includes the identification of locations for sensitive uses, such as childcare centres, then it may be appropriate to determine the suitability of the land in those locations at the rezoning stage.

For some rezoning contamination will not be an issue if, for example, there is no change of use or where there is a change to a similar use.

Figure 2. Options Available in the Rezoning Process where the Specific End Use is Known



Suggestions for possible planning responses for planning instruments

- If investigations find that contamination makes some land unsuitable for particular uses and the land may be appropriately remediated for those uses, provisions are needed to require the remediation of that land before those uses can occur. SEPP 55 contains a general provision that requires consideration of contamination for all development proposals which require development consent. However, planning authorities may wish to include a more specific requirement for remediation work in their own plans if development might occur on contaminated land without development consent. These plans could also further clarify the way the planning authority will deal with contamination issues, provided the provisions are consistent with the SEPP.
- For most large area rezonings, where a detailed site history is not available for all the land, additional provisions to those in SEPP 55 are probably not necessary.
- If an investigation indicates that contamination makes the land unsuitable for some uses and remediation may not be appropriate, either the rezoning should not proceed or the range of permissible uses should be restricted in the local environmental plan or regional environmental plan; that is, the land use options should be reconsidered.
- Information on contamination possibilities can be used to locate uses according to land suitability; for example, sensitive uses only being allowed in areas of low contamination probability.

4.2 DEVELOPMENT CONTROL PLANS

Consideration of contamination issues when preparing a development control plan (DCP) should be similar to the rezoning process. However, given that the provisions in a DCP are more detailed provisions than a planning instrument, the investigation of contamination will also need to be more detailed where it is a relevant issue. The level of detail in the investigation will depend on the nature of the planning decision being made in the preparation of the DCP and the degree of certainty which is required. Land should not be identified in a DCP for a particular use unless it has been demonstrated that the land is suitable in terms of levels of contamination, or can and will be made suitable.

Suggestions for possible uses of DCPs

If council planning instruments contain provisions relating to contaminated land, for example, if they incorporate the SEPP 55 provisions, it may be useful to have a DCP that maps previous land uses associated with the activities listed in Table 1 of the Guidelines. This could be used as a guide to the areas where further investigation is required before any redevelopment takes place. The DCP should contain a qualification that there may be land uses unknown to council that are not mapped and that an enquirer should also conduct their own investigations.

It should be made clear that the mapping of land in a DCP is only for the purpose of stating council planning requirements that apply to that land and that DCPs should not be used as a de facto register to label or classify land.

4.3 DEVELOPMENT APPLICATIONS

The relevance of contamination to a decision on a development application (DA) will vary depending on the uses specified in the application and the risk associated with those uses. However, this section is still relevant for *all* development applications, with the exception of applications specifically for remediation work, which are dealt with separately in section 4.4.

When assessing DAs, the EP&A Act requires consent authorities to consider certain matters. Prior to 1 July 1998, s. 90(1)(g) of the Act requires consent authorities to consider: ‘...whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk.’¹ From 1 July 1998, s. 90(1) is replaced by s. 79C(1), which requires consent authorities to consider ‘...the suitability of the site for the development.’ The risk to health and the environment from contamination must be included in this assessment.²

Consideration of risk must include risks during the construction and operation of the development. The former includes work safety issues, as well as the potential for construction to disturb contamination and cause off-site movement of chemicals. Where land has been remediated in the past, contamination issues will still need to be considered when the land is proposed for redevelopment. Planning authorities will need to ensure that any residual contamination is dealt with to permit the proposed new land use, particularly if clean-up standards have changed or there is on-site encapsulation of contaminated material.

Suggestions for possible planning responses for DAs

If investigations find that contamination makes the land unsuitable for the proposed use and requires remediation, this may be enforced by:

- if the remediation *requires consent* under SEPP 55 (category 1 work):
 - requiring the applicant to **amend the DA** to include a remediation proposal, or
 - requiring a **new and separate DA** for the remediation before the DA for the use is considered
- if the remediation may be carried out *without consent* under SEPP 55 (category 2 work):
 - imposing **conditions** on the development consent for the use, requiring remediation to be carried out and validated either before other work commences or before occupation of the site, or
 - issuing a **deferred commencement** consent for the use, and requiring remediation to be carried out and validated before other work commences.

1 SEPP 55 also contains a provision which states that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

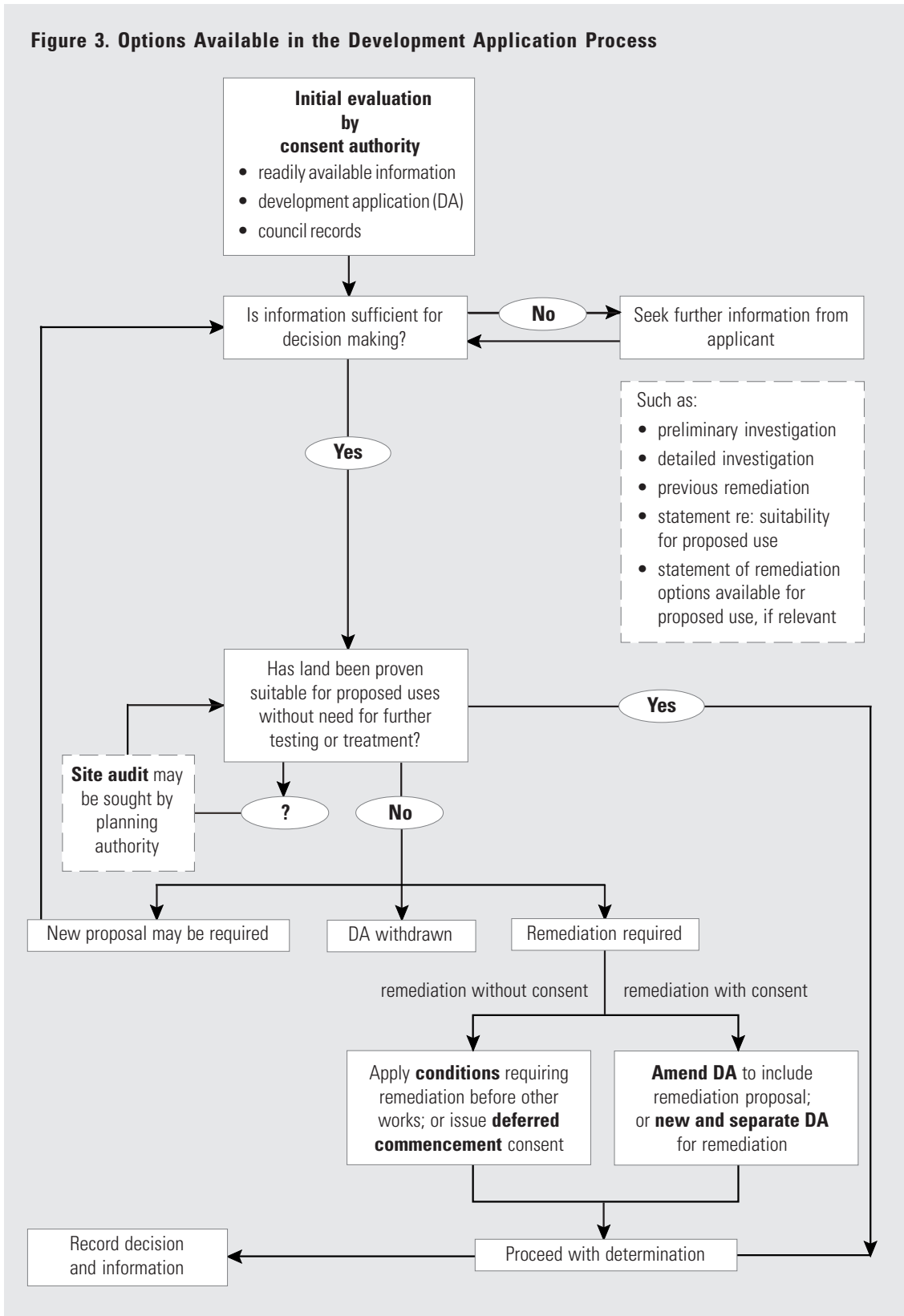
2 In the court case *Alec Finlayson Pty Ltd v Armidale City Council & Anor* (1994) 51FCR378 it was held that duty of care arises in the exercise of s. 90 of the EP&A Act, and that the Act required the council to consider the unsuitability of the land for development by reason of the land being subject to any risk.

- Information on contamination may be used to locate uses or structures within a site to minimise risk; and to place controls on construction methods, operation, and environmental management. The types of issues that may need to be covered in conditions of approval are listed in Appendix C.
- If investigations find that contamination makes the land unsuitable for the proposed use and either the land may not be appropriately remediated or the proponent does not wish to remediate:
 - the proposal may be modified to a use that is suitable for the land without remediation, provided a new DA is not required, or
 - the application may be withdrawn, or
 - the application should be refused.

When can land be appropriately remediated?

A consultant experienced in contamination issues can advise on what remediation options are available to reduce contaminant concentrations to an appropriate level for a particular land use. Although proceeding with remediation may be an economic decision for the proponent, a consent authority should make a preliminary assessment of whether remediation would be acceptable on planning grounds, that is, the potential environmental impact of the works.

Figure 3. Options Available in the Development Application Process



4.4 CONTROL OF REMEDIATION WORK

Remediation is generally considered beneficial as it improves the quality of the environment, reduces health risks and restores land to productive use. Care must therefore be taken not to create disincentives to remediation through complicated and costly planning procedures. However, in some situations remediation work itself has the potential for environmental impact and the planning process must ensure that these impacts are adequately identified and mitigated.

SEPP No. 55—Remediation of Land provides consistent state wide planning and development controls for the remediation of contaminated land.

In summary, the SEPP ensures that:

- land use changes do not occur until planning authorities consider whether the land is contaminated and whether it needs to be remediated to make it suitable for the proposed use
- remediation of contaminated land is permissible throughout the State
- remediation requires consent only where it has the potential for significant environmental impacts or does not comply with a council's policy for contaminated land
- most remediation proposals which require consent are advertised for public comment
- all remediation is carried out in accordance with appropriate standards and guidelines
- applications for remediation are not refused without substantial justification
- councils are notified at commencement and completion of remediation.

4.4.1 When is Consent Required for Remediation?

Development consent is generally only required for remediation work where there is potential for significant environmental impacts from the work.

Remediation work which requires development consent is known as category 1 work. Category 1 refers to work:

- which is designated development under Schedule 3 of the EP&A Regulation or under a planning instrument
- proposed on land identified as critical habitat under the *Threatened Species Conservation Act 1995*
- where consideration of s. 5A of the EP&A Act indicates the remediation work is likely to have a significant effect on threatened species, populations, ecological communities or their habitats
- proposed in an area or zone identified in a planning instrument as being an area of environmental significance such as scenic areas, wetlands. These are listed in the SEPP
- which requires consent under another SEPP or a regional environmental plan.

All other remediation work may be carried out without development consent and is known as category 2 work. However, if the work is proposed to be carried out in a manner which is inconsistent with a council's policy on contaminated land (made in accordance with these Guidelines), then the work becomes category 1 and needs development consent. See point 3 in section 2.3.

SEPP 55 requires that local councils be notified 30 days before category 2 remediation works commence. This notification will provide councils with the information needed to verify that the work is not category 1 by reference to the criteria summarised above. The 30-day limit does not apply to works that are category 2 regardless of whether they meet the criteria, for example, works that may be carried out without consent under SEPP 4.

If councils consider that the work needs consent under the SEPP, s. 76 of the EP&A Act provides councils with the power to prevent the work from proceeding. The 30-day limit does not prevent council intervention after that time for a breach of the Act or non-compliance with the SEPP.

The notification also serves as the basis for updating council records on properties in its area. The minimum content of the notification is set by the SEPP.

Relationship to other planning instruments

SEPP 55 contains some exceptions to the consent requirements outlined above where another SEPP or a regional environmental plan applies. The SEPP does not apply to development under SEPP No. 38—Olympic Games and Related Facilities.

Ancillary development

Remediation is often carried out in conjunction with other development, to make the land suitable for that development. The SEPP contains the following rules for remediation as ancillary development:

- remediation work may be treated as category 2 work instead of category 1 if the only reason it is in category 1 is that it is ancillary to designated development
- remediation work that meets the criteria for category 1 work may not be treated as category 2 just because it is ancillary to development without consent
- if category 1 remediation work is carried out ancillary to development without consent, this does not result in a requirement for consent for that development
- if remediation work is designated development under Schedule 3 of the EP&A Regulation or the provisions of a planning instrument, this does not mean that any associated development is also designated.

4.4.2 What is the Planning Process for Remediation Work?

Appendix B sets out the steps in the planning process for remediation work. The process differs slightly depending on whether consent is required, whether the work is designated development, and whether the work is subject to a *remediation order* by the EPA.

Under the CLM Act, the EPA may declare that land is a *remediation site* if land has been found to be contaminated in such a way as to present a significant risk of harm to human health or the environment. There does not have to be a new use proposed on the land for this to occur. The EPA may issue a direction to remediate a remediation site. This direction is known as a remediation order. It is a requirement of s. 24(1)(d) of the CLM Act that remediation required by a remediation order be audited by a site auditor accredited by the EPA. Remediation work on a remediation site may be either category 1 or category 2 work under the SEPP, depending on whether it meets the criteria for category 1 work.³

Where the remediation work on a remediation site is category 1, the Minister for Urban Affairs and Planning is the consent authority and DAs will be lodged with the Department of Urban Affairs and Planning (DUAP) (on behalf of the Minister). The relevant councils will be notified when a DA is received and copies of the DA, remedial action plans and notifications of remediation will be provided to councils for their records.

4.4.3 What are the Standards for Remediation Work?

All remediation work, both category 1 and category 2, must:

- be consistent with these Guidelines
- be carried out in accordance with standards in EPA guidelines made under the CLM Act.

4.4.4 How should Remediation Proposals be Assessed?

The environmental impact of remediation work should be assessed like any other development proposal but for one difference, that is, the consequences of not carrying out the remediation will need to be considered and weighed up against the environmental impacts of carrying out the work. This involves an assessment of matters such as how the work will contribute to a net improvement in environmental quality, reduce health risks or promote the economic use and development of the land. Both the applicant and the consent authority need to consider this issue.

There must be substantial planning justification to refuse an application for remediation. SEPP 55 allows refusal only where the environmental impacts of the method of remediation would pose a more significant risk to human health or the environment than if the land were not remediated in that manner. The consent authority may need to seek advice from an independent consultant, a site auditor or DUAP in determining the relevant risk. If the proposed method of remediation is unsatisfactory, the consent authority should negotiate modifications with the

³ Development consent is not required for remediation work subject to a remediation order that is declared by the EPA to be emergency work. This work is automatically treated as category 2.

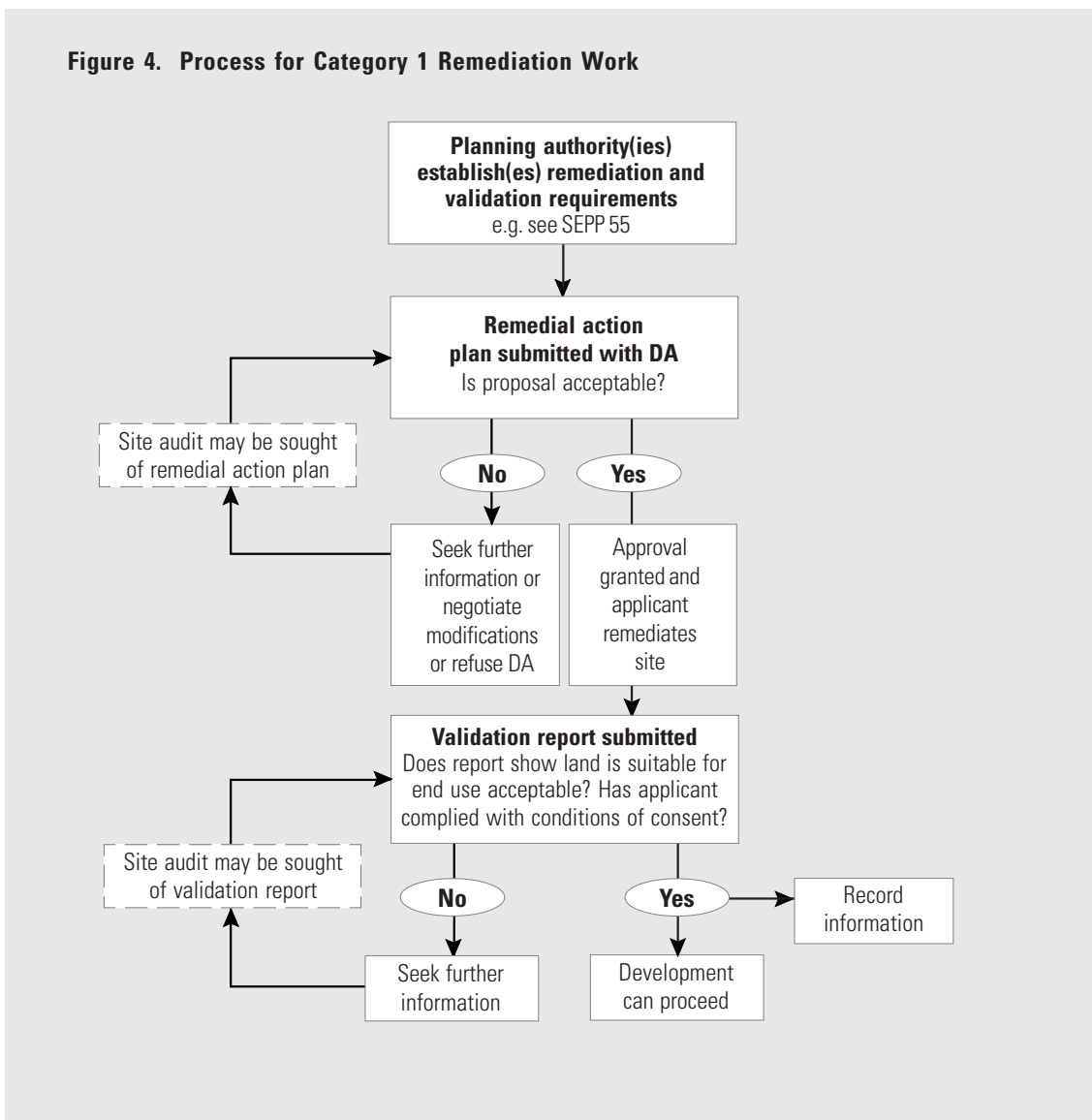
applicant. If the consent authority cannot reach an agreement with the applicant, DUAP may be approached to mediate.

Issues to consider when assessing a remediation proposal

In addition to the matters listed for consideration under s. 79C of the EP&A Act (before 1 July 1998, s. 90), the following issues may be relevant:

- Is the operational plan acceptable, for example, operation hours, site environmental management plans?
- Does the proposal require approvals from regulatory authorities?
- Is the remediation work proposed to be supervised by an appropriately qualified consultant?
- Is the proposal for validating the remediation adequate?
- Are reporting and monitoring mechanisms and proposals adequate?

Figure 4. Process for Category 1 Remediation Work



4.4.5 When is a Remedial Action Plan Required?

Ideally, a remedial action plan (RAP) should be prepared for all remediation proposals, as a guide to the objectives of the remediation and to assist in the planning of work. An RAP also provides a useful measure for validation of the work after it is completed. However, an RAP is a mandatory requirement only for category 1 remediation work. For this work the RAP must be submitted to the consent authority with a development application for approval. The RAP may form part of an environmental impact statement if the remediation work is designated development.

An RAP must be prepared by an appropriately qualified consultant in accordance with the EPA's guidelines (1997b). For further information see Chapter 3.

4.5 DETERMINING ACTIVITIES UNDER PART 5 OF THE EP&A ACT

Part 5 of the EP&A Act applies where development consent is not required under a planning instrument but an approval from a public authority is required. Under Part 5, a determining authority, that is, the authority determining whether to grant an approval (in some cases the proponent may be the determining authority) must take full account of all matters likely to affect the environment. When an activity is likely to significantly affect the environment, an environmental impact statement (EIS) is required.

4.5.1 When is Remediation a Part 5 Activity?

Remediation is a Part 5 activity when:

- it is carried out ancillary to an activity under Part 5, for example, development which does not require consent under SEPP 4 and which requires an approval from a public authority, or
- it is in category 2 (without consent) under SEPP 55 and an approval from a public authority is required.

4.5.2 When is an EIS Required under Part 5?

If consent is not required for remediation under the SEPP, it is unlikely that the remediation will significantly affect the environment (as the criteria for requiring consent relate to the potential for a development to significantly affect various aspects of the environment) and therefore an EIS will probably not be necessary. However, this will be a decision that must be made by the relevant determining authority on a case by case basis.

If the remediation work is ancillary to an activity for which an EIS is being prepared, then the proponent should consider covering the remediation work in the EIS.

4.6 SUMMARY

In carrying out planning functions under the EP&A Act in relation to land that is, or may be, contaminated, planning authorities should take account of the principles summarised below.

- No planning decision should be made unless sufficient information is available to make the decision.
- Development applications should include sufficient information on past uses of the subject land to allow the suitability of the land for the proposed use to be assessed.
- Changes of use on contaminated land may proceed provided:
 - the land is suitable for the intended use, or
 - provisions are included in the planning instrument to require appropriate investigation or restrictions on any subsequent development applications, or
 - conditions are attached to the development consent to ensure that the subject land can and will be remediated to a level appropriate to its intended use prior to, or during, the development stage.

5. Recording and use of information

By following the procedures discussed in Chapters 3 and 4, planning authorities will build up information on land use history, contamination and remediation in their areas. If this information is recorded and managed, it can be a valuable resource for use in decision making.

Reliable information is also important in providing accurate advice to the community. It is recognised that land contamination may cause concern, in particular regarding any potential risk that may be associated with such contamination. It is understandable, therefore, that the community seeks access to information held by government and councils on the issue of contamination and the remediation of land.

General objectives

An information system should:

- record information in a manner appropriate to current legislation, and which assists planning authorities to carry out planning functions in the context of land use history
- ensure a fair and equitable means of informing stakeholders, especially potential purchasers or occupiers, of the presence of, or potential for, contamination on specific parcels of land
- provide relevant information which facilitates the control of land use, to minimise the risk to health and the environment
- encourage an approach which does not unnecessarily place restrictions on land or otherwise unnecessarily affect its value
- acknowledge any limitations on information, such as its degree of uncertainty and accuracy, and the purpose and time it was collected.

5.1 HOW SHOULD INFORMATION BE RECORDED AND MANAGED?

Information should be managed to enable easy access to all the relevant information for a particular parcel of land. This may mean that the relevant information for each parcel of land is kept in a single location such as a file, or that a centralised record is kept of the various sources of information for each parcel of land. For strategic planning purposes, it may also be appropriate to record some information on files relating to a broader area of land or subject, for example, a residential strategy file.

A flexible information system is needed to accommodate the dynamic nature of land contamination management. Knowledge about contamination and the relevance of contamination as an issue will change over time, as land is investigated further, is remediated for particular uses, or as standards for remediation change to accommodate changing community values. This is one of the reasons why a register of contaminated sites is not the preferred approach in NSW. A register falsely implies that information held by the planning authority at and beyond the time of registration is complete and comprehensive, and that land may be clearly classified as 'contaminated' or 'not contaminated'. It is difficult for a register to adjust to new information about land.

5.1.1 Property Information Systems

Property information systems have been installed in many councils to handle various types of information and enquiries. Where these are available, they may provide a helpful administrative tool for managing information on land relating to contamination. Property files should be accessed each time a planning authority takes any planning action.

5.1.2 Mapping Systems

In many instances, computerised geographic information systems (GISs) have been installed to assist councils with the management of information. Where available, such systems may provide a very useful tool for mapping existing or previous land uses as a guide to the relevance of contamination issues.

Experience in some councils suggests that GISs, while a substantial cost initially, are a worthwhile investment for the effective long-term management of land.

5.2 WHAT INFORMATION NEEDS TO BE RECORDED?

The future uses of the information should be kept in mind when deciding what information to record on files or the GIS. All information which may assist in carrying out the planning functions covered in Chapter 4 should be recorded. This may include the following:

- previous property descriptions, for cross-referencing purposes
- chronological land use history
- complaints about contamination or potentially contaminating activities and whether these were substantiated
- information from any initial evaluations
- information from any site investigations
- notifications of remediation
- any site audit statements
- previous zones and permissible uses, particularly uses listed in Table 1
- approved DAs and building applications (BAs) for uses listed in Table 1 or uses where contamination was an issue
- refused DAs and BAs where they have been refused on the basis of contamination-related issues
- rezoning requests approved and refused on the basis of contamination-related issues
- EPA declarations and orders under the CLM Act, and resulting action.

Copies of relevant documents such as remedial action plans may also be useful on the files. The sources of information and the purpose for which it was collected should also be recorded. This includes the date of the information and the date on which it was recorded.

It is clear that much of this information will also be useful for exercising planning functions where contamination is not an issue.

5.2.1 Maintaining a Record of Remediation Work

An important category of land use information that should be maintained is information on remediation work. SEPP 55 requires that the relevant consent authority, usually the council, be notified prior to and at the completion of remediation work. This notification is required of all remediation work, regardless of whether or not consent is required.

5.3 NOTIFYING RESTRICTIONS ON LAND USE AND ADDITIONAL INFORMATION

If contamination present on a parcel of land may cause an unacceptable risk to human health or the environment, a planning authority should restrict the use of that land so the risk is minimised. When a restriction is placed on land, information about that restriction should be available to any enquirer.

If there is no need to restrict the use of land due to the risk from contamination, but information is held by the planning authority that may assist others in making decisions about that land, this information should also be made available to enquirers.

These matters are discussed in more detail in the following sections.

5.3.1 How Should Section 149 Planning Certificates be Used?

Under s. 149 of the EP&A Act, a person may request from a council a planning certificate containing advice on matters about land that are prescribed in the Regulation. One such prescribed matter is the existence of a council policy to restrict the use of land. This is taken to include restrictions on land use due to risks from contamination. Certificates are issued under s. 149(2).

It should be noted that a s. 149(2) planning certificate does not, in itself, restrict the use of land. It is simply the mechanism for recording the fact that a council policy applies which restricts the use of land. Section 2.3 of these Guidelines deals with the preparation of a council policy.

Other matters prescribed for inclusion on planning certificates under s. 149(2) in relation to contaminated land are whether:

- the land is within an investigation area or remediation site
- the land is subject to an investigation order or remediation order
- a copy of a site audit statement for the land is held by council.

These matters are required under the CLM Act.¹ **Note** that there is no requirement to include copies of site audit statements or reports on remediation with planning certificates under s. 149(2).

Section 149(5) provides councils with the opportunity to record additional property information, of a **factual nature**. Any limitations on the information should be made clear, such as the purpose for which the information was collected, or the reliability of the source of the information.

There are a number of critical differences between those planning certificates issued under s. 149(2) *with* additional information provided in accordance with s. 149(5), and those issued *without* such additional information (a basic planning certificate).

A basic planning certificate must be provided to every prospective purchaser under provisions in vendor disclosure legislation.² If information noted under the basic planning certificate is not disclosed or is incorrect, the purchaser may be able to rescind the contract. There are, however, no such obligations for the vendor to include information under s. 149(5). The decision to check information under s. 149(5) on a property is at the purchaser's discretion, and may require payment of an additional fee.

The EP&A Act was amended in 1996 so that councils do not incur any liability for advice provided in good faith under s. 149(2) or s. 149(5) relating to contaminated land, provided it is provided substantially in accordance with the Planning Guidelines in force at the time (s. 145B). Previously, s. 149(6) only provided this protection for information provided under s. 149(5).

5.3.2 What Investigation is Required when Issuing Section 149 Planning Certificates?

Ultimately, the responsibility for investigating the potential for contamination during the sale of land rests with vendor and purchaser (vendor disclosure and 'buyer beware'). However, a council has an obligation under s. 149 of the EP&A Act to provide certain information relevant to contamination when requested. This means that council records should be checked before a planning certificate is issued. For contamination issues, this check may be similar to an initial evaluation described in Chapter 3. The objective in checking council records is to determine the type of notation that should be recorded on the planning certificate under s. 149(2), that is, the degree to which the council policy and other prescribed information is likely to apply, and any additional information that may be useful to the enquirer under s. 149(5).

¹ The EP&A Regulation is being amended to include these matters as prescribed for s. 149(2).

² Section 52(A) of the Conveyancing Act sets out the 'duty of disclosure' requirements. This legislation requires the vendor of a property to disclose to the potential purchaser any prescribed documents relating to that property. If this is not done, the purchaser may rescind the contract. Clause 4 of the Vendor Disclosure Regulation specifies a planning certificate issued under s. 149(2) of the EP&A Act as a prescribed document in relation to land the subject of a contract of sale.

5.3.3 Suggestions for Notations on Section 149 Planning Certificates

The basic certificate under s. 149(2)

The following notations are only suggestions. Substantial compliance with the Guidelines under Part 7A of the EP&A Act does **not** require the adoption of these notations, word for word.

Where council's contaminated land policy restricts the use of land which:

- has a previous land use history which could have involved use of contaminants on the site, for example, land which may have been used for an activity listed in Table 1, or
- is known to be contaminated, but
- **has not been** remediated,

an appropriate notation may be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.'

Where council's contaminated land policy restricts the use of land which:

- is known to contain contaminants, but
- **has been** remediated for a particular use or range of uses **and** some contamination remains on the site, for example, encapsulated,

an appropriate notation might be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.'

Where council records **do not contain a clear site history without significant gaps in information** and council cannot determine whether or not the land is contaminated, and therefore the extent to which council's policy should apply, council may decide to take a cautious approach. In such cases an appropriate notation might be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Council records do not have sufficient information about previous use of this land to determine whether the land is contaminated. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.'

No notation is necessary under s. 149(2) where council's policy **does not restrict** the use of land, and is unlikely to result in a restriction once the land has been further investigated. This would include:

- land which has been used for a purpose listed in Table 1, but which has been remediated to an extent that no restriction on land use is necessary,³ or
- there is a history of non-contaminating activities on the land and there is no contrary evidence to suggest that the land has been used for a purpose listed in Table 1.

When issuing a planning certificate under s. 149(2), councils should consider advising the enquirer whether further information is available under s. 149(5).

Information under s. 149(5)

Information may be provided under s. 149(5) even if no restriction is placed on the land under s. 149(2). This means that if land has been remediated, or investigated and found to be uncontaminated, this information could be included on planning certificates under s. 149(5) as factual information about the land.

Other information that may be relevant to an enquirer may include any of the information recorded by council, which is listed in section 5.2 of these Guidelines. As a minimum, these Guidelines suggest that the following information be provided on all planning certificates under s. 149(5):

- any activities listed in Table 1 of these Guidelines that council records show have occurred on the land
- the results of any site investigations held by the council
- any notifications of remediation
- copies of any site audit statements held by the council.

5.4 SUMMARY

- Councils should maintain efficient property information systems on which factual information pertinent to contamination is recorded.
- Councils must ensure their records are accurate and up-to-date. They should ensure that stakeholders are aware of the status of the subject land and the planning policy requirements relating to contamination.
- Section 149(2) planning certificates issued under the EP&A Act are an appropriate system of legal notification of the application of council policies which place restrictions on land use due to risks from contamination.
- Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. Provision of information under s. 149(5) is a useful means of recording details of land history, assessment, testing and remediation.
- When council receives a request for a certificate under s. 149(2), it is suggested that applicants be informed that further information is available under s. 149(5).
- When land has been investigated and is considered suitable for the permissible uses, this information should be retained in council records and provided under s. 149(5).

³ Chemical residues above naturally occurring levels may remain on the site after remediation, but if they pose no risk to human health or the environment then the land is not considered to be contaminated.

6. Preventing contamination and harm

6.1 INTRODUCTION

Almost all measures dealt with so far in these Guidelines have been of a remedial nature rather than anticipatory. The prevention of future contamination and the minimisation of risk from existing contamination may be achieved by diligent investigation of contamination issues and the appropriate recording of information on land use and potentially contaminating activities.

6.2 PREVENTING HARM

With time, the application of the procedures described in these Guidelines will help councils to build up their records on past land uses. Knowledge gained through the investigation process and the notification of remediation work will help to reduce risk and prevent harm to health and the environment by increasing understanding of the relationship between previous land uses, contamination and environmental impacts. Making factual information available to enquirers will also raise general awareness of contamination issues.

6.3 PREVENTING FUTURE CONTAMINATION

Measures to prevent possible pollution at its source may help to reduce future land contamination and the need for remedial action. Once contamination has been detected, environmental damage may have occurred and clean-up bills could be high. Therefore, future economic consequences of contamination play a part in the current motivation for prevention.

A pro-active approach which ensures that the potential for contamination is reduced or that it does not occur must be linked to the nature of an activity on a particular site. Contamination of land may often be associated with new developments involving potentially contaminating activities (see Table 1). Such activities may result in accidental releases of chemicals to land which in turn will render the land contaminated. It is therefore suggested that the following principles for a pro-active approach could be applied by planning authorities:

- Development applications for new or expanding developments may be required to include information on the potential for the activity to contaminate; this will be particularly relevant for uses listed in Table 1. Consent authorities may require information to be provided on the chemicals proposed to be used.
- Environmental impact assessment should cover different aspects of contamination. This will ensure that effective environmental management is maintained.
- In assessing development applications for activities which could be potential sources of contamination, planning authorities should ensure that technical and management controls are adequate to prevent contamination and should impose appropriate conditions of consent (such as a requirement for monitoring and environmental management plans) to ensure that such controls are applied. Plant design should aim to reduce the waste produced and eliminate or minimise the release of waste into the environment by, for example, appropriate primary and secondary containment and good work practices.
- Periodic environmental audits should be encouraged and the introduction of 'clean' technologies promoted; for example, the production of new alternative products.
- Better technologies, waste management practices, and environmental management practices should be promoted.

Appendixes

APPENDIX A. INDUSTRIES AND CHEMICALS USED

Industry	Type of Chemical	Associated Chemicals
Agricultural/ horticultural activities		See Fertiliser, Insecticides, Fungicides and Herbicides under 'Chemicals manufacture and use'
Airports	Hydrocarbons Metals	Aviation fuels Particularly aluminium, magnesium, chromium
Asbestos production and disposal		Asbestos
Battery manufacture and recycling	Metals Acids	Lead, manganese, zinc, cadmium, nickel, cobalt, mercury, silver, antimony Sulfuric acid
Breweries/distilleries	Alcohol	Ethanol, methanol, esters
Chemicals	Acid/alkali manufacture and use	Mercury (chlor/alkali), sulfuric, hydrochloric and nitric acids, sodium and calcium hydroxides
	Adhesives/resins	Polyvinyl acetate, phenols, formaldehyde, acrylates, phthalates
	Dyes	Chromium, titanium, cobalt, sulfur and nitrogen organic compounds, sulfates, solvents
	Explosives	Acetone, nitric acid, ammonium nitrate, pentachlorophenol, ammonia, sulfuric acid, nitroglycerine, calcium cyanamide, lead, ethylene glycol, methanol, copper, aluminium, bis(2-ethylhexyl) adipate, dibutyl phthalate, sodium hydroxide, mercury, silver
	Fertiliser	Calcium phosphate, calcium sulfate, nitrates, ammonium sulfate, carbonates, potassium, copper, magnesium, molybdenum, boron, cadmium
	Flocculants	Aluminium
	Foam production	Urethane, formaldehyde, styrene

Fungicides	Carbamates, copper sulfate, copper chloride, sulfur, chromium, zinc
Herbicides	Ammonium thiocyanate, carbamates, organochlorines, organophosphates, arsenic, mercury, triazines
Paints	
• heavy metals	Arsenic, barium, cadmium, chromium, cobalt, lead, manganese, mercury, selenium, zinc Titanium
• solvents	Toluene oils either natural (e.g. pine oil) or synthetic
Pesticides	
• active ingredients	Arsenic, lead, organochlorines, organophosphates, sodium tetraborate, carbamates, sulfur, synthetic pyrethroids
• solvents	Xylene, kerosene, methyl isobutyl ketone, amyl acetate, chlorinated solvents
Pharmaceutical	
• solvents	Acetone, cyclohexane, methylene chloride, ethyl acetate, butyl acetate, methanol, ethanol, isopropanol, butanol, pyridine methyl ethyl ketone, methyl isobutyl ketone, tetrahydrofuran
Photography	Hydroquinone, sodium carbonate, sodium sulfite, potassium bromide, monomethyl para-aminophenol sulfate, ferricyanide, chromium, silver, thiocyanate, ammonium compounds, sulfur compounds, phosphate, phenylene diamine, ethyl alcohol, thiosulfates, formaldehyde
Plastics	Sulfates, carbonates, cadmium, solvents, acrylates, phthalates, styrene
Rubber	Carbon black
Soap/detergent	
• general	Potassium compounds, phosphates, ammonia, alcohols, esters, sodium hydroxide, surfactants (sodium lauryl sulfate), silicate compounds
• acids	Sulfuric acid and stearic acid
• oils	Palm, coconut, pine, teatree
Solvents	
• general	Ammonia
• hydrocarbons	e.g. BTEX (benzene, toluene, ethylbenzene, xylene)
• chlorinated organics	e.g. trichloroethane, carbon tetrachloride, methylene chloride
Defence works	See Explosives under 'Chemicals manufacture and use'; also 'Foundries', 'Engine works' and 'Service stations'

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Drum reconditioning		See 'Chemicals manufacture and use'
Dry cleaning		Trichlorethylene and 1,1,1-trichloroethane Carbon tetrachloride Perchloroethylene
Electrical		PCBs (transformers and capacitors), solvents, tin, lead, copper, mercury
Engine works	Hydrocarbons Metals Solvents Acids/Alkalis Refrigerants	Chlorofluorocarbons, hydrochlorofluorocarbons, hydrofluorocarbons
	Antifreeze	Ethylene glycol, nitrates, phosphates, silicates
Foundries	Metals	Particularly aluminium, manganese, iron, copper, nickel, chromium zinc, cadmium and lead and oxides, chlorides, fluorides and sulfates of these metals
	Acids	Sulfuric and phosphoric Phenolics and amines coke/graphite dust
Gas works	Inorganics	Ammonia, cyanide, nitrate, sulfide, thiocyanate Aluminium, antimony, arsenic, barium, cadmium, chromium, copper, iron, lead, manganese, mercury, nickel, selenium, silver, vanadium, zinc
	Organics	BTEX, phenolics, PAHs and coke
Iron and steel works		BTEX, phenolics, PAHs, metals and oxides of iron, nickel, copper, chromium, magnesium, manganese and graphite
Landfill sites		Alkanes and ammonia, sulfides, heavy metals, organic acids
Marinas		See 'Engine works' and Electroplating metals under 'Metal treatments'
	Antifouling paints	Copper, tributyltin (TBT)
Metal treatments	Electroplating • metals • acids • general	Nickel, chromium, zinc, aluminium, copper, lead, cadmium, tin Sulfuric, hydrochloric, nitric, phosphoric sodium hydroxide, 1,1,1-trichloroethane, tetrachloroethylene, toluene, ethylene glycol, cyanide compounds
	Liquid carburizing baths	Sodium, cyanide, barium, chloride, potassium chloride, sodium chloride, sodium carbonate, sodium cyanate

Mining and extractive industries		Arsenic, mercury and cyanides and also explosives under 'Chemicals manufacture and use' Aluminium, arsenic, copper, chromium, cobalt, lead, manganese, nickel, selenium, zinc and radio-radionuclides The list of heavy metals should be decided according to the composition of the deposit and known impurities
Power stations		Asbestos, PCBs, fly ash metals, water treatment chemicals
Printing shops		Acids, alkalis, solvents, chromium See also Photography under 'Chemicals manufacture and use'
Railway yards		Hydrocarbons, arsenic, phenolics (creosote), heavy metals, nitrates, ammonia
Scrap yards		Hydrocarbons, metals, solvents
Service stations and fuel storage facilities		Aliphatic hydrocarbons BTEX (i.e. benzene, toluene, ethylbenzene, xylene) PAHs Phenols Lead
Sheep and cattle dips		Arsenic, organochlorines, organophosphates, carbamates, synthetic pyrethroids
Smelting and refining		Metals, the fluorides, chlorides and oxides of copper, tin, silver, gold, selenium, lead and aluminium
Tanning and associated trades	Metals	Chromium, manganese, aluminium
	General	Ammonium sulfate, ammonia, ammonium nitrate, arsenic phenolics, formaldehyde, sulfide, tannic acid
Water and sewage treatment plants	Metals	Aluminium, arsenic, cadmium, chromium, cobalt, lead, nickel, fluoride, lime, zinc
Wood preservation	Metals	Chromium, copper, arsenic Naphthalene, ammonia, pentachlorophenol, dibenzofuran, anthracene, biphenyl, ammonium sulfate, quinoline, boron, creosote, organochlorine pesticides

Source: Appendix 1 of Australian Standard AS4482.1-1997—Guide to the Sampling and Investigation of Potentially Contaminated Soil. Part 1: Non-Volatile and Semi-Volatile Compounds.

APPENDIX B. PLANNING PROCESS FOR DIFFERENT TYPES OF REMEDIATION WORK

Please note that category 1 refers to remediation work that needs development consent under SEPP 55 and category 2 refers to remediation work that does not. The integrated development provisions of the *Environmental Planning and Assessment (Amendment) Act 1997* may also apply.

Category 1 Remediation Work—with Council Consent

1. If the proposal is designated development, the Director-General's requirements sought for the environmental impact statement (EIS)
2. Development application (DA) prepared, including Remedial Action Plan (RAP) (and EIS if required)
3. DA and RAP (and EIS if required) lodged with council
4. Council may request an audit of the DA or RAP by a site auditor. Note that this is **not** mandatory
5. DA and RAP advertised and submissions received
6. If proposal is designated and objections are received, these are sent to the Department of Urban Affairs and Planning (DUAP) for comment
7. Council determines proposal (after DUAP comments received)
8. Proposal carried out in accordance with approval
9. Validation obtained from qualified expert at completion of remediation work
10. Council notified of validation within a month of completion of work
11. Council may request an audit of the validation by a site auditor. Note that this is **not** mandatory.

Category 1 Remediation Work Subject to a Remediation Order by the EPA—with Consent of the Minister For Urban Affairs and Planning

1. Remediation order received from EPA
2. If proposal is designated development, the Director-General's requirements sought for the EIS
3. DA prepared, including RAP (and EIS if required) in consultation with EPA
4. DA and RAP (and EIS if required) lodged with DUAP
5. DUAP sends copies of DA and RAP to EPA and council
6. DUAP may request an audit of the DA or RAP by a site auditor. Note that this is **not** mandatory
7. If proposal is designated development, DA and RAP are advertised and submissions received
8. DUAP determines proposal, in consultation with EPA and council
9. Proposal carried out in accordance with approval
10. Validation obtained from qualified expert at completion of remediation work
11. DUAP notified of validation within a month of completion of work

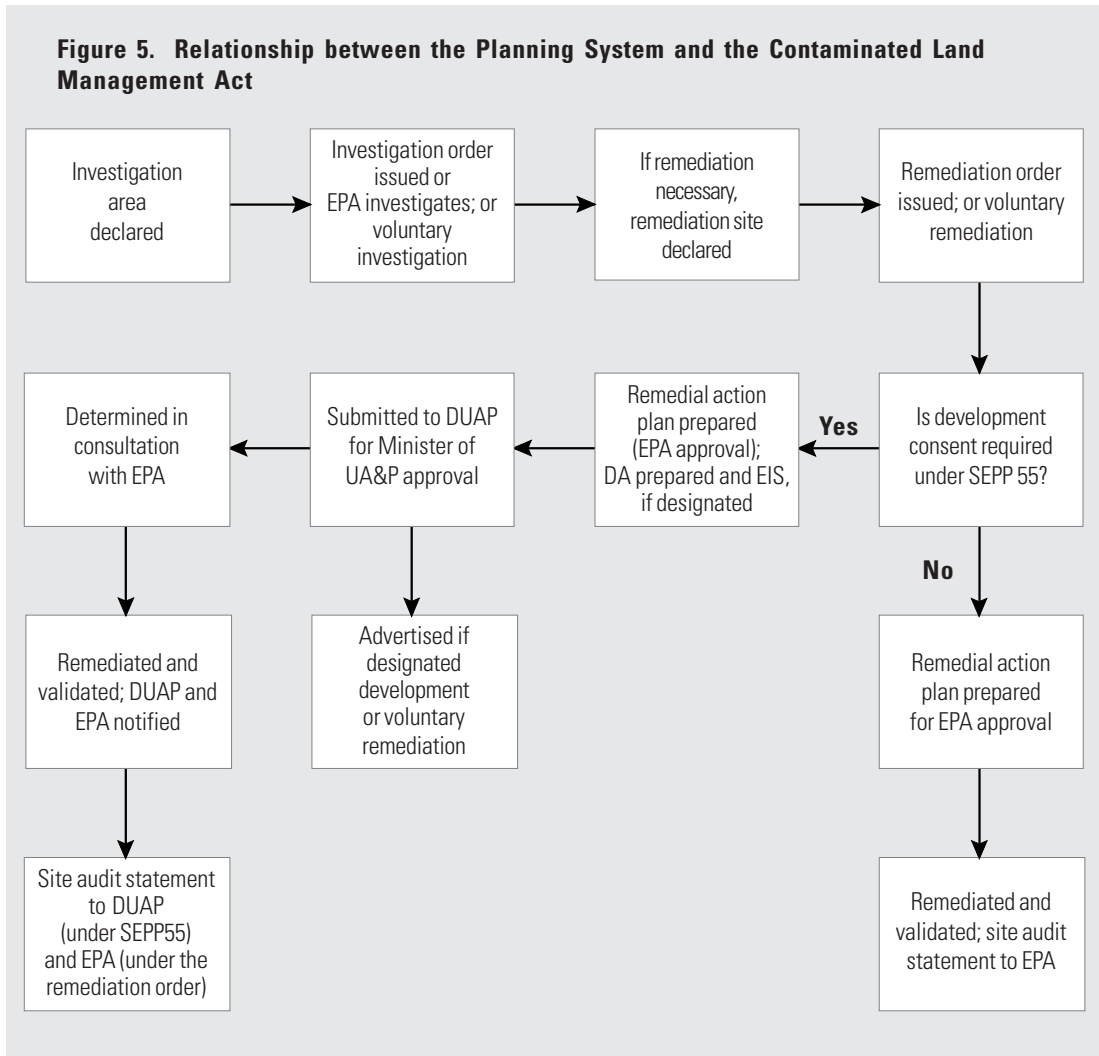
12. DUAP sends copy of validation notice to council and EPA
13. DUAP may request an audit of the validation by a site auditor. Note that this is **not** mandatory.

Category 2 Remediation Work—without Consent

1. Council notified of proposed remediation
2. Proposal documentation prepared, including RAP if proponent considers it necessary
3. Proposal carried out in accordance with submitted information
4. Validation obtained from qualified expert at completion of remediation work
5. Council notified of validation within a month of completion of work.

Category 2 Remediation Work Subject to a Remediation Order by the EPA—without Consent

1. Remediation order received from EPA
2. Council notified of proposed remediation
3. Proposal prepared, including RAP if required, in consultation with EPA
4. Proposal lodged with EPA
5. Proposal determined by EPA
6. Proposal carried out in accordance with approval
7. Validation obtained from qualified expert at completion of remediation work
8. EPA notified of validation
9. Council notified of validation within a month of completion of work.



Note: The local council receives copies of DA, EIS, notifications and site audit statement.

APPENDIX C. CONDITIONS OF CONSENT

It is suggested that conditions of consent for remediation work cover the following.

Statutory requirements

- meet requirements such as those of the EPA, Sydney Water, Department of Health, council and WorkCover Authority
- meet relevant regulations, and Australian standards and codes. See (EPA 1998a)

Health and safety

- prepare a health and safety plan in accordance with WorkCover Authority requirements
- meet all occupational health and safety and construction safety regulations
- establish site fencing, public safety warning signs, and security surveillance

Air quality

- ensure no burning of material on site
- maintain equipment in functional manner to minimise exhaust emissions
- cover vehicles entering and leaving the site with soil/fill material
- regularly monitor air quality throughout work
- establish dust suppression measures to minimise wind borne emissions of dust, having regard to site specific wind conditions

Water quality

- regularly monitor water quality throughout work
- store water for dust suppression in adequately bunded area and drain to a central collection sump and treat, if necessary, to meet EPA discharge criteria

Erosion and sediment control

- establish temporary erosion and sediment control measures prior to commencement
- maintain erosion and sediment control measures in functional condition
- meet the NSW Department of Housing's 1993 guidelines *Soil and Water Management for Urban Development*, if applicable
- submit detailed designs for pollution control system, including leachate collection and disposal, before commencement of work
- store any temporary stockpiles of contaminated materials in a secure area
- clean vehicles leaving the site

Noise

- control noise emissions in accordance with the *Noise Control Act 1975*
- ensure plant equipment is noise suppressed
- regularly monitor noise quality throughout work and send results to EPA/ consent authority

Waste

- remove, dispose of and monitor, in accordance with the requirements of the *Environmentally Hazardous Chemicals Act 1985* and the Waste Minimisation and Management Act
- prepare, if contaminated solid is to be removed from site, a waste management plan and annual report detailing issues such as where it will go, how it will be treated and transportation issues

Landscaping and rehabilitation

- prepare landscaping plan for approval of consent authority
- landscape site in accordance with landscape plan
- progressively stabilise and revegetate disturbed areas in accordance with landscape plan

Consultants

- ensure professionals undertaking remediation are appropriately qualified and experienced

Validation

- prepare final soil validation program in accordance with EPA requirements
- submit validation notice to consent authority within a month of completion
- prepare and submit a detailed survey of all sites used as landfill disposal pits, identifying the boundaries and depth of disposal pits in relation to existing roadways and buildings

Performance bonds**Ongoing monitoring**

- periodically monitor material containment areas for the leaching of contaminants

Abbreviations

CLM Act	<i>Contaminated Land Management Act 1997</i>
DA	development application
DCP	development control plan
DUAP	Department of Urban Affairs and Planning
EIS	environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
LEP	local environmental plan
RAP	remedial action plan
REP	regional environmental plan
SEPP	State environmental planning policy

Glossary

category 1 remediation work under SEPP 55	remediation work that needs development consent
category 2 remediation work	remediation work that does not need development consent under SEPP 55
contaminated land	land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment ¹
contamination	concentration of substances above that naturally present that poses, or is likely to pose, an immediate or long-term risk to human health or the environment
detailed investigation	an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment, and to obtain sufficient information for the development of a remedial action plan if required. See section 3.5.3
independent review	an evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the proponent's expense
initial evaluation	an assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made. See section 3.2
investigation order	an order by the EPA under the Contaminated Land Management Act to investigate contamination at a site or within an area ²
notice of completion	notice to the council (or Minister for Urban Affairs and Planning where he is the consent authority) in accordance with SEPP 55 that remediation work has been completed ³

MANAGING LAND CONTAMINATION PLANNING GUIDELINES 53

notification of remediation	prior notice of a category 2 remediation work given to the council in accordance with SEPP 55 ³
planning authority	a public authority or other person responsible for exercising a planning function
planning function	function exercised by a planning authority under the <i>Environmental Planning and Assessment Act 1979</i> , such as the preparation or making of an environmental planning instrument ¹
preliminary investigation	an investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any site contamination. See section 3.5.2.
remedial action plan	a plan which sets remediation goals and documents the process to remediate a site. See section 3.5.4
remediation order	a direction from the EPA under the Contaminated Land Management Act to remediate ²
remediation site	a site declared by the EPA under the Contaminated Land Management Act as posing a significant risk of harm ²
remediation work	a work means a work in, on or under contaminated land, being a work that: (a) removes the cause of the contamination of the land, or (b) disperses, destroys, reduces, mitigates or contains the contamination of the land, or (c) eliminates or reduces any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on that land) ³
site audit	an independent review by a site auditor of any or all stages of the site investigation process conducted in accordance with the Contaminated Land Management Act. ² See section 3.6
site auditor	a person accredited by the EPA under the Contaminated Land Management Act to conduct site audits ²
site audit statement	a certificate issued by a site auditor stating for what use the land is suitable ²
site audit summary report	a report containing the key information and the basis of consideration which leads to the issue of a site audit statement. See (EPA 1998a)

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site history	a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place. See (Edwards et al 1994)
site investigation process	the process of investigating land which may be, or is, contaminated, for the purpose of providing information to a planning authority. See section 3.4
soil investigation levels	See (EPA 1998a)
spot rezoning	rezoning of a small area of land, as opposed to a large area rezoning
Statement of Affairs	published annually by each government agency as a requirement under the Freedom of Information Act
validation	the process of determining whether the objectives for remediation and any conditions development consent have been achieved

Notes

- 1 Defined in the EP&A Act.
- 2 Defined in the Contaminated Land Management Act.
- 3 Defined in SEPP 55—Remediation of Land.

Changes to the licencing requirements of the EPA will be introduced by the *Protection of the Environment Operation 1997*. The POEO Act will replace the Pollution Control Act, Clean Waters Act, Clean Air Act, Noise Control Act, Environmental Offences and Penalties Act, and the regulatory provisions of the Waste Minimisation and Management Act.

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Pesticide Use Notification Plan

Adopted: July 2023





murray river council

PO Box 906,
Moama NSW 2731
T 1300 087 004
E admin@murrayriver.nsw.gov.au
W www.murrayriver.nsw.gov.au

Office Locations

Barham Office

15 Murray Street, Barham
Open: 9am-4pm Monday-Friday

Mathoura Visitor and Business Centre

Cobb Highway, Mathoura
Open: 9am-4pm Monday-Friday

Moama Office

52 Perricoota Rd, Moama
Open: 9am-4pm Monday-Friday

Moulamein Business Centre

Morago St, Moulamein
Open: 9.30am-1pm Monday-Friday



murray river
council

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AREA OF OPERATION

Local Control Authority Area of Murray River Council.

PLAN PERIOD

Start Date: Upon adoption.
 Completion Date: 3 years after adoption.



1. Introduction

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2017.

The aim of this plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by Murray River Council. The plan allows members of the community to take action to avoid contact with pesticides if they wish. Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community & the environment.

The plan sets out how council will notify members of the community of pesticide applications made by council to public places.

The plan describes:

- what public places are covered by the plan.
- who regularly uses these public places and an estimate of the level of use.
- how and when council will provide the community with information about its Pesticide applications in public places (i.e. what notification arrangements will be used).
- how the community can access this plan and get more information about council's notification arrangements.
- how future reviews of the plan will be conducted.
- contact details for anyone wishing to discuss this plan with council.

This plan forms a component of the council's integrated pest management policy. This policy states that the council only uses pesticides in public places when necessary to eliminate Priority weeds, to protect public property from pest damage, and to protect users of public places from nuisance or danger.

The majority of pesticide use consists of applying herbicides for weed control and applying insecticides to manage certain insect pests. Frequency of programmed applications range from 1-4 times per year for aquatic weeds, 6-8 times per year for sports fields, 4-6 times per year for parks and gardens, and 1-6 for public thoroughfares. Bait insecticides are used for termite and ant control to protect structures and public safety, wherever this is considered an effective solution. Other pesticides used include fungicides, rodenticides, and large vertebrate baits. Further information on the council's pesticide use can be obtained by calling the Biosecurity Coordinator on 1300 087 004 or by visiting the website www.murrayriver.nsw.gov.au

2. Public places covered by this plan

Murray River Council proposes to use or allow the use of herbicides in the following categories of outdoor public places within this council's local government areas:

- Public parks & playgrounds & picnic areas
- Sporting fields, ovals & related sporting facilities
- Cemeteries
- Reserves (Council managed)
- Councils laneways and pathways
- Road verges and reserves
- Easements accessible to the public
- Council drains
- Swimming pools
- Interior of Council's public buildings
- Any Crown Land in trust to council
- Waste management centres
- Recreational Reserves
- Council Waterways
- Sewer treatment plants and pump stations.

Murray River Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
Public Parks and Gardens	<ul style="list-style-type: none"> • Children and young families • Elderly people • General recreational users (eg. joggers, dog walkers, bush walkers, cyclists, picnickers) • Visitors to area 	Very High (frequent use by multiple users, with short to medium length stays)	<ul style="list-style-type: none"> • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Spot herbicides • Spot insecticides • Fungicide (usually garden beds) • Spray termiticides, ant control • Bait termiticides, ant control

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
Picnic Areas	<ul style="list-style-type: none"> Families Other social groups (eg. ethnic, religious groups) Visitors to area 	High (particularly on weekends, public holidays and school holidays)	<ul style="list-style-type: none"> Spot herbicides Spot insecticides Broadscale selective herbicides Bait rodenticides Fungicide (usually garden beds) Spray termiticides Spray ant control Bait termiticides Bait ant control
Playgrounds	<ul style="list-style-type: none"> Children groups Young families Visitors to area 	High	<ul style="list-style-type: none"> Spot herbicides Spot insecticides Spray ant control Bait ant control
Sporting Fields, Ovals and Related Sporting Facilities	<ul style="list-style-type: none"> Sporting clubs and associations School sports groups General recreational users groups (eg. joggers, dog walkers) 	High	<ul style="list-style-type: none"> Spot herbicides Spot insecticides Broadscale selective herbicides Broadscale non-selective herbicides Broadscale insecticides Spray of bait termiticides on facilities Rodenticides near facilities
Cemeteries	<ul style="list-style-type: none"> Families Funeral attendees 	Low to High subject to funeral occurrence	<ul style="list-style-type: none"> Broadscale selective herbicides Broadscale non-selective herbicides Spot herbicides Spot insecticides Fungicide (usually garden beds) Spray ant control Bait ant control Large to medium vertebrate baiting

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
Rural Reserves	<ul style="list-style-type: none"> • Sporting clubs and associations • General residents • Young families • Campers • Cyclists • Visitors to area • Anglers 	High subject to seasonal variation	<ul style="list-style-type: none"> • Broadscale selective herbicides • Broadscale non-selective herbicides • Spot herbicides • Spot insecticides • Bait and spray insecticide ant control • Large to medium vertebrate baiting
Urban Reserves	<ul style="list-style-type: none"> • Local residents and visitors to the area • Campers/cyclists • Joggers/dog walkers • Anglers 	Low to Medium subject to seasonal variation	<ul style="list-style-type: none"> • Broadscale selective herbicides • Broadscale non-selective herbicides • Spot herbicides • Spot insecticides • Bait and spray insecticide ant control • Large to medium vertebrate baiting
Council Laneways and Pathways	<ul style="list-style-type: none"> • Local residents • People who work in the area • Visitors to the area 	Medium to High	<ul style="list-style-type: none"> • Broadscale non-selective herbicides • Spot herbicides • Spot insecticides • Bait ant control
Rural Road Shoulders, Verges and Road Reserves	<ul style="list-style-type: none"> • Rural land holders • General public/motorists • Stock managers • State Government contractors 	Low	<ul style="list-style-type: none"> • Spot herbicides • Woody weed stem injection • Broadscale non-selective herbicides • Broadscale selective herbicides
Urban Roads, Streets and Roadside Furniture (eg culverts, curb & channelling,	<ul style="list-style-type: none"> • Local residents or visitors walking or driving on the road • General 	Medium to High for urban areas	<ul style="list-style-type: none"> • Spot herbicides • Spray and bait ant control • Spray and bait termiticides

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
footpath and trees)	recreational users (joggers, dog walkers)		<ul style="list-style-type: none"> Spot insecticides Broadscale non-selective herbicides Broadscale selective herbicides
Easements Accessible to the Public	<ul style="list-style-type: none"> Local residents and people who work in the area 	Low to Medium	<ul style="list-style-type: none"> Spot herbicides Broadscale non-selective herbicides Spot insecticides Spray and bait termiticides Bait ant control
Council Drains	<ul style="list-style-type: none"> Local residents living adjacent to a drain; Local residents or visitors who walk or drive past a drain 	Low to Medium	<ul style="list-style-type: none"> Broadscale non-selective herbicides Spot herbicides
Swimming Pool Buildings and Grounds	<ul style="list-style-type: none"> Local residents and visitors to area Sporting clubs and associations School sports groups 	High depending on seasonal variation	<ul style="list-style-type: none"> Spot herbicides Broadscale non-selective herbicides Broadscale selective herbicides Broadscale non-selective herbicides Broadscale insecticides Spot insecticides Spray and bait termiticides Bait ant control
Interiors of Public Buildings	<ul style="list-style-type: none"> Young children and their carers (childcare facilities) Parents groups/playgroup Community associations 	High	<ul style="list-style-type: none"> Bait rodenticides Spray termiticides Spray ant control Bait termiticides Bait ant control Spot insecticides

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
	<ul style="list-style-type: none"> • Church groups • General members of the public • Public health staff 		
Crown Land in Trust to Council	<ul style="list-style-type: none"> • Campers • Bushwalkers • Recreation users e.g. fishing, bike riding, swimming 	Low to High depending on seasonal variation	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Bait and spray ant control
Landfill and Transfer Stations	<ul style="list-style-type: none"> • Contractors • General public 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Spray and bait termiticides on facilities • Rodenticides near facilities • Bait ant control • Large to medium vertebrate baiting
Recreational Reserves	<ul style="list-style-type: none"> • As per sporting fields • Passive recreational user groups 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Spray and bait termiticides on facilities

Public Place	Regular User Groups	Level of Use of Public Place	Type of Pesticide Used
			<ul style="list-style-type: none"> • Rodenticides near facilities • Bait ant control • Fungicide (usually garden beds) • Large to medium vertebrate baiting
Council Waterways	<ul style="list-style-type: none"> • Bushwalkers • Recreational users (eg bushwalkers, fishing, bike riding, swimming etc) 	Low to High depending on seasonal variation	<ul style="list-style-type: none"> • Spot herbicides
Sewerage Treatment Works and Pump Stations	<ul style="list-style-type: none"> • Contractors 	Low	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Spray and bait termiticides on facilities • Rodenticides near facilities • Bait ant control • Large to medium vertebrate baiting

3. Notification arrangements

This section of the plan describes how and when Council will provide notice of pesticide use in public places. These notification arrangements are based on Council's assessment of:

- the level of usage of public places where herbicides may be used.
- the extent to which members of the public who are most likely to be sensitive to herbicides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly

- the extent to which activities generally undertaken in these areas could lead to some direct contact with herbicides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)
- the type of herbicides used.

Notice of herbicide use will be provided by one of, or a combination of the following:

- council's website www.murrayriver.nsw.gov.au
- Signs
- Signs on vehicles
- Social media
- information on Council's website (which will describe programmed, reactive and emergency herbicide use in public places)
- newspaper advertisements distributed in the area
- letter box drop

Council will also allow persons and organisations to nominate to have their details placed on a register which would allow them to be notified of certain types of herbicides uses in particular places, as described in this section of the plan. Please see appendix D attached.

Instances where Council will not give notice of herbicides application:

Council uses some herbicides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). Council does not intend to provide notice for such herbicide applications other than by way of this description in this plan (or general information on Council's website). This will apply to minor control of spot weed/vegetation control using a wand or backpack/hand-held spray bottle and, volume sprayer and indoor insect pests using baits or aerosol spray cans.

Notice will not be given of the following herbicides uses

- minor spot spraying of isolated priority weeds on Council controlled land with herbicides
- where herbicide is below a Schedule 6 for spot spraying only.
- emergency control work – signage only will be provided.

3.1. Outdoor Recreation Areas

The notification arrangements described below will apply to the following public place categories controlled by Council within the local government area (LGA):

- Public Parks and Gardens
- Playgrounds
- Picnic Areas
- Sporting Fields, Ovals and Related Sporting Facilities

- Cemeteries
- Waterways
- Rural and Urban Reserves
- Recreational Reserve

In these public places, signs will be provided to the general community near the application area or main entrance at the time of application and remain as long as described on the herbicide label, or any other legislative requirement for the following pesticide uses:

- broadscale selective herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- spray termiticides and ant control
- bait termiticides (where part of an ongoing program, first use pesticide only)
- bait rodenticide (where part of an ongoing program, first use pesticide only)

Where any of the above pesticide uses occur adjacent to sensitive places (see definition of 'sensitive places', section 3.5) the occupiers will be provided with 48 hours prior targeted notice by phone, mail or letterbox drop (whichever is most practicable).

For playgrounds and picnic areas only, prior notice will be extended to seven days by placing signs for all the above pesticide uses. For these areas only, signs will also be placed for at least 48 hours after spot herbicide or insecticide use or placement of ant control baits.

For sporting fields, ovals and related sporting facilities, sporting groups and occupiers of adjacent sensitive places who register interest with council can also have notice of the above pesticide uses faxed or emailed at least 48 hours prior to application.

Information will be available to the general community on the council's website about the forward program for the above applications (updated every three months), and on the following pesticide uses in outdoor recreation areas:

- spot herbicides
- spot insecticides
- bait ant control.

3.2 Outdoor Public Thoroughfares and Certain Easements Accessible to the Public

The notification arrangements described below will apply to the following categories of public places controlled by Murray River Council

- Laneways, Pathways and Roadside Furniture
- Road Shoulders, Verges and Road Reserves
- Easements accessible to the public
- Drains

In these public places, information on the forward program for broadscale herbicide will be posted on council's website every three months.

Information on the programmed and reactive spot use of herbicides will also be posted on council's website every three months. Where programmed spot herbicide applications occur on outdoor public thoroughfares and the above easements, adjacent to sensitive places, and/or for parties who register interest with council, prior notice by mail or letterbox drop will be provided at least five days beforehand.

Notice will not be given where occupiers of properties adjacent to council public places use pesticides on parts of these public places near their properties.

3.3 Certain Council Buildings

For pesticide use in Council Chambers, Council owned Health Care Buildings, Swimming Pools, Community Halls and Centres and Childcare Facilities that are owned or controlled by Council, signs will be provided near the application area or main entrance at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses.

- spot use of insecticides
- bait rodenticides
- spray termiticides
- spray ant control

Information for the general community will be posted on Council's website every three (3) months on the following pesticide uses in the above Council buildings:

- bait termiticides
- bait ant control

In addition, five (5) days prior notice of all programmed pesticide use in Council Childcare Facilities will be given to operators of the facilities, where practicable the programmed use of pesticides in Council buildings will be carried out when the building is unoccupied.

3.4 Other Council Facilities

The notification arrangements described below will apply for the following categories of public place owned and/or managed by Council:

- Landfill and Transfer Stations
- Crown Reserves managed by or in trust to Council (that do not contain facilities that fall under other categories)
- Sewerage Treatment Works (pond areas)

In these places, information on the forward program for broad scale herbicide will be posted on Council's website every three (3) months.

Prior notice will also be provided by placing signs at the main entrance to these facilities 24 hours in advance of the application and for at least 24 hours after the herbicide or pesticide use.

3.5 Special Measures for Sensitive Places

Clause 39 of the Regulation defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home
- place declared to be a sensitive place by the NSW Environment Protection Authority (EPA).

Special notification measures for programmed pesticide use in outdoor public places adjacent to sensitive places for each category of public place have already been noted.

For non-emergency reactive pesticide use in outdoor public places next to sensitive places, council will provide concurrent notice shortly before use to the occupier by phone, door-knock or letterbox drop, depending upon what is practicable.

If a pesticide must be used to deal with an emergency in an outdoor public place that is adjacent to a sensitive place, council will organise a door-knock in that sensitive place, preferably at least 30 minutes before, so people are aware that a pesticide is about to be used to deal with a dangerous pest infestation.

3.6 Emergency Pesticide Applications

An emergency pesticide application in a public place may be required to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures). In these situations the council will, where possible, provide notice by posting signs nearby at the time of the application. If this is not possible, the council will provide information by contracting council on 1300 087 004, or members of the public can ask for information from the person applying the pesticide.

3.7 Pesticide Contractors and Lessees of Public Places

Where Council uses contractors to apply pesticides on its behalf, Council will ensure that notification is made in accordance with the notification requirements of this Plan.

Where persons or organisations hold an existing lease on Council land that remains a public place and if they use pesticides in this area, Council will still require notification in accordance with the requirements of this Plan. The lessee must notify Council three (3) months prior to the application of the pesticide to all the required notifications. Current lease agreements with Council are held by:

- Picnic Point Caravan Park.

- Riverside Caravan Park.
- Liston Caravan Park.
- Barham Caravan Park.

4. What information will be provided

In accordance with division 2 clause 41(1) (h) of the NSW Pesticides Regulation 2017, notices of pesticide use must include all the following information:

- the full product name of the pesticide to be used
- the purpose of the use, clearly setting out what pest or pests are being treated
- the proposed date/s or date range of the pesticide use
- the place where the pesticide is to be used
- contact telephone number and email address of the Council officer who people can contact to discuss the notice
- any warnings regarding re-entry to or use of the place of application specified on the product label or an Australian Pesticides and Veterinary Medicines Authority (APVMA) permit.

Signs will be of a standardised design that will be easily recognisable to the public and workers.

As already noted, Council's website will have a dedicated area that describes its programmed, reactive and, if practicable, emergency herbicide uses in public places with a link to this notification plan. The relevant website address will be publicised in rate notices and by regular inclusion in Council's regular quarterly newsletter.

5. How the community will be informed of this plan

Council will advise residents of the contents of this plan and its contents by:

- making a copy of the plan available for public viewing free of charge at Council's offices:
 - Barham Office, 15 Murray Street, Barham, 9am-4pm Monday-Friday
 - Mathoura Visitor and Business Centre, Cobb Highway, Mathoura, 9am-4pm Monday-Friday
 - Moama Office, 52 Perricoota Rd, Moama, 9am-4pm Monday-Friday
 - Moulamein Business Centre, Morago St, Moulamein, 9.30am-1pm Monday-Friday
- placing a copy of the plan on the Council website at www.murrayriver.nsw.gov.au
- placing notices in local newspapers distributed in the area.
- Social media.

6. Future reviews of the plan

The notification plan will be reviewed every 3 years. The review will include:

- a report on progress of implementing the plan.
- placing the plan on public exhibition, with any proposed changes and calling for public submissions
- in the light of public submissions, making recommendations for alterations (if applicable) to the plan.

7. Contact details

Anyone wishing to contact Council to discuss the notification plan or to obtain details of specific details of pesticide applications in public places should contact:

Biosecurity Coordinator
PO Box 906, Moama NSW 2731

Phone 1300 087 004

Email: admin@murrayriver.nsw.gov.au

APPENDICES

- A. Sample for pesticide notification.
- B. Notice of Intention
- C. Commonly Used Chemicals
- D. Application for Registration of Herbicide-Sensitive Individual / Or Area
- E. Map of Murray River Council LGA

Appendix A

Sample pesticide notification notice



Product: Grazon Extra

The purpose of the use: Treating Blackberry infestation.

Proposed dates of use: 1st to 9th December 2023.

The place of use: Horseshoe Lagoon, Moama.

Contact Details:

Biosecurity Coordinator
PO Box 906, Moama NSW 2731
Phone 1300 087 004
Email: admin@murrayriver.nsw.gov.au
Website: www.murrayriver.nsw.gov.au

Warnings about limitations on the subsequent use of or entry onto the land specified on the approved label or pesticide permit: Nil

Appendix B

Notice of Intended Herbicide Application



Notice to residents of: _____

Date or dates of herbicide use:* _____

(*A range of dates may be used to cover short-term postponements.)

Full name of herbicide(s) & concentration: _____

The weeds/vegetation to be treated are: _____

Where the herbicide(s) will be applied: _____

Withholding period restrictions (if any): _____

Herbicide application method: _____

Name of Operator(s): _____

Date of this notice: _____

Anyone wishing to contact Council to discuss the notice or to obtain details of specific details of pesticide applications in public places should contact:

Biosecurity Coordinator
PO Box 906, Moama NSW 2731
Phone 1300 087 004
Email: admin@murrayriver.nsw.gov.au
Website: www.murrayriver.nsw.gov.au



Appendix C

Commonly Used Chemicals

CHEMICAL	CLASS	SCHEDULE	MINOR USE NOTIFICATION REQUIRED
BASTA	Herbicide	5	NO
CRUCIAL	Herbicide	5	NO
COLUMBUS	Insecticide	5	NO
ENVIRODYE	Herbicide	5	NO
ESPLANADE	Herbicide	5	NO
GRAZON EXTRA	Herbicide	5	NO
GRAZON DS	Herbicide	5	NO
HAMMER	Herbicide	5	NO
KAMBA M	Herbicide	5	NO
LONTREL ADVANCED	Herbicide	5	NO
METSULFURON 600	Herbicide	5	NO
OUT OF BOUNDS	Insecticide	6	NO
ROUNDUP BIACTIVE	Herbicide	5	NO
SELECT XTRA	Herbicide	5	NO
SPREADWET 1000	Adjuvant	5	NO
STARANE ADVANCED	Herbicide	5	NO
UPTAKE OIL	Adjuvant	5	NO
VIGILANT 2 GEL	Herbicide	5	NO
VORAXOR	Herbicide	5	NO
WEEDMASTER DUO	Herbicide	5	NO

Appendix D

Application for registration of herbicide-sensitive individual / or area.



To be registered with Murray River Council as an herbicide-sensitive Individual / or area, complete this application form. All the information in this application, is for Murray River Council information only.

I hereby request to be placed on the list of herbicide-sensitive individuals / or area.

PLEASE PRINT

NAME OF INDIVIDUAL / OR AREA:

RESIDENCE ADDRESS / LOCATION:

TOWN:

DAYTIME PHONE:

DECLARATION OF AUTHORISED PERSON(S)

DATE:

I request that the individual / area named above should be placed on the list of herbicide-sensitive individuals / areas for the following reason/s

REASON/S



Appendix E Map of Murray River Council LGA

